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## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2345/2002  
of 16 December 2002**

**on the conclusion of the Protocol setting out, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with Article 300(2) and the first sentence of the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) In accordance with the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola <sup>(2)</sup>, the two parties held negotiations to determine any amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto.
- (2) As a result of these negotiations, a new Protocol setting out the fishing opportunities and financial contribution provided for in the above Agreement for the period from 3 August 2002 to 2 August 2004 was initialled on 30 June 2002.
- (3) It is in the Community's interest to approve the said Protocol.
- (4) The method of allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the Fisheries Agreement,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol setting out, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola is hereby approved on behalf of the Community.

<sup>(1)</sup> Opinion given on 5 December 2002 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 341, 3.12.1987, p. 2.

The text of the Protocol is attached to this Regulation <sup>(3)</sup>.

*Article 2*

The fishing opportunities fixed in the Protocol shall be allocated among the Member States as follows:

- shrimp vessels:
  - Spain 6 550 GRT per month, averaged over the year, 22 vessels;
- demersal fishing vessels:
  - Spain 1 850 GRT per month, averaged over the year;
  - Portugal 1 100 GRT per month, averaged over the year;
  - Italy 750 GRT per month, averaged over the year;
  - Greece 500 GRT per month, averaged over the year;
- freezer tuna seiners:
  - France 6 vessels;
  - Spain 9 vessels;
- surface longliners:
  - Portugal: 4 vessels;
  - Spain 14 vessels;
- pelagic fishing vessels:
  - Netherlands 2 vessels.  
and/or Ireland

If licence applications from these Member States do not cover all the fishing opportunities fixed by 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 order to bind the Community.

*Article 4*

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

<sup>(3)</sup> See page 92 of this Official Journal.

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

Done at Brussels, 16 December 2002.

*For the Council*  
*The President*

M. FISCHER BOEL

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**COUNCIL REGULATION (EC) No 2346/2002  
of 19 December 2002**

**fixing for the 2003 fishing year the guide prices and Community producer prices for certain  
fishery products pursuant to Regulation (EC) No 104/2000**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>, and in particular Article 18(3) and Article 26(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 18(1) and Article 26(1) of Regulation (EC) No 104/2000 provide that a guide price and a Community producer price should be fixed for each fishing year in order to determine price levels for intervention on the market for certain fisheries products.
- (2) Article 18(1) of Regulation (EC) No 104/2000 requires the guide price to be fixed for each of the products and groups of products listed in Annexes I and II to that Regulation.
- (3) On the basis of the data currently available on the prices for the products concerned and the criteria referred to in Article 18(2) of Regulation (EC) No 104/2000, the guide prices should be increased, maintained or reduced for the 2003 fishing year depending on the species.
- (4) Article 26(1) of Regulation (EC) No 104/2000 requires the Community producer price to be fixed for each of the products listed in Annex III to that Regulation. It is, however, sufficient to establish the Community producer price for only one of the products listed in Annex III to Regulation (EC) No 104/2000 since the prices for the

other products may be calculated by means of the conversion factors established by Commission Regulation (EEC) No 3510/82 of 23 December 1982 <sup>(2)</sup>.

- (5) On the basis of the criteria laid down in the first and second indent of Article 18(2) and in Article 26(1) of Regulation (EC) No 104/2000, the Community producer price for the 2003 fishing year should be increased.
- (6) Given the urgency of the matter, it is important to grant an exception to the six-week period mentioned in paragraph 1(3) of the Protocol on the role of national parliaments of the European Union annexed to the Treaty of Amsterdam,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the fishing year from 1 January to 31 December 2003, the guide prices as provided for in Article 18(1) of Regulation (EC) No 104/2000 shall be as set out in the Annex I to this Regulation.

*Article 2*

For the fishing year from 1 January to 31 December 2003, the Community producer prices as provided for in Article 26(1) of Regulation (EC) No 104/2000 shall be as set out in Annex II to this Regulation.

*Article 3*

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 19 December 2002.

*For the Council*

*The President*

L. ESPERSEN

<sup>(1)</sup> OJ L 17, 21.1.2000, p. 22.

<sup>(2)</sup> OJ L 368, 28.12.1982, p. 27. Regulation as last amended by Regulation (EEC) No 3899/92 (OJ L 392, 31.12.1992, p. 24).

## ANNEX I

Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/ 2000	Commercial presentation	Guide price (EUR/tonne)
I	1. Herring of the species <i>Clupea harengus</i>	Whole fish	268
	2. Sardines of the species <i>Sardina pilchardus</i>	Whole fish	572
	3. Dogfish ( <i>Squalus acanthias</i> )	Whole fish or gutted fish with head	1 112
	4. Spotted dogfish ( <i>Scyliorhinus</i> spp.)	Whole fish or gutted fish with head	782
	5. Redfish ( <i>Sebastes</i> spp.)	Whole fish	1 189
	6. Cod of the species <i>Gadus morhua</i>	Whole fish or gutted fish with head	1 631
	7. Saithe ( <i>Pollachius virens</i> )	Whole fish or gutted fish with head	806
	8. Haddock ( <i>Melanogrammus aeglefinus</i> )	Whole fish or gutted fish with head	1 062
	9. Whiting ( <i>Merlangius merlangus</i> )	Whole fish or gutted fish with head	952
	10. Ling ( <i>Molva</i> spp.)	Whole fish or gutted fish with head	1 226
	11. Mackerel of the species <i>Scomber scombrus</i>	Whole fish	303
	12. Mackerel of the species <i>Scomber japonicus</i>	Whole fish	321
	13. Anchovy ( <i>Engraulis</i> spp.)	Whole fish	1 215
	14. Plaice ( <i>Pleuronectes platessa</i> )	Whole fish or gutted fish with head from 1.1.2002 to 30.4.2002	1 063
		Whole fish or gutted fish with head from 1.5.2002 to 31.12.2002	1 462
	15. Hake of the species <i>Merluccius merluccius</i>	Whole fish or gutted fish with head	3 750
	16. Megrim ( <i>Lepidorhombus</i> spp.)	Whole fish or gutted fish with head	2 406
	17. Dab ( <i>Limanda limanda</i> )	Whole fish or gutted fish with head	923
	18. Common flounder ( <i>Platichthys flesus</i> )	Whole fish or gutted fish with head	552
	19. Albacore or longfinned tunas ( <i>Thunnus alalunga</i> )	Whole fish	2 232
		Gutted fish with head	2 502
	20. Cuttlefish ( <i>Sepia officinalis</i> and <i>Rossia macrosoma</i> )	Whole	1 637
	21. Monkfish ( <i>Lophius</i> spp.)	Whole fish or gutted fish with head	2 897
		Without head	5 928
	22. Shrimp of the species <i>Crangon crangon</i>	Simply boiled in water	2 478
	23. Northern prawn ( <i>Pandalus borealis</i> )	Simply boiled in water	6 678
Fresh or chilled		1 690	
24. Edible crab ( <i>Cancer pagurus</i> )	Whole	1 766	
25. Norway lobster ( <i>Nephrops norvegicus</i> )	Whole	5 337	
	Tails	4 366	
26. Sole ( <i>Solea</i> spp.)	Whole fish or gutted fish with head	6 648	

Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/ 2000	Commercial presentation	Guide price (EUR/tonne)	
II	1. Greenland halibut ( <i>Reinhardtius hippoglossoides</i> )	Frozen, in original packages containing the same products	1 996	
	2. Hake of the genus <i>Merluccius</i> spp.	Frozen, whole, in original packages containing the same products	1 271	
		Frozen, filleted, in original packages containing the same products	1 530	
	3. Sea bream ( <i>Dentex dentex</i> and <i>Pagellus</i> spp.)	Frozen, in lots or in original packages containing the same products	1 635	
	4. Swordfish ( <i>Xiphias gladius</i> )	Frozen, whole, in original packages containing the same products	4 060	
	5. Cuttlefish ( <i>Sepia officinalis</i> ) ( <i>Rossia macrosoma</i> ) ( <i>Sepioloa rondeletti</i> )	Frozen, in original packages containing the same products	1 986	
	6. Octopus ( <i>Octopus</i> spp.)	Frozen, in original packages containing the same products	2 057	
	7. Squid ( <i>Loligo</i> spp.)	Frozen, in original packages containing the same products	1 156	
	8. Squid ( <i>Ommastrephes sagittatus</i> )	Frozen, in original packages containing the same products	961	
	9. <i>Illex argentinus</i>	Frozen, in original packages containing the same products	848	
	10. Prawn of the family <i>Penaeidae</i>			
	— Prawn of the species <i>Parapenaeus longirostris</i>	Frozen, in original packages containing the same products	4 160	
— Other species of the family <i>Penaeidae</i>	Frozen, in original packages containing the same products	7 982		

## ANNEX II

Species Products listed in Annex III to Regulation (EC) No 104/2000	Commercial specifications	Community producer price (EUR/tonne)
Yellow-fin tuna ( <i>Thunnus albacares</i> )	Whole, weighing more than 10 kg each	1 207

The Community producer prices for the other products listed in Annex III to Regulation (EC) No 104/2000 shall be determined by means of the conversion factors referred to in Regulation (EEC) No 3510/82.

**COUNCIL REGULATION (EC) No 2347/2002  
of 16 December 2002**

**establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

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

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

Whereas:

- (1) Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture <sup>(3)</sup> requires the Council to adopt, in the light of the available scientific advice and, in particular, of the report prepared by the Scientific, Technical and Economic Committee for Fisheries, the measures necessary to ensure the rational and responsible exploitation of resources on a sustainable basis, and the conditions of access to resources.
- (2) Scientific advice concerning certain stocks of fish found in the deep sea indicates that these stocks are vulnerable to exploitation, and that fishing opportunities for these stocks should be limited or reduced in order to assure their sustainability.
- (3) Scientific advice further indicates that management of fishing effort is an appropriate method for securing the precautionary management of the stocks in the deep sea.
- (4) It is therefore appropriate to provide for the issuing of a special fishing permit to vessels fishing for deep-sea species and to limit the fishing effort for those fish stocks to recent levels.
- (5) Accurate and up-to-date information about fishing operations is a prerequisite for provision of high quality scientific advice, and such information can best be collected by trained and independent scientific observers in collaboration with the fishing industry and other interested parties.

- (6) Appropriate, verifiable and up-to-date information for scientific advice about fisheries and the marine environment should be made available to the relevant scientific and management bodies as soon as possible.
- (7) In order to ensure effective and precautionary management of fishing effort directed at deep-sea species, it is necessary to identify the vessels fishing for these species, by means of special fishing permits issued in accordance with Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits <sup>(4)</sup> and Commission Regulation (EC) No 2943/95 of 20 December 1995 setting out detailed rules for applying Council Regulation (EC) No 1627/94 <sup>(5)</sup>.
- (8) Control measures additional to those laid down in Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(6)</sup> and in Commission Regulation (EC) No 1489/97 of 29 July 1997 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 as regards satellite-based vessel monitoring systems <sup>(7)</sup> are required to ensure compliance with the measures laid down in this Regulation.
- (9) The measures necessary for implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for exercise of implementing powers conferred on the Commission <sup>(8)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Scope**

This Regulation applies to Community fishing vessels carrying out fishing activities in ICES (International Council for the Exploration of the Sea) sub-areas I to XIV inclusive, and Community waters of CECAF areas 34.1.1, 34.1.2, 34.1.3 and 34.2 which lead to catches of species listed in Annex I.

<sup>(1)</sup> OJ C 151 E, 25.6.2002, p. 184.

<sup>(2)</sup> Opinion delivered on 10 October 2002 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 389, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 1181/98 (OJ L 164, 9.6.1998, p. 1).

<sup>(4)</sup> OJ L 171, 6.7.1994, p. 7.

<sup>(5)</sup> OJ L 308, 21.12.1995, p. 15.

<sup>(6)</sup> OJ L 261, 20.10.1993, p.1. Regulation as last amended by Regulation (EC) No 2846/98 (OJ L 358, 31.12.1998, p. 5).

<sup>(7)</sup> OJ L 202, 30.7.1997, p.18. Regulation as last amended by Commission Regulation (EC) No 2445/1999 (OJ L 298, 19.11.1999, p. 5).

<sup>(8)</sup> OJ L 184, 17.7.1999, p. 23.

## Article 2

### Definitions

For the purpose of this Regulation, the following definitions shall apply:

- (a) 'deep-sea species' means species included in the list in Annex I;
- (b) 'deep-sea fishing permit' means a special fishing permit for deep-sea species issued in accordance with Article 7 of Regulation (EC) No 1627/94;
- (c) 'power' means the total installed engine power of vessels in kilowatt, measured in accordance with Council Regulation (EEC) No 2930/86, of 22 September 1986, defining characteristics for fishing vessels <sup>(1)</sup>;
- (d) 'volume' means gross tonnage, measured in accordance with Regulation (EEC) No 2930/86;
- (e) 'kilowatt-fishing days' means the product of the power as defined in (c) and the number of days in which a fishing vessel has any item of fishing gear deployed in the water.

## Article 3

### Deep-sea fishing permit

1. Member States shall ensure that fishing activities which lead to catches and retention on board of more than 10 tonnes each calendar year of deep-sea species by vessels flying their flag and registered in their territory shall be subject to a deep-sea fishing permit.

It shall however be prohibited to catch and retain on board, tranship or to land any aggregate quantity of the deep-sea species in excess of 100 kg in each sea trip, unless the vessel in question holds a deep-sea fishing permit.

2. Upon a request of a Member State specific measures may be laid down to take account of seasonal or artisanal fisheries.

3. Detailed rules for the application of paragraph 2 shall be adopted in accordance with the procedure referred to in Article 11(2).

## Article 4

### Effort restriction

1. Member States shall calculate the aggregate power and the aggregate volume of its vessels which, in any one of the years 1998, 1999 or 2000, have landed more than 10 tonnes of any mixture of the deep-sea species.

These aggregate values shall be communicated to the Commission.

Upon written request by the Commission, Member States shall provide within thirty days, documentation of the catch records made by vessels to which deep-sea fishing permits have been granted.

2. Each Member State can only issue deep-sea fishing permits to its vessels if:

- (a) the aggregate power of those vessels does not exceed the aggregate power determined in accordance with paragraph 1, and/or

- (b) the aggregate volume of those vessels does not exceed the aggregate volume determined in accordance with paragraph 1.

## Article 5

### Reporting of fishing gear characteristics and fishing operations

In addition to his obligations under Article 6 of Regulation (EEC) No 2847/93, the master of a Community fishing vessel holding a deep-sea fishing permit shall record in the logbook or in a form provided by the flag Member State the information listed in Annex III.

## Article 6

### Vessel monitoring system

1. Notwithstanding Article 6(2) of Regulation (EC) No 1489/97, in the event of technical failure or non-functioning of the satellite tracking device fitted on board a fishing vessel, the master of the vessel shall report its geographical situation to the flag and coastal Member States every two hours.

2. After the sea trip has concluded, the vessel must not leave the port until the satellite tracking device is functioning to the satisfaction of the competent authorities.

3. Repeated instances of non-compliance with the obligations laid down in paragraphs 1 and 2 shall be considered as conduct that seriously infringes the Common Fisheries Policy, according to Council Regulation (EC) 1447/1999, of 24 June 1999, establishing a list of types of behaviour which seriously infringe the rules of the Common Fisheries Policy <sup>(2)</sup>.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 11(2).

## Article 7

### Designated ports

1. As from 1 March 2003 it shall be prohibited to land any quantity of any mixture of deep-sea species in excess of 100 kg at any place other than the ports which have been designated for landing deep-sea species.

2. Each Member State shall designate ports into which any landing of deep-sea species in excess of 100 kg shall take place and shall determine the associated inspection and surveillance procedures, including the terms and conditions for recording and reporting the quantities of deep-sea species within each landing.

3. Each Member State shall transmit to the Commission within 60 days of the date of entry into force of this Regulation a list of designated ports and, within 30 days thereafter, the associated inspection and surveillance procedures referred to in paragraph 2.

The Commission shall transmit this information to all other Member States.

<sup>(1)</sup> OJ L 274, 25.9.1986, p. 1. Regulation as amended by Regulation (EC) No 3259/94 (OJ L 339, 29.12.1994, p. 11).

<sup>(2)</sup> OJ L 167, 2.7.1999, p. 5.

*Article 8***Observers**

1. Each Member State shall assign scientific observers to the fishing vessels for which a deep-sea fishing permit has been issued in accordance with a sampling plan as provided for in paragraph 2.

2. Each Member State shall prepare a sampling plan for the deployment of observers and sampling at port that shall ensure collection of representative data that are adequate for the assessment and management of the deep-sea fish stocks.

The sampling plan shall be approved by the Commission on the basis of a scientific and statistical evaluation within six months after the entry into force of this Regulation.

3. Detailed rules for the application of paragraphs 1 and 2 shall be adopted in accordance with the procedure referred to in Article 11(2).

4. The scientific observer shall:

- (a) record independently in a logbook the information referred to in Article 5;
  - (b) present a report to the competent authorities of the Member State concerned within 20 days following the termination of the observation period. A copy of this report shall be sent to the Commission, within 30 days after receipt of a written request;
  - (c) perform additional duties as required in the sampling plan.
5. The scientific observer shall not be any of the following:
- (a) a relative of the master of the vessel or other officer serving on the vessel to which the observer is assigned;
  - (b) an employee of the master of the vessel to which he is assigned;
  - (c) an employee of the master's representative;
  - (d) an employee of a company controlled by the master or his representative;
  - (e) a relative of the master's representative.

*Article 9***Information**

In addition to the obligations laid down in Articles 15 and 19i of Regulation (EEC) No 2847/93, Member States, on the basis of the information recorded in logbooks including full records

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

Done at Brussels, 16 December 2002.

of fishing days out of port and reports presented by the scientific observers, shall communicate, for each half calendar year within three months of the expiry of that half calendar year, to the Commission the information about catches of deep-sea species and fishing effort deployed, expressed as kilowatt-fishing days, broken down by quarter of the year, by type of gear, by species, as well as information concerning those in Annex II and by ICES statistical rectangle or CECAF subdivision.

The Commission shall transmit this information to the relevant scientific bodies without delay.

*Article 10***Follow-up**

The Commission will submit to the European Parliament and to the Council a report on the overall scheme for managing deep-water species before 30 June 2005. On the basis of this report, the Commission will propose to the Council any necessary amendments to this scheme.

*Article 11***Committee procedure**

1. The Commission shall be assisted by the Committee established by Article 17 of Council Regulation (EEC) No 3760/92.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

*Article 12***Entry into force**

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

It shall apply from 1 of January 2003.

*For the Council*

*The President*

M. FISCHER BOEL

## ANNEX I

## List of deep-sea species

Scientific name	Common name
<i>Aphanopus carbo</i>	Black scabbardfish
<i>Apristurus</i> spp.	Iceland catshark
<i>Argentina silus</i>	Greater silver smelt
<i>Beryx</i> spp.	Alfonsinos
<i>Centrophorus granulosus</i>	Gulper shark
<i>Centrophorus squamosus</i>	Leafscale gulper shark
<i>Centroscyllium fabricii</i>	Black dogfish
<i>Centroscyrnus coelepis</i>	Portuguese dogfish
<i>Coryphaenoides rupestris</i>	Roundnose grenadier
<i>Dalatias licha</i>	Kitefin shark
<i>Deania calceus</i>	Birdbeak dogfish
<i>Etmopterus princeps</i>	Greater lanternshark
<i>Etmopterus spinax</i>	Velvet belly
<i>Galeus melastomus</i>	Blackmouth dogfish
<i>Galeus murinus</i>	Mouse catshark
<i>Hoplostethus atlanticus</i>	Orange roughy
<i>Molva dypterygia</i>	Blue ling
<i>Phycis blennoides</i>	Forkbeards
<i>Centroscyrnus crepidater</i>	Longnose velvet dogfish
<i>Scymnodon ringens</i>	Knifetooth dogfish
<i>Hexanchus griseus</i>	Six-gilled shark
<i>Chlamydoselachus anguineus</i>	Frilled shark
<i>Oxynotus paradoxus</i>	Sailfin roughshark (Sharpback shark)
<i>Somniosus microcephalus</i>	Greenland shark

## ANNEX II

## Additional list of deep sea-species referred to in Article 9

Scientific name	Common name
<i>Pagellus bogaraveo</i>	Red (blackspot) seabream
<i>Chimaera monstrosa</i>	Rabbit fish (Rattail)
<i>Marcrourus berglax</i>	Roughhead grenadier (Rough rattail)
<i>Mora moro</i>	Common mora
<i>Antimora rostrata</i>	Blue antimora (Blue hake)
<i>Epigonus telescopus</i>	Black (Deep-water) cardinal fish
<i>Helicolenus dactylopterus</i>	Bluemouth (Blue mouth redfish)
<i>Conger conger</i>	Conger eel
<i>Lepidopus caudatus</i>	Silver scabbard fish (Cutlass fish)
<i>Alepocephalus bairdii</i>	Baird's smoothhead
<i>Lycodes esmarkii</i>	Eelpout
<i>Raja hyperborea</i>	Arctic skate
<i>Sebastes viviparus</i>	Small redfish (Norway haddock)
<i>Hoplostethus mediterraneus</i>	Silver roughy (Pink)
<i>Trachyscorpia cristulata</i>	Spiny (Deep-sea) scorpionfish
<i>Raja nidarosiensis</i>	Norwegian skate
<i>Chaecon (Geryon) affinis</i>	Deep-water red crab
<i>Raja fyllae</i>	Round skate
<i>Hydrolagus mirabilis</i>	Large-eyed rabbit fish (Ratfish)
<i>Rhinochimaera atlantica</i>	Straightnose rabbitfish
<i>Alepocephalus rostratus</i>	Risso's smoothhead
<i>Polyprion americanus</i>	Wreckfish

## ANNEX III

**Information concerning fishing gear characteristics and fishing operations referred to in Article 5**

1. For vessels using long-lines:
    - the average number of hooks used on the long-lines,
    - the total time the lines have been in the sea in any 24-hour period and the number of shots in this period,
    - fishing depths.
  2. For vessels using fixed nets:
    - the mesh size used in the nets,
    - the average length of the nets,
    - the average height of the nets,
    - the total time the nets have been in the sea in a 24-hour period and the total number of hauls in this time,
    - fishing depths.
  3. For vessels using towed gear:
    - the size of the mesh used in the nets,
    - the total time the nets have been in the sea in a 24-hour period and the total number of hauls in this time,
    - fishing depths.
-

**COUNCIL REGULATION (EC) No 2348/2002  
of 9 December 2002**

**on the conclusion of the Protocol setting out, for the period from 1 June 2002 to 31 May 2005, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé and Príncipe**

THE COUNCIL OF THE EUROPEAN UNION,

The text of the Protocol is attached hereto.

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

*Article 2*

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

The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

Having regard to the opinion of the European Parliament,

— freezer tuna seiners: France: 18

Spain: 18

Whereas:

— pole-and-line tuna vessels: Portugal: 2

(1) In accordance with the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé <sup>(2)</sup>, the Community and the Democratic Republic São Tomé have held negotiations with a view to determining the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol.

— surface longliners: Spain: 20

Portugal: 5

— experimental deep-water fishing targeting crab (1 June 2002 to 31 May 2003 only) Spain: 2 vessels under 250 GRT  
Portugal: 1 vessel under 250 GRT

(2) As a result of these negotiations, a new Protocol setting out the fishing opportunities and financial contribution provided for in the above Agreement for the period from 1 June 2002 to 31 May 2005 was initialled on 14 February 2002.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

(3) It is in the Community's interest to approve the said Protocol.

*Article 3*

(4) The allocation of the fishing opportunities among the Member States should be defined as well as their obligations to notify the catches,

The Member States whose vessels fish under this Protocol shall notify the Commission of the quantities of each stock caught in the São Tomé and Príncipe fishing zone in accordance with Commission Regulation (EC) No 500/2001 <sup>(3)</sup>.

HAS ADOPTED THIS REGULATION:

*Article 4*

*Article 1*

The Protocol setting out, for the period from 1 June 2002 to 31 May 2005, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé and Príncipe is hereby approved on behalf of the Community.

The President of the Council is hereby authorised to designate the persons empowered to sign the Protocol in order to bind the Community.

*Article 5*

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

<sup>(1)</sup> OJ C 262 E, 29.10.2002.

<sup>(2)</sup> OJ L 54, 25.2.1984, p. 2.

<sup>(3)</sup> OJ L 73, 15.3.2001, p. 8.

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

Done at Brussels, 9 December 2002.

*For the Council*

*The President*

H. C. SCHMIDT

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## ANNEX

## PROTOCOL

**setting out, for the period from 1 June 2002 to 31 May 2005, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé and Príncipe**

*Article 1*

From 1 June 2002 and for a period of three years, fishing opportunities pursuant to Article 2 of the Agreement shall be as follows:

— freezer tuna seiners:	36 vessels
— pole-and-line tuna vessels:	2 vessels
— surface longliners:	25 vessels

For deep-water fishing vessels targeting crab, provision shall be made for a 12-month period of experimental fishing starting from the provisional date of application of this Protocol (1 June 2002 to 31 May 2003). During this 12-month period, three vessels under 250 GRT may fish simultaneously in São Tomé and Príncipe's exclusive economic zone (EEZ).

*Article 2*

The financial contribution referred to in Article 6 of the Agreement shall be fixed at:

EUR 925 000 in the first year, comprising EUR 555 000 financial compensation and EUR 370 000 for the measures referred to in Article 4 of this Protocol. The Community shall also provide financing of EUR 50 000, in the first year, for an evaluation study on deep-water crab,

EUR 637 500 in the second year, comprising EUR 382 500 financial compensation and EUR 255 000 for the measures referred to in Article 4 of this Protocol,

EUR 637 500 in the third year, comprising EUR 382 500 financial compensation and EUR 255 000 for the measures referred to in Article 4 of this Protocol,

for tuna fishing the financial contribution shall cover an annual catch of 8 500 tonnes in São Tomé and Príncipe waters. If the tuna caught each year by Community vessels in São Tomé and Príncipe's exclusive economic zone exceeds this weight, the amount referred to above shall be proportionately increased at the rate of EUR 75 per additional tonne,

the annual financial compensation shall be payable not later than 31 December 2002, and not later than 31 May 2003 and 2004. Its use shall be the sole responsibility of the Government of the Democratic Republic of São Tomé and Príncipe. It shall be paid to the Public Treasury of São Tomé and Príncipe.

*Article 3*

The two parties, meeting within the framework of the Joint Committee provided for in Article 8 of the Agreement, shall consult on the basis of the results of the experimental fishing

mentioned above and in the light of the best available scientific advice to include, where appropriate, sustainable levels of fishing opportunities for deep-water fishing vessels targeting crab and the financial contribution applicable from the second year of application of the Protocol. These consultations should take place before the end of the first year.

*Article 4*

1. The measures set out below shall be financed from the financial contribution for the first year, to the amount of EUR 370 000 per year, broken down as follows:

- (a) financing of scientific and technical programmes to promote better understanding of fisheries and living resources in the São Tomé and Príncipe fishing zone: EUR 50 000;
- (b) stepping up surveillance, inspection and checks in the fishing zones: EUR 50 000;
- (c) institutional support to the administrative department responsible for fisheries: EUR 50 000;
- (d) study grants and practical training courses in the various scientific, technical and economic fields linked to fishing: EUR 40 000;
- (e) São Tomé and Príncipe's contributions to international fisheries organisations and expenses of São Tomé and Príncipe delegates participating in international meetings concerning fisheries: EUR 35 000;
- (f) aid for small-scale fishing: EUR 145 000.

2. The measures set out below shall be financed from the financial contribution for the second and third years, to the amount of EUR 255 000 per year, broken down as follows:

- (a) financing of scientific and technical programmes to promote better understanding of fisheries and living resources in the São Tomé and Príncipe fishing zone: EUR 40 000;
- (b) stepping up surveillance, inspection and checks in the fishing zones: EUR 40 000;
- (c) institutional support to the administrative department responsible for fisheries: EUR 40 000;
- (d) study grants and practical training courses in the various scientific, technical and economic fields linked to fishing: EUR 30 000;

(e) São Tomé and Príncipe's contributions to international fisheries organisations and expenses of São Tomé and Príncipe delegates participating in international meetings concerning fisheries: EUR 35 000;

(f) aid for small-scale fishing: EUR 70 000.

The measures and the annual amounts allocated thereto shall be decided on by the São Tomé and Príncipe Ministry responsible for fisheries, which shall inform the Commission thereof.

The annual amounts, with the exception of those referred to at (d) and (e), shall be paid into an account designated by the São Tomé and Príncipe Ministry responsible for fisheries and used under the terms of a protocol to be negotiated with the Public Treasury no later than 31 December 2002, 31 May 2003 and 31 May 2004 according to the annual schedule for their use. The amounts referred to at (d) and (e) shall be paid as they are used.

The São Tomé and Príncipe Ministry responsible for fisheries shall transmit a detailed annual report on the implementation of these measures and the results achieved to the Delegation of the Commission responsible for São Tomé and Príncipe, no later than three months after the anniversary date of the Protocol. The Commission reserves the right to request additional information on these results from the São Tomé and Príncipe Ministry responsible for fisheries and, following consultation with the São Tomé and Príncipe authorities within the framework of meetings of the Joint Committee provided for in Article 8 of the Agreement, to review the payments concerned in the light of the actual implementation of the measures.

#### *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*

A joint scientific meeting shall be held annually to evaluate periodically within the Joint Committee the state of crab resources. Based on the findings, the fishing opportunities laid down in Article 1 of this Protocol and the financial contribution laid down in Article 2 may be adjusted after agreement between the two parties meeting within the framework of the Joint Committee.

#### *Article 7*

Should a fundamental change in circumstances prevent fishing in São Tomé and Príncipe's exclusive economic zone, the European Community may suspend payment of the financial contribution following prior consultation, if possible, between the two parties in the Joint Committee.

Payment of the financial contribution shall recommence once the situation returns to normal and following consultation between the two parties in the Joint Committee confirming that the situation is likely to allow a return to normal fishing activities.

#### *Article 8*

The Annex to the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé and Príncipe is hereby repealed and replaced by the Annex to this Protocol.

#### *Article 9*

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

It shall apply from 1 June 2002.

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## ANNEX

**CONDITIONS GOVERNING FISHING BY COMMUNITY VESSELS IN THE SÃO TOMÉ AND PRÍNCIPE FISHING ZONE****1. Application for and issue of licences**

The procedure for applications for, and issue of, the licences referred to in Article 4 of the Agreement shall be as follows.

The relevant Community authorities shall present to the São Tomé and Príncipe Ministry responsible for fisheries, via the Delegation of the Commission responsible for São Tomé and Príncipe, an application for each vessel that wishes to fish under the Agreement, at least 20 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government of the Democratic Republic of São Tomé and Príncipe, a specimen of which is attached hereto (Appendix 1).

Licences shall be issued by the São Tomé and Príncipe authorities within 20 days of submission of the application to the shipowners or their representatives via the Delegation of the Commission responsible for São Tomé and Príncipe.

Licences shall be issued for specific vessels and shall not be transferable. However, at the request of the Commission, a vessel's licence may, and where *force majeure* is proved, shall, be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the São Tomé and Príncipe Ministry responsible for fisheries via the Delegation of the Commission responsible for São Tomé and Príncipe.

The new licence shall indicate:

- the date of issue,
- the fact that it replaces the licence of the previous vessel for the remaining period of validity.

In this case, no new one-off payment as laid down in points 2 and 4 shall be due.

The licence must be kept on board at all times; however, on receipt of notification of payment of the advance sent to the São Tomé and Príncipe authorities by the Commission, the vessel shall be entered on a list of vessels authorised to fish, which shall be sent to the São Tomé and Príncipe authorities responsibilities for fisheries inspection. A copy of the said licence may be obtained by fax pending arrival of the licence itself; that copy shall be kept on board.

**2. Provisions applicable to tuna seiners, pole-and-line tuna vessels and surface longliners**

Licences shall be valid for one year. They shall be renewable.

The fees provided for in Article 4 of the Agreement shall be set at EUR 25 per tonne caught in the São Tomé and Príncipe fishing zone.

The competent authorities of São Tomé and Príncipe shall communicate the detailed rules for payment of the fees, in particular the bank accounts and currencies to be used.

Licences shall be issued following payment into an account designated by the São Tomé and Príncipe Ministry responsible for fisheries to be used under the terms of a protocol to be negotiated with the Public Treasury of a one-off payment of EUR 3 750 per year for each tuna seiner, EUR 625 per year for each pole-and-line tuna vessel, EUR 1 375 per year for each surface longliner, equivalent to the fees for:

- 150 t of tuna caught per year in the case of tuna seiners,
- 25 t of tuna caught per year in the case of pole-and-line tuna vessels,
- 55 t of tuna caught per year in the case of surface longliners.

**3. Statement of catch and statement of fees due from owners of tuna seiners, pole-and-line tuna vessels and surface longliners**

A fishing log in accordance with the ICCAT model in Appendix 2 shall be kept on vessels for each fishing period spent in São Tomé and Príncipe waters. It shall be filled in even when no catches are made.

The words 'Outside São Tomé and Príncipe's EEZ' shall be entered in the abovementioned logbook in respect of periods during which the said vessels are not in São Tomé and Príncipe waters.

The forms, which must be legible and signed by the captains or their representatives, shall be sent within 45 days of the end of fishing activities in São Tomé and Príncipe's exclusive economic zone to the São Tomé and Príncipe Ministry responsible for fisheries, via the Delegation of the Commission responsible for São Tomé and Príncipe, and as soon as possible, for processing, to the Institut de Recherche pour le Développement (IRD), the Instituto Español de Oceanografía (IEO) or the Instituto Português de Investigação Marítima (IPIMAR).

If these provisions are not complied with, the São Tomé and Príncipe Ministry responsible for fisheries reserves the right to suspend the licence of the offending vessel until these formalities have been carried out and to apply the penalties provided for under national law. In such cases, the Delegation of the Commission responsible for São Tomé and Príncipe shall be informed without delay.

Member States shall inform the Commission before 31 July each year of the tonnages caught during the past year, as confirmed by the scientific institutes. On the basis of those figures the Commission shall draw up the statement of fees due in respect of the fishing year, which it shall then send to the São Tomé and Príncipe Ministry responsible for fisheries.

Shipowners shall receive notification of the statement drawn up by the Commission by 30 September at the latest, and shall have 30 days in which to meet their financial obligations. This payment shall be made by the shipowners to an account designated by the São Tomé and Príncipe Ministry responsible for fisheries to be used under the terms of a protocol to be negotiated with the Public Treasury. In cases where the amount payable in respect of actual fishing operations is less than the advance payment, shipowners cannot recover the balance.

#### **4. Provisions applicable to deep-water fishing vessels targeting crab**

- (a) Licences issued to deep-water fishing vessels targeting crab shall be valid for three months. They shall be renewable.
- (b) The quarterly fee shall be EUR 42 per GRT per vessel.

#### **5. Statement of catch from owners of deep-water fishing vessels targeting crab**

Deep-water fishing vessels targeting crab authorised to fish in São Tomé and Príncipe's exclusive economic zone under the Agreement shall notify their catch statistics to the São Tomé and Príncipe Ministry responsible for fisheries through the Delegation of the Commission responsible for São Tomé and Príncipe using the form given in Appendix 3. These statements shall be monthly and must be communicated at least once every quarter.

#### **6. Inspection and monitoring**

Community vessels fishing in the São Tomé and Príncipe fishing zone shall permit and facilitate the boarding and fulfilment of the tasks of São Tomé and Príncipe officials responsible for the inspection and monitoring of fishing activities. These officials should not remain on board any longer than the time required to verify catches by sampling and carry out any other inspections relating to fishing activities.

#### **7. Observers**

At the request of the São Tomé and Príncipe authorities, tuna seiners and surface longliners shall take an observer on board who shall be treated as an officer. Deep-water fishing vessels targeting crab shall systematically take an observer on board. That observer shall be treated as an officer. The time spent on board by the observer shall be fixed by the São Tomé and Príncipe authorities but, as a general rule, it should not exceed the time required to carry out his duties. Once on board, observers shall:

- observe the fishing activities of the vessels,
- verify the position of vessels engaged in fishing operations,
- perform biological sampling in the context of scientific programmes,
- note the fishing gear used,
- verify the catch data for the São Tomé and Príncipe zone recorded in the logbook.

While on board, observers shall:

- take all appropriate steps to ensure that the conditions under which they are taken on board and their presence on board do not interrupt or hamper fishing activities,
- respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel,

- draw up an activity report to be transmitted to the competent São Tomé and Príncipe authorities and copied to the Delegation of the Commission responsible for São Tomé and Príncipe. For deep-water vessels targeting crab, this report shall include an interim statement of catches taken in the exclusive economic zone and entered in the logbook. This interim statement must be submitted before the licence is issued for the following period.

The conditions under which observers are taken on board, which should neither interrupt nor hinder the fishing activities, shall be agreed between the shipowner or his agent and the São Tomé and Príncipe authorities.

The shipowner shall, via his agent, make a payment of EUR 10 to the Government of São Tomé and Príncipe for each day spent by an observer on board a tuna seiner, surface longliner or deep-water fishing vessel targeting crab as a contribution to the cost of the observer on board.

If the shipowner is unable to take the observer on board and put him off at a São Tomé and Príncipe port agreed by common accord with that country's authorities, the shipowner shall bear the cost of taking the observer on board and putting him ashore.

If the observer is not present at the time and place agreed and during the 12 hours following the time agreed, the shipowner shall be automatically absolved of his obligation to take the observer on board.

The salary and social contributions of observers shall be borne by the competent São Tomé and Príncipe authorities.

## 8. Fishing zones

The tuna vessels and surface longliners referred to in Article 1 of the Protocol shall be authorised to engage in fishing activities in the waters beyond 12 nautical miles from the coast of each island.

The deep-water fishing vessels targeting crab referred to in Article 1 of the Protocol shall be authorised to engage in fishing activities in the waters from the 650 isobath.

Without exception, all fishing activity in the zone destined for joint exploitation by São Tomé and Príncipe and Nigeria, delimited by the coordinates set out in Appendix 4, shall be prohibited.

## 9. Entering and leaving the zone

Vessels shall notify the coastal radio station and the São Tomé and Príncipe Ministry responsible for fisheries of their intention to enter or leave São Tomé and Príncipe's fishing zone at least 24 hours in advance (by telephone +239-12-22091, fax +239-12-22828, or e-mail [dpescas1@cstome.net](mailto:dpescas1@cstome.net)).

When notifying their departure, all vessels shall also notify the estimated catches taken during the time they have spent in São Tomé and Príncipe's fishing zone. This information should preferably be communicated by fax or, for vessels not equipped with fax, by radio.

A vessel found to be fishing without having informed the São Tomé and Príncipe Ministry responsible for fisheries shall be regarded as a vessel without a licence.

Vessels shall also be informed of the fax and telephone numbers and e-mail address when the fishing licence is issued.

The São Tomé and Príncipe Ministry responsible for fisheries and the shipowners shall keep a copy of fax communications or a recording of radio communications until both parties have agreed to the final statement of fees due referred to in point 3.

## 10. By-catches

Tuna seiners shall make any by-catches available to the São Tomé and Príncipe Directorate for Fisheries, which will take charge of recovering and landing them.

## 11. Signing-on of seamen

At the request of the São Tomé and Príncipe authorities, the tuna seiner fleet shall take on board six São Tomé and Príncipe seamen for the duration of the fishing season. No vessel may take more than one seaman on board.

The conditions of employment and remuneration shall be fixed by mutual agreement between the shipowners and representatives of the seamen.

Should the fleet of tuna seiners not take on board six seamen, shipowners shall be obliged to pay compensation for the seamen not taken on board, the level of which shall be fixed by the two parties and shall correspond to the duration of the fishing season.

That sum shall be used for the training of seamen/fishermen in São Tomé and Príncipe and shall be paid into an account specified by the São Tomé and Príncipe Ministry responsible for fisheries.

#### 12. Standards

The international standards on tuna fishing as recommended by ICCAT shall apply.

#### 13. Use of services

Community vessels shall, wherever possible, procure the supplies and services they require in São Tomé and Príncipe ports.

#### 14. Procedures in the case of boarding

##### (a) Transmission of information

The São Tomé and Príncipe Ministry responsible for fisheries shall inform the Delegation of the Commission responsible for São Tomé and Príncipe and the flag State, within 48 hours, of the boarding of any Community fishing vessel fishing under the fisheries agreement in the São Tomé and Príncipe fishing zone and shall transmit a brief report of the circumstances and reasons leading to such boarding. The Delegation of the Commission responsible for São Tomé and Príncipe and the flag State shall be kept informed of any proceedings initiated and penalties imposed.

##### (b) Settlement of boarding

In accordance with the law on fisheries and the relevant regulations, infringements may be settled:

- either out of court, in which case the amount of the fine shall be determined in accordance with São Tomé and Príncipe legislation laying down minimum and maximum figures,
- or by legal proceedings, if no out-of-court settlement was possible, in accordance with São Tomé and Príncipe law.

##### (c) The vessel shall be released and its crew authorised to leave the port:

- either as soon as the obligations imposed by the out-of-court procedure have been completed on presentation of the receipt for the settlement, or
- on presentation of proof that a bank security has been lodged, pending completion of the legal proceedings.

#### 15. Procedures in the case of penalties

The Delegation of the Commission responsible for São Tomé and Príncipe shall be informed of any application of penalties involving a fishing vessel flying the flag of a Member State of the Community fishing under the fisheries Agreement between the European Economic Community and São Tomé and Príncipe and shall receive a brief report of the circumstances and reasons leading to such penalties.

---

## Appendix 1

**DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND PRÍNCIPE**  
**MINISTRY OF AGRICULTURE AND FISHERIES**  
**FISHING LICENCE APPLICATION No . . . .**

Name of applicant .....

Name and address of shipowner .....

Name and address of any representative in São Tomé and Príncipe .....

.....

Name of vessel .....

Type of vessel .....

Country of registry .....

Port and registration number .....

Vessel's external identification .....

Radio call sign and frequency .....

Length of vessel .....

Width of vessel .....

Engine type and horse power .....

Hold capacity .....

Minimum number of seamen .....

Type of fishing .....

Species targeted .....

.....

Period of validity requested:

I certify that this information is correct.

I hereby declare that I know, approve and undertake to comply with the law governing sea fishing in the Democratic Republic of São Tomé and Príncipe and the applicable international law.

Date .....

APPLICANT

---



Appendix 3

DEEP-WATER FISHING VESSELS TARGETING CRAB

Date	Fishing zone		Number of catches	Number of hours fishing	Species of fish						Total	
	Longitude	Latitude										
1.												
2.												
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												
13.												
14.												
15.												
16.												
17.												
18.												
19.												
20.												
21.												
22.												
23.												
24.												
25.												
26.												
27.												
28.												
29.												
30.												
31.												
TOTAL												

Vessel name:		Horse power:		Month		Year	
Nationality (flag):		GRT:		Fishing method:		Port of unloading:	

## Appendix 4

Latitude				Longitude			
Degrees	Minutes	Seconds		Degrees	Minutes	Seconds	
03	02	22	N	07	07	31	E
02	50	00	N	07	25	52	E
02	42	38	N	07	36	25	E
02	20	59	E	06	52	45	E
01	40	12	N	05	57	54	E
01	09	17	N	04	51	38	E
01	13	15	N	04	41	27	E
01	21	29	N	04	24	14	E
01	31	39	N	04	06	55	E
01	42	50	N	03	50	23	E
01	55	18	N	03	34	33	E
01	58	53	N	03	53	40	E
02	02	59	N	04	15	11	E
02	05	10	N	04	24	56	E
02	10	44	N	04	47	58	E
02	15	53	N	05	06	03	E
02	19	30	N	05	17	11	E
02	22	49	N	05	26	57	E
02	26	21	N	05	36	20	E
02	30	08	N	05	45	22	E
02	33	37	N	05	52	58	E
02	36	38	N	05	59	00	E
02	45	18	N	06	15	57	E
02	50	18	N	06	26	41	E
02	51	29	N	06	29	27	E
02	52	23	N	06	31	46	E
02	54	46	N	06	38	07	E
03	00	24	N	06	56	58	E
03	01	19	N	07	01	07	E
03	01	27	N	07	01	46	E
03	01	44	N	07	03	07	E
03	02	22	N	07	07	31	E

**COMMISSION REGULATION (EC) No 2349/2002  
of 20 December 2002**

**fixing the standard values to be used in calculating the financial compensation and the advance  
pertaining thereto in respect of fishery products withdrawn from the market during the 2003  
fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>, and in particular Article 21(5) and (8) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides for financial compensation to be paid to producer organisations which withdraw, on certain conditions, the products listed in Annex I(A) and (B) to that Regulation. The amount of such financial compensation should be reduced by standard values in the case of products intended for purposes other than human consumption.
- (2) Commission Regulation (EC) No 2493/2001 of 19 December 2001 on the disposal of certain fishery products which have been withdrawn from the market <sup>(2)</sup> specifies the ways of disposing of the products withdrawn. The value of such products should be fixed at a standard level for each of these modes of disposal, taking into account the average revenues which may be obtained from such disposal in the various Member States.
- (3) Under Article 7 of Commission Regulation (EC) No 2509/2000 of 15 November 2000 laying down detailed rules for the application of Regulation (EC) No 104/2000 as regards financial compensation for withdrawal of certain fishery products <sup>(3)</sup>, special rules provide that, where a producer organisation or one of its members puts its products up for sale in a Member State other

than the country in which it is recognised, the body responsible for granting the financial compensation must be informed. This body is the one in the Member State in which the producer organisation is recognised. The standard value deductible should therefore be the value applied in that Member State.

- (4) The same method of calculation should be applied to advances on financial compensation as provided for in Article 6 of Regulation (EC) No 2509/2000.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 2002 fishing year, the standard values to be used in calculating financial compensation and associated advances for fishery products withdrawn from the market by producer organisations and intended for purposes other than human consumption, as referred to in Article 21(5) of Regulation (EC) No 104/2000 are set out in the Annex to this Regulation.

*Article 2*

The standard value to be deducted from financial compensation and associated advances shall be that applied in the Member State in which the producer organisation is recognised.

*Article 3*

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 20 December 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 17, 21.1.2000, p. 22.

<sup>(2)</sup> OJ L 337, 20.12.2001, p. 20.

<sup>(3)</sup> OJ L 289, 16.11.2000, p. 11.

## ANNEX

Use of products withdrawn from the market	EUR/tonne
1. Use following processing into meal (animal feed):	
(a) herring of the species <i>Clupea harengus</i> and mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> :	
— Denmark and Sweden	70
— United Kingdom	50
— other Member States	17
— France	1
(b) shrimps of the species <i>Crangon crangon</i> and deep-water prawns ( <i>Pandalus borealis</i> ):	
— Denmark and Sweden	0
— other Member States	25
(c) other products:	
— Denmark	40
— Sweden, Portugal and Ireland	17
— United Kingdom	28
— other Member States	1
2. Use, fresh or preserved (animal feed):	
(a) sardines of the species <i>Sardina pilchardus</i> and anchovies ( <i>Engraulis</i> spp.)	
— all Member States	8
(b) other products:	
— Sweden	58
— France	20
— other Member States	38
3. Use as bait:	
— France	50
— other Member States	10
4. Use for purposes other than animal feed	0

**COMMISSION REGULATION (EC) No 2350/2002**  
**of 20 December 2002**  
**fixing the amount of private storage aid for certain fishery products in the 2003 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 2813/2000 of 21 December 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of private storage aid for certain fishery products <sup>(2)</sup>, and in particular Article 1 thereof,

Whereas:

- (1) The aid must not exceed the sum of technical and financial costs recorded in the Community during the fishing year preceding the year in question.
- (2) To discourage long-term storage, to shorten payment times and to reduce the burden of controls, private storage aid should be paid in one instalment only.

- (3) The measures provided for in this Regulation are in accordance with the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 2003 fishing year the amount of private storage aid for the products listed in Annex II to Regulation (EC) No 104/2000 shall be as follows:

- first month: EUR 185/tonne,
- second month: EUR 0/tonne.

*Article 2*

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 20 December 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 17, 21.1.2000, p. 22.

<sup>(2)</sup> OJ L 326, 22.12.2000, p. 30.

**COMMISSION REGULATION (EC) No 2351/2002**  
**of 20 December 2002**  
**fixing the amount of the carry-over aid and the flat-rate aid for certain fishery products for the**  
**2003 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 2814/2000 of 21 December 2000 laying down detailed rules for applying Council Regulation (EC) No 104/2000 relating to the grant of carry-over aid for certain fishery products <sup>(2)</sup>, and in particular Article 5 thereof,

Having regard to Commission Regulation (EC) No 939/2001 of 14 May 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 relating to the grant of flat-rate aid for certain fishery products <sup>(3)</sup>, and in particular Article 5 thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that aid may be granted for quantities of certain fresh products withdrawn from the market and either processed to stabilise them and stored or preserved.
- (2) The purpose of this aid is to give suitable encouragement to producers' organisations to process or preserve products withdrawn from the market so that their destruction can be avoided.

(3) The aid level should not be such as will disturb the balance of the market for the products in question or distort competition.

(4) The aid level must not exceed the technical and financial costs associated with the operations essential to stabilising and storage recorded in the Community during the fishing year preceding the year in question.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 2003 fishing year, the carry-over aid referred to in Article 23 of Regulation (EC) No 104/2000 and the flat-rate aid referred to in Article 24(4) of that Regulation shall be as indicated in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 20 December 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 17, 21.1.2000, p. 22.

<sup>(2)</sup> OJ L 326, 22.12.2000, p. 34.

<sup>(3)</sup> OJ L 132, 15.5.2001, p. 10.

## ANNEX

**1. Amount of the carry-over aid for products listed in Annex I(A) and (B) and for sole (*Solea spp.*) listed in Annex I(C) to Regulation (EC) No 104/2000**

Processing methods listed in Article 23 of Regulation (EC) No 104/2000	Aid (EUR/tonne)
1	2
I. Freezing and storage of whole products, gutted and with head, or cut-up products — Sardines of the species <i>Sardina pilchardus</i> — Other species	310 250
II. Filleting, freezing and storage	320
III. Salting and/or drying and storage of whole products, gutted and with head, or cut-up or filleted products	280
IV. Marinating and storage	240

**2. Amount of the carry-over aid for products listed in Annex I(C) to Regulation (EC) No 104/2000**

Processing and/or preservation methods listed in Article 23 of Regulation (EC) No 104/2000	Products	Aid (EUR/tonne)
1	2	3
I. Freezing and storage	Norway lobster ( <i>Nephrops norvegicus</i> )	280
	Norway lobster tails ( <i>Nephrops norvegicus</i> )	210
II. Removing the head, freezing and storage	Norway lobster ( <i>Nephrops norvegicus</i> )	260
III. Cooking, freezing and storage	Norway lobster ( <i>Nephrops norvegicus</i> )	280
	Edible crabs ( <i>Cancer pagurus</i> )	210
IV. Pasteurisation and storage	Edible crabs ( <i>Cancer pagurus</i> )	320
V. Live storage in fixed tanks or cages	Edible crabs ( <i>Cancer pagurus</i> )	210

**3. Amount of the flat-rate aid for products listed in Annex IV to Regulation (EC) No 104/2000**

Processing methods	Aid (EUR/tonne)
I. Freezing and storage of whole products, gutted and with head, or cut-up products	250
II. Filleting, freezing and storage	320

**COMMISSION REGULATION (EC) No 2352/2002**  
**of 20 December 2002**  
**fixing the withdrawal and selling prices for the fishery products listed in Annex I to Council Regulation (EC) No 104/2000 for the 2003 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>, and in particular Article 20(3) and Article 22 thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that the Community withdrawal and selling prices for each of the products listed in Annex I thereto are to be fixed on the basis of the freshness, size or weight and presentation of the product by applying the conversion factor for the product category concerned to an amount not more than 90 % of the relevant guide price.
- (2) Regulation (EC) No 104/2000 provides that the withdrawal prices may be multiplied by adjustment factors in landing areas which are very distant from main centres of consumption in the Community.
- (3) The guide prices for the 2003 fishing year were fixed for all the products concerned by Council Regulation (EC) No 2563/2001 <sup>(2)</sup>.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The conversion factors used for calculating the Community withdrawal and selling prices for the 2003 fishing year for the products listed in Annex I to Regulation (EC) No 104/2000 are set out in Annex I to this Regulation.

*Article 2*

The Community withdrawal and selling prices applicable for the 2003 fishing year and the products to which they relate are set out in Annex II.

*Article 3*

The withdrawal prices applicable for the 2003 fishing year in landing areas which are very distant from the main centres of consumption in the Community and the products to which those prices relate are set out in Annex III.

*Article 4*

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 20 December 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 17, 21.1.2000, p. 22.

<sup>(2)</sup> See page 3 of this Official Journal.

## ANNEX I

**Conversion factors for the products listed in points A, B and C of Annex I to Regulation (EC) No 104/2000**

Species	Size (l)	Conversion factors	
		Gutted fish, with head (l)	Whole fish (l)
		Extra, A (l)	Extra, A (l)
Herring of the species <i>Clupea harengus</i>	1	0,00	0,47
	2	0,00	0,72
	3	0,00	0,68
	4a	0,00	0,43
	4b	0,00	0,43
	4c	0,00	0,90
	5	0,00	0,80
Sardines of the species <i>Sardina pilchardus</i>	1	0,00	0,51
	2	0,00	0,64
	3	0,00	0,72
	4	0,00	0,47
Dogfish ( <i>Squalus acanthias</i> )	1	0,60	0,60
	2	0,51	0,51
	3	0,28	0,28
Dogfish ( <i>Scyliorhinus</i> spp.)	1	0,64	0,60
	2	0,64	0,56
	3	0,44	0,36
Redfish ( <i>Sebastes</i> spp.)	1	0,00	0,81
	2	0,00	0,81
	3	0,00	0,68
Cod of the species <i>Gadus morhua</i>	1	0,72	0,52
	2	0,72	0,52
	3	0,68	0,40
	4	0,54	0,30
	5	0,38	0,22
Coalfish ( <i>Pollachius virens</i> )	1	0,72	0,56
	2	0,72	0,56
	3	0,71	0,55
	4	0,61	0,30
Haddock ( <i>Melanogrammus aeglefinus</i> )	1	0,72	0,56
	2	0,72	0,56
	3	0,62	0,43
	4	0,52	0,36
Whiting ( <i>Merlangius merlangus</i> )	1	0,66	0,50
	2	0,64	0,48
	3	0,60	0,44
	4	0,41	0,30
Ling ( <i>Molva</i> spp.)	1	0,68	0,56
	2	0,66	0,54
	3	0,60	0,48
Mackerel of the species <i>Scomber scombrus</i>	1	0,00	0,72
	2	0,00	0,71
	3	0,00	0,69
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0,00	0,77
	2	0,00	0,77
	3	0,00	0,63
	4	0,00	0,47

Species	Size (°)	Conversion factors	
		Gutted fish, with head (°)	Whole fish (°)
		Extra, A (°)	Extra, A (°)
Anchovies ( <i>Engraulis</i> spp.)	1	0,00	0,68
	2	0,00	0,72
	3	0,00	0,60
	4	0,00	0,25
Plaice ( <i>Pleuronectes platessa</i> )	1	0,75	0,41
	2	0,75	0,41
	3	0,72	0,41
	4	0,52	0,34
Hake of the species <i>Merluccius merluccius</i>	1	0,90	0,71
	2	0,68	0,53
	3	0,68	0,52
	4	0,56	0,43
	5	0,52	0,41
Megrims ( <i>Lepidorhombus</i> spp.)	1	0,68	0,64
	2	0,60	0,56
	3	0,54	0,49
	4	0,34	0,29
Dab ( <i>Limanda limanda</i> )	1	0,71	0,58
	2	0,54	0,42
Flounder ( <i>Platichthys flesus</i> )	1	0,66	0,58
	2	0,50	0,42
Albacore or longfinned tuna ( <i>Thunnus alalunga</i> )	1	0,90	0,81
	2	0,90	0,77
Cuttlefish ( <i>Sepia officinalis</i> and <i>Rossia macrosoma</i> )	1	0,00	0,64
	2	0,00	0,64
	3	0,00	0,40
		Whole fish, or gutted with head (°)	Fish without head (°)
		Extra, A (°)	Extra, A (°)
Monkfish ( <i>Lophius</i> spp.)	1	0,61	0,77
	2	0,78	0,72
	3	0,78	0,68
	4	0,65	0,60
	5	0,36	0,43
		All presentations	
		Extra, A (°)	
Shrimps of the species <i>Crangon crangon</i>	1	0,59	
	2	0,27	
		Cooked in water	Fresh or chilled
		Extra, A (°)	Extra, A (°)
Deep-water prawns ( <i>Pandalus borealis</i> )	1	0,77	0,68
	2	0,27	—

Species	Size (!)	Conversion factors		
		Whole (!)		
Edible crabs ( <i>Cancer pagurus</i> )	1	0,72		
	2	0,54		
		Whole (!)		Tails (!)
		E (!)	Extra, A (!)	Extra, A (!)
Norway lobster ( <i>Nephrops norvegicus</i> )	1	0,86	0,86	0,81
	2	0,86	0,59	0,68
	3	0,77	0,59	0,50
	4	0,50	0,41	0,41
		Gutted fish, with head (!)	Whole fish (!)	
		Extra, A (!)	Extra, A (!)	
Sole ( <i>Solea</i> spp.)	1	0,75		0,58
	2	0,75		0,58
	3	0,71		0,54
	4	0,58		0,42
	5	0,50		0,33

(!) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

## ANNEX II

**Withdrawal and selling prices in the Community of the products listed in points A, B and C of Annex I to Regulation (EC) No 104/2000**

Species	Size (t)	Withdrawal price (EUR/t)	
		Gutted fish, with head (t)	Whole fish (t)
		Extra, A (t)	Extra, A (t)
Herring of the species <i>Clupea harengus</i>	1	0	126
	2	0	193
	3	0	182
	4a	0	115
	4b	0	115
	4c	0	241
	5	0	214
Sardines of the species <i>Sardina pilchardus</i>	1	0	292
	2	0	366
	3	0	412
	4	0	269
Dogfish ( <i>Squalus acanthias</i> )	1	667	667
	2	567	567
	3	311	311
Dogfish ( <i>Scyliorhinus</i> spp.)	1	500	469
	2	500	438
	3	344	282
Redfish ( <i>Sebastes</i> spp.)	1	0	963
	2	0	963
	3	0	809
Cod of the species <i>Gadus morhua</i>	1	1 174	848
	2	1 174	848
	3	1 109	652
	4	881	489
	5	620	359
Coalfish ( <i>Pollachius virens</i> )	1	580	451
	2	580	451
	3	572	443
	4	492	242
Haddock ( <i>Melanogrammus aeglefinus</i> )	1	765	595
	2	765	595
	3	658	457
	4	552	382
Whiting ( <i>Merlangius merlangus</i> )	1	628	476
	2	609	457
	3	571	419
	4	390	286
Ling ( <i>Molva</i> spp.)	1	834	687
	2	809	662
	3	736	588
Mackerel of the species <i>Scomber scombrus</i>	1	0	218
	2	0	215
	3	0	209
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0	247
	2	0	247
	3	0	202
	4	0	151

Species	Size (°)	Withdrawal price (EUR/t)		
		Gutted fish, with head (°)	Whole fish (°)	
		Extra, A (°)	Extra, A (°)	
Anchovies ( <i>Engraulis</i> spp.)	1	0	826	
	2	0	875	
	3	0	729	
	4	0	304	
Plaice ( <i>Pleuronectes platessa</i> ) — 1 January to 30 April 2003	1	797	436	
	2	797	436	
	3	765	436	
	4	553	361	
	— 1 May to 31 December 2003	1	1 097	599
		2	1 097	599
		3	1 053	599
		4	760	497
Hake of the species <i>Merluccius merluccius</i>	1	3 375	2 663	
	2	2 550	1 988	
	3	2 550	1 950	
	4	2 100	1 613	
	5	1 950	1 538	
Megrims ( <i>Lepidorhombus</i> spp.)	1	1 636	1 540	
	2	1 444	1 347	
	3	1 299	1 179	
	4	818	698	
Dab ( <i>Limanda limanda</i> )	1	655	535	
	2	498	388	
Flounder ( <i>Platichthys flesus</i> )	1	364	320	
	2	276	232	
Albacore or longfinned tuna ( <i>Thunnus alalunga</i> )	1	2 252	1 808	
	2	2 252	1 719	
Cuttlefish ( <i>Sepia officinalis</i> and <i>Rossia macrosoma</i> )	1	0	1 048	
	2	0	1 048	
	3	0	655	
		Whole fish, gutted fish, with head (°)	Fish without head (°)	
		Extra, A (°)	Extra, A (°)	
Monkfish ( <i>Lophius</i> spp.)	1	1 767	4 565	
	2	2 260	4 268	
	3	2 260	4 031	
	4	1 883	3 557	
	5	1 043	2 549	
		All presentations		
		Extra, A (°)		
Shrimps of the species <i>Crangon crangon</i>	1	1 462		
	2	669		
		Cooked in water	Fresh or chilled	
		Extra, A (°)	Extra, A (°)	
Deep-water prawns ( <i>Pandalus borealis</i> )	1	5 142	1 149	
	2	1 803	—	

Species	Size (!)	Sale price (EUR/t)		
		Whole (!)		
Edible crabs ( <i>Cancer pagurus</i> )	1	1 272		
	2	954		
		Whole (!)		Tails (!)
		E (!)	Extra, A (!)	Extra, A (!)
Norway lobster ( <i>Nephrops norvegicus</i> )	1	4 590	4 590	3 536
	2	4 590	3 149	2 969
	3	4 109	3 149	2 183
	4	2 669	2 188	1 790
		Gutted fish, with head (!)	Whole fish (!)	
		Extra, A (!)	Extra, A (!)	
Sole ( <i>Solea</i> spp.)	1	4 986		3 856
	2	4 986		3 856
	3	4 720		3 590
	4	3 856		2 792
	5	3 324		2 194

(!) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

## ANNEX III

## Withdrawal prices in landing areas which are very distant from the main centres of consumption

Species	Landing area	Conversion factor	Size (1)	Withdrawal prices (EUR/tonne)	
				Gutted fish, with head (1)	Whole fish (1)
				Extra, A (1)	Extra, A (1)
Herring of the species <i>Clupea harengus</i>	Coastal regions and islands of Ireland	0,90	1	0	113
			2	0	174
			3	0	164
			4a	0	104
	Coastal regions of eastern England from Berwick to Dover Coastal regions of Scotland from Portpatrick to Eyemouth and the islands located west and north of those regions Coastal regions of County Down (Northern Ireland)	0,90	1	0	113
			2	0	174
			3	0	164
			4a	0	104
Mackerel of the species <i>Scomber scombrus</i>	Coastal regions and islands of Ireland	0,96	1	0	209
			2	0	207
			3	0	201
	Coastal regions and islands of Cornwall and Devon in the United Kingdom	0,95	1	0	207
			2	0	204
			3	0	199
Hake of the species <i>Merluccius merluccius</i>	Coastal regions from Troon (in south-western Scotland) to Wick (in north-eastern Scotland) and the islands located west and north of those regions	0,75	1	2 531	1 997
			2	1 913	1 491
			3	1 913	1 463
			4	1 575	1 209
			5	1 463	1 153
Albacore of longfinned tuna <i>(Thunnus alalunga)</i>	Islands of the Azores and Madeira	0,48	1	1 081	868
			2	1 081	825
Sardines of the species <i>Sardina pilchardus</i>	Canary Islands	0,48	1	0	140
			2	0	176
			3	0	198
			4	0	129
	Coastal regions and islands of Cornwall and Devon in the United Kingdom	0,74	1	0	216
			2	0	271
			3	0	305
			4	0	199
	Atlantic coastal regions of Portugal	0,93 0,81	2	0	348
			3	0	342

(1) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

**COMMISSION REGULATION (EC) No 2353/2002  
of 20 December 2002**

**fixing the selling prices for the fishery products listed in Annex II to Council Regulation (EC) No 104/2000 for the 2003 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>, and in particular Article 25(1) and (6) thereof,

Whereas:

- (1) A Community selling price is to be fixed for each of the products listed in Annex II to Regulation (EC) No 104/2000 before the beginning of the fishing year, at a level at least equal to 70 % and not exceeding 90 % of the guide price.
- (2) Council Regulation (EC) No 2563/2002 <sup>(2)</sup> fixes the guide prices for the fishing year 2003 for all the products concerned.
- (3) Market prices vary considerably depending on the species and how the products are presented, particularly in the case of squid and hake.

(4) Conversion factors must therefore be fixed for the different species and presentations of frozen products landed in the Community in order to determine the price level that will trigger the intervention measure provided for in Article 25(2) of Regulation (EC) No 104/2000.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Community selling prices applicable during the 2003 fishing year for the products listed in Annex II to Regulation (EC) No 104/2000 and the presentations and conversion factors to which they relate are set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 20 December 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 17, 21.1.2000, p. 22.

<sup>(2)</sup> See page 3 of this Official Journal.

## ANNEX

Species	Presentation	Conversion factor	Intervention level	Selling price (EUR/t)
Greenland halibut ( <i>Reinhardtius hippoglossoides</i> )	Whole, with or without head	1,0	0,85	1 697
Hake ( <i>Merluccius</i> spp.)	Whole, with or without head	1,0	0,85	1 080
	Individual fillets			
	— with skin	1,0	0,85	1 301
	— skinless	1,1	0,85	1 431
Sea bream ( <i>Dentex dentex</i> and <i>Pagellus</i> spp.)	Whole, with or without head	1,0	0,85	1 390
Swordfish ( <i>Xiphias gladius</i> )	Whole, with or without head	1,0	0,85	3 451
Shrimps and prawns <i>Penaeidae</i>	Frozen			
	(a) <i>Parapenaeus Longirostris</i>	1,0	0,85	3 536
	(b) Other <i>Penaeidae</i>	1,0	0,85	6 785
Cuttlefish ( <i>Sepia officinalis</i> , <i>Rossia macrosoma</i> and <i>Sepiola rondeletti</i> )	Frozen	1,0	0,85	1 688
Squid ( <i>Loligo</i> spp.)				
	(a) <i>Loligo patagonica</i>			
	— Whole, not cleaned	1,00	0,85	983
	— Cleaned	1,20	0,85	1 179
	(b) <i>Loligo vulgaris</i>			
— Whole, not cleaned	2,50	0,85	2 457	
— Cleaned	2,90	0,85	2 850	
Octopus ( <i>Octopus</i> spp.)	Frozen	1,00	0,85	1 748
<i>Illex argentinus</i>	— Whole, not cleaned	1,00	0,80	678
	— Tube	1,70	0,80	1 153

**Forms of commercial presentation:**

- whole, not cleaned: product which has not undergone any treatment,
- cleaned: product which has at least been gutted,
- tube: squid body which has at least been gutted and had the head removed.

**COMMISSION REGULATION (EC) No 2354/2002  
of 20 December 2002**

**fixing the reference prices for a number of fishery products for the 2003 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products <sup>(1)</sup>, and in particular Article 29(1) and (5) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that reference prices valid for the Community may be fixed each year, by product category, for products that are the subject of a tariff suspension under Article 28(1). The same holds for products which, by virtue of being either the subject of a binding tariff reduction under the WTO or some other preferential arrangements, must comply with a reference price.
- (2) For the products listed in Annex I(A) and (B) to Regulation (EC) No 104/2000, the reference price is the same as the withdrawal price fixed in accordance with Article 20(1) of that Regulation.
- (3) The Community withdrawal and selling prices for the products concerned are fixed for the 2003 fishing year by Commission Regulation (EC) No 2352/2002 <sup>(2)</sup>.

- (4) The reference price for products other than those listed in Annexes I and II to Regulation (EC) No 104/2000 is established on the basis of the weighted average of customs values recorded on the import markets or in the ports of import in the three years immediately preceding the date on which the reference price is fixed.
- (5) There is no need to fix reference prices for all the species covered by the criteria laid down in Article 29(1) of Regulation (EC) No 104/2000, and particularly not for those imported from third countries in insignificant volumes.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The reference prices for the 2003 fishing year of fishery products listed in Article 29 of Regulation (EC) No 104/2000 shall be as laid down in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 20 December 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 17, 21.1.2000, p. 22.

<sup>(2)</sup> See page 29 of this Official Journal.

## ANNEX (\*)

## 1. Reference prices for products referred to in Article 29(3)(a) of Regulation (EC) No 104/2000

Species	Size (1)	Reference price (EUR/t)			
		Gutted with head (1)		Whole fish (1)	
		Additional TARIC code	Extra, A (1)	Additional TARIC code	Extra, A (1)
Herring of the species <i>Clupea harengus</i> ex 0302 40 00	1		—	F011	126
	2		—	F012	193
	3		—	F013	182
	4a		—	F016	115
	4b		—	F017	115
	4c		—	F018	241
	5		—	F015	214
	6		—	F019	107
Redfish ( <i>Sebastes</i> spp.) ex 0302 69 31 and ex 0302 69 33	1		—	F067	963
	2		—	F068	963
	3		—	F069	809
Cod of the species <i>Gadus morhua</i> ex 0302 50 10	1	F073	1 174	F083	848
	2	F074	1 174	F084	848
	3	F075	1 109	F085	652
	4	F076	881	F086	489
	5	F077	620	F087	359
Deepwater prawns ( <i>Pandalus borealis</i> ) ex 0306 23 10	1	Boiled in water		Fresh or refrigerated	
		Additional TARIC code	Extra, A (1)	Additional TARIC code	Extra, A (1)
		F317	5 142	F321	1 149
	2	F318	1 803	—	—

(1) The freshness, size and presentation categories are those laid down under Article 2 of Regulation (EC) No 104/2000.

## 2. Reference prices for fishery products referred to in Article 29(3)(d) of Regulation (EC) No 104/2000

Product	Additional TARIC code	Presentation	Reference price (EUR/t)
1. Redfish ( <i>Sebastes</i> spp.) ex 0303 79 35 ex 0303 79 37	F411	Whole: — with or without head	951
ex 0304 20 35 ex 0304 20 37	F412 F413 F414	Fillets: — with bones ('standard')	1 896
		— without bones	2 161
		— blocks in immediate packing weighing not more than 4 kg	2 263

(\*) The additional code to be mentioned for all categories other than those explicitly referred to in points 1 and 2 of the Annex is 'F499: Other'.

Product	Additional TARIC code	Presentation	Reference price (EUR/t)
2. Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> and <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i> ex 0303 60 11, ex 0303 60 19, ex 0303 60 90, ex 0303 79 41	F416	Whole, with or without head	1 095
ex 0304 20 29	F417	Fillets: — interleaved or in industrial blocks, with bones ('standard')	2 404
	F418	— interleaved or in industrial blocks, without bones	2 746
	F419	— individual or fully interleaved fillets, with skin	2 602
	F420	— individual or fully interleaved fillets, without skin	2 944
	F421	— blocks in immediate packing weighing not more than 4 kg	2 903
ex 0304 90 38	F422	Pieces and other meat, except minced blocks	1 406
3. Coalfish ( <i>Pollachius virens</i> )		Fillets:	
ex 0304 20 31	F424	— interleaved or in industrial blocks, with bones ('standard')	1 518
	F425	— interleaved or in industrial blocks, without bones	1 672
	F426	— individual or fully interleaved fillets, with skin	1 476
	F427	— individual or fully interleaved fillets, without skin	1 698
	F428	— blocks in immediate packing weighing not more than 4 kg	1 769
ex 0304 90 41	F429	Pieces and other meat, except minced blocks	987
4. Haddock ( <i>Melanogrammus aeglefinus</i> )		Fillets:	
ex 0304 20 33	F431	— interleaved or in industrial blocks, with bones ('standard')	2 333
	F432	— interleaved or in industrial blocks, without bones	2 686
	F433	— individual or fully interleaved fillets, with skin	2 537
	F434	— individual or fully interleaved fillets, without skin	2 822
	F435	— blocks in immediate packing weighing not more than 4 kg	2 960
5. Alaska pollack ( <i>Theragra chalcogramma</i> ) ex 0304 20 85	F441	Fillets: — interleaved or in industrial blocks, with bones ('standard')	1 148
	F442	— interleaved or in industrial blocks, without bones	1 324
6. Herring ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> ) ex 0304 10 97 ex 0304 90 22	F450	Herring flaps: — exceeding 80 g a piece	500
	F450	— exceeding 80 g a piece	455

**COMMISSION REGULATION (EC) No 2355/2002  
of 27 December 2002**

**amending Commission Regulation (EC) No 438/2001 laying down detailed rules for the implementation of Council Regulation (EC) No 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Having regard to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds <sup>(1)</sup>, as amended by Council Regulation (EC) No 1447/2001 <sup>(2)</sup>, and in particular Article 53(2) thereof,

Article 7 of Regulation (EC) No 438/2001 is amended as follows:

After consulting the Committee set up pursuant to Article 147 of the Treaty,

(a) a new paragraph is inserted after paragraph 2 as follows:

After consulting the Committee on Agricultural Structures and Rural Development,

'2a. (a) The supporting documents regarding expenditure and checks referred to in Article 38(6) of Regulation (EC) No 1260/1999 shall comprise

After consulting the Committee on Structures for Fisheries and Aquaculture,

— documents relating to specific expenditure incurred and declared and payments made under the assistance and required for a sufficient audit trail including documents constituting proof of the actual delivery of products or services co-financed;

Whereas:

— reports and documents relating to checks carried out under Articles 4, 9, 10 and 15 of this Regulation.

(1) Article 38(6) of Regulation (EC) No 1260/1999 requires the responsible authorities in the Member States to keep available for the Commission all the supporting documents regarding expenditure and checks in respect of any assistance for a period of three years following the payment by the Commission of the final balance unless otherwise decided in the bilateral administrative agreements.

The competent national authorities shall determine by which body the documents are to be held during the period for which retention is required.

(2) It is desirable to specify the categories of supporting documents covered by this obligation, the form in which they may be held and the obligation to determine the bodies which should hold them.

(b) Documents must be held either as originals or on commonly accepted data carriers.

(3) As the documents in question form part of the audit trail referred to in Article 7 of Regulation (EC) 438/2001 <sup>(3)</sup>, it is appropriate to add to this article the necessary provisions concerning the retention of documents.

Commonly accepted data carriers shall include, in particular,

(4) The provisions on the retention of documents are without prejudice to other specific Community or national rules.

— photocopies of original documents;  
— microfiches of original documents;  
— electronic versions of original documents on optical data carriers (such as CD-rom, hard disk or magnetic disk);  
— documents existing in electronic version only.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Development and Conversion of the Regions,

The procedure for certification of conformity of documents held on commonly accepted data carriers with the original document shall be laid down by the national authorities and shall ensure that the versions held comply with national legal requirements and can be relied on for audit purposes. Where documents exist in electronic version only, the underlying computer systems on which electronic versions are held must meet accepted security standards which ensure that the documents held comply with national legal requirements and can be relied on for audit purposes.'

<sup>(1)</sup> OJ L 161, 26.6.1999, p. 1.

<sup>(2)</sup> OJ L 139, 29.7.2001, p. 1.

<sup>(3)</sup> OJ L 63, 3.3.2001, p. 21.

(b) paragraph 3(a) is replaced by the following text:

'(a) that there are procedures to ensure that the documents referred to in paragraph 2a are held in accordance with the requirements of Article 38(6) of Regulation (EC) No 1260/1999 and with Annex I to this Regulation;'

*Article 2*

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 27 December 2002.

*For the Commission*  
Michel BARNIER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 2356/2002  
of 27 December 2002**

**derogating from Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 509/2002 <sup>(2)</sup>, and in particular Articles 26(3) and 31(14) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1924/2002 of 28 October 2002 derogating from Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products and from Regulation (EC) No 800/1999 laying down common detailed rules for the application of the system of export refunds on agricultural products <sup>(3)</sup> provides that the validity of export licences with advance fixing of the refund for which the destination is the Czech or Slovak Republics should expire no later than 31 December 2002, given the entry into force on 1 January 2003 of the concessions granted in the negotiations on trade liberalisation between the European Community, of the one part, and the Czech and Slovak Republics, of the other part. The possibility of issuing licences for these countries from 1 January 2003 should be reintroduced because the planned date for the introduction of concessions cannot now be met. In order to ensure that the concessions as granted are observed when they enter into force, a derogation to Article 6 of Regulation (EC) No 174/1999 <sup>(4)</sup> should be introduced, limiting the licences' term of validity to their month of issue.

- (2) With a view to the entry into force on 1 January 2003 of the new concessions granted to the Czech and Slovak Republics, Article 2 of Regulation (EC) No 1924/2002 provides that, Article 18(3) of Regulation (EC) No 800/1999 notwithstanding, no refund is to be paid in respect of licences used on or after 1 January 2003 for exports to the Czech or Slovak Republics that show in box 7 a destination other than either of those two countries. As that date cannot now be met, the Article in question should be repealed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

Notwithstanding Article 6 of Regulation (EC) No 174/1999, the term of validity of the export licences with advance fixing of the refund applied for on or after 1 January 2003 for which the Czech or Slovak Republics are the intended destination shall expire at the end of the month in which they are issued.

*Article 2*

Article 2 of Regulation (EC) No 1924/2002 is hereby repealed.

*Article 3*

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

It shall apply from 1 January 2003.

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

Done at Brussels, 27 December 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 79, 22.3.2002, p. 15.

<sup>(3)</sup> OJ L 293, 29.10.2002, p. 17.

<sup>(4)</sup> OJ L 20, 27.1.1999, p. 8.

**COMMISSION REGULATION (EC) No 2357/2002**  
**of 27 December 2002**

**on the management of textile quotas for the year 2003 of Council Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules, <sup>(1)</sup> as last amended by Regulation (EC) No 1309/2002 <sup>(2)</sup>, and in particular Article 17(3) and (6) and Article 21(2) and (3) thereof,

Whereas:

- (1) Regulation (EC) No 517/94 established quantitative restrictions on imports of certain textile products originating in certain third countries to be allocated on a first come, first served basis.
- (2) Under that Regulation, it is possible, in certain circumstances, to use other allocation methods, to divide quotas into tranches or to set aside part of a specific quantitative limit exclusively for applications which are backed up by proof of the results of previous imports.
- (3) Rules for management of the quotas established for 2003 should be adopted before the quota year begins so that the continuity of trade flows is not affected unduly.
- (4) The measures adopted in previous years, such as those in Commission Regulation (EC) No 2538/2001 establishing rules for the management and distribution of textiles quotas established for the year 2002 under Council Regulation (EC) No 517/94 <sup>(3)</sup>, proved to be satisfactory and it is therefore appropriate to adopt similar rules for 2003.
- (5) In order to satisfy the greatest possible number of operators it is therefore appropriate to make the 'first come, first served' allocation method more flexible by placing a ceiling on the quantities which can be allocated to each operator by that method.
- (6) To guarantee a degree of continuity in trade and efficient quota administration, operators should be allowed to make their initial import authorisation application for 2003 equivalent to the quantity which they imported in 2002.

- (7) To achieve optimum use of the quantities, an operator who has used at least 50 % of the amount already authorised should be permitted to apply for a further amount provided quantities are available in the quotas.
- (8) For the sake of sound administration, import authorisations should be valid for nine months from the date of issue but until the end of the year at the latest. Member States should issue licences only after being notified by the Commission that quantities are available and only if an operator can prove the existence of a contract and certify (except where specifically provided otherwise) that he/she has not already been allocated a Community import authorisation under this Regulation for the categories and countries concerned. The competent national authorities should, however, be authorised, in response to importers' applications, to extend by three months and up to 31 March 2004 licences of which at least 50 % has been used by the application date.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

The purpose of this Regulation is to lay down rules concerning the management of quantitative quotas for imports of certain textiles products set out in Annexes IIIB and IV to Regulation (EC) No 517/94 for the year 2003.

*Article 2*

The quotas referred to in Article 1 shall be allocated on a 'first come, first served' basis according to the chronological order of receipt by the Commission of Member States' notifications of applications from individual operators, for amounts not exceeding the maximum quantities per operator set out in the Annex.

<sup>(1)</sup> OJ L 67, 10.3.1994, p. 1.

<sup>(2)</sup> OJ L 192, 20.7.2002, p. 1.

<sup>(3)</sup> OJ L 341, 22.12.2001, p. 73.

These maximum quantities shall not, however, apply to operators able to prove to the competent national authorities when making their first application for 2003 that they imported, for given categories, given third countries and under import licences granted to them for 2002, more than the maximum quantities specified for each category.

In the case of such operators, the competent authorities may authorise imports of no more than the quantities imported in 2002 for given third countries and given categories, provided that enough quota is available.

#### *Article 3*

Any importer who has used 50 % or more of the amount allocated to him under this Regulation may make a further application, in respect of the same category and country of origin, for amounts not exceeding the maximum quantities laid down in the Annex.

#### *Article 4*

1. The competent national authorities may notify the Commission of the amounts of requests for import authorisations from 10.00 on 3 January 2003, Brussels time.

2. The competent national authorities shall issue authorisations only after being notified by the Commission that quantities are available in accordance with Article 17(2) of Regulation (EC) No 517/94.

They shall issue authorisations only if an operator:

- (a) proves the existence of a contract relating to the provision of the goods; and
- (b) certifies in writing that, in respect of the categories and countries concerned:
  - (i) he/she has not already been allocated an authorisation under this Regulation; or
  - (ii) he/she has been allocated an authorisation under this Regulation but has used up at least 50 % of it.

3. Import authorisations shall be valid for nine months from the date of issue, but until 31 December 2003 at the latest.

The competent national authorities may, however, at the importer's request, grant a three-month extension for authorisations which are at least 50 % used up at the time of the request.

#### *Article 5*

This Regulation shall enter into force on 1 January 2003.

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

Done at Brussels, 27 December 2002.

*For the Commission*

Pascal LAMY

*Member of the Commission*

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## ANNEX

## Maximum amounts referred to in Article 2 of Regulation (EC) No 2356/2002

Country concerned	Category	Unit	Maximum amount
North Korea	1	Kilogram	10 000
	2	Kilogram	10 000
	3	Kilogram	10 000
	4	Piece	10 000
	5	Piece	10 000
	6	Piece	10 000
	7	Piece	10 000
	8	Piece	10 000
	9	Kilogram	10 000
	12	Pair	10 000
	13	Piece	10 000
	14	Piece	10 000
	15	Piece	10 000
	16	Piece	10 000
	17	Piece	10 000
	18	Kilogram	10 000
	19	Piece	10 000
	20	Kilogram	10 000
	21	Piece	10 000
	24	Piece	10 000
	26	Piece	10 000
	27	Piece	10 000
	28	Piece	10 000
	29	Piece	10 000
	31	Piece	10 000
	36	Kilogram	10 000
	37	Kilogram	10 000
	39	Kilogram	10 000
	59	Kilogram	10 000
	61	Kilogram	10 000
	68	Kilogram	10 000
69	Piece	10 000	
70	Piece	10 000	
73	Piece	10 000	
74	Piece	10 000	
75	Piece	10 000	
76	Kilogram	10 000	
77	Kilogram	5 000	
78	Kilogram	5 000	
83	Kilogram	10 000	
87	Kilogram	10 000	
109	Kilogram	10 000	
117	Kilogram	10 000	
118	Kilogram	10 000	
142	Kilogram	10 000	
151A	Kilogram	10 000	
151B	Kilogram	10 000	
161	Kilogram	10 000	

Country concerned	Category	Unit	Maximum amount
Federal Republic of Yugoslavia <sup>(1)</sup>	1	Kilogram	20 000
	2	Kilogram	20 000
	2a	Kilogram	10 000
	3	Kilogram	10 000
	5	Piece	10 000
	6	Piece	10 000
	7	Piece	10 000
	8	Piece	10 000
	9	Kilogram	10 000
	15	Piece	10 000
	16	Piece	10 000
	67	Kilogram	10 000

<sup>(1)</sup> Including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999.

**COMMISSION REGULATION (EC) No 2358/2002**  
**of 27 December 2002**  
**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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1947/2002 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) 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 28 December 2002.

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

Done at Brussels, 27 December 2002.

*For the Commission*  
J. M. SILVA RODRÍGUEZ  
*Agriculture Director-General*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 299, 1.11.2002, p. 17.

## ANNEX

**to the Commission Regulation of 27 December 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	55,6
	204	47,2
	608	29,7
	999	44,2
0707 00 05	052	126,3
	999	126,3
0709 90 70	052	97,2
	204	66,9
	999	82,1
0805 10 10, 0805 10 30, 0805 10 50	052	45,6
	204	51,5
	999	48,5
0805 20 10	204	65,1
	999	65,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	65,7
	999	65,7
	052	51,9
0805 50 10	600	73,1
	999	62,5
	400	93,0
0808 10 20, 0808 10 50, 0808 10 90	404	101,2
	720	134,6
	999	109,6
	400	97,9
0808 20 50	999	97,9

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 2359/2002**  
**of 27 December 2002**

**opening tariff quotas for the year 2003 for imports into the European Community of certain products originating in the Czech Republic, Romania and Slovakia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 2580/2000 <sup>(2)</sup>, and in particular Article 7(2) thereof,

Having regard to Council Decision 98/707/EC of 22 October 1998 relating to the conclusion of a Protocol for the adaptation of the trade aspects of Europe Agreement between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including the improvements of the existing preferential regime <sup>(3)</sup>, and in particular Article 2(1) of that Decision and Articles 2 and 6 of that Protocol,

Having regard to Council Decision 98/626/EC of 5 October 1998 relating to the conclusion of a Protocol for the adaptation of the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and Romania, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including the improvements to the existing preferential regime <sup>(4)</sup>, and in particular Article 2(1) of that Decision and Articles 2 and 5 of that Protocol,

Having regard to Council Decision 98/638/EC of 5 October 1998 relating to the conclusion of a Protocol for the adaptation of the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including the improvements of the existing preferential regime <sup>(5)</sup>, and in particular Article 2(1) of that Decision and Articles 2 and 6 of that Protocol,

Whereas:

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(2)</sup> OJ L 298, 25.11.2000, p. 5.

<sup>(3)</sup> OJ L 341, 16.12.1998, p. 1.

<sup>(4)</sup> OJ L 301, 11.11.1998, p. 1.

<sup>(5)</sup> OJ L 306, 16.11.1998, p. 1.

- (1) Protocols 3 on trade in processed agricultural products to the Europe Agreements with the Czech Republic, Romania and Slovakia, as amended by the Protocols for the adapting of those Agreements, provide for the granting of annual tariff quotas for imports of products originating in the Czech Republic, Romania and Slovakia. Those quotas should be opened for 2003.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Common Customs Code <sup>(6)</sup>, as last amended by Regulation (EC) No 444/2002 <sup>(7)</sup>, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quotas opened by this Regulation are to be managed in accordance with those rules.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

*Article 1*

The annual quotas for the products originating in the Czech Republic, Romania and Slovakia, set out in Annexes I, II and III are opened from 1 January 2003 to 31 December 2003 under the conditions set out in the said Annexes.

*Article 2*

The Community tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 3*

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

It shall apply with effect from 1 January 2003.

<sup>(6)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(7)</sup> OJ L 68, 12.3.2002, p. 11.

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

Done at Brussels, 27 December 2002.

*For the Commission*  
Erkki LIIKANEN  
*Member of the Commission*

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## ANNEX I

## CZECH REPUBLIC

Serial No	CN code	Description	Quota for 2003	Rate of duty applicable
09.5417	0403 10 51 to 0403 10 99	Yogurt, flavoured or containing added fruit, nuts or cocoa	EUR 5 436 000	0 + RAC (1)
	0403 90 71 to 0403 90 99	Other, flavoured or containing added fruit, nuts or cocoa		
	0405 20 10 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more, but not exceeding 75 %		
	1517 10 10	Margarine, excluding liquid margarine, containing more than 10 % but not more than 15 % by weight of milk fats		
	1517 90 10	Other, containing more than 10 % but not more than 15 % by weight of milk fats		
	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10		
	ex 1806	Chocolate and other food preparations containing cocoa other than those of CN code 1806 10 15		
	ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of CN codes 0401 to 0404, not containing cocoa powder or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, other than in CN code 1901 90 91		
	ex 1902	Pasta, whether or not cooked or stuffed or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30; couscous, whether or not prepared		
	1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms		
	1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), precooked, or otherwise prepared, not elsewhere specified or included		
	1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products		
	2101 12 98	Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee, other than those of CN code 2101 12 92		

Serial No	CN code	Description	Quota for 2003	Rate of duty applicable
09.5417 (suite)	ex 2101 20 98	Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences and concentrates or with a basis of tea or maté not falling within CN codes 2101 20 20 or 2101 20 92 excluding products containing no milkfats, milk proteins, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milkfat, 2,5 % milk proteins, 5 % sucrose or isoglucose, 5 % glucose or starch		
	2101 30 19	Roasted coffee substitutes		
	2101 30 99	Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory		
	2102 10 31	Bakers' yeast		
	2102 10 39			
	2105 00	Ice cream and other edible ice, whether or not containing cocoa		
	ex 2106	Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups		
	2202 90 91	Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404		
	2202 90 95			
	2202 90 99			
ex 3302 10	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used for the beverages industries:			
3302 10 29	Other			
09.5641	1516 20 10	Hydrogenated castor oil, so called 'opal wax'	314 tonnes	0 %

(<sup>1</sup>) RAC = reduced agricultural components (calculated in accordance with the basic amounts set out in Protocol 3 to the Agreement) applicable within the quantitative limits of the quotas. Such reduced agricultural components are subject to the maximum duty laid down in the Common Customs Tariff, if any.

## ANNEX II

## ROMANIA

Serial No	CN code	Description	Quota for 2003 (tonnes)	Rate of duty applicable <sup>(1)</sup>
09.5431	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10 (*)	2 100	0 + RAC
09.5433	ex 1806	Chocolate and other food preparations containing cocoa (*), other than those falling within CN codes, 1806 10 15 or 1806 20 70	1 500	0 + RAC
09.5435	ex 1902	Pasta, whether or not cooked or stuffed or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30; couscous, whether or not prepared	600	0 + RAC
09.5437	ex 1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), precooked, or otherwise prepared, not elsewhere specified or included, excluding products falling within CN code 1904 20 10	438	0 + RAC
09.5439	1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	1 875	0 + RAC
09.5441	2101 30 19 2101 30 99	Roasted coffee substitutes Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory	163	0 + RAC
09.5443	2105 00	Ice cream and other edible ice, whether or not containing cocoa	114	0 + RAC
09.5445	0405 20 10 0405 20 30 ex 2106 ex 3302 10 3302 10 29	Dairy spreads of a fat content, by weight, of 39 % or more, but not exceeding 75 % Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups (*) Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used for the beverages industries: Other	1 050	0 + RAC
09.5447	2202 90 91 2202 90 95 2202 90 99	Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 a 0404 or fat obtained from products of CN codes 0401 to 0404	100	0 + RAC

<sup>(1)</sup> RAC = reduced agricultural components (calculated in accordance with the basic amounts set out in Protocol 3 to the Agreement) applicable within the quantitative limits of the quotas. Such reduced agricultural components are subject to the maximum duty laid down in the Common Customs Tariff, if any, and in the case of products falling within CN codes 1704 10 91, 1704 10 99, 2105 00 10, 2105 00 91 or 2106 90 10, to the maximum duty provided for in the Agreement.

<sup>(\*)</sup> Excluding goods containing 70 % or more by weight of sucrose (including invert sugar expressed as sucrose), falling within CN codes ex 1704 90 51, ex 1704 90 99, ex 1806 20 80, ex 1806 20 95, ex 1806 90 90 or ex 2106 90 98.

## ANNEX III

## SLOVAKIA

Serial No	CN code	Description	Quota for 2003	Rate of duty applicable
09.5417	0403 10 51 to 0403 10 99	Yogurt, flavoured or containing added fruit, nuts or cocoa	EUR 2 718 000	0 + RAC (!)
	0403 90 71 to 0403 90 99	Other, flavoured or containing added fruit, nuts or cocoa		
	0405 20 10 0405 20 30	Dairy spreads of a fat content, by weight, of 39 % or more, but not exceeding 75 %		
	1517 10 10	Margarine, excluding liquid margarine, containing more than 10 % but not more than 15 % by weight of milk fats		
	1517 90 10	Other, containing more than 10 % but not more than 15 % by weight of milk fats		
	ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, excluding liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within CN code 1704 90 10		
	ex 1806	Chocolate and other food preparations containing cocoa other than those of CN code 1806 10 15		
	ex 1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of CN codes 0401 to 0404, not containing cocoa powder or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, other than in CN code 1901 90 91		
	ex 1902	Pasta, whether or not cooked or stuffed or otherwise prepared, excluding stuffed pasta falling within CN codes 1902 20 10 and 1902 20 30, couscous, whether or not prepared		
	1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms		
	1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), precooked, or otherwise prepared, not elsewhere specified or included		
	1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products		
	2101 12 98	Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee, other than those of CN code 2101 12 92		

Serial No	CN code	Description	Quota for 2003	Rate of duty applicable
09.5417	ex 2101 20 98  2101 30 19 2101 30 99  2102 10 31 2102 10 39  2105 00  ex 2106  2202 90 91 2202 90 95 2202 90 99  ex 3302 10  3302 10 29	Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences and concentrates or with a basis of tea or maté not falling within CN codes 2101 20 20 or 2101 20 92 excluding products containing no milkfats, milk proteins, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milkfat, 2,5 % milk proteins, 5 % sucrose or isoglucose, 5 % glucose or starch  Roasted coffee substitutes  Extracts, essences and concentrates of roasted coffee substitutes excluding those of roasted chicory  Bakers' yeast  Ice cream and other edible ice, whether or not containing cocoa  Food preparations not elsewhere specified or included other than those falling within CN codes 2106 10 20, 2106 90 20 and 2106 90 92 and other than flavoured or coloured sugar syrups  Non-alcoholic beverages, not including fruit or vegetable juices of CN code 2009, containing products of CN codes 0401 to 0404 or fat obtained from products of CN codes 0401 to 0404  Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used for the beverages industries:  Other		

(1) RAC = reduced agricultural components (calculated in accordance with the basic amounts set out in Protocol 3 to the Agreement) applicable within the quantitative limits of the quotas. Such reduced agricultural components are subject to the maximum duty laid down in the Common Customs Tariff, if any.

**COMMISSION REGULATION (EC) No 2360/2002  
of 27 December 2002**

**opening for the year 2003 a tariff quota applicable to the importation into the European Community of certain goods originating in Iceland resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 2580/2000 <sup>(2)</sup>, in particular Article 7(2) thereof,

Having regard to Council Decision 1999/492/EC of 21 June 1999 concerning the conclusion of an Agreement in the form of an exchange of Letters between the European Community, of the one part, and the Republic of Iceland, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Republic of Iceland <sup>(3)</sup>, in particular Article 2 thereof,

Whereas:

- (1) The Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Republic of Iceland, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Republic of Iceland, approved by Decision 1999/492/EC, provides for annual tariff quotas for imports from Iceland of sugar confectionery products and chocolate and other food preparation containing cocoa. It is necessary to open that quota for 2003.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(4)</sup>, as last amended by Regulation (EC) No 444/2002 <sup>(5)</sup>, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quota opened by this Regulation is to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 January to 31 December 2003, the goods originating in Iceland which are listed in the Annex shall be subject to the duties set out in that Annex within the limits of the annual quota indicated therein.

*Article 2*

The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 3*

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

It shall be applicable from 1 January 2003.

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

Done at Brussels, 27 December 2002.

*For the Commission*  
Erkki LIIKANEN  
*Member of the Commission*

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(2)</sup> OJ L 298, 25.11.2000, p. 5.

<sup>(3)</sup> OJ L 192, 24.7.1999, p. 47.

<sup>(4)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(5)</sup> OJ L 68, 12.3.2002, p. 11.

## ANNEX

Order No	CN code	Description	Quota	Rate of duty applicable
09.0799	1704 90 10	Sugar confectionery (including white chocolate), not containing cocoa, falling within CN code 1704 90	500 tonnes	50 % of the rate of duty for third countries (*) with a maximum of EUR 35,15/100 kg
	1704 90 30			
	1704 90 51			
	1704 90 55			
	1704 90 61			
	1704 90 65			
	1704 90 71			
	1704 90 75			
	1704 90 81			
	1704 90 99			
	1806 32 10	Chocolate and other food preparations containing cocoa falling within CN codes 1806 32 and 1806 90		
	1806 32 90			
	1806 90 11			
	1806 90 19			
	1806 90 31			
	1806 90 39			
	1806 90 50			
	1806 90 60			
	1806 90 70			
	1806 90 90			
	1905 31 11	Sweet biscuits; waffles and wafers		
	1905 31 19			
	1905 31 30			
	1905 31 91			
	1905 31 99			
	1905 32 11			
	1905 32 19			
	1905 32 91			
1905 32 99				

(\*) Rate of duty for third countries: rate consisting of the *ad valorem* duty plus, where appropriate, the agricultural element, limited to the maximum rate where provided for in the Common Customs Tariff.

**COMMISSION REGULATION (EC) No 2361/2002**  
**of 27 December 2002**

**opening a tariff quota for the year 2003 for imports into the European Community of certain goods originating in Norway resulting from the processing of agricultural products covered by Council Regulation (EC) No 3448/93**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 2580/2000 <sup>(2)</sup>, in particular Article 7(2) thereof,

Having regard to Council Decision 96/753/EC of 6 December 1996 concerning the conclusion of an Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway <sup>(3)</sup>, in particular Article 2 thereof,

Whereas:

- (1) The Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol 2 to the Agreement between the European Economic Community and the Kingdom of Norway, approved by Decision 96/753/EC, provides for an annual tariff quota for imports from Norway of chocolate and other food preparations containing cocoa. It is necessary to open that quota for 2003.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Common Customs Code <sup>(4)</sup>, as last amended by Regulation (EC) No 444/2002 <sup>(5)</sup>, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quota opened by this Regulation is to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

*Article 1*

From 1 January to 31 December 2003, the goods originating in Norway which are listed in the Annex shall be subject to the duties set out in that annex within the limits of the annual quota indicated therein.

*Article 2*

The tariff quota referred to in Article 1 shall be managed by the Commission in accordance with the Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 3*

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

It shall be applicable from 1 January 2003.

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

Done at Brussels, 27 December 2002.

*For the Commission*  
Erkki LIIKANEN  
*Member of the Commission*

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(2)</sup> OJ L 298, 25.11.2000, p. 5.

<sup>(3)</sup> OJ L 345, 31.12.1996, p. 78.

<sup>(4)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(5)</sup> OJ L 68, 12.3.2002, p. 11.

## ANNEX

Order No	CN code	Description	Quota	Rate of duty applicable
09.0764	ex 1806 1806 20 1806 31 1806 32 1806 90	Chocolate and other food preparations containing cocoa except for cocoa powder, containing added sugar or other sweetening matter falling within CN code 1806 10	5 500 tonnes	EUR 35,15/100 kg

**COMMISSION REGULATION (EC) No 2362/2002**  
**of 27 December 2002**  
**opening a tariff quota for the year 2003 for imports into the European Community of certain**  
**goods originating in Turkey**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 2580/2000 <sup>(2)</sup>, and in particular Article 7(2) thereof,

Having regard to Decision No 1/97 of the EC-Turkey Association Council of 29 April 1997 on the arrangements applicable to certain processed agricultural products <sup>(3)</sup>, and in particular Article 1 thereof,

Whereas:

- (1) Decision No 1/97 of the EC-Turkey Association Council establishes, in order to encourage the development of trade in accordance with the objectives of the Customs Union, an annual quota in terms of value in respect of certain pasta products imported into the Community from Turkey. This quota should be opened for 2003 and the admission to its benefit should be subject to the A.TR. movement certificate provided for in Decision No 1/2001 of the EC-Turkey Customs Cooperation Committee of 28 March 2001 amending Decision No 1/96 laying down detailed rules for the application of Decision No 1/95 of the EC-Turkey Association Council <sup>(4)</sup>.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Common Customs Code <sup>(5)</sup>, as last amended by Regulation (EC) No 444/2002 <sup>(6)</sup>, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quota opened by this Regulation is to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Community tariff quota specified in the Annex shall be open from 1 January to 31 December 2003 for the goods originating in Turkey mentioned in that Annex.

Admission to the benefit of this tariff quota shall be subject to the presentation of an A.TR. movement certificate in accordance with Decision No 1/2001 of the EC-Turkey Customs Cooperation Committee.

*Article 2*

The Community tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 3*

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

It shall be applicable from 1 January 2003.

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

Done at Brussels, 27 December 2002.

*For the Commission*  
Erkki LIIKANEN  
*Member of the Commission*

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(2)</sup> OJ L 298, 25.11.2000, p. 5.

<sup>(3)</sup> OJ L 126, 17.5.1997, p. 26.

<sup>(4)</sup> OJ L 98, 7.4.2001, p. 31.

<sup>(5)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(6)</sup> OJ L 68, 12.3.2002, p. 11.

## ANNEX

Order No	CN Code	Description of goods	Quota volume	Rate of duty applicable
09.0205	1902 11 00 1902 19	Uncooked pasta, not stuffed or otherwise prepared	EUR 2,5 million	EUR 10,67/100 kg net

**COMMISSION REGULATION (EC) No 2363/2002**  
**of 27 December 2002**  
**concerning the opening of tariff quotas for the year 2003 for imports into the European Community of certain processed agricultural products originating in Norway**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, as last amended by Regulation (EC) No 2580/2000 <sup>(2)</sup>, and in particular Article 7(2) thereof,

Having regard to Council Decision 2002/981/EC of 11 November 2002 concerning the conclusion of an Agreement in the form of an exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, on Protocol No 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway <sup>(3)</sup>, and in particular Article 2 thereof,

Whereas:

- (1) The annual quotas for certain processed agricultural products originating in Norway, provided for in the Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Kingdom of Norway, of the other part, concerning Protocol No 2 to the bilateral Free Trade Agreement between the European Economic Community and the Kingdom of Norway should be opened for the year 2003.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the

Common Customs Code <sup>(4)</sup>, as last amended by Regulation (EC) No 444/2002 <sup>(5)</sup>, lays down rules for the management of tariff quotas. It is appropriate to provide that the tariff quotas opened by this Regulation are to be managed in accordance with those rules.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Community tariff quotas specified in the Annex shall be open from 1 January to 31 December 2003.

*Article 2*

The Community tariff quota referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 3*

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

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

Done at Brussels, 27 December 2002.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(2)</sup> OJ L 298, 25.11.2000, p. 5.

<sup>(3)</sup> OJ L 171, 27.6.1973, p. 1.

<sup>(4)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(5)</sup> OJ L 68, 12.3.2002, p. 11.

## ANNEX

Order No	CN code	Description	Volume	Applicable rate of duty
09.0765	1517 10 90	Margarine excluding liquid margarine Other	2 470 tonnes	Free
09.0766	2102 30 00	Prepared baking powders	150 tonnes	Free
09.0767	ex 2103 90 90 (Taric code 10 and 89)	Sauces and preparations thereof, mixed condiments and mixed seasonings of CN code 2103 90 90, other than mayonnaise	130 tonnes	Free
09.0768	2104 10	Soups and broths and preparations therefor;	390 tonnes	Free
09.0769	2106 90 92	Food preparations not elsewhere specified or included / other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	510 tonnes	Free
09.0771	ex 2207 10 00 (Taric code 90)	Undenatured ethyl alcohol of an alcohol strength by volume of 80 % vol. or higher/other than that obtain from agricultural products listed in Annex I to the EEC Treaty	134 000 hectolitres	Free
09.0772	ex 2207 20 00 (Taric code 90)	Ethyl alcohol and other spirits, denatured, of any strength/ other than those obtained from agricultural products listed in Annex I to the EEC Treaty	3 340 hectolitres	Free
09.0774	2403 10	Smoking tobacco, whether or not containing tobacco substitutes in any proportion	370 tonnes	Free

**COMMISSION REGULATION (EC) No 2364/2002**  
**of 27 December 2002**  
**opening tariff quotas for the year 2003 for imports into the European Community of products**  
**originating in the Republic of Poland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2580/2000 <sup>(2)</sup>, and in particular Article 7(2) thereof,

Having regard to Council Decision 2002/63/EC of 23 October 2001 relating to the conclusion of a Protocol for the adaptation of the trade aspects of the Europe Agreement between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and the results of the agricultural negotiations of the Uruguay Round, including the improvements of the existing preferential regime <sup>(3)</sup>, and in particular its Article 2,

Whereas:

- (1) Protocol 3 on trade in processed agricultural products, as amended by the Protocol adjusting the Europe Agreement with the Republic of Poland, provides for the granting of annual tariff quotas for imports of products originating in the Republic of Poland.
- (2) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(4)</sup>, as last amended by Regu-

lation (EC) No 444/2002 <sup>(5)</sup>, consolidated the arrangements for managing the tariff quotas to be used in chronological order of the dates of acceptance of the declarations for release for free circulation.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I,

HAS ADOPTED THIS REGULATION

*Article 1*

The annual quotas for products originating in the Republic of Poland, set out in the Annex to this Regulation, are hereby opened from 1 January 2003 to 31 December 2003 under the conditions set out in the said Annex.

*Article 2*

The Community tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with the provisions of Articles 308a to 308c of Regulation (EEC) No 2454/93.

*Article 3*

This Regulation shall enter into force on the day on the day of its publication in the *Official Journal of the European Communities*.  
It shall apply from 1 January 2003.

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

Done at Brussels, 27 December 2002.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

<sup>(1)</sup> OJ L 318, 20.12.1993, p. 18.

<sup>(2)</sup> OJ L 298, 25.11.2000, p. 5.

<sup>(3)</sup> OJ L 27, 30.1.2002, p. 1.

<sup>(4)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(5)</sup> OJ L 68, 12.3.2002, p. 11.

## ANNEX

## Quotas applicable to imports of products originating in Poland open for 2003

Serial	CN Code	Description	Quota for 2003 (tonnes)	Rate of duty applicable (!)
09.5401	ex 0403 0403 10 51 0403 10 53 0403 10 59 0403 10 91 0403 10 93 0403 10 99 0403 90 71 0403 90 73 0403 90 79 0403 90 91 0403 90 93 0403 90 99	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:	23	RAC
09.5403	ex 1704 1704 10 1704 90 30 1704 90 55 1704 90 71 1704 90 75 ex 1704 90 99 (Taric Code 10)	Sugar confectionery (including white chocolate), not containing cocoa:	7 180	RAC
09.5404	ex 1806 1806 10 20 1806 20 10 1806 20 30 1806 20 50 1806 20 70 1806 20 80 1806 20 95 1806 31 00 1806 32 10 1806 32 90 1806 90 11 1806 90 19 1806 90 31 1806 90 39 1806 90 50 1806 90 60 1806 90 70 1806 90 90	Chocolate and other food preparations containing cocoa:	5 016	RAC
09.5405	ex 1902 1902 11 00 1902 19 10 1902 19 90 1902 20 91 1902 20 99 1902 30 10 1902 30 90 1902 40 10 1902 40 90	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:	525	RAC

Serial	CN Code	Description	Quota for 2003 (tonnes)	Rate of duty applicable (*)
09.5407	1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms	59	RAC
09.5408	1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	2 295	RAC
09.5409	ex 2001 2001 90 40 ex 2004 2004 10 91 ex 2005 2005 20 10 ex 2008 2008 99 91	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid: Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006): Potatoes other than cooked, in the form of flour, meal or flakes Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006): Potatoes in the form of flour, meal or flakes Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included: Yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch	36	RAC
09.5411	ex 2101 2101 12 98 2101 20 98	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof: Preparations with a basis of extracts, essences or concentrates of coffee or with a basis of coffee, other than those of CN code 2101 12 92 Preparations with a basis of tea or maté, other than those with a basis of extracts, essences and concentrates of tea or maté.	23	RAC
09.5413	ex 2101 2101 30 19 2101 30 99	Extracts, essences and concentrates of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof: Roasted coffee substitutes other than roasted chicory Extracts, essences and concentrates of roasted coffee substitutes other than roasted chicory	450	RAC
09.5415	ex 2106 2106 90 10	Food preparations not elsewhere specified or included: Cheese fondues	675	RAC

(\*) RAC = Reduced agricultural components applicable within the quota quantity limits. Imports exceeding these quantities are subject to the agricultural components (AC) shown in the Common Customs Tariff.

**COMMISSION REGULATION (EC) No 2365/2002  
of 27 December 2002**

**amending Regulation (EC) No 2565/2001 opening Community tariff quotas for 2002 for sheep,  
goats, sheepmeat and goatmeat and derogating from Regulation (EC) No 1439/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat <sup>(1)</sup>, and in particular Article 16(1) thereof,

Whereas:

- (1) Council Regulation (EC) No 1408/2002 of 29 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Hungary <sup>(2)</sup> provides for new concessions as regards the importation of sheep, goats, sheepmeat and goatmeat under the tariff quotas opened by the Europe Agreement with Hungary. Those new concessions which took effect on 1 July 2002, establish access to the Community without quantitative restrictions for those products originating in Hungary. The new concessions are only applicable to products not benefiting from any kind of export subsidies.
- (2) Council Regulation (EC) No 1151/2002 of 27 June 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Estonia <sup>(3)</sup> provides for new concessions as regards the importation of sheep, goats, sheepmeat and goatmeat under the tariff quotas opened by the Europe Agreement with Estonia. Those new concessions which took effect on 1 July 2002, establish access to the Community without quantitative restrictions for those products originating in Estonia. The new concessions are only applicable to products not benefiting from any kind of export subsidies.
- (3) Council Regulation (EC) No 1362/2002 of 22 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Latvia <sup>(4)</sup> provides for new

concessions as regards the importation of sheep, goats, sheepmeat and goatmeat under the tariff quotas opened by the Europe Agreement with Latvia. Those new concessions which took effect on 1 July 2002, establish access to the Community without quantitative restrictions for those products originating in Latvia. The new concessions are only applicable to products not benefiting from any kind of export subsidies.

- (4) Council Regulation (EC) No 1361/2002 of 22 July 2002 establishing concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with Lithuania <sup>(5)</sup> provides for new concessions as regards the importation of sheep, goats, sheepmeat and goatmeat under the tariff quotas opened by the Europe Agreement with Lithuania. Those new concessions which took effect on 1 July 2002, establish access to the Community without quantitative restrictions for those products originating in Lithuania. The new concessions are only applicable to products not benefiting from any kind of export subsidies.
- (5) With regard to sheepmeat products it is difficult to establish, at the moment of their submission for import to the customs authorities, whether these products originate from domestic sheep or other than domestic sheep. It is, therefore, appropriate to provide that the document of origin contains a clarification to this end.
- (6) Commission Regulation (EC) No 2565/2001 of 27 December 2001 opening Community tariff quotas for 2002 for sheep, goats, sheepmeat and goatmeat and derogating from Regulation (EC) No 1439/95 <sup>(6)</sup> should be amended accordingly.
- (7) The duties and quantities as referred to in this Regulation have been fixed in accordance with international agreements in force during the year 2002. In the case of Hungary and the Baltic States, the periods related to those agreements are specified in the footnotes of the Annex. This Regulation should, therefore, be applicable retroactively as from 1 January 2002.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for sheepmeat and goatmeat,

<sup>(1)</sup> OJ L 341, 22.12.2001, p. 3.

<sup>(2)</sup> OJ L 205, 2.8.2002, p. 9.

<sup>(3)</sup> OJ L 170, 29.6.2002, p. 15.

<sup>(4)</sup> OJ L 198, 27.7.2002, p. 13.

<sup>(5)</sup> OJ L 198, 27.7.2002, p. 1.

<sup>(6)</sup> OJ L 344, 28.12.2001, p. 31.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2565/2001 is amended as follows:

1. Articles 2, 3 and 4 are replaced by the following:

*Article 2*

The customs duties applicable to imports into the Community of sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90, 0204, 0210 99 21 and 0210 99 29 originating in the countries indicated in the Annex shall be suspended or reduced in accordance with the provisions laid down in this Regulation.

*Article 3*

1. The quantities of meat, expressed in carcassee-weight equivalent, falling within CN code 0204 and for which the customs duty, applicable to imports originating in the specific supplying countries listed, is reduced to zero for the period between 1 January 2002 and 31 December 2002 shall be those laid down for Country Group No 1 of the Annex.

2. The quantities of live animals and meat expressed as carcassee-weight equivalent, falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 and for which the customs duty, applicable to imports originating in the specific supplying countries listed, is reduced to zero for the period between 1 January 2002 and 31 December 2002 shall be those laid down for Country Group No 2 of the Annex.

3. The quantities of meat, expressed in carcassee-weight equivalent, falling within CN code 0204 and for which the customs duty, applicable to imports originating in the specific supplying countries listed, is reduced to zero for the period between 1 January 2002 and 31 December 2002 shall be those laid down for Country Group No 3 of the Annex.

4. The quantities of live animals and meat, expressed in carcassee-weight equivalent, falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90, 0210 99 21, 0210 99 29 and 0204 and for which the customs duty,

applicable to imports originating in the specific supplying countries listed, is suspended or reduced as indicated for the period between 1 January 2002 and 31 December 2002 shall be those laid down for Country Group No 4 of the Annex.

5. The quantities of live animals and meat, expressed as carcassee-weight equivalent, falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 and for which the customs duty, applicable to imports originating in the specific supplying countries listed, is suspended or reduced as indicated for the period between 1 January 2002 and 31 December 2002 shall be those laid down for Country Group No 5 of the Annex.

*Article 4*

1. The tariff quotas provided for in Country Groups Nos 1 and 2 of the Annex to this Regulation shall be managed in accordance with the rules laid down in Title II(A) of Regulation (EC) No 1439/95.

2. The tariff quotas provided for in Country Groups Nos 3, 4 and 5 of the Annex to this Regulation shall be managed in accordance with the rules laid down in Title II(B) of Regulation (EC) No 1439/95.

2. The following Article is inserted after Article 6:

*Article 6(a)*

The document of origin accompanying sheepmeat products falling under CN codes ex 0204, ex 0210 99 21 and ex 0210 99 29 and as referred to under Country Group No 4 of the Annex, shall, in box No 9, contain an indication if such products originate from sheep other than domestic sheep.

3. The Annex is replaced by the text in the Annex to this Regulation.

*Article 2*

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

It shall apply with effect from 1 January 2002.

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

Done at Brussels, 27 December 2002.

For the Commission

Franz FISCHLER

Member of the Commission

## ANNEX

## SHEEPMEAT AND GOATMEAT TARIFF QUOTAS FOR 2002

(tonnes of carcase-weight equivalent)

Country group No <sup>(1)</sup>	CN codes	Duty	Order number	Origin	Volume
1 (*)	0204	Zero	09.4131	Argentina	23 000
			09.4132	Australia	18 650
			09.4133	Chile	3 000
			09.4134	New Zealand	226 700
			09.4135	Uruguay	5 800
			09.4136	Iceland	1 350
			09.4137	Slovenia	50
2 (*)	0104 10 30 0104 10 80 0104 20 90 0204	Zero	09.4681	Poland	9 200
			09.4682	Romania <sup>(2)</sup>	8 050
			09.4575	Hungary <sup>(3)</sup>	16 247,5
			09.4683	Bulgaria	7 000
			09.4684	Czech Republic	2 150
			09.4685	Slovakia	4 300
3 (**)	0204	Zero	09.4141	Greenland	100
			09.4142	Faeroes	20
			09.4037	Baltic States <sup>(4)</sup>	132,5
			09.4143	Turkey	200
4 (**)	0104 10 30, ex 0104 10 80 and ex 0104 20 90	100 % reduction of specific duties	09.4146	ACP states	100
	ex 0204, ex 0210 99 21 and ex 0210 99 29 only for other than domestic sheep				
	ex 0204, ex 0210 99 21 and ex 0210 99 29 for domestic sheep only	65 % reduction of specific duties	09.4147	ACP states	500

Country group No <sup>(1)</sup>	CN codes	Duty	Order number	Origin	Volume
5 (**)	0204	Zero	09.4037	Others <sup>(3)</sup>	200
	0104 10 30 0104 10 80 0104 20 90	10 %	09.4036	Others <sup>(3)</sup>	49,35 <sup>(6)</sup>

(\*) Quota management method based on Title II(A) of Regulation (EC) No 1439/95.

(\*\*) Quota management method based on Title II(B) of Regulation (EC) No 1439/95.

<sup>(1)</sup> Article 3 of this Regulation.

<sup>(2)</sup> Pro memory annual increase = 700 tonnes (Regulation (EC) No 2435/2000).

<sup>(3)</sup> This quota is only valid from 1.1.2002 to 30.6.2002.

<sup>(4)</sup> This is a global amount for Estonia, Latvia and Lithuania. This quota is only valid from 1.1.2002 to 30.6.2002.

<sup>(5)</sup> 'Others' stands here for all origins excluding the countries mentioned in the current table.

<sup>(6)</sup> The former amount of 105 tonnes live weight has been converted into carcase weight.

## COMMISSION REGULATION (EC) No 2366/2002

of 27 December 2002

## opening Community tariff quotas for 2003 for sheep, goats, sheepmeat and goatmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2529/2001 of 19 December 2001 on the common organisation of the market in sheepmeat and goatmeat <sup>(1)</sup>, and in particular Article 16(1) thereof,

Whereas:

- (1) Article 1 of Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's stabilisation and association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000 <sup>(2)</sup>, as amended by Regulation (EC) No 2563/2000 <sup>(3)</sup>, establishes access to the Community without quantitative restrictions and with exemption from customs duties and charges for products originating in the Republics of Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.
- (2) Council Regulations (EC) No 1151/2002 <sup>(4)</sup>, (EC) No 1361/2002 <sup>(5)</sup>, (EC) No 1362/2002 <sup>(6)</sup> and (EC) No 1408/2002 <sup>(7)</sup> establish access to the Community without quantitative restrictions and with exemption from customs duties and charges for products originating in Estonia, Latvia, Lithuania and Hungary respectively.
- (3) The quantities of certain agricultural products that may be imported from certain countries with a total exemption from customs duty subject to tariff quotas, ceilings or reference quantities are laid down in Council Regulations (EC) No 2290/2000 <sup>(8)</sup>, (EC) No 2433/2000 <sup>(9)</sup>, (EC) No 2434/2000 <sup>(10)</sup>, (EC) No 2435/2000 <sup>(11)</sup> and (EC) No 2851/2000 <sup>(12)</sup> which establish concessions in the form of Community tariff quotas for certain agricultural products and provide for an adjustment, as an autonomous and transitional measure, of certain agricul-

tural concessions provided for in the Europe Agreements with Bulgaria, the Czech Republic, the Slovak Republic, Romania and Poland.

- (4) Council Regulation (EC) No 2286/2002 establishes concessions applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) <sup>(13)</sup>.
- (5) Since imports are managed on a calendar-year basis, the quantities fixed for 2003 are the sum of half of the quantity for the period 1 July 2002 to 30 June 2003 and half of the quantity for the period 1 July 2003 to 30 June 2004.
- (6) Community tariff quotas for sheepmeat and goatmeat should be opened for 2003. The duties and quantities as referred to in this Regulation have been fixed in accordance with international agreements in force during the year 2003. Accordingly it is necessary to prepare this Commission Regulation establishing Community tariff quotas for 2003 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90, 0210 99 21, 0210 99 29 and 0204.
- (7) A carcassee-weight equivalent needs to be fixed in order to ensure a proper functioning of the Community tariff quotas; furthermore, since certain tariff quotas provide the option of importing either the live animals or their meat, a conversion factor is required.
- (8) Community tariff quotas must be managed in accordance with the rules laid down in Commission Regulation (EC) No 1439/95 <sup>(14)</sup>.
- (9) With regard to sheepmeat products it is difficult to establish, at the moment of their submission for import to the customs authorities, whether these products originate from domestic sheep or other than domestic sheep. It is, therefore, appropriate to provide that the document of origin contains a clarification to this end.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheepmeat and Goatmeat,

<sup>(1)</sup> OJ L 341, 22.12.2001, p. 3.

<sup>(2)</sup> OJ L 240, 23.9.2000, p. 1.

<sup>(3)</sup> OJ L 295, 23.11.2000, p. 1.

<sup>(4)</sup> OJ L 170, 29.6.2002, p. 15.

<sup>(5)</sup> OJ L 198, 27.7.2002, p. 1.

<sup>(6)</sup> OJ L 198, 27.7.2002, p. 13.

<sup>(7)</sup> OJ L 205, 2.8.2002, p. 9.

<sup>(8)</sup> OJ L 262, 17.10.2000, p. 1.

<sup>(9)</sup> OJ L 280, 4.11.2000, p. 1.

<sup>(10)</sup> OJ L 280, 4.11.2000, p. 9.

<sup>(11)</sup> OJ L 280, 4.11.2000, p. 17.

<sup>(12)</sup> OJ L 332, 28.12.2000, p. 7.

<sup>(13)</sup> OJ L 348, 21.12.2002, p. 5.

<sup>(14)</sup> OJ L 143, 27.6.1995, p. 7.

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation opens Community tariff quotas for the sheepmeat and goatmeat sectors for the period 1 January to 31 December 2003.

*Article 2*

The customs duties applicable to imports into the Community of sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90, 0210 99 21, 0210 99 29 and 0204 originating in the countries indicated in the Annex shall be suspended or reduced in accordance with the provisions laid down in this Regulation.

*Article 3*

1. The quantities of meat, expressed in carcassee-weight equivalent, falling within CN code 0204 and for which the customs duty, applicable to imports originating in the specific supplying countries listed, is reduced to zero for the period between 1 January 2003 and 31 December 2003 shall be those laid down for country group No 1 of the Annex.

2. The quantities of live animals and meat expressed as carcassee-weight equivalent, falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 and for which the customs duty, applicable to imports originating in the specific supplying countries listed, is reduced to zero for the period between 1 January 2003 and 31 December 2003 shall be those laid down for country group No 2 of the Annex.

3. The quantities of meat, expressed in carcassee-weight equivalent, falling within CN code 0204 and for which the customs duty, applicable to imports originating in the specific supplying countries listed, is reduced to zero for the period between 1 January 2003 and 31 December 2003 shall be those laid down for country group No 3 of the Annex.

4. The quantities live animals and meat, expressed in carcassee-weight equivalent, falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90, 0210 99 21, 0210 99 29 and 0204 and for which the customs duty, applicable to imports originating in the specific supplying countries listed, is suspended or reduced as indicated for the period between 1 January 2003 and 31 December 2003 shall be those laid down for country group No 4 of the Annex.

5. The quantities of live animals and meat, expressed as carcassee-weight equivalent, falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 and for which

the customs duty, applicable to imports originating in the specific supplying countries listed, is suspended or reduced as indicated for the period between 1 January 2003 and 31 December 2003 shall be those laid down for country group No 5 of the Annex.

*Article 4*

1. The tariff quotas provided for in country groups Nos 1 and 2 of the Annex to this Regulation shall be managed in accordance with the rules laid down in Title II(A) of Regulation (EC) No 1439/95.

2. The tariff quotas provided for in country groups Nos 3, 4 and 5 of the Annex to this Regulation shall be managed in accordance with the rules laid down in Title II(B) of Regulation (EC) No 1439/95.

*Article 5*

1. The term 'carcassee-weight equivalent' referred to in Article 3 shall be taken to mean the weight of bone-in meat presented as such, and also boned meat converted by a coefficient into bone-in weight. For this purpose 55 kilograms of boned mutton or goatmeat other than kid corresponds to 100 kilograms of bone-in mutton or goatmeat other than kid and 60 kilograms of boned lamb or kid corresponds to 100 kilograms of bone-in lamb or kid.

2. Where the option is available, under the agreements between the Community and certain supplier countries, of allowing imports in the form of live animals or as meat, 100 kilograms of live animals shall be considered to be equivalent to 47 kilograms of bone-in meat.

*Article 6*

The document of origin accompanying sheep meat products falling under CN codes ex 0204, ex 0210 99 21 and ex 0210 99 29 and as referred to under country group No 4 of the Annex, shall, in box No 9, contain an indication if such products originate from sheep other than domestic sheep.

*Article 7*

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

It shall apply from 1 January 2003.

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

Done at Brussels, 27 December 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX

**SHEEPMEAT AND GOATMEAT COMMUNITY TARIFF QUOTAS FOR 2003**  
**(tonnes of carcase-weight equivalent)**

Country group No <sup>(1)</sup>	CN-codes	Duty	Order No	Origin	Volume
1 (*)	0204	Zero	09.4131	Argentina	23 000
			09.4132	Australia	18 650
			09.4133	Chile	3 000
			09.4134	New Zealand	226 700
			09.4135	Uruguay	5 800
			09.4136	Iceland	1 350
			09.4137	Slovenia	50
2 (*)	0104 10 30 0104 10 80 0104 20 90 0204	Zero	09.4681	Poland	9 200
			09.4682	Romania <sup>(2)</sup>	8 750
			09.4683	Bulgaria	7 000
			09.4684	Czech Republic	2 150
			09.4685	Slovakia	4 300
3 (**)	0204	Zero	09.4141	Greenland	100
			09.4142	Faeroe Islands	20
			09.4143	Turkey	200
4 (**)	0104 10 30, ex 0104 10 80 and ex 0104 20 90	100 % reduction of specific duties	09.4146	ACP States	100
	ex 0204, ex 0210 99 21 and ex 0210 99 29 only for other than domestic sheep				
	ex 0204, ex 0210 99 21 and ex 0210 99 29 for domestic sheep only	65 % reduction of specific duties	09.4147	ACP States	500
5 (**)	0204	Zero	09.4037	Others <sup>(3)</sup>	200
	0104 10 30 0104 10 80 0104 20 90	10 %	09.4036	Others <sup>(3)</sup>	49,35 <sup>(4)</sup>

(\*) Quota management method based on Title II(A) of Regulation (EEC) No 1439/95.

(\*\*) Quota management method based on Title II(B) of Regulation (EEC) No 1439/95.

(1) Article 3 of this Regulation.

(2) Pro memoria annual increase = 700 tonnes (Regulation (EC) No 2435/2000).

(3) 'Others' stands here for all origins excluding the countries mentioned in the current table.

(4) The former amount of 105 tonnes live weight has been converted into carcase weight.

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 19 December 2002

on providing further supplementary-financial assistance to Moldova

(2002/1006/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) The Commission has consulted the Economic and Financial Committee before submitting the proposal.
- (2) Moldova is undertaking fundamental political and economic reforms and is making substantial efforts to sustain its progress in transition.
- (3) Moldova, on the one hand, and the European Community and its Member States on the other hand, have signed a Partnership and Cooperation Agreement, which entered into force on 1 July 1998.
- (4) The authorities of Moldova have agreed with the International Monetary Fund (IMF) on a macro-economic programme supported by a three-year poverty reduction and growth facility, approved in December 2000, and have expressed their intention to subsequently continue this programme in the context of a new appropriate Fund Facility.
- (5) By Decision 2000/452/EC of 10 July 2000 providing supplementary macro-financial assistance to Moldova <sup>(2)</sup>, the Council has made available to Moldova macro financial assistance up to EUR 15 million, in the form of a long-term loan.
- (6) Moldova's foreign debt situation has become increasingly preoccupying and the country is facing very high debt-to-export and debt-to-central-government-revenue ratios.
- (7) The Moldovan authorities have requested financial assistance on a concessional basis from the International Financial Institutions, the Community and other bilateral donors. Over and above the financing from the IMF and the World Bank a substantial residual financing gap remains to be covered to comfort the country's foreign debt sustainability, strengthen the country's reserves position and support the policy objectives attached to the authorities' reform efforts.
- (8) The IMF, the World Bank, the Asian Development Bank and the European Bank for Reconstruction and Development took the initiative in convening, on 20 April 2002, a ministerial meeting on an initiative in favour of the low-income countries of the Commonwealth of Independent States (CIS), aiming at, *inter alia*, providing increased financial support on a concessional basis to the poorest countries of the CIS, including Moldova.
- (9) Moldova became eligible to highly concessional loans from the World Bank and the IMF, and is facing particularly critical economic, social and political circumstances.
- (10) In these circumstances and without prejudice to the powers of the budgetary authority, the Community macro-financial assistance to Moldova should be made available in the form of a grant, as an appropriate measure to help the beneficiary country at this critical juncture.
- (11) This assistance should be managed by the Commission.
- (12) The Treaty does not provide, for the adoption of this decision, powers other than those of Article 308,

<sup>(1)</sup> Opinion given on 5 December 2002 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 181, 20.7.2000, p. 77.

HAS DECIDED AS FOLLOWS:

*Article 1*

1. The Community shall make available to Moldova macro financial assistance in the form of a straight grant with a view to ensure a sustainable balance-of-payments situation and strengthening the country's reserve position.
2. The assistance shall amount to a maximum of EUR 15 million.
3. The assistance will be managed by the Commission in close consultation with the Economic and Financial Committee and in a manner consistent with any agreement reached between the IMF and Moldova.

*Article 2*

1. The Commission is empowered to agree with the Moldovan authorities, after consulting the Economic and Financial Committee, the economic policy conditions attached to the financial assistance. These conditions shall be consistent with the agreements referred to in Article 1(3).
2. The Commission shall verify at regular intervals, in collaboration with the Economic and Financial Committee, and in coordination with the IMF, that economic policy in Moldova is in accordance with the objectives of this financial assistance and that its conditions are being fulfilled.

*Article 3*

1. The assistance shall be made available to Moldova in at least two instalments. Subject to the provisions of Article 2, the first instalment is to be released on the basis of a satisfactory track record of Moldova's macro-economic programme agreed

with the IMF in the context of the present Poverty Reduction and Growth Facility or of any successor upper credit tranche arrangement.

2. Subject to the provisions of Article 2, the second and any further instalments shall be released on the basis of a satisfactory continuation of Moldova's macroeconomic programme and not before three months after the release of the previous instalment.
3. The funds shall be paid to the National Bank of Moldova.
4. All related costs incurred by the Community in concluding and carrying out the operation under this Decision shall be borne by Moldova, if appropriate.

*Article 4*

At least once a year, and before September, the Commission shall address a report to the European Parliament and to the Council which will include an evaluation of the implementation of this Decision.

*Article 5*

1. This Decision shall take effect on the day of its publication in the *Official Journal of the European Communities*. It will expire three years after the date of its publication.
2. Council Decision 2000/452/EC is hereby repealed.

Done at Brussels, 19 December 2002.

*For the Council*  
*The President*  
L. ESPERSEN

## COUNCIL DECISION

of 9 December 2002

**on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out, for the period from 1 June 2002 to 31 May 2005, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé and Príncipe**

(2002/1007/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé <sup>(1)</sup>, the Community and the Democratic Republic of São Tomé and Príncipe have held negotiations with a view to determining the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol.
- (2) As a result of these negotiations, a new Protocol was initialled on 14 February 2002.
- (3) The Protocol provides Community fishermen with fishing opportunities in waters under the sovereignty or jurisdiction of São Tomé and Príncipe from 1 June 2002 to 31 May 2005.
- (4) In order to ensure uninterrupted fishing activities by Community vessels, it is essential that the new Protocol be approved as quickly as possible. To this end, the two parties initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled Protocol from 1 June 2002.
- (5) The allocation of the fishing opportunities among the Member States should be defined as well as their obligations to notify the catches,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out, for the period from 1 June 2002 to 31 May 2005, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic

of São Tomé and Príncipe on fishing off the coast of São Tomé and Príncipe 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 opportunities set out in the Protocol shall be allocated among the Member States as follows:

— freezer tuna seiners:	France: 18	
	Spain: 18	
— pole-and-line tuna vessels:	Portugal: 2	
— surface lingliners:	Spain: 20	
	Portugal: 5	
— experimental deep-water fishing targeting crab (1 June 2002 to 31 May 2003 only)	Spain: 2 vessels under 250 GRT	
	Portugal: 1 vessels under 250 GRT	

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

*Article 3*

The Member States whose vessels fish under this Protocol shall notify the Commission of the quantities of each stock caught in the São Tomé and Príncipe fishing zone in accordance with Commission Regulation (EC) No 500/2001 <sup>(2)</sup>.

*Article 4*

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.

Done at Brussels, 9 December 2002.

*For the Council*  
The President  
H. C. SCHMIDT

<sup>(1)</sup> OJ L 54, 25.2.1984, p. 2.

<sup>(2)</sup> OJ L 73, 15.3.2001, p. 8.

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**

**concerning the provisional application of the Protocol setting out, for the period from 1 June 2002 to 31 May 2005, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé and Príncipe**

*A. Letter from the Government of the Democratic Republic of São Tomé and Príncipe*

Sir,

With reference to the Protocol initialled on 14 February 2002 at São Tomé setting out the fishing opportunities and financial contribution for the period from 1 June 2002 to 31 May 2005, I have the honour to inform you that the Government of the Democratic Republic of São Tomé and Príncipe is prepared to apply the Protocol on a provisional basis with effect from 1 June 2002, pending its entry into force in accordance with Article 9 of the said Protocol, provided the European Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation specified in Article 2 of the Protocol is paid by 31 December 2002.

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 Democratic Republic of São  
Tomé and Príncipe*

*B. Letter from the European Community*

Sir,

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

'With reference to the Protocol initialled on 14 February 2002 at São Tomé setting out the fishing opportunities and financial contribution for the period from 1 June 2002 to 31 May 2005, I have the honour to inform you that the Government of the Democratic Republic of São Tomé and Príncipe is prepared to apply the Protocol on a provisional basis with effect from 1 June 2002, pending its entry into force in accordance with Article 9 of the said Protocol, provided the European Community is disposed to do the same.

This is on the understanding that the first instalment of the financial compensation specified in Article 2 of the Protocol is paid by 31 December 2002.

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

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

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

*On behalf of the Council of the European Union*

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## PROTOCOL

### **setting out, for the period from 1 June 2002 to 31 May 2005, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé and Príncipe**

#### Article 1

From 1 June 2002 and for a period of three years, fishing opportunities pursuant to Article 2 of the Agreement shall be as follows:

— freezer tuna seiners:	36 vessels
— pole-and-line tuna vessels:	2 vessels
— surface longliners:	25 vessels

For deep-water fishing vessels targeting crab, provision shall be made for a 12-month period of experimental fishing starting from the provisional date of application of this Protocol (1 June 2002 — 31 May 2003). During this 12-month period, three vessels under 250 GRT may fish simultaneously in São Tomé and Príncipe's exclusive economic zone (EEZ).

#### Article 2

The financial contribution referred to in Article 6 of the Agreement shall be fixed at:

EUR 925 000 in the first year, comprising EUR 555 000 financial compensation and EUR 370 000 for the measures referred to in Article 4 of this Protocol. The Community shall also provide financing of EUR 50 000, in the first year, for an evaluation study on deep-water crab;

EUR 637 500 in the second year, comprising EUR 382 500 financial compensation and EUR 255 000 for the measures referred to in Article 4 of this Protocol;

EUR 637 500 in the third year, comprising EUR 382 500 financial compensation and EUR 255 000 for the measures referred to in Article 4 of this Protocol.

For tuna fishing the financial contribution shall cover an annual catch of 8 500 tonnes in São Tomé and Príncipe waters. If the tuna caught each year by Community vessels in São Tomé and Príncipe's exclusive economic zone exceeds this weight, the amount referred to above shall be proportionately increased at the rate of EUR 75 per additional tonne.

The annual financial compensation shall be payable not later than 31 December 2002, and not later than 31 May 2003 and 2004. Its use shall be the sole responsibility of the Government of the Democratic Republic of São Tomé and Príncipe. It shall be paid to the Public Treasury of São Tomé and Príncipe.

#### Article 3

The two parties, meeting within the framework of the Joint Committee provided for in Article 8 of the Agreement, shall consult on the basis of the results of the experimental fishing mentioned above and in the light of the best available scientific

advice to include, where appropriate, sustainable levels of fishing opportunities for deep-water fishing vessels targeting crab and the financial contribution applicable from the second year of application of the Protocol. These consultations should take place before the end of the first year.

#### Article 4

1. The measures set out below shall be financed from the financial contribution for the first year, to the amount of EUR 370 000 per year, broken down as follows:

- (a) financing of scientific and technical programmes to promote better understanding of fisheries and living resources in the São Tomé and Príncipe fishing zone: EUR 50 000,
- (b) stepping up surveillance, inspection and checks in the fishing zones: EUR 50 000,
- (c) institutional support to the administrative department responsible for fisheries: EUR 50 000,
- (d) study grants and practical training courses in the various scientific, technical and economic fields linked to fishing: EUR 40 000,
- (e) São Tomé and Príncipe's contributions to international fisheries organisations and expenses of São Tomé and Príncipe delegates participating in international meetings concerning fisheries: EUR 35 000,
- (f) aid for small-scale fishing: EUR 145 000.

2. The measures set out below shall be financed from the financial contribution for the second and third years, to the amount of EUR 255 000 per year, broken down as follows:

- (a) financing of scientific and technical programmes to promote better understanding of fisheries and living resources in the São Tomé and Príncipe fishing zone: EUR 40 000,
- (b) stepping up surveillance, inspection and checks in the fishing zones: EUR 40 000,
- (c) institutional support to the administrative department responsible for fisheries: EUR 40 000,
- (d) study grants and practical training courses in the various scientific, technical and economic fields linked to fishing: EUR 30 000,
- (e) São Tomé and Príncipe's contributions to international fisheries organisations and expenses of São Tomé and Príncipe delegates participating in international meetings concerning fisheries: EUR 35 000,
- (f) aid for small-scale fishing: EUR 70 000.

The measures and the annual amounts allocated thereto shall be decided on by the São Tomé and Príncipe Ministry responsible for fisheries, which shall inform the Commission thereof.

The annual amounts, with the exception of those referred to at (d) and (e), shall be paid into an account designated by the São Tomé and Príncipe Ministry responsible for fisheries and used under the terms of a protocol to be negotiated with the Public Treasury no later than 31 December 2002, 31 May 2003 and 31 May 2004 according to the annual schedule for their use. The amounts referred to at (d) and (e) shall be paid as they are used.

The São Tomé and Príncipe Ministry responsible for fisheries shall transmit a detailed annual report on the implementation of these measures and the results achieved to the Delegation of the European Commission responsible for São Tomé and Príncipe, no later than three months after the anniversary date of the Protocol. The Commission reserves the right to request additional information on these results from the São Tomé and Príncipe Ministry responsible for fisheries and, following consultation with the São Tomé and Príncipe authorities within the framework of meetings of the Joint Committee provided for in Article 8 of the Agreement, to review the payments concerned in the light of the actual implementation of the measures.

#### *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*

A joint scientific meeting shall be held annually to evaluate periodically within the Joint Committee the state of crab resources. Based on the findings, the fishing opportunities laid

down in Article 1 of this Protocol and the financial contribution laid down in Article 2 may be adjusted after agreement between the two parties meeting within the framework of the Joint Committee.

#### *Article 7*

Should a fundamental change in circumstances prevent fishing in São Tomé and Príncipe's exclusive economic zone, the European Community may suspend payment of the financial contribution following prior consultation, if possible, between the two parties in the Joint Committee.

Payment of the financial contribution shall recommence once the situation returns to normal and following consultation between the two parties in the Joint Committee confirming that the situation is likely to allow a return to normal fishing activities.

#### *Article 8*

The Annex to the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé and Príncipe is hereby repealed and replaced by the Annex to this Protocol.

#### *Article 9*

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

It shall apply from 1 June 2002.

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## ANNEX

**CONDITIONS GOVERNING FISHING BY COMMUNITY VESSELS IN THE SÃO TOMÉ AND PRÍNCIPE FISHING ZONE****1. APPLICATION FOR AND ISSUE OF LICENCES**

The procedure for applications for, and issue of, the licences referred to in Article 4 of the Agreement shall be as follows.

The relevant Community authorities shall present to the São Tomé and Príncipe Ministry responsible for fisheries, via the Delegation of the Commission responsible for São Tomé and Príncipe, an application for each vessel that wishes to fish under the Agreement, at least 20 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government of the Democratic Republic of São Tomé and Príncipe, a specimen of which is attached hereto (Appendix 1).

Licences shall be issued by the São Tomé and Príncipe authorities within 20 days of submission of the application to the shipowners or their representatives via the Delegation of the Commission responsible for São Tomé and Príncipe.

Licences shall be issued for specific vessels and shall not be transferable. However, at the request of the Commission, a vessel's licence may, and where *force majeure* is proved, shall, be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the São Tomé and Príncipe Ministry responsible for fisheries via the Delegation of the Commission responsible for São Tomé and Príncipe.

The new licence shall indicate:

- the date of issue,
- the fact that it replaces the licence of the previous vessel for the remaining period of validity.

In this case, no new one-off payment as laid down in points 2 and 4 shall be due.

The licence must be kept on board at all times; however, on receipt of notification of payment of the advance sent to the São Tomé and Príncipe authorities by the Commission, the vessel shall be entered on a list of vessels authorised to fish, which shall be sent to the São Tomé and Príncipe authorities responsibilities for fisheries inspection. A copy of the said licence may be obtained by fax pending arrival of the licence itself; that copy shall be kept on board.

**2. PROVISIONS APPLICABLE TO TUNA SEINERS, POLE-AND-LINE TUNA VESSELS AND SURFACE LONGLINERS**

Licences shall be valid for one year. They shall be renewable.

The fees provided for in Article 4 of the Agreement shall be set at EUR 25 per tonne caught in the São Tomé and Príncipe fishing zone.

The competent authorities of São Tomé and Príncipe shall communicate the detailed rules for payment of the fees, in particular the bank accounts and currencies to be used.

Licences shall be issued following payment into an account designated by the São Tomé and Príncipe Ministry responsible for fisheries to be used under the terms of a protocol to be negotiated with the Public Treasury of a one-off payment of EUR 3 750 per year for each tuna seiner, EUR 625 per year for each pole-and-line tuna vessel, EUR 1 375 per year for each surface longliner, equivalent to the fees for:

- 150 t of tuna caught per year in the case of tuna seiners,
- 25 t of tuna caught per year in the case of pole-and-line tuna vessels,
- 55 t of tuna caught per year in the case of surface longliners.

**3. STATEMENT OF CATCH AND STATEMENT OF FEES DUE FROM OWNERS OF TUNA SEINERS, POLE-AND-LINE TUNA VESSELS AND SURFACE LONGLINERS**

A fishing log in accordance with the ICCAT model in Appendix 2 shall be kept on vessels for each fishing period spent in São Tomé and Príncipe waters. It shall be filled in even when no catches are made.

The words 'Outside São Tomé and Príncipe's EEZ' shall be entered in the abovementioned logbook in respect of periods during which the said vessels are not in São Tomé and Príncipe waters.

The forms, which must be legible and signed by the captains or their representatives, shall be sent within 45 days of the end of fishing activities in São Tomé and Príncipe's exclusive economic zone to the São Tomé and Príncipe Ministry responsible for fisheries, via the Delegation of the Commission responsible for São Tomé and Príncipe, and as soon as possible, for processing, to the Institut de Recherche pour le Développement (IRD), the Instituto Español de Oceanografía (IEO) or the Instituto Português de Investigação Marítima (IPIMAR).

If these provisions are not complied with, the São Tomé and Príncipe Ministry responsible for fisheries reserves the right to suspend the licence of the offending vessel until these formalities have been carried out and to apply the penalties provided for under national law. In such cases, the Delegation of the Commission responsible for São Tomé and Príncipe shall be informed without delay.

Member States shall inform the Commission before 31 July each year of the tonnages caught during the past year, as confirmed by the scientific institutes. On the basis of those figures the Commission shall draw up the statement of fees due in respect of the fishing year, which it shall then send to the São Tomé and Príncipe Ministry responsible for fisheries.

Shipowners shall receive notification of the statement drawn up by the Commission by 30 September at the latest, and shall have 30 days in which to meet their financial obligations. This payment shall be made by the shipowners to an account designated by the São Tomé and Príncipe Ministry responsible for fisheries to be used under the terms of a protocol to be negotiated with the Public Treasury. In cases where the amount payable in respect of actual fishing operations is less than the advance payment, shipowners cannot recover the balance.

#### 4. PROVISIONS APPLICABLE TO DEEP-WATER FISHING VESSELS TARGETING CRAB

- (a) Licences issued to deep-water fishing vessels targeting crab shall be valid for three months. They shall be renewable.
- (b) The quarterly fee shall be EUR 42 per GRT per vessel.

#### 5. STATEMENT OF CATCH FROM OWNERS OF DEEP-WATER FISHING VESSELS TARGETING CRAB

Deep-water fishing vessels targeting crab authorised to fish in São Tomé and Príncipe's exclusive economic zone under the Agreement shall notify their catch statistics to the São Tomé and Príncipe Ministry responsible for fisheries through the Delegation of the Commission responsible for São Tomé and Príncipe using the form given in Appendix 3. These statements shall be monthly and must be communicated at least once every quarter.

#### 6. INSPECTION AND MONITORING

Community vessels fishing in the São Tomé and Príncipe fishing zone shall permit and facilitate the boarding and fulfilment of the tasks of São Tomé and Príncipe officials responsible for the inspection and monitoring of fishing activities. These officials should not remain on board any longer than the time required to verify catches by sampling and carry out any other inspections relating to fishing activities.

#### 7. OBSERVERS

At the request of the São Tomé and Príncipe authorities, tuna seiners and surface longliners shall take an observer on board who shall be treated as an officer. Deep-water fishing vessels targeting crab shall systematically take an observer on board. That observer shall be treated as an officer. The time spent on board by the observer shall be fixed by the São Tomé and Príncipe authorities but, as a general rule, it should not exceed the time required to carry out his duties. Once on board, observers shall:

- observe the fishing activities of the vessels,
- verify the position of vessels engaged in fishing operations,
- perform biological sampling in the context of scientific programmes,
- note the fishing gear used,
- verify the catch data for the São Tomé and Príncipe zone recorded in the logbook.

While on board, observers shall:

- take all appropriate steps to ensure that the conditions under which they are taken on board and their presence on board do not interrupt or hamper fishing activities,
- respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel,
- draw up an activity report to be transmitted to the competent São Tomé and Príncipe authorities and copied to the Delegation of the Commission responsible for São Tomé and Príncipe. For deep-water vessels targeting crab, this report shall include an interim statement of catches taken in the exclusive economic zone and entered in the logbook. This interim statement must be submitted before the licence is issued for the following period.

The conditions under which observers are taken on board, which should neither interrupt nor hinder the fishing activities shall be agreed between the shipowner or his agent and the São Tomé and Príncipe authorities.

The shipowner shall, via his agent, make a payment of EUR 10 to the Government of São Tomé and Príncipe for each day spent by an observer on board a tuna seiner, surface longliner or deep-water fishing vessel targeting crab as a contribution to the cost of the observer on board.

If the shipowner is unable to take the observer on board and put him off at a São Tomé and Príncipe port agreed by common accord with that country's authorities, the shipowner shall bear the cost of taking the observer on board and putting him ashore.

If the observer is not present at the time and place agreed and during the 12 hours following the time agreed, the shipowner shall be automatically absolved of his obligation to take the observer on board.

The salary and social contributions of observers shall be borne by the competent São Tomé and Príncipe authorities.

#### 8. FISHING ZONES

The tuna vessels and surface longliners referred to in Article 1 of the Protocol shall be authorised to engage in fishing activities in the waters beyond 12 nautical miles from the coast of each island.

The deep-water fishing vessels targeting crab referred to in Article 1 of the Protocol shall be authorised to engage in fishing activities in the waters from the 650 isobath.

Without exception, all fishing activity in the zone destined for joint exploitation by São Tomé and Príncipe and Nigeria, delimited by the coordinates set out in Appendix 4, shall be prohibited.

#### 9. ENTERING AND LEAVING THE ZONE

Vessels shall notify the coastal radio station and the São Tomé and Príncipe Ministry responsible for fisheries of their intention to enter or leave São Tomé and Príncipe's fishing zone at least 24 hours in advance (by telephone +239-12-22091, fax +239-12-22828, or e-mail [dpescas1@cstome.net](mailto:dpescas1@cstome.net)).

When notifying their departure, all vessels shall also notify the estimated catches taken during the time they have spent in São Tomé and Príncipe's fishing zone. This information should preferably be communicated by fax or, for vessels not equipped with fax, by radio.

A vessel found to be fishing without having informed the São Tomé and Príncipe Ministry responsible for fisheries shall be regarded as a vessel without a licence.

Vessels shall also be informed of the fax and telephone numbers and e-mail address when the fishing licence is issued.

The São Tomé and Príncipe Ministry responsible for fisheries and the shipowners shall keep a copy of fax communications or a recording of radio communications until both parties have agreed to the final statement of fees due referred to in point 3.

#### 10. BY-CATCHES

Tuna seiners shall make any by-catches available to the São Tomé and Príncipe Directorate for Fisheries, which will take charge of recovering and landing them.

#### 11. SIGNING-ON OF SEAMEN

At the request of the São Tomé and Príncipe authorities, the tuna seiner fleet shall take on board six São Tomé and Príncipe seamen for the duration of the fishing season. No vessel may take more than one seaman on board.

The conditions of employment and remuneration shall be fixed by mutual agreement between the shipowners and representatives of the seamen.

Should the fleet of tuna seiners not take on board six seamen, shipowners shall be obliged to pay compensation for the seamen not taken on board, the level of which shall be fixed by the two parties and shall correspond to the duration of the fishing season.

That sum shall be used for the training of seamen/fishermen in São Tomé and Príncipe and shall be paid into an account specified by the São Tomé and Príncipe Ministry responsible for fisheries.

#### 12. STANDARDS

The international standards on tuna fishing as recommended by ICCAT shall apply.

#### 13. USE OF SERVICES

Community vessels shall, wherever possible, procure the supplies and services they require in São Tomé and Príncipe ports.

#### 14. PROCEDURES IN THE CASE OF BOARDING

##### (a) Transmission of information

The São Tomé and Príncipe Ministry responsible for fisheries shall inform the Delegation of the European Commission responsible for São Tomé and Príncipe and the flag State, within 48 hours, of the boarding of any Community fishing vessel fishing under the fisheries agreement in the São Tomé and Príncipe fishing zone and shall transmit a brief report of the circumstances and reasons leading to such boarding. The Delegation of the Commission responsible for São Tomé and Príncipe and the flag State shall be kept informed of any proceedings initiated and penalties imposed.

##### (b) Settlement of boarding

In accordance with the law on fisheries and the relevant regulations, infringements may be settled:

- either out of court, in which case the amount of the fine shall be determined in accordance with São Tomé and Príncipe legislation laying down minimum and maximum figures,
- or by legal proceedings, if no out-of-court settlement was possible, in accordance with São Tomé and Príncipe law.

##### (c) The vessel shall be released and its crew authorised to leave the port:

- either as soon as the obligations imposed by the out-of-court procedure have been completed on presentation of the receipt for the settlement, or
- on presentation of proof that a bank security has been lodged, pending completion of the legal proceedings.

#### 15. PROCEDURES IN THE CASE OF PENALTIES

The Delegation of the Commission responsible for São Tomé and Príncipe shall be informed of any application of penalties involving a fishing vessel flying the flag of a Member State of the Community fishing under the fisheries agreement between the European Economic Community and São Tomé and Príncipe and shall receive a brief report of the circumstances and reasons leading to such penalties.

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## Appendix 1

**DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND PRÍNCIPE  
MINISTRY OF AGRICULTURE AND FISHERIES****Fishing licence application No**

Name of applicant .....

Name and address of shipowner .....

Name and address of any representative in São Tomé and Príncipe .....

.....

Name of vessel .....

Type of vessel .....

Country of registry .....

Port and registration number .....

Vessel's external identification .....

Radio call sign and frequency .....

Length of vessel .....

Width of vessel .....

Engine type and horse power .....

Hold capacity .....

Minimum number of seamen .....

Type of fishing .....

Species targeted .....

.....

Period of validity requested:

'I certify that this information is correct.

I hereby declare that I know, approve and undertake to comply with the law governing sea fishing in the Democratic Republic of São Tomé and Príncipe and the applicable international law.'

Date .....

APPLICANT

\_\_\_\_\_



Appendix 3

DEEP-WATER FISHING VESSELS TARGETING CRAB

Date	Fishing zone		Number of catches	Number of hours fishing	Species of fish						Totals	
	Longitude	Latitude										
1.												
2.												
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												
13.												
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16.												
17.												
18.												
19.												
20.												
21.												
22.												
23.												
24.												
25.												
26.												
27.												
28.												
29.												
30.												
31.												
TOTAL												

Vessel name:		Horse power:		Month		Year	
Nationality (flag):		GRT:		Fishing method:		Port of unloading:	

## Appendix 4

Latitude				Longitude			
Degrees	Minutes	Seconds		Degrees	Minutes	Seconds	
03	02	22	N	07	07	31	E
02	50	00	N	07	25	52	E
02	42	38	N	07	36	25	E
02	20	59	N	06	52	45	E
01	40	12	N	05	57	54	E
01	09	17	N	04	51	38	E
01	13	15	N	04	41	27	E
01	21	29	N	04	24	14	E
01	31	39	N	04	06	55	E
01	42	50	N	03	50	23	E
01	55	18	N	03	34	33	E
01	58	53	N	03	53	40	E
02	02	59	N	04	15	11	E
02	05	10	N	04	24	56	E
02	10	44	N	04	47	58	E
02	15	53	N	05	06	03	E
02	19	30	N	05	17	11	E
02	22	49	N	05	26	57	E
02	26	21	N	05	36	20	E
02	30	08	N	05	45	22	E
02	33	37	N	05	52	58	E
02	36	38	N	05	59	00	E
02	45	18	N	06	15	57	E
02	50	18	N	06	26	41	E
02	51	29	N	06	29	27	E
02	52	23	N	06	31	46	E
02	54	46	N	06	38	07	E
03	00	24	N	06	56	58	E
03	01	19	N	07	01	07	E
03	01	27	N	07	01	46	E
03	01	44	N	07	03	07	E
03	02	22	N	07	07	31	E

**COUNCIL DECISION**  
**of 9 December 2002**

**on the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola**

(2002/1008/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola <sup>(1)</sup>, the two parties held negotiations to determine any amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto.
- (2) As a result of these negotiations, a new Protocol was initialled on 30 June 2002.
- (3) The Protocol provides Community fishermen with fishing opportunities in waters under the sovereignty or jurisdiction of Angola from 3 August 2002 to 2 August 2004.
- (4) In order to ensure uninterrupted fishing activities by Community vessels, it is essential that the new Protocol be approved as quickly as possible. To this end, the two parties initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled Protocol from 3 August 2002.
- (5) The method of allocating the fishing opportunities among the Member States should be defined on the basis of the traditional allocation of fishing opportunities under the Fisheries Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol setting out, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola 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 opportunities fixed in the Protocol shall be allocated among the Member States as follows:

- shrimp vessels:
  - Spain: 6 550 GRT per month, averaged over the year, 22 vessels;
- demersal fishing vessels:
  - Spain: 1 850 GRT per month, averaged over the year
  - Portugal: 1 100 GRT per month, averaged over the year,
  - Italy: 750 GRT per month, averaged over the year,
  - Greece: 500 GRT per month, averaged over the year;
- freezer tuna seiners:
  - France: six vessels,
  - Spain: nine vessels;
- surface longliners:
  - Portugal: four vessels,
  - Spain: 14 vessels;
- pelagic fishing vessels:
  - Netherlands and/or Ireland: two vessels.

If licence applications from these Member States do not cover all the fishing opportunities fixed by 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.

Done at Brussels, 9 December 2002.

*For the Council*  
*The President*  
H. C. SCHMIDT

<sup>(1)</sup> OJ L 341, 3.12.1987, p. 2.

**AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS**

**concerning the provisional application of the Protocol setting out, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola**

*A. Letter from the Government of the Republic of Angola*

Sir,

With reference to the Protocol initialled on 30 June 2002 setting out the fishing opportunities and financial contribution for the period 3 August 2002 to 2 August 2004, I have the honour to inform you that the Government of the Republic of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 August 2002, pending its entry into force, provided that the European Community is prepared to do the same.

Should this be the case the first payment of the financial compensation provided for in Article 3 of the Protocol is to be made before 30 November 2002.

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 Angola*

*B. Letter from the European Community*

Sir,

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

'With reference to the Protocol initialled on 30 June 2002 setting out the fishing opportunities and financial contribution for the period 3 August 2002 to 2 August 2004, I have the honour to inform you that the Government of the Republic of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 August 2002, pending its entry into force, provided that the European Community is prepared to do the same.

Should this be the case the first payment of the financial compensation provided for in Article 3 of the Protocol is to be made before 30 November 2002.

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 European Community*

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## PROTOCOL

### setting out, for the period from 3 August 2002 to 2 August 2004, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Republic of Angola on fishing off Angola

#### Article 1

From 3 August 2002, for a period of two years, the limits referred to in Article 2 of the Agreement shall be as follows:

1. Shrimp vessels: 6 550 GRT per month, as an annual average (maximum 22 vessels)

Catches by Community vessels may not exceed 5 000 tonnes of shrimps and prawns, including 30 % of prawns and 70 % of shrimps.

2. Demersal vessels: (trawlers, bottom longliners and fixed gill-nets): 4 200 GRT per month, as an annual average.

Fishing for *Centrophorus granulosus* is prohibited.

3. Fishing for pelagic species: two vessels

This type of fishing shall, because of its nature, be subject to a trial period of six months.

4. Freezer tuna seiners: 15 vessels
5. Surface longliners: 18 vessels.

These limits on fishing opportunities may be raised if Community shipowners are prepared to contribute to the improvement of Angola's fisheries industry, in which case the two parties, meeting as a Joint Committee, will decide jointly on the additional fishing opportunities and the financial compensation.

#### Article 2

After the trial period of fishing for pelagic species and on the basis of the results achieved and the scientific opinions available, the two parties will, within the framework of the Joint Committee and following a meeting of the Joint Scientific Group referred to in Article 6, decide on the fishing opportunities for pelagic species for the remaining years of this Protocol and the financial compensation payable in return for those opportunities.

#### Article 3

1. The financial compensation provided for in Article 7 of the Agreement for the period referred to in Article 1 of this Protocol is hereby set at EUR 15 500 000 per year (EUR 9 975 000 per year of financial compensation proper and EUR 5 525 000 for the measures referred to in Article 3 of the Protocol) in return for the fishing opportunities set out in Article 1.

The financial compensation shall be paid into an account designated by the Ministry of Finance via the Fisheries and Environment Ministry.

The financial compensation shall be paid not later than 30 November of the first year of the Protocol and not later than the anniversary date of the Protocol the following year.

2. If vessels withdraw from the Agreement and the Angolan authorities do not agree to their replacement by other vessels, the resulting reduction in fishing opportunities for the Community shall entail a proportional adjustment of the financial compensation provided for in paragraph 1.

3. Angola shall have full discretion regarding the use to which the financial compensation is put.

#### Article 4

With a view to ensuring the development of sustainable and responsible fishing the two parties will, in their mutual interest, set up a partnership for the purpose in particular of encouraging: better knowledge of fishery and biological resources; quality control; marketing and obtaining the best return from fishery products; fisheries control; the development of non-industrial fishing; fishing communities; and training.

The breakdown of the EUR 5 525 000 earmarked for the measures provided for in Article 3(1) each year shall be as follows:

1. Scientific and technical programmes intended to improve knowledge of fishery and biological resources in Angola's fishing zone: EUR 750 000;
2. Quality control programme: EUR 350 000;
3. Support programme for marketing and obtaining the best return from fisheries products: EUR 250 000;
4. Support programme for fisheries surveillance: EUR 775 000;
5. Programme for the development of non-industrial fishing and the support of fishing communities: EUR 1 150 000;
6. Programme of institutional support for the Fisheries and Environment Ministry: EUR 500 000;
7. Programme to finance fisheries schools, study grants, practical training in the various scientific, technical and economic disciplines related to fisheries and participation in international organisations, seminars, symposia and workshops: EUR 1 500 000;
8. Programme to encourage the development of aquaculture: EUR 250 000.

The Fisheries and Environment Ministry shall decide on the measures and the annual amounts allocated thereto and shall keep the Commission of the European Communities informed.

The annual amounts shall be made available to the bodies concerned in an account designated by the Ministry of Finance via the Fisheries and Environment Ministry, not later than 30 November for the first year and, thereafter, on the anniversary date of the Protocol.

The Fisheries and Environment Ministry shall, three months after the anniversary date of the Protocol, provide the Commission of the European Communities with written information on the implementation of the Protocol and the results achieved. The European Community may, in the light of the actual implementation of the measures and after consulting the Angolan authorities, review the payments concerned.

#### *Article 5*

In the event of a significant change in the conditions of exploitation of fisheries resources in Angola's EEZ which prevents the exercise of fishing activities, the payment of the financial contribution by the European Community may be interrupted subject to the prior agreement of both parties.

#### *Article 6*

A joint scientific meeting shall be held annually to look into questions relating to the sustainable management of fishery resources.

#### *Article 7*

The implementation of the Agreement may be suspended if the Community fails to make the payments provided for in Articles 2, 3 and 4 within the time limits laid down.

#### *Article 8*

All activities of vessels operating under this Protocol and the Annexes thereto, in particular transshipment and the consumption of ship's supplies (food and fuel), shall be governed by the laws applicable in the Republic of Angola.

Fishery products caught by Community vessels operating under the terms of the Agreement shall, for the purposes of this Protocol, be regarded as being of Community origin.

#### *Article 9*

This Protocol shall enter into force after both parties have given notification of the conclusion of their respective approval procedures.

## ANNEX A

**CONDITIONS GOVERNING THE FISHING ACTIVITIES OF COMMUNITY VESSELS IN ANGOLAN WATERS****1. Applications for licences and formalities for their issuance**

- 1.1. The Commission of the European Communities shall, via its Delegation in Angola, present to Angola's fisheries authorities one application per vessel for each shipowner wishing to fish under the terms of this Agreement. It shall do so at least 15 days before the date of commencement of the period of validity requested. Applications shall be made on forms provided for the purpose by Angola, specimens of which are set out in Appendix 1 and Appendix 2. On first application the form shall be accompanied by a tonnage certificate for the vessel concerned. Each application shall be accompanied by proof of payment of the fee covering the period of validity of the licence.
- 1.2. For the purposes of this Protocol fishery products caught by Community vessels fishing under the terms of this Agreement shall be regarded as being of Community origin.
- 1.3. Each licence shall be issued to a shipowner for a specific vessel. In proven cases of *force majeure*, the licence for a vessel shall, at the request of the Commission of the European Communities, be replaced by another licence, for a Community vessel of a similar type.
- 1.4. Licences shall be issued by the Angolan authorities to the skipper of the vessel, at the port of Luanda, after the vessel has been inspected by the competent authority.
- 1.5. The Delegation of the Commission of the European Communities in Angola shall be notified of the licences issued by Angola's fisheries authorities.
- 1.6. The licence must be kept on board at all times. However, in the case of tuna vessels and surface longliners, the vessel shall be entered on the list of authorised fishing vessels as soon as notification is received that the European Commission has paid the advance to the Angolan authorities and the list shall be communicated to the Angolan authorities responsible for fisheries surveillance. Pending receipt of the actual licence, a copy may be obtained by fax which must be kept on board.
- 1.7. Licences shall be valid for one year.
- 1.8. Each vessel shall be represented by an agent who is officially resident in Angola and is approved by the Fisheries and Environment Ministry.
- 1.9. The Angolan authorities shall, as soon as possible, communicate details of the bank accounts and currencies to be used for payments under this Agreement.

**2. Fees****2.1. Provisions applicable to shrimp vessels and demersal fishing vessels**

The licence fee shall be:

- EUR 52/month per GRT for shrimp vessels,
- EUR 220/year per GRT for demersal vessels.

**2.2. The fees may be paid quarterly or half-yearly, in which case the amount shall be increased by 5 % and 3 % respectively.****2.3. Provisions applicable to tuna vessels and surface longliners**

The licence fee shall be EUR 25 per tonne caught within Angola's fishing zone.

Licences shall be issued once Angola has been paid a flat-rate advance of EUR 4 500 a year, equivalent to the fee for a catch of 180 tonnes per year, for each freezer tuna seiner and EUR 2 500 a year, equivalent to the fee for a catch of 100 tonnes per year, for each surface longliner.

The final statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities, at the end of the first quarter of the year following that of the catches on the basis of the catches reported for each vessel and confirmed by a specialised scientific body in the region, in particular the IRD (Institut de Recherche pour le Développement), the IEO (Instituto Español de Oceanografía) and IPIMAR (Instituto Português de Investigaç o Mar tima).

This statement shall simultaneously be communicated to the Angolan authorities and the shipowners. Additional payments, if any, by the shipowners shall be made within 30 days of notification of the final statement, into an account opened with a financial institution or to any other body specified by the Angolan authorities.

However, if the amount of the final statement is less than the advance referred to above, shipowners shall not be reimbursed the balance.

### 3. **Biological rest period**

Shrimp fishing may each year be the subject of a biological rest period in the light of the findings of current scientific surveys. Such periods shall be notified not less than three months in advance to the Commission and the shipowners. Shipowners shall not be required to pay a licence fee during a biological rest period.

### 4. **By-catches**

By-catches by shrimp vessels shall remain the property of the shipowners. Altogether, shrimp vessels may catch up to 500 tonnes of crab per year.

### 5. **Landings**

Community surface longliners and tuna boats shall endeavour to supply Angolan tuna canneries, in accordance with their fishing effort in the zone and at a price agreed jointly between the shipowners and the Angolan fisheries authorities on the basis of current world market prices. Payment shall be made in convertible currency.

### 6. **Control of transshipments and departing vessels**

Transshipments shall be notified eight days in advance to the Angolan fisheries authorities and shall take place, either in the Bay of Luanda or in the Bay of Lobito, in the presence of the Angolan customs authorities.

Transshipment operations shall be subject to stamp duty and service taxes, all payments concerned being made to the customs authorities in accordance with the legislation in force.

A copy of the documentation relating to transshipments shall, 15 days before the end of each month for the preceding month, be transmitted to the Surveillance Directorate of the Fisheries and Environment Ministry.

Any Community fishing vessel wishing to leave Angola's EEZ with its catch or catches must give eight days' notice and submit to a customs check in the Bay of Luanda or the Bay of Lobito.

### 7. **Food supplies (ship's supplies)**

7.1. European Community fishing vessels taking on supplies of food in Angola shall do so in accordance with the legislation in force, using only specialist ship's chandlers registered with the Ministry of Trade and established in Angola.

7.2. If some or all of the food supplies come from outside Angola a list of the products must be sent to the Customs authorities in respect of each vessel, stating the number of crew members on board, in order to determine whether the quantities concerned are reasonable in relation to on-board consumption requirements. Export duty and other taxes shall be payable on any quantity in excess of what is regarded as reasonable.

7.3. Work relating to the provision of ship's supplies shall be subject to stamp duty and to service taxes.

### 8. **Fuel supplies (ship's supplies)**

8.1. With the exception of tuna vessels, all vessels operating in Angola's fishing zone under the terms of this Agreement will be provided with facilities for obtaining supplies of fuel and water in Angola.

8.2. In Angola, fuel may be taken on in Luanda or Lobito only.

Any transshipment of fuel supplies from a tanker or merchant vessel in Lobito or Luanda must take place in the presence of the customs authorities and shall be subject to stamp duty and service taxes.

- 8.3. Where a fishing vessel obtains supplies outside territorial waters and the 24-mile area, the customs authorities shall be notified, stating the quantities concerned, the location of the vessel and the name of the supplier.

## 9. Reporting catches

### 9.1. Shrimp vessels and demersal vessels

- 9.1.1. Shrimp vessels and demersal vessels shall, at the end of each fishing campaign, transmit the catch reports set out in Appendices 3 and 4 to the Instituto de Investigação Marinha (Marine Research Institute) via the Delegation of the European Communities.

Moreover, each vessel shall, via the Delegation of the European Community, present to the Planning, Studies and Statistics Office of the Fisheries and Environment Ministry a monthly report listing the catches made during the month and quantities on board on the last day of the month. This report shall be presented no later than the 45th day following the end of the month concerned.

In the event of failure to comply with this provision, Angola reserves the right to apply the penalties provided for in its legislation.

- 9.1.2. In addition, shrimp vessels and demersal vessels shall report daily their geographical position and the previous day's catches to Luanda radio station. The call sign will be notified to the owner when the fishing licence is issued. Vessels must, if they are unable to contact the abovementioned radio station, use alternative means of communication.

No fishing or merchant vessel may leave the territorial waters of the Republic of Angola without the prior authorisation of the Direcção Nacional de Fiscalização (National Directorate for Surveillance) of the Fisheries and Environment Ministry and without the catches on board being checked.

### 9.2. Tuna vessels and surface longliners

Every three days during fishing operations in Angola's fishing zone, vessels shall inform Luanda radio station of their position and their catches. On entering and leaving Angola's fishing zone, the vessels shall inform Luanda radio station of their position and the volume of the catches on board.

Vessels shall, if they are unable to contact the abovementioned radio station, use alternative means of communication.

Vessels shall keep a fishing logbook in accordance with the model in Appendix 5 for each fishing period spent in Angola's fishing zone. Fishing logbooks must be filled in even where no catch has been taken.

For periods spent outside Angolan waters, 'Outside Angola's EEZ' must be entered in the fishing logbook.

The form must be completed legibly, must be signed by the skipper of the vessel and must be sent to the National Inspection and Surveillance Directorate of the Fisheries and Environment Ministry via the Delegation of the Commission of the European Communities within 45 days of the end of the fishing campaign in Angolan waters; it must also be sent as soon as possible for processing to the scientific institutes referred to at 2.2.

In the event of failure to comply with this provision Angola reserves the right to suspend the licence of the vessel concerned until the necessary formalities have been complied with and to apply the penalties applicable under Angolan legislation. The Delegation of the Commission of the European Communities in Angola will in such cases be informed at once.

## 10. Fishing zones

- 10.1. The fishing zones accessible to shrimp vessels shall comprise all waters under the sovereignty or jurisdiction of the Republic of Angola north of 12° 20' prime and beyond the first 12 nautical miles measured from the base lines.

- 10.2. The fishing zones accessible to vessels engaged in demersal fishing shall comprise all waters under the sovereignty or jurisdiction of the Republic of Angola:

— trawlers: beyond the first 12 nautical miles measured from the base lines and restricted northwards by 13° 00' prime South, and southwards by a line five miles north of the limit between the EEZs (exclusive economic zones) of Angola and Namibia,

— vessels using other types of gear: beyond the first 12 nautical miles, measured from the base lines and restricted southwards by a line five miles north of the limit between the EEZs of Angola and Namibia.

The fishing zones accessible to freezer tuna seiners and surface longliners shall comprise all waters under the sovereignty or jurisdiction of the Republic of Angola beyond the first 12 nautical miles measured from the base lines.

**11. Hiring of crew members**

- 11.1. Owners of fishing vessels other than freezer tuna seiners and surface longliners to whom fishing licences have been issued under the terms of this Agreement shall contribute to the on-the-job vocational training of at least six Angolan seamen on board each vessel, who shall be freely chosen from a list drawn up by the Fisheries and Environment Ministry.
- 11.2. Should an observer be taken on board at Angola's request, he shall be regarded as one of the six seamen referred to at 11.1.
- 11.3. Community shipowners shall endeavour to increase the number of seamen and improve their vocational skills.
- 11.4. The wages of the seamen and technicians on board shall be borne by the shipowners in accordance with terms mutually agreed by the contracting parties and shall be paid into an account opened with a financial institution designated by the Fisheries and Environment Ministry. This pay shall include life insurance against all risks.
- 11.5. In addition, a total of 20 trainee seamen will each year be selected for the engine room and deck by the Fisheries and Environment Ministry and be distributed among the abovementioned vessels. The trainees' wages, which shall be borne by the shipowners, may be worth up to a third of that of seasoned seamen and must include the cost of life insurance against all risks.
- 11.6. After the traineeship has been satisfactorily completed the skipper shall sign a document to that effect after the trip, such document then being sent, via the owner or his representative, to the Fisheries and Environment Ministry.

**12. Scientific observers**

- 12.1. Any vessel may be asked to take on board a scientific observer designated and employed by the Fisheries and Environment Ministry.
- 12.2. Observers shall not normally remain on board for more than one trip.
- 12.3. The time spent on board by the observer shall be set by the Angolan authorities but, as a general rule, should not exceed the time required to carry out the duties concerned.
- 12.4. Observers will be treated as ship's officers.

Observers shall:

- observe the fishing activities of the vessels,
- perform biological sampling in the context of scientific programmes,
- take note of the fishing gear used,
- verify the catch data for Angola's zone as recorded in the logbook,
- report fishing data by radio once a week.

**12.5. While on board, observers shall:**

- take all appropriate steps to ensure that the conditions under which they are taken on board and their presence on board do not interrupt or hamper fishing activities,
- respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel,
- draft an activity report to be transmitted to the competent Angolan authorities.

The conditions under which observers are taken on board are to be agreed between the shipowner or his agent and the Angolan authorities. The cost of the observers' wages and social insurance contributions shall be charged to the Fisheries and Environment Ministry. Shipowners shall, through their agents, pay the Marine Research Institute EUR 15 for each day spent by an observer on board a vessel. Shipowners who are unable to take observers aboard and put them ashore at an Angolan port agreed by common accord with the Angolan authorities shall bear the cost of taking the observers aboard and putting them ashore.

If the observer is not present at the time and place agreed or during the twelve hours following the time agreed, shipowners shall automatically be absolved of their obligation to take the observer on board.

**13. Inspection and monitoring**

Community vessels fishing under the terms of the Agreement shall be monitored by satellite in accordance with the Protocol on VMS and without prejudice to the Angolan legislation applicable.

At the request of the Angolan authorities, Community fishing vessels operating under the terms of the Agreement shall allow on board any Angolan officials responsible for the inspection and monitoring of fishing activities and facilitate the accomplishment of their duties.

These officials shall not remain on board any longer than is necessary for the accomplishment of their duties.

**14. Mesh size**

The minimum size of the mesh used shall be:

- 50 mm for shrimp fishing,
- 110 mm for demersal fishing.

The introduction of new mesh sizes shall apply to Community vessels from the sixth month following notification to the Commission of the European Communities.

**15. Boarding**

15.1. The European Community Delegation in Luanda shall be informed within 48 hours of the boarding, within Angola's fishing zone, of any fishing vessel flying the flag of a Member State of the Community and operating under the terms of this Agreement between the Community and a third country, and shall at the same time receive a summary report of the circumstances and reasons for the boarding of the vessel.

15.2. In the case of vessels authorised to fish in Angolan waters, before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the alleged infringement, a consultation meeting shall be held, within 48 hours of receipt of the abovementioned information, between the Delegation of the Commission of the European Communities, the Fisheries and Environment Ministry and the inspection authorities, possibly attended by a representative of the Member State concerned.

At the meeting, the parties shall exchange any relevant documentation or information, in particular automatically registered data showing the vessel's positions during the trip up to the time of boarding, which may help to clarify the circumstances of the facts concerned.

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

15.3. Before any judicial proceedings are brought, an attempt shall be made to resolve the alleged infringement through a compromise procedure. This procedure shall be completed no later than three working days after the boarding.

15.4. If the case cannot be settled by compromise, judicial proceedings shall be brought and bank security payable by the shipowner shall be set by the relevant authority within 48 hours following the conclusion of the compromise procedure pending the judicial decision. The amount of the security may not exceed the maximum penalty applicable under national legislation for the alleged infringement. The bank security shall be returned to the shipowner by the relevant authority once the case is settled by judicial decision without the master of the vessel concerned being incriminated.

15.5. The vessel and its crew shall be released:

- at the end of the concertation meeting, if the established facts permit, or
- as soon as the obligations arising from the compromise have been fulfilled, or
- as soon as bank security has been lodged by the shipowner (judicial proceedings).

**16. Infringements**

Any infringement of Angolan legislation or the provisions of this Protocol by a Community vessel shall be notified to the Delegation of the Commission of the European Communities in Luanda, without prejudice to the sanctions applicable under the legislation concerned.

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## ANNEX B

**CONDITIONS GOVERNING THE FISHING ACTIVITIES OF COMMUNITY VESSELS FISHING FOR PELAGIC SPECIES IN ANGOLAN WATERS****1. Applications for licences and formalities for their issuance**

- 1.1. The Commission of the European Communities shall, via its Delegation in Angola, present to Angola's fisheries authorities one application per vessel for each shipowner wishing to fish under the terms of this Agreement. It shall do so at least 15 days before the date of commencement of the period of validity requested. Applications shall be made on forms provided for the purpose by Angola, specimens of which are contained in Appendix 1. On first application the form shall be accompanied by a tonnage certificate for the vessel concerned. Each application shall be accompanied by proof of payment of the fee covering the period of validity of the licence.

When renewing the licence, only proof of payment of the fee for the period in question need be presented to the Angolan authorities, the other documents referred to above being presented only with the first application or if the technical characteristics of the vessel have changed.

- 1.2. Licences shall, in the case of a first application, be issued to a shipowner for a specific vessel. In proven cases of *force majeure* the licence for a vessel shall, at the request of the Commission of the European Communities, be replaced by another licence, for a Community vessel of a similar type.
- 1.3. Licences shall be issued by the Angolan authorities to the skipper of the vessel, at the nearest port, after the vessel has been inspected by the competent authority.
- 1.4. The Delegation of the Commission of the European Communities in Angola shall be notified of the licences by Angola's fisheries authorities.
- 1.5. Licences must be kept on board at all times. However, the vessel shall be entered on the list of authorised fishing vessels as soon as notification is received that the European Commission has paid the advance to the Angolan authorities and the list shall be communicated to the Angolan authorities responsible for fisheries surveillance. Pending receipt of the actual licence, a copy may be obtained by fax which must be kept on board.
- 1.6. Licences shall be valid for a minimum of one month and may be renewed.
- 1.7. Each vessel shall be represented by an agent who is officially resident in Angola and is approved by the Fisheries and Environment Ministry.
- 1.8. The Angolan authorities shall, before the entry into force of this Protocol, communicate details of the bank accounts and currencies to be used for paying the fees.
- 1.9. Licences shall cover the fishing of mackerel, sardinella and horse mackerel. A by-catch of up to 10 % is authorised.

**2. Fees**

The fee is set at EUR 3/month per GT.

After the trial period the conditions governing these fishing operations (obligation to take seamen on board and put them ashore) shall be laid down by common agreement between the shipowners and the Angolan authorities in the light of the results of the said period.

**3. Transhipment**

All transhipments shall be notified to the competent Angolan fisheries authorities eight days in advance and shall take place in either the Bay of Luanda or the Bay of Lobito in the presence of the Angolan Customs authorities.

Transhipment operations shall be subject to stamp duty and service taxes, all payments concerned being made to the customs authorities in accordance with the legislation in force.

A copy of the documentation relating to transhipments shall be forwarded to the National Surveillance Directorate of the Fisheries and Environment Ministry 15 days before the end of each month for the preceding month.

Any Community fishing vessel wishing to leave Angola's EEZ with its catch or catches must submit to a customs check in the Bay of Luanda or the Bay of Lobito after giving eight days' notice.

**4. Food supplies (ship's supplies)**

- 4.1. European Community fishing vessels taking on supplies of food in Angola shall do so in accordance with the legislation in force, using only specialist ship's chandlers registered with the Ministry of Trade and established in Angola.

- 4.2. If some or all of the food supplies come from outside Angola a separate list of the products must be sent to the Customs in respect of each vessel, stating the number of crew members on board, in order to determine whether the quantities of products concerned may be regarded as reasonable in relation to on-board consumption requirements. Any quantity in excess of what is regarded as reasonable shall be subject to export duty and other taxes.
- 4.3. Work relating to the provision of ship's supplies shall be subject to stamp duty and service taxes.

5. **Fuel supplies (ship's supplies)**

- 5.1. With the exception of tuna vessels, all vessels operating in Angola's fishing zone under the terms of this Agreement will be provided with facilities for obtaining their fuel and water supplies in Angola.
- 5.2. Any fuel taken on board in Angola must be taken on in Luanda or Lobito.

The transshipment of fuel supplies from a tanker or merchant ship in Lobito or Luanda must take place in the presence of the customs authorities and is subject to stamp duty and service taxes.

- 5.3. Where a fishing vessel obtains its supplies outside territorial waters and the 24-mile area, the customs authorities shall be notified, stating the quantities concerned, the location of the vessel and the name of the supplier.

6. **Reporting catches**

- 6.1. At the end of each fishing campaign vessels fishing for pelagic species shall transmit to the Fisheries Research Institute in Luanda, via the Delegation of the Commission of the European Communities, daily catch reports in accordance with the specimen shown in Appendix 6.

Moreover, each vessel shall present a monthly report to the Planning, Studies and Statistics Office of the Fisheries and Environment Ministry, listing the catches made during the month and the quantities on board on the last day of the month. This report shall be presented no later than the 45th day following the end of the month concerned.

- 6.2. No fishing vessel may leave Angola's fishing zone without obtaining the prior authorisation of the Fisheries Surveillance Directorate of the Fisheries and Environment Ministry after the catches on board have been checked.

In the event of failure to comply with this provision, Angola reserves the right to apply the penalties applicable under its legislation.

7. **Fishing zones**

The fishing zones accessible to vessels fishing for pelagic species shall comprise all waters under the sovereignty or jurisdiction of the Republic of Angola beyond the first 12 nautical miles.

8. **Hiring of crew members**

Vessels fishing for pelagic species during the trial period shall not be subject to the requirement to hire Angolan seamen.

9. **Scientific observers**

- 9.1. Vessels may be asked to take on board a scientific observer designated and employed by the Fisheries and Environment Ministry.

Observers shall not normally remain on board for more than one trip.

- 9.2. The time spent on board by the observer shall be fixed by the Angolan authorities, but, as a general rule, should not exceed the time required to carry out the duties concerned.

- 9.3. Observers shall be treated as ship's officers.

Observers shall:

- observe the fishing activities of the vessels,
- perform biological sampling in the context of scientific programmes,
- take note of the fishing gear used,
- verify the catch data for Angola's zone as recorded in the logbook,
- report fishing data by radio once a week.

While on board, observers shall:

- take all appropriate steps to ensure that the conditions under which they are taken on board and their presence on board do not interrupt or hamper fishing activities,
- respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel,
- draft an activity report to be transmitted to the competent Angolan authorities.

The terms under which observers are taken on board are to be agreed between the shipowner or his agent and the Angolan authorities. Their wages and social insurance contributions are to be paid by the Fisheries and Environment Ministry. Shipowners shall, through their agents, pay the Marine Research Institute EUR 30 for each day spent by an observer on board a vessel. Shipowners who are unable to take observers on board and put them ashore at an Angolan port agreed by common accord with the Angolan authorities shall bear the cost of taking the observers aboard and putting them ashore.

If the observer is not present at the time and place agreed or during the twelve hours following the time agreed, shipowners shall automatically be absolved of their obligation to take the observer on board.

#### 10. **Inspection and surveillance**

Community vessels fishing under the Agreement shall be monitored by satellite in accordance with the Protocol on VMS and without prejudice to the Angolan legislation applicable.

At the request of the Angolan authorities, Community fishing vessels fishing under the terms of the Agreement shall allow on board any Angolan officials responsible for the inspection and monitoring of fishing activities and shall facilitate the accomplishment of their duties.

These officials shall not remain on board any longer than is necessary for the accomplishment of their duties.

#### 11. **Mesh size**

The minimum size of the mesh used shall be 60 mm.

#### 12. **Boarding**

12.1. The European Community Delegation in Luanda shall be informed within 48 hours of the boarding, within Angola's fishing zone, of any fishing vessel flying the flag of a Member State of the Community within Angola's fishing zone and operating under this Agreement, and shall at the same time receive a summary report of the circumstances and reasons for the boarding of the vessel.

12.2. In the case of vessels authorised to fish in Angolan waters, before any measures regarding the master or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the alleged infringement, a consultation meeting shall be held, within 48 hours of receipt of the abovementioned information, between the Delegation of the Commission of the European Communities, the Fisheries and Environment Ministry and the inspection authorities, possibly attended by a representative of the Member State concerned.

At the meeting, the parties shall exchange any relevant documentation or information, in particular automatically registered data showing the vessel's positions during the trip up to the time of boarding, which may help to clarify the circumstances of the facts concerned.

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

12.3. Before any judicial proceedings, an attempt shall be made to resolve the alleged infringement through a compromise procedure. This procedure shall be completed no later than three working days after the boarding.

12.4. If the case cannot be settled by compromise, judicial proceedings shall be brought before a competent judicial body and a bank security payable by the shipowner shall be set by the relevant authority within 48 hours following the conclusion of the compromise procedure pending a judicial decision. The amount of the security may not exceed the maximum penalty applicable under national legislation for the alleged infringement. The bank security shall be returned to the shipowner by the relevant authority once the case is settled by judicial decision without the master of the vessel concerned being incriminated.

12.5. The vessel and its crew shall be released:

- at the end of the concertation meeting, if the established facts permit, or
- as soon as the obligations arising from the compromise have been fulfilled, or
- as soon as bank security has been lodged by the shipowner (judicial proceedings).

## Appendix 1

**APPLICATION FOR A LICENCE TO FISH FOR SHRIMP AND DEMERSAL SPECIES IN ANGOLAN WATERS**

## SECTION A

1. Name of shipowner: .....
2. Nationality of shipowner: .....
3. Business address of shipowner: .....
4. Chemical additives which may be used (name and composition): .....
- .....
- .....

## SECTION B

*To be completed for each vessel*

1. Period of validity: .....
2. Name of vessel: .....
3. Year of construction: .....
4. Original flag: .....
5. Current flag: .....
6. Date on which current flag acquired: .....
7. Year acquired: .....
8. Port and registration number: .....
9. Type of fishing: .....
10. Gross tonnage: .....
11. Call sign: .....
12. Length overall (m): .....
13. Bow height (m): .....
14. Depth (m): .....
15. Hull construction material: .....
16. Engine power: .....
17. Speed (knots): .....
18. Capacity of the cold storage chamber: .....
19. Capacity of tanks (m<sup>3</sup>): .....
20. Capacity of fish holds (m<sup>3</sup>): .....
21. Colour of hull: .....
22. Colour of superstructure: .....

23. On-board communication equipment: .....

Type	Make	Power (watts)	Year of construction	Frequencies	
				Reception	Transmission

24. Navigating and sounding equipment

Type	Make	Model	Range

25. Skipper: .....

26. Nationality of skipper: .....

Include:

- Three colour photographs of vessel (side view),
- an illustration and detailed description of the fishing gear used,
- a document proving that the representative of the shipowner is empowered to sign this application

(Date of application)	(Signature of representative of shipowner)
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Appendix 2

APPLICATION FOR A LICENCE TO FISH FOR TUNA IN ANGOLAN WATERS

PART A

- 1. Name of shipowner: .....
- 2. Nationality of shipowner: .....
- 3. Business address of shipowner: .....
- .....

PART B

*To be completed for each vessel*

- 1. Period of validity: .....
- 2. Name of vessel: .....
- 3. Year of construction: .....
- 4. Original flag: .....
- 5. Current flag: .....
- 6. Date on which current flag was acquired: .....
- 7. Year acquired: .....
- 8. Port and registration number: .....
- 9. Type of fishing: .....
- 10. Gross register tonnage: .....
- 11. Call sign: .....
- 12. Length overall (metres): .....
- 13. Bow height (metres): .....
- 14. Depth (metres): .....
- 15. Hull construction material: .....
- 16. Engine power (HP): .....
- 17. Speed (knots): .....
- 18. Cabins: .....
- 19. Capacity of fuel tanks (m<sup>3</sup>): .....
- 20. Capacity of fish holds (m<sup>3</sup>): .....
- 21. Freezing capacity in tonnes/24 hours and system used: .....
- 22. Colour of hull: .....
- 23. Colour of superstructure: .....

24. On-board communication equipment: .....

Type	Make	Model	Power (watts)	Year of manufacture	Frequencies	
					Reception	Transmission

25. Navigation and sounding equipment:

Type	Make	Model

26. Auxiliary boats used (for each vessel): .....

26.1. Gross register tonnage: .....

26.2. Length overall (metres): .....

26.3. Bow height (metres): .....

26.4. Depth (metres): .....

26.5. Hull construction material: .....

26.6. Engine power (HP): .....

26.7. Speed (knots): .....

27. Auxiliary aerial equipment used to detect fish (even if not installed on board): .....

28. Home port: .....

29. Name of skipper: .....

30. Nationality of skipper: .....

*Include:*

- three colour photographs of the vessel (side view), of any additional boats used for fishing and of any aerial equipment used for detecting fish,
- an illustration and detailed description of the fishing gear used,
- a document proving that the representative of the shipowner is empowered to sign this application

Date of application	Signature of representative of shipowner
---------------------	--

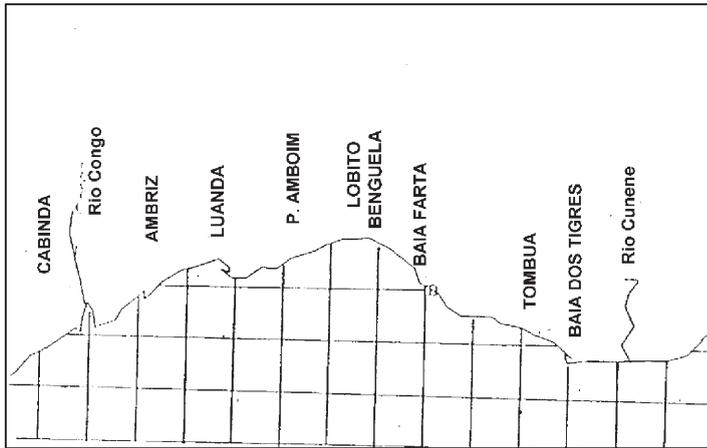




Appendix 3.2

**TRIP**

Call sign (1)	Departure (6)	Arrival (7)
Registration (2)	Date	
Name of vessel (3)	Port	
Nationality (4)	Skipper's name and signature (8)	
Shipowner (5)		



**FISHING GEAR (specify and give measurements) (9)**

Gear	Headline (m) (g)	Footrope (m)	Cod end mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
Seine (d)	Floatline	Depth (m)	
Longline (e)	Length (m)	Number of hooks used	
Gillnet/trammel net (f)	Length (m)	Depth (m)	
Other (specify)			

**MAIN SPECIES FISHED (please state name or serial number) (10)**

--	--

Please enter the total number of fishing days in each box in the diagram opposite (11)

--

TOTAL KG CATCH (Weight of all fish on board the vessel) (12)

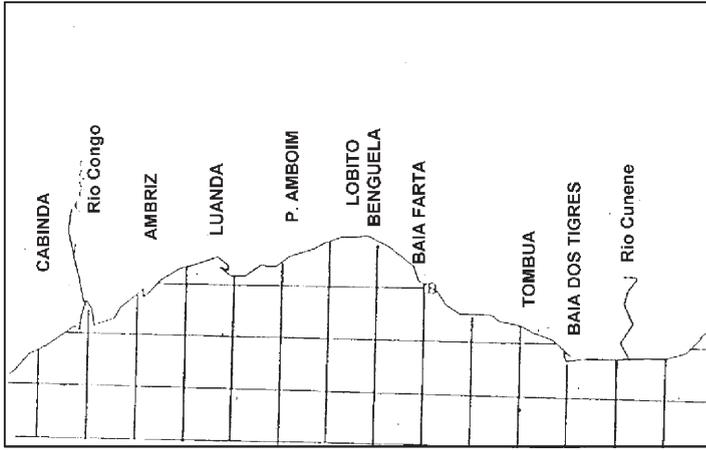
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Appendix 4.2

**TRIP**

Call sign (1)	Departure (6)	Arrival (7)
Registration (2)	Date	
Name of vessel (3)	Port	
Nationality (4)	Skipper's name and signature (8)	
Shipowner (5)		



**FISHING GEAR (specify and give measurements) (9)**

Gear	Headline (m) (g)	Footrope (m)	Cod end mesh size (mm)
Demersal trawl (a)			
Pelagic trawl (b)			
Shrimp trawl (c)			
Seine (d)	Floatline	Depth (m)	
Longline (e)	Length (m)	Number of hooks used	
Gillnet/trammel net (f)	Length (m)	Depth (m)	
Other (specify)			

**MAIN SPECIES FISHED (please state name or serial number) (10)**

--	--

Please enter the total number of fishing days in each box in the diagram opposite (11)

--

TOTAL CATCH (kg) (weight of all fish on board) (12)

--



Appendix 6

STATISTICS ON PELAGIC FISHING ACTIVITIES

FISHERIES MINISTRY		Month		Year				
Name of vessel:		Fishing method		Year				
Nationality (flag):		Home port						
Engine rating								
Gross register tonnage (BRT)								
Date	Fishing zone		Number of catches	Number of hours of fishing	Species (kg)			Total
	Longitude	Latitude			Mackerel	Mackerel and horse mackerel	Horse mackerel	
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								
15.								
16.								
17.								
18.								
19.								
20.								
21.								
22.								
23.								
24.								
25.								
26.								
27.								
28.								
29.								
30.								
31.								
Total								

## COMMISSION

COMMISSION DECISION  
of 27 December 2002

## concerning protection measures relating to classical swine fever in Belgium, France, Germany and Luxembourg

(notified under document number C(2002) 5359)

(Text with EEA relevance)

(2002/1009/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(1)</sup>, as last amended by Directive 2002/33/EC of the European Parliament and of the Council <sup>(2)</sup>, and, in particular Article 10(4) thereof,

Whereas:

(1) In relation to classical swine fever in certain bordering parts of France, Germany and Luxembourg, the Commission has adopted Decision 1999/335/EC of 7 May 1999 approving the plans presented by Germany for the eradication of classical swine fever in feral pigs in Baden Württemberg and Rhineland-Palatinate <sup>(3)</sup>; Decision 2002/161/EC of 22 February 2002 approving the plans submitted by Germany for the eradication of classical swine fever in feral pigs in Saarland and the emergency vaccination against classical swine fever in feral pigs in Rhineland-Pfalz and Saarland <sup>(4)</sup>, as last amended by Decision 2002/791/EC <sup>(5)</sup>; Decision 2002/181/EC of 28 February 2002 approving the plan presented by Luxembourg for the eradication of classical swine fever in feral pigs in certain areas of Luxembourg <sup>(6)</sup>; Decision 2002/626/EC of 25 July 2002 approving the plan submitted by France for the eradication of classical swine fever from feral pigs in Moselle and Meurthe-et-Moselle <sup>(7)</sup>, and Decision 2002/383/EC of 23 May 2002 concerning certain protection measures relating to classical swine

fever in France, Germany and Luxembourg and repealing Decision 2002/302/EC <sup>(8)</sup>, as last amended by Decision 2002/839/EC <sup>(9)</sup>.

- (2) Classical swine fever has recently been confirmed in feral pigs in Belgium, close to the Belgian border with Germany.
- (3) Belgium has taken measures to combat classical swine fever within the framework of Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever <sup>(10)</sup>.
- (4) In the light of the evolution of the epidemiological situation it is appropriate to apply the measures provided for in Decision 2002/383/EC in the concerned areas of Belgium.
- (5) For the sake of clarity, Decision 2002/383/EC should be repealed and a new Decision adopted.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

## Article 1

This Decision shall apply without prejudice to the plans submitted by the Member States and approved by the Commission by Decisions 1999/335/EC, 2002/161/EC, 2002/181/EC and 2002/626/EC.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 29.<sup>(2)</sup> OJ L 315, 19.11.2002, p. 14.<sup>(3)</sup> OJ L 126, 20.5.1999, p. 21.<sup>(4)</sup> OJ L 53, 23.2.2002, p. 43.<sup>(5)</sup> OJ L 274, 11.10.2002, p. 40.<sup>(6)</sup> OJ L 61, 2.3.2002, p. 54.<sup>(7)</sup> OJ L 200, 30.7.2002, p. 37.<sup>(8)</sup> OJ L 136, 24.5.2002, p. 22.<sup>(9)</sup> OJ L 287, 25.10.2002, p. 39.<sup>(10)</sup> OJ L 316, 1.12.2001, p. 5.

*Article 2*

1. Belgium, France, Luxembourg and Germany (hereinafter: 'the Member States concerned') shall ensure that no pigs are dispatched unless the pigs:

- (a) come from an area outside the areas described in the Annex; and
- (b) come from a holding where no live pigs proceeding from the areas described in the Annex have been introduced during the 30-day period immediately prior to the dispatch of the pigs in question.

2. The Member States concerned shall ensure that the transit of pigs through the areas described in the Annex only takes place on major roads or railways, without any stops by the vehicle transporting the pigs.

*Article 3*

1. The Member States concerned shall ensure that no consignments of porcine semen are dispatched unless the semen originates from boars kept at a collection centre referred to in Article 3(a) of Council Directive 90/429/EEC <sup>(1)</sup> and situated outside the areas described in the Annex.

2. The Member States concerned shall ensure that no consignments of ova and embryos of swine are dispatched unless the ova and embryos originate from swine kept at a holding situated outside the areas described in the Annex.

*Article 4*

1. The health certificate provided for in Council Directive 64/432/EEC <sup>(2)</sup> accompanying pigs dispatched from the Member States concerned shall be completed by the following:

'Animals in accordance with Commission Decision 2002/1009/EC of 27 December 2002 concerning certain protection measures relating to classical swine fever in Belgium, France, Germany and Luxembourg (OJ L 351, 28.12.2002, p. 112).'

2. The health certificate provided for in Directive 90/429/EEC accompanying boar semen dispatched from Belgium, France, Germany and Luxembourg shall be completed by the following:

'Semen in accordance with Commission Decision 2002/1009/EC of 27 December 2002 concerning certain protection measures relating to classical swine fever in Belgium, France, Germany and Luxembourg (OJ L 351, 28.12.2002, p. 112).'

3. The health certificate provided for in Commission Decision 95/483/EEC <sup>(3)</sup> accompanying embryos and ova of swine

dispatched from Belgium, France, Germany and Luxembourg shall be completed by the following:

'Embryos/ova <sup>(\*)</sup> in accordance with Commission Decision 2002/1009/EC of 27 December 2002 concerning certain protection measures relating to classical swine fever in Belgium, France, Germany and Luxembourg (OJ L 351, 28.12.2002, p. 112).'

<sup>(\*)</sup> Delete as appropriate.'

*Article 5*

1. The Member States concerned shall ensure that the provisions laid down in the second, fourth, fifth, sixth and seventh indents of Article 15(2)(b) of Directive 2001/89/EC are applied in the pig holdings located within the areas described in the Annex.

2. The Member States concerned shall ensure that vehicles which have been used for the transport of pigs proceeding from holdings located within the areas described in the Annex are cleaned and disinfected after each operation and that the transporter shall furnish proof of such disinfection.

*Article 6*

1. By way of derogation from Article 1(1) and subject to the approval of the Member State of destination, the Member States concerned may authorise the dispatch of pigs proceeding from holdings located within the areas described in the Annex to other holdings or to slaughterhouses located within the areas described in the Annex of another Member State provided that the pigs come from a holding where:

- (a) no live pigs have been introduced during the 30-day period immediately prior to the dispatch of the pigs in question;
- (b) a clinical examination for classical swine fever has been carried out by an official veterinarian in accordance with the checking procedure laid down in Chapter IV(A) of the Annex to Commission Decision 2002/106/EC <sup>(4)</sup>, and Chapter IV(D)(1), (2) and (3) of that Annex; and
- (c) serological tests for classical swine fever have been carried out with negative results on samples collected from the group of pigs to be moved during the seven-day period immediately prior to their dispatch. The minimum number of pigs to be sampled must be sufficient to allow for the detection of 10 % seroprevalence with 95 % confidence in the group of pigs to be moved.

However, c shall not apply to pigs to be moved directly to slaughterhouses for the purpose of immediate slaughter.

2. When dispatching the pigs referred to in paragraph 1, the Member States concerned shall ensure that the health certificate referred to in Article 4(1) includes additional information concerning the dates of the clinical examination, sampling and testing, the number of samples tested, the type of test used and the results of the test.

<sup>(1)</sup> OJ L 224, 18.8.1990, p. 62.

<sup>(2)</sup> OJ L 121, 29.7.1964, p. 1977/64.

<sup>(3)</sup> OJ L 275, 18.11.1995, p. 30.

<sup>(4)</sup> OJ L 39, 9.2.2002, p. 71.

*Article 7*

The Member States concerned may allow the movements of pigs proceeding from holdings located within the areas described in the Annex and dispatched to other areas in the same Member State, only from holdings where clinical examination and serological tests for classical swine fever have been carried out with negative results, in accordance with Article 6(1)(b) and (c) in the holding of dispatch.

*Article 8*

The Member States concerned shall inform the Commission and the Member States in the framework of the Standing Committee on the Food Chain and Animal Health on the results of the serosurveillance for classical swine fever carried out in the areas described in the Annex.

*Article 9*

Decision 2002/383/EC is repealed.

*Article 10*

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

*Article 11*

This Decision shall be reviewed before 20 April 2003.

*Article 12*

This Decision shall apply until 30 April 2003.

*Article 13*

This Decision is addressed to the Member States.

Done at Brussels, 27 December 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

## ANNEX

**Areas of the Member States concerned referred to in Articles 1, 2, 3, 5, 6, 7 and 8**

1. BELGIUM: the territory of Belgium located in-between:
    - the motorway E40 (A3) from the border with Germany until the cross with road N68,
    - then, the road N68 in the southern direction, at Eupen continuing into the Aachenerstraße until the cross with the Paveestraße,
    - then, the Paveestraße until the cross with the Kirchstraße,
    - then, the Kirchstraße, continuing into the Bergstraße and the Neustraße until the cross with the road Olengraben,
    - then, the road Olengraben, continuing into the Haasstraße until the cross with the Malmedystraße,
    - then, the Malmedystraße, continuing into the road N68 in the southern direction until the cross with the road N62,
    - then, the road N62 in the eastern and the southern direction until the cross with motorway E42 (A27),
    - then, the motorway E42 (A27) until the border with Germany.
  2. FRANCE:
    - the territory of the department of Moselle located north of:
      - (i) the road D 855 from the border with Germany until the town of Koenigsmacker;
      - (ii) the river Moselle from the town of Koenigsmacker until the city of Thionville; and
      - (iii) of the motorway A30 from the city of Thionville until the border with Meurthe-et-Moselle,
    - the territory of the department of Meurthe-et-Moselle located north of the motorway A30/national road N52, from the border with the Moselle until the city of Longwy, at the border with Belgium.
  3. GERMANY:
    - the whole territory of Rhineland-Palatinate, except those areas located east of the River Rhine,
    - in Saarland:
      - in the Kreise Merzig-Wadern: Mettlach, Merzig, Beckingen, Losheim, Weiskirchen, Wadern;
      - in the Kreis Saarlouis: Dillingen, Bous, Ensdorf, Schwalbach, Saarwellingen, Nalbach, Lebach, Schmelz, Saarlouis;
      - in the Kreis Sankt Wendel: Nonnweiler, Nohfelden, Tholey,
    - the following areas of North Rhine-Westfalia:
      - Stadt Aachen;
      - in Kreis Aachen: Monschau, Stollberg, Simmerath and Roetegen;
      - in Kreis Dueren: Heimbach, Nideggen, Huertgenwald and Langerwehe;
      - in Kreis Euskirchen: Schleiden, Bad Muenstereifel, Mechernich, Euskirchen, Kall, Nettersheim, Hellenthal, Dahlem, Blankenheim and Zuelpich;
      - in Kreis Rhein-Sieg: Rheinbach, Meckenheim, Swisttal.
  4. LUXEMBOURG: the whole territory of Luxembourg.
-

## CORRIGENDA

**Corrigendum to Council Regulation (EC) No 1514/2002 of 19 August 2002 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain tube and pipe fittings, of iron or steel originating in the Czech Republic, Malaysia, Russia, the Republic of Korea and Slovakia***(Official Journal of the European Communities L 228 of 24 August 2002)*

On page 7, Annex, point 9:

for: 9. The name of the official of the company that has issued the undertaking invoice and the following signed declaration:

'I, the undersigned, certify that the sale for direct export by [company name] to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the undertaking offered by [company name], and accepted by the European Commission through Decision 2002/675/EC. I declare that the information provided in this invoice is complete and correct.'

read: 9. The name of the official of the company that issued the undertaking invoice and the following signed declaration:

'I, the undersigned, certify that the sale for direct export by [company name] to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the undertaking offered by [company name], and accepted by the European Commission through Regulation (EC) No 358/2002 and/or Decision 2002/675/EC. I declare that the information provided in this invoice is complete and correct.'

**Corrigendum to Council Regulation (EC) No 1531/2002 of 14 August 2002 imposing a definitive anti-dumping duty on imports of colour television receivers originating in the People's Republic of China, the Republic of Korea, Malaysia and Thailand and terminating the proceeding regarding imports of colour television receivers originating in Singapore***(Official Journal of the European Communities L 231 of 29 August 2002)*

On page 24, Article 3(1):

The table shall be replaced by the following:

'Country of origin	Company	TARIC additional code
People's Republic of China	Haier Electrical Appliances Corp., Ltd, Haier Road 1, Haier Industrial Park, Qingdao, China	A291
People's Republic of China	Hisense Import & Export Co., Ltd, 11 Jiangxi Road, Qingdao 266071, China	A292
People's Republic of China	Konka Group Co., Ltd, — Overseas Chinese Town, Shenzhen, Guangdong Province, China	A293
People's Republic of China	Sichuan Changhong Electric Co., Ltd, 35 East Mianxing Road, High Tech Park, Mianyang, Sichuan, China	A294
People's Republic of China	Skyworth Multimedia International (Shenzhen) Co., Ltd, — 4F, 425 Ba Gua Ling Ind. District, Shenzhen, China	A295
People's Republic of China	TCL King Electrical Appliances (HuiZhou) Co., Ltd, — 19#, ZhongKai Development Zone Huizhou, Guangdong, China	A296
People's Republic of China	Xiamen Overseas Chinese Electronic Co., Ltd, 22 Huli Dadao, Xiamen, 361006, China	A297'

**Corrigendum to Council Regulation (EC) No 1697/2002 of 23 September 2002 imposing definitive anti-dumping duties on imports of certain welded tubes and pipes, of iron or non-alloy steel originating in the Czech Republic, Poland, Thailand, Turkey and Ukraine**

(Official Journal of the European Communities L 259 of 27 September 2002)

On page 9, recital 14, second indent:

*for:* '... and Mannesmann Boru Endustrisi AS, ...';

*read:* '... and Mannesmann Boru Endüstrisi AS, ...'.

On page 16, recital 69, table and page 17, recital 73, table:

— second column, third line:

*for:* 'Borusan Birlesik Boru Fabrikalari AS.';

*read:* 'Borusan Birlesik Boru Fabrikalari AS.';

— second column, fourth line:

*for:* 'Mannesmann Boru Endustrisi AS.';

*read:* 'Mannesmann Boru Endüstrisi AS.'.

On page 18, recital 76, second and third lines:

*for:* 'Borusan Birlesik Boru Fabrikalari/Mannesmann Boru Endustrisi',

*read:* 'Borusan Birlesik Boru Fabrikalari AS/Mannesmann Boru Endüstrisi AS'.

On page 19, Article 1(2), table:

— second column, third line:

*for:* 'Borusan Birlesik Boru Fabrikalari AS.';

*read:* 'Borusan Birlesik Boru Fabrikalari AS.';

— second column, fourth line:

*for:* 'Mannesmann Boru Endustrisi AS.';

*read:* 'Mannesmann Boru Endüstrisi AS.';

— fourth column, fifth line (company Noksel Celik Boru Sanayi AS.):

*for:* 'A335',

*read:* 'A334'.

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