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Legislation

Contents

I *Acts whose publication is obligatory*

- ★ Council Regulation (EEC) No 298/82 of 26 January 1982 on the conclusion of the Agreement between the European Economic Community and the Republic of India on trade and commercial cooperation in jute products 1
- Agreement between the European Economic Community and the Republic of India on trade and commercial cooperation in jute products 2

II *Acts whose publication is not obligatory*

Council

82/75/EEC:

- ★ Council Decision of 26 January 1982 on the conclusion of an Agreement in the form of exchanges of letters between the European Economic Community and the People's Republic of Bulgaria on trade in the sheepmeat and goatmeat sector 12
- Exchange of letters between the European Economic Community and the People's Republic of Bulgaria on trade in the sheepmeat and goatmeat sector 13
- Exchange of letters concerning the subjects of consultations for which provision is made in point 9 of the exchange of letters between the European Economic Community and the People's Republic of Bulgaria on trade in the sheepmeat sector 18
- Exchange of letters concerning point 2 of the exchange of letters between the European Economic Community and the People's Republic of Bulgaria on trade in the sheepmeat and goatmeat sector 20

82/76/EEC:

- ★ Council Directive of 26 January 1982 amending Directive 75/362/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, including measures to facilitate effective exercise of the right of establishment and freedom to provide services and Directive 75/363/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors 21

82/77/EEC:

- ★ Council Decision of 27 June 1980 concerning the signature and deposit of a declaration of provisional application of the Food Aid Convention 1980 26
- Food Aid Convention 1980 28

1

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 298/82

of 26 January 1982

on the conclusion of the Agreement between the European Economic Community and the Republic of India on trade and commercial cooperation in jute products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas the Agreement on trade and commercial cooperation in jute products between the European Economic Community and the Republic of India should be approved,

commercial cooperation in jute products is hereby approved on behalf of the Community.

The text of the Agreement is annexed to this Regulation.

Article 2

The President of the Council shall notify the other Contracting Party of the completion of the procedures required for the entry into force of the Agreement ⁽¹⁾.

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement between the European Economic Community and the Republic of India on trade and

Article 3

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

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

Done at Brussels, 26 January 1982.

For the Council

The President

L. TINDEMANS

⁽¹⁾ The date of the entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

AGREEMENT

between the European Economic Community and the Republic of India on trade and commercial cooperation in jute products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part,

and

THE GOVERNMENT OF THE REPUBLIC OF INDIA,

of the other part,

RECOGNIZING the importance of jute for India and the importance of trade in jute products between the European Economic Community (hereinafter referred to as 'the Community') and India,

DESIROUS of ensuring, on the one hand, an increasing use of such products and, on the other, the orderly development of their trade in order to achieve the complete liberalization of trade in jute products between the Community and India,

HAVING regard to the Commercial Cooperation Agreement between the Community and India,

NOTING the Joint Declaration of Intent on the development of trade relations with Ceylon (now Sri Lanka), India, Malaysia, Pakistan (now Bangladesh and Pakistan) and Singapore, annexed to the Final Act of the Treaty of Accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and the European Atomic Energy Community of 22 January 1972,

CONSCIOUS of the provisions of the General Agreement on tariffs and trade,

BELIEVING that it is necessary to encourage and facilitate contacts and cooperation between their respective jute interests,

STRESSING the need for promoting cooperation in research and development in the jute sector,

HAVE DECIDED, in a spirit of mutual cooperation, to conclude this Agreement:

Article 1

This Agreement shall apply to manufactured jute products, originating in and coming from India, as defined in Annex A.

Article 2

For the duration of this Agreement and within the framework of its offer on generalized tariff preferences, the Community shall apply autonomously to the manufactured jute products set out in Annex B, and originating in and coming from India, suspended duties of the Common Customs Tariff at the rate of zero.

Article 3

1. The Community shall not subject imports of products defined under Article 1 to new quantitative restrictions.

2. The Community shall suspend for the duration of this Agreement all existing quantitative restrictions on the imports of the products defined in Annex C provided that the Government of India applies, for the duration of the Agreement, such measures as are necessary to keep its exports within the quantitative limits set out in this Annex.

3. If additional demand should arise on the Community market, the Community will not object to these quantitative limits being increased on the understanding that the additional quantities shall be determined on the basis of mutual agreement between both Parties.

4. Quantities of the quota shares set out in Annex C not taken up by a Member State of the Community may be used in another Member State, within the limits and in accordance with the procedures in force in the

Community. The Community undertakes to reply to any request for re-allocation made by India within four weeks of its receipt.

5. All quantitative restrictions on imports into the Community of jute products originating in and coming from India will be eliminated with effect from 1 January 1984.

Article 4

1. The Community shall not subject imports of jute yarn to quantitative restrictions. However, should it consider that Indian exports of jute yarn are seriously prejudicing conditions in its market or in the market of any of its regions, making a limitation on further trade necessary, the Community may request a consultation with India, provided that the request for consultation is accompanied by a statement demonstrating the existence of the above conditions in the Community or in the region concerned.

2. Such consultation shall be entered into within three weeks of notification of the request, with a view to reaching an agreement or a mutually acceptable conclusion within two further weeks at the latest. Should such agreement or mutually acceptable conclusion not be reached within the specified period, the Community may introduce a quantitative limitation in the market of the Community or in the markets of the region or regions concerned on an annual basis which shall, in any case, not be lower than the level reached by imports of jute yarn from India into the affected market or markets during the 12 months prior to the date on which the request for consultation was notified.

3. Paragraph 5 of Article 3 is applicable.

Article 5

1. Imports into the Community of jute products covered by this Agreement which are intended for immediate re-export from the Community or for processing and subsequent re-export outside the Community shall not be subject to the quantitative limits established by this Agreement. The Community authorities will ascertain, under the administrative system of control in force to this effect within the Community, the quantities of jute products imported from India which have been immediately re-exported, or re-exported after processing, outside the Community, and they will accordingly inform, on a quarterly basis, the Indian authorities.

2. In any case where the competent authorities within the Community ascertain under the administrative system of control in force that imports of jute products

covered by this Agreement have been counted against the ceilings established under this Agreement but have subsequently been re-exported from the Community, the authorities concerned will inform, on a quarterly basis, the Indian authorities of the quantities involved and will authorize imports of the same quantities which shall not be counted against the ceilings fixed by the Agreement.

3. In any case where the Community ascertains that the imports referred to in paragraph 1 have been retained for consumption within the Community, the latter will notify the Government of India, on a quarterly basis, of the amounts involved. In such cases India shall, at the request of the Community, count such amounts against the quantitative limit or limits in question for the current year.

Article 6

1. Within any one Agreement year, the unused portions of one of the quantitative limits established under this Agreement in respect of any region of the Community market may be transferred to another quantitative limit established for the same region of the Community market as follows:

— from category 4 to category 7 and vice versa, provided that the quantities involved do not exceed 20 % of the quantitative limit for the category to which the transfer is made.

2. Unused quantities, not exceeding 10 % of one annual ceiling, may be carried over and added to the corresponding ceiling for the following year.

3. Each annual ceiling may be exceeded, up to a limit of 10 % of its total, in anticipation of the corresponding ceiling for the following year.

4. The above flexibility provisions must not, in any single given Agreement year, result in any ceiling being exceeded by more than 20 %.

5. The provisions of the preceding paragraphs shall only be applied by India following written notification to the Community by the Indian authorities.

Article 7

1. The agreed quantitative limits shall be administered using a system of double checking, the details for which are set out in Annex D, subject to such changes as may be mutually agreed upon in the Joint Cooperation Committee set up in Article 10.

2. India undertakes to inform the Community, on a quarterly basis, of the total quantities covered by export authorizations issued by the Indian authorities for all the jute products referred to in Article 3 and, where appropriate, in Article 4.

3. Similarly, the Community will inform the Indian authorities, on a quarterly basis, of the total volume of imports into the Community of the products in question.

Article 8

1. The implementation of this Agreement shall not disrupt a normal trade in jute products between the Community and India.

2. Should one of the Parties inform the other that special difficulties have arisen in this connection, the two Parties shall consult each other, within the framework of the Joint Cooperation Committee, in order to determine the measures necessary to remedy the situation.

Article 9

Without prejudice to the policies of the Government of India concerning the regulation of its exports according to the production situation and the external demand for the products covered by this Agreement, India undertakes to take appropriate steps to ensure that the needs of the Community market and industries are met in a non-discriminatory manner.

Article 10

1. A Joint Cooperation Committee shall be set up and entrusted with the following tasks:

- to arrange consultations promptly at the request of either Party on any matter concerning the trade in jute products, in a spirit of cooperation,
- to examine any problem which may arise as a result of the implementation of this Agreement,

- to examine ways and means of increasing and diversifying the end-uses of jute products, including studies of the experience of other markets in this regard,

- to investigate possibilities, and formulate suggestions, for cooperation in regard to research into, and development of, the production and uses of jute products,

- to develop contacts between, and facilitate joint projects and programmes mutually agreed upon by, representatives of the jute trade and industries of both the Community and India.

2. The Joint Cooperation Committee shall be composed of representatives of the Community and India.

3. The Joint Cooperation Committee shall be convened at the request of either Contracting Party and, in any case, at least once a year.

Article 11

1. This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties notify each other of the completion of the procedures necessary for this purpose. It shall be applicable until 31 December 1983.

2. This Agreement shall apply with effect from 1 January 1980.

Article 12

The Annexes to this Agreement shall form an integral part thereof.

Article 13

This Agreement shall be drawn up in two copies in the Danish, Dutch, English, French, German, Italian and Hindi languages, each of these texts being equally authentic.

Udfærdiget i Bruxelles, den syvende juli nitten hundrede og enogfirs.

Geschehen zu Brüssel am siebten Juli neunzehnhunderteinundachtzig.

Έγινε στις Βρυξέλλες, στις έπτά 'Ιουλίου χίλια έννιακόσια όγδόντα ένα.

Done at Brussels on the seventh day of July in the year one thousand nine hundred and eighty-one.

Fait à Bruxelles, le sept juillet mil neuf cent quatre-vingt-un.

Fatto a Bruxelles, addì sette luglio millenovecentottantuno.

Gedaan te Brussel, de zevende juli negentienhonderd eenentachtig.

**ब्रुसेल्स में दस उठवीस सौ एकासी की
सातवीं जुलाई को यह कारनामा सम्पन्न हुआ ।**

For Rådet for De europæiske Fællesskaber

Für den Rat der Europäischen Gemeinschaften

Γιά τό Συμβούλιο τών Ευρωπαϊκών Κοινοτήτων

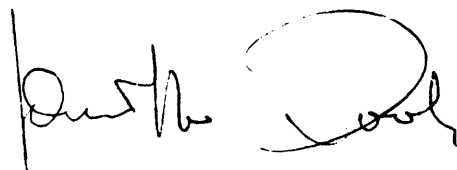
For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

कृते यूरोपीय समुदायों की परिषद



For regeringen for republikken Indien

Für die Regierung der Republik Indien

Γιά τήν Κυβέρνηση τῆς Δημοκρατίας τῆς Ἰνδίας

For the Government of the Republic of India

Pour le gouvernement de la république de l'Inde

Per il governo della Repubblica dell'India

Voor de Regering van de Republiek India

कृते भारत गणराज्य की सरकार



ANNEX A

Definition of categories of jute products covered by Article 1

Category 1:

Jute fabrics weighing more than 500 g/m² and of a width of not more than 150 cm, and jute bags of fabric weighing more than 500 g/m².

Category 2:

Jute fabrics weighing not less than 310 g/m² but not more than 500 g/m², and of a width of not more than 150 cm, and jute bags of fabrics weighing not less than 310 g/m² but not more than 500 g/m².

Category 3:

Jute fabrics weighing less than 310 g/m² and of a width of not more than 150 cm, and jute bags of fabric weighing less than 310 g/m².

Category 4:

Woven fabrics of jute, irrespective of their weight per square metre, of a width more than 150 cm but not more than 310 cm other than those referred to in category 7.

Category 5:

Woven fabrics of jute, irrespective of their weight per square metre, of a width more than 310 cm other than those referred to in category 7, with no patent selvages at any interval throughout the width of the cloth.

Category 6:

Jute yarn.

Category 7:

Jute fabrics, bleached, dyed or printed, either wholly or in part, of a width of more than 150 cm irrespective of their weight per square metre with no patent selvages at any interval throughout the width of the cloth.

ANNEX B

Tariff suspensions covered by Article 2

CCT heading No	Description	Rate of suspension to be applied
57.06	Yarn of jute or of other textile bast fibres of heading No 57.03	0
57.10	Woven fabrics of jute or of other textile bast fibres of heading No 57.03:	}
	A. Of a width of not more than 150 cm and weighing per m ² :	
	I. less than 310 g	
	II. not less than 310 g but not more than 500 g	
	III. more than 500 g	}
	B. Of a width of more than 150 cm	
62.03	Sacks and bags of a kind used for the packing of goods:	}
	A. Of jute or of other textile bast fibres of heading No 57.03:	
	II. Other:	
	a) of fabrics weighing less than 310 g/m ²	
	b) of fabrics weighing not less than 310 g/m ² but not more than 500 g/m ²	
	c) of fabrics weighing more than 500 g/m ²	

The Community hereby undertakes to continue to suspend customs duties on all imports of packaging materials, in accordance with the provisions of the Customs Convention on temporary imports of packing items.

ANNEX C

Products and quantitative limits for which India will exercise restraint towards the Community for the period during which the Agreement shall be applicable. Products covered by category 5 (as defined in Annex A) will not be subject to quantitative limitations.

The Community hereby notifies India that the quantitative limits for the jute products listed below will be allocated between the Member States as follows:

Category 4 (as defined in Annex A)

(tonnes)

Member State	Quantitative limits			
	1980	1981	1982	1983
Benelux	652	717	789	868
Denmark	163	179	197	217
France	1 386	1 525	1 677	1 845
Germany	910	1 001	1 101	1 211
Ireland	560	616	678	745
Italy	191	210	231	254
United Kingdom	468	515	567	623
EEC	4 330	4 763	5 240	5 763

Category 7 (as defined in Annex A)

(tonnes)

Member State	Quantitative limits			
	1980	1981	1982	1983
Benelux	636	687	742	801
Denmark	189	204	220	238
France	268	289	312	337
Germany	610	659	712	769
Ireland	214	231	249	269
Italy	125	135	146	158
United Kingdom	513	554	598	646
EEC	2 555	2 759	2 979	3 218

ANNEX D

System of double checking referred to in Article 7

1. In the Community, the competent authorities shall accept, without delay, imports of products for which quantitative limitations have been agreed upon in Article 3 and, where appropriate, Article 4 of this Agreement, upon production of the importer's request together with the original copy of the export permit ⁽¹⁾.
2. The competent Indian authorities shall issue export permits for all the products referred to in paragraph 1 within the quantitative limits set out in Annex C (and in any case where the provisions of Article 4 have been invoked).
3. The export permit must mention:
 - (a) the Member State of final destination;
 - (b) the serial number;
 - (c) the name and address of the importer;
 - (d) the name and address of the exporter;
 - (e) the net weight (in kilograms or tonnes) and the value;
 - (f) the category and the classification of the products ⁽²⁾;
 - (g) the certification issued by the Indian authorities stating that the quantity has been debited against the agreed quantitative limits for export to the Community (relevant Member State of final destination) or, where appropriate, is for inward processing and subsequent re-export outside the Community ⁽³⁾.
4. In the Community, the competent authorities shall accept, within reasonable limits, differences between the weight as stated in the export permit and the cargo weight or the imported weight. The competent Indian authorities shall, however, endeavour to reduce such discrepancies to a minimum.
5. The competent Indian authorities shall notify the competent authorities in the Community of any withdrawal, or part withdrawal, of an export permit. The latter shall, within the context of the administrative regulations governing such matters, take appropriate steps.
6. The competent Indian authorities shall forward on a quarterly basis, to the competent authorities in the Community, via the Commission, a summary of the export permits issued. These summaries shall state, for every category of product, the net weight in tonnes of the authorized exports, their assignment to the various ceilings and the Member States of the Community to which the goods have been consigned.
7. The competent Community authorities shall forward on a quarterly basis, to the competent authorities in India, via the Mission of India to the European Economic Community in Brussels, a summary of the most recent figures available for imports of products covered by this Agreement.

⁽¹⁾ Where import licences are required under the regulation in force in one or other Member State, such licences shall be issued automatically on demand, within a limited number of days.

⁽²⁾ In the case of the fabrics of category 4 the width shall be indicated (in centimetres), till such time as appropriate changes in NIMEXE are made.

⁽³⁾ Exports shall be debited against the quantitative limits established for the year in which shipment of the goods has been effected.

ANNEX E

Joint declaration

The Contracting Parties agree to make a special effort to fulfil the tasks set out in Article 10 of the Agreement. To this end they will:

- (a) encourage and facilitate contacts between representatives of Indian and Community jute interests, in particular through:
 - annual review and monitoring meetings between the industrial and commercial interests of the two sides,
 - exchange of delegations,
 - the formulation and execution of joint promotion and publicity campaigns;
 - (b) examine the possibility of providing support for any programmes or projects jointly recommended by the jute interests of the two sides as likely to be of mutual benefit to these interests;
 - (c) consider modalities to facilitate contacts and cooperation between the Indian Jute Industries Research Association and interested European research institutes and examine the possibility of providing support for any specific projects jointly drawn up or recommended by them.
-

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 January 1982

on the conclusion of an Agreement in the form of exchanges of letters between the European Economic Community and the People's Republic of Bulgaria on trade in the sheepmeat and goatmeat sector

(82/75/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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

Having regard to the recommendation from the Commission,

Whereas the Commission has conducted negotiations with third countries which supply sheepmeat and goatmeat or live sheep and goats, with a view to reaching agreement for voluntary restraint on their exports to the Community;

Whereas the Commission has reached agreement with Bulgaria;

Whereas the said Agreement allows trade to be carried on in a manner compatible with the common organization of the market in the sector in question,

Article 1

The Agreement in the form of exchanges of letters between the European Economic Community and the People's Republic of Bulgaria on trade in the sheepmeat and goatmeat sector is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement, in order to bind the Community.

Done at Brussels, 26 January 1982.

For the Council

The President

L. TINDEMANS

EXCHANGE OF LETTERS

between the European Economic Community and the People's Republic of Bulgaria on trade
in the sheepmeat and goatmeat sector

Letter No 1

Sir,

I have the honour to refer to the negotiations conducted between our respective delegations for the purpose of drawing up provisions concerning import into the European Economic Community of mutton, lamb and goatmeat and live sheep and goats, other than pure-bred breeding animals from Bulgaria, in connection with implementation by the Community of the common organization of the market in the sheepmeat and goatmeat sector.

During these negotiations, our delegations agreed as follows:

1. This arrangement shall relate to:
 - live sheep and goats other than pure-bred breeding animals (subheading 01.04 B of the Common Customs Tariff),
 - fresh or chilled mutton, lamb and goatmeat (subheading 02.01 A IV a) of the Common Customs Tariff),
 - frozen mutton, lamb and goatmeat (subheading 02.01 A IV b) of the Common Customs Tariff;
2. Within the terms of this arrangement, the competent Bulgarian authorities undertake to ensure that exports to the Community of the products referred to in point 1 shall not exceed the following annual quantities:
 - 2 000 tonnes of live animals, expressed as carcase weight bone-in ⁽¹⁾ ⁽²⁾,
 - 1 250 tonnes of fresh or chilled meat, expressed as carcase weight bone-in ⁽²⁾.

For this purpose, the appropriate procedures shall be implemented by the competent Bulgarian authorities;
3. Provided that Bulgarian exports do not exceed the quantities given in point 2 the Community will not apply any quantitative restriction or measure having equivalent effect.

Should the Community have recourse to the safeguard clause, the provisions of this arrangement would not be affected;
4. If imports from Bulgaria exceed the agreed quantities, the Community reserves the right to suspend further imports from that country until the end of the current year.

⁽¹⁾ 100 kilograms live weight shall correspond to 47 kilograms carcase weight (bone-in equivalent weight).

⁽²⁾ Carcase weight (bone-in equivalent weight). By this term is understood the weight of bone-in meat presented as such as well as boned meat converted by a coefficient into bone-in weight. For this purpose 55 kilograms of boned mutton corresponds to 100 kilograms of bone-in mutton and 60 kilograms of boned lamb corresponds to 100 kilograms of bone-in lamb.

However, in any case, quantities exceeding the agreed quantity for the current year shall be deducted from the quantities agreed for the following year;

5. The Community undertakes, in respect of imports of products covered by this arrangement, to restrict the charges levied to the following *ad valorem* levels:

- 10 % for live animals,

- 10 % for meat.

The Community will not charge, apart from the levies set out above, customs duties or charges having equivalent effect to levies or to customs duties ;

6. When a new Member State accedes to the Community and if the pattern of trade between Bulgaria and such Member State were to justify it, the Community shall agree to consultations between the two Parties with a view to possible adaptation of the quantities given at point 2.

The quantities given at point 2 shall not be reduced.

The charges applicable to imports into the said new Member States shall be fixed in accordance with the rules in the Treaty of Accession, the maximum level of the levy specified in point 5 of this arrangement being taken into account;

7. The competent Bulgarian authorities shall ensure compliance with the terms of this arrangement, in particular by means of the issue by a Bulgarian agency designated for the purpose, of export licences covering the products listed in point 1, within the agreed quantity limits.

For its part the Community undertakes to adopt all the necessary measures to ensure that the automatic issue of an import licence for the abovementioned products originating in Bulgaria shall be subject to production of an export licence issued by the competent Bulgarian authority.

Detailed rules for the implementation of this system shall be drawn up in such a way that there is no need for a security to be lodged for issue of import licences in respect of the products in question. These detailed rules shall also provide that the competent Bulgarian authorities and the competent Community authorities shall undertake periodical exchanges of information on the quantities in respect of which export and import licences have been issued, broken down, as appropriate, according to destination.

It is hereby agreed that export licences will be valid for a period of three months from their date of issue. The corresponding import licences shall be valid until the date of expiry of the export licences.

Quantities delivered under an export licence shall be deducted from the quantity agreed for the year during which the export licence was issued;

8. The two Parties agree that steps should be taken to ensure that the smooth operation of the arrangement is not disturbed by deliveries of sheepmeat and goatmeat products falling under customs headings not covered by this arrangement;
9. In order to ensure the smooth operation of this arrangement, the two Parties agree to remain in close contact and to be ready to undertake consultations on any question which might arise in the course of application of this arrangement. The said consultations must be commenced within a maximum period of 14 days following a request by one of the Parties;

10. The annual quantity fixed at point 2 shall cover the period from 1 January to 31 December.

The quantity applicable from the date of implementation of this arrangement up to 31 December of the current year shall be fixed in proportion to the overall annual quantity and shall take account of the seasonal nature of the trade;

11. This arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the People's Republic of Bulgaria;
12. This arrangement shall enter into force on 1 January 1982. It shall apply until 31 March 1984, and subsequently for periods of two years, subject to the right of either of the Parties to terminate it by giving notice in writing six months before the date of expiry of any one of the said periods. In the case of termination, the arrangement shall come to an end at the date of expiry of the period in question. In any event, the provisions of this arrangement shall be reviewed by the two Parties during the six months preceding 1 April 1984, in order to incorporate in it any adaptations which might be necessary.

I should be grateful to you if you would confirm to me that the above sets out correctly the substance of the Agreement between our two delegations.

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

*On behalf of the Council
of the European Communities*

Letter No 2

Sir,

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

'I have the honour to refer to the negotiations conducted between our respective delegations for the purpose of drawing up provisions concerning import into the European Economic Community of mutton, lamb and goatmeat and live sheep and goats other than pure-bred breeding animals from Bulgaria, in connection with implementation by the Community of the common organization of the market in the sheepmeat and goatmeat sector.

During these negotiations, our delegations agreed as follows:

1. This arrangement shall relate to:
 - live sheep and goats other than pure-bred breeding animals (subheading 01.04 B of the Common Customs Tariff),
 - fresh or chilled mutton, lamb and goatmeat (subheading 02.01 A IV a) of the Common Customs Tariff),
 - frozen mutton, lamb and goatmeat (subheading 02.01 A IV b) of the Common Customs Tariff;
2. Within the terms of this arrangement, the competent Bulgarian authorities undertake to ensure that exports to the Community of the products referred to in point 1 shall not exceed the following annual quantities:

- 2 000 tonnes of live animals, expressed as carcase weight bone-in ⁽¹⁾ ⁽²⁾,
- 1 250 tonnes of fresh or chilled meat, expressed as carcase weight bone-in ⁽²⁾.

For this purpose, the appropriate procedures shall be implemented by the competent Bulgarian authorities;

3. Provided that Bulgarian exports do not exceed the quantities given in point 2 the Community will not apply any quantitative restriction or measure having equivalent effect.

Should the Community have recourse to the safeguard clause, the provisions of this arrangement would not be affected;

4. If imports from Bulgaria exceed the agreed quantities, the Community reserves the right to suspend further imports from that country until the end of the current year. However, in any case, quantities exceeding the agreed quantity for the current year shall be deducted from the quantities agreed for the following year;

5. The Community undertakes, in respect of imports of products covered by this arrangement, to restrict the charges levied to the following *ad valorem* levels:

- 10 % for live animals,
- 10 % for meat.

The Community will not charge, apart from the levies set out above, customs duties or charges having equivalent effect to levies or to customs duties;

6. When a new Member State accedes to the Community and if the pattern of trade between Bulgaria and such Member State were to justify it, the Community shall agree to consultations between the two Parties with a view to possible adaptation of the quantities given at point 2.

The quantities given at point 2 shall not be reduced.

The charges applicable to imports into the said new Member States shall be fixed in accordance with the rules in the Treaty of Accession, the maximum level of the levy specified in point 5 of this arrangement being taken into account;

7. The competent Bulgarian authorities shall ensure compliance with the terms of this arrangement, in particular by means of the issue by a Bulgarian agency designated for the purpose, of export licences covering the products listed in point 1, within the agreed quantity limits.

For its part the Community undertakes to adopt all the necessary measures to ensure that the automatic issue of an import licence for the abovementioned products originating in Bulgaria shall be subject to production of an export licence issued by the competent Bulgarian authority.

Detailed rules for the implementation of this system shall be drawn up in such a way that there is no need for a security to be lodged for issue of import licences in

⁽¹⁾ 100 kilograms live weight shall correspond to 47 kilograms carcase weight (bone-in equivalent weight).

⁽²⁾ Carcase weight (bone-in equivalent weight). By this term is understood the weight of bone-in meat presented as such as well as boned meat converted by a coefficient into bone-in weight. For this purpose 55 kilograms of boned mutton corresponds to 100 kilograms of bone-in mutton and 60 kilograms of boned lamb corresponds to 100 kilograms of bone-in lamb.

respect of the products in question. These detailed rules shall also provide that the competent Bulgarian authorities and the competent Community authorities shall undertake periodical exchanges of information on the quantities in respect of which export and import licences have been issued, broken down, as appropriate, according to destination.

It is hereby agreed that export licences will be valid for a period of three months from their date of issue. The corresponding import licences shall be valid until the date of expiry of the export licences.

Quantities delivered under an export licence shall be deducted from the quantity agreed for the year during which the export licence was issued;

8. The two Parties agree that steps should be taken to ensure that the smooth operation of the arrangement is not disturbed by deliveries of sheepmeat and goatmeat products falling under customs headings not covered by this arrangement;
9. In order to ensure the smooth operation of this arrangement, the two Parties agree to remain in close contact and to be ready to undertake consultations on any question which might arise in the course of application of this arrangement. The said consultations must be commenced within a maximum period of 14 days following a request by one of the Parties;
10. The annual quantity fixed at point 2 shall cover the period from 1 January to 31 December.

The quantity applicable from the date of implementation of this arrangement up to 31 December of the current year shall be fixed in proportion to the overall annual quantity and shall take account of the seasonal nature of the trade;

11. This arrangement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the People's Republic of Bulgaria;
12. This arrangement shall enter into force on 1 January 1982. It shall apply until 31 March 1984, and subsequently for periods of two years, subject to the right of either of the Parties to terminate it by giving notice in writing six months before the date of expiry of any one of the said periods. In the case of termination, the arrangement shall come to an end at the date of expiry of the period in question. In any event, the provisions of this arrangement shall be reviewed by the two Parties during the six months preceding 1 April 1984, in order to incorporate in it any adaptations which might be necessary.

I should be grateful to you if you would confirm to me that the above sets out correctly the substance of the Agreement between our two delegations.

I have the honour to confirm that the above sets out correctly the substance of the Agreement between our two delegations.

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

*For the Government
of the People's Republic of Bulgaria*

EXCHANGE OF LETTERS

concerning the subjects of consultations for which provision is made in point 9 of the exchange of letters between the European Economic Community and the People's Republic of Bulgaria on trade in the sheepmeat and goatmeat sector

Letter No 1

Sir,

With reference to certain specific questions raised during the negotiations for this arrangement, I have the honour to point out that it was agreed during the negotiations that, within the context of the application of this arrangement, if Bulgaria were to raise any concrete problems, they could be covered by the consultations provided for in point 9 without prejudice to the general contents of that point. These problems include:

1. supply of live animals within the quantity agreed for meat;
2. supply of meat within the quantity agreed for live animals;
3. the possibility of advance use, during a given year, of a limited proportion of the quantity agreed for the following year;
4. the possibility of allowing imports of quantities over and above those fixed in point 2 of the arrangement where the Community market situation so permits.

For its part, the Community would be prepared to undertake the said consultations in a spirit of cooperation in respect of any requests put forward by Bulgaria.

I should be grateful if you would kindly acknowledge receipt of this letter.

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

*On behalf of the Council
of the European Communities*

Letter No 2

Sir,

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

'With reference to certain specific questions raised during the negotiations for this arrangement, I have the honour to point out that it was agreed during the negotiations that, within the context of the application of this arrangement, if Bulgaria were to raise any concrete problems, they could be covered by the consultations provided for in point 9 without prejudice to the general contents of that point. These problems include:

1. supply of live animals within the quantity agreed for meat;
2. supply of meat within the quantity agreed for live animals;
3. the possibility of advance use, during a given year, of a limited proportion of the quantity agreed for the following year;
4. the possibility of allowing imports of quantities over and above those fixed in point 2 of the arrangement where the Community market situation so permits.

For its part, the Community would be prepared to undertake the said consultations in a spirit of cooperation in respect of any requests put forward by Bulgaria.

I should be grateful if you would kindly acknowledge receipt of this letter.'

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

*For the Government
of the People's Republic of Bulgaria*

EXCHANGE OF LETTERS

concerning point 2 of the exchange of letters between the European Economic Community and the People's Republic of Bulgaria on trade in the sheepmeat and goatmeat sector

Letter No 1

Sir,

I have the honour to refer to the exchange of letters between the European Economic Community and the People's Republic of Bulgaria on trade in the sheepmeat and goatmeat sector.

Further to that exchange of letters and to your request, I would advise you that the competent authorities of the People's Republic of Bulgaria will ensure that for the period from 1 January 1982 to 31 March 1984 there will be no change in the traditional pattern of exports of mutton, lamb and goatmeat and live sheep and goats from Bulgaria to the two market areas in the Community determined as sensitive.

The competent authorities of the People's Republic of Bulgaria will adopt the necessary measures for this purpose.

I should be obliged if you would kindly acknowledge receipt of this letter.

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

*For the Government
of the People's Republic of Bulgaria*

Letter No 2

Sir,

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

'I have the honour to refer to the exchange of letters between the European Economic Community and the People's Republic of Bulgaria on trade in the sheepmeat and goatmeat sector.

Further to that exchange of letters and to your request, I would advise you that the competent authorities of the People's Republic of Bulgaria will ensure that for the period from 1 January 1982 to 31 March 1984 there will be no change in the traditional pattern of exports of mutton, lamb and goatmeat and live sheep and goats from Bulgaria to the two market areas in the Community determined as sensitive.

The competent authorities of the People's Republic of Bulgaria will adopt the necessary measures for this purpose.

I should be obliged if you would kindly acknowledge receipt of this letter.'

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

*On behalf of the Council
of the European Communities*

COUNCIL DIRECTIVE

of 26 January 1982

amending Directive 75/362/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, including measures to facilitate effective exercise of the right of establishment and freedom to provide services and Directive 75/363/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors

(82/76/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 49, 57 and 66 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas changes in the legislation of the Member States and experience gained from the application of Directives 75/362/EEC and 75/363/EEC ⁽⁴⁾ have made certain technical amendments necessary;

Whereas, moreover, Article 3 (3) of Directive 75/363/EEC provided that four years at the latest after notification of that Directive and in the light of a review of the situation, acting on a proposal from the Commission, and bearing in mind that the possibility of part-time training should continue to exist in certain circumstances to be examined separately for each speciality, the Council shall decide whether the provisions of paragraphs 1 and 2 should be retained or amended;

Whereas pursuant to the principle of full-time training for medical specialists, the derogation in favour of part-time training, while being continued, should be more strictly defined and controlled;

Whereas the period referred to in Article 7 of Directive 75/363/EEC should be extended to 31 December 1983 to enable those Member States where part-time training

for medical specialists does not comply with Articles 2 and 3 of that Directive to complete the process of reform introduced in order to end this type of training,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Article 3 of Directive 75/362/EEC, item 2 under '(g) in Luxembourg' and the figure 1 which precedes the resulting single subparagraph shall be deleted.

Article 2

Article 5 (3) of Directive 75/362/EEC shall be amended as follows:

(a) in the German version, the following headings shall be replaced as follows:

- '— Anästhesie-Wiederbelebung' by '— Anästhesiologie',
- '— Ophthalmologie' by '— Augenheilkunde',
- '— Otorhinolaryngologie' by '— Hals-Nasen-Ohrenheilkunde',
- '— Pädiatrie' by '— Kinderheilkunde';

(b) in all versions:

1. under '— anaesthetics', the subheading concerning Germany and Belgium shall be replaced as follows:
 - 'Germany: Anästhesiologie',
 - 'Belgium: anesthésiologie/anesthesiologie';
2. under '— obstetrics and gynaecology', the subheading concerning Belgium and France shall be replaced as follows:
 - 'Belgium: gynécologie-obstétrique/gynecologie-verloskunde',
 - 'France: gynécologie-obstétrique';

⁽¹⁾ OJ No C 121, 23. 5. 1981, p. 4.

⁽²⁾ OJ No C 260, 12. 10. 1981, p. 99.

⁽³⁾ OJ No C 230, 10. 9. 1981, p. 12.

⁽⁴⁾ OJ No L 167, 30. 6. 1975, pp. 1 and 14.

3. under '— oto rhino laryngology', the subheadings concerning Germany and Belgium shall be replaced as follows:
'Germany: Hals-Nasen-Ohrenheilkunde',
'Belgium: oto-rhino-laryngologie/otorhinolaryngologie';
4. under '— paediatrics', the subheading concerning Belgium shall be replaced by:
'Belgium: pédiatrie/kindergeneeskunde'.

Article 3

Article 7 (2) of Directive 75/362/EEC shall be amended as follows:

(a) in the German version, the headings shall be replaced as follows:

1. 'Mikrobiologie-Bakteriologie' by 'Mikrobiologie und Infektionsepidemiologie';
2. 'Pathologische Anatomie' by 'Pathologie';
3. 'Pädiatrische Chirurgie' by 'Kinderchirurgie';
4. 'Neuro-Psychiatrie' by 'Nervenheilkunde (Neurologie und Psychiatrie)';
5. 'Kinderpsychiatrie' by 'Kinder- und Jugendpsychiatrie';

(b) in the Dutch version, under 'zenuw- en zielsziekten' the subheading concerning Belgium shall be replaced by:

'België: neuropsychiatrie/neuropsychiatrie';

(c) in all versions:

1. under 'microbiology-bacteriology':
— the following subheading shall be added:
'Germany: Mikrobiologie und Infektionsepidemiologie',
— the subheading concerning the Netherlands shall be replaced by:
'Netherlands: medische microbiologie';
2. under 'pathological anatomy' the subheading concerning Germany shall be replaced by:
'Germany: Pathologie';
3. under 'biological chemistry' the subheading concerning Luxembourg shall be replaced by:
'Luxembourg: chimie biologique';

4. under 'paediatric surgery' the subheading concerning Luxembourg shall be replaced by:
'Luxembourg: chirurgie pédiatrique';
5. under 'physiotherapy':
— the subheading concerning Belgium shall be replaced by:
'Belgium: médecine physique/fysische geneeskunde',
— the following subheading shall be inserted:
'Luxembourg: rééducation et réadaptation fonctionnelles';
6. under 'neurology' the following subheading shall be inserted:
'Greece: Νευρολογία';
7. under 'psychiatry' the following subheading shall be inserted:
'Greece: Ψυχιατρική';
8. under 'neuro-psychiatry' the subheading concerning Germany shall be replaced by:
'Germany: Nervenheilkunde (Neurologie und Psychiatrie)';
9. under 'diagnostic radiology':
— the subheading concerning Belgium shall be replaced by:
'Belgium: radiodiagnostic/röntgen-diagnose',
— the following subheadings shall be inserted:
'Greece: 'Ακτινοδιαγνωστική',
'Luxembourg: radiodiagnostic';
10. under 'radiotherapy':
— the subheading concerning Belgium shall be replaced by:
'Belgium: radio- et radiumthérapie/radio-en radiumtherapie',
— the following subheading shall be inserted:
'Luxembourg: radiothérapie';
11. under 'child psychiatry' the following subheadings shall be inserted and added respectively:
'Luxembourg: psychiatrie infantile',
'United Kingdom: child and adolescent psychiatry'.

Article 4

Article 11 (3) of Directive 75/362/EEC is hereby replaced by the following:

'3. If the host Member State has detailed knowledge of a serious matter which has occurred, prior to the establishment of the person concerned

in that State, outside its territory and which is likely to affect the taking up within its territory of the activity concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts. Its authorities shall decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take with regard to the certificates or documents they have issued.

Member States shall ensure the confidentiality of the information which is forwarded.'

Article 5

Article 12 (2) of Directive 75/362/EEC shall be replaced by the following text:

'2. If the host Member State has detailed knowledge of a serious matter which has occurred, prior to the establishment of the person concerned in that State, outside its territory and which is likely to affect the pursuit within its territory of the activity concerned, it may inform the Member State of origin or the Member State from which the foreign national comes.

The Member State of origin or the Member State from which the foreign national comes shall verify the accuracy of the facts. Its authorities shall decide on the nature and extent of the investigation to be made and shall inform the host Member State of any consequential action which they take with regard to the information which they have forwarded in accordance with paragraph 1.'

Article 6

The following Article shall be inserted in Directive 75/362/EEC:

'Article 15a

Where a host Member State requires its own nationals wishing to take up or pursue one of the activities referred to in Article 1 to take an oath or make a solemn declaration and where the form of such an oath or declaration cannot be used by nationals of other Member States, that Member State shall ensure that an appropriate and equivalent form of oath or declaration is offered to the person concerned.'

Article 7

The following subparagraph shall be inserted after the second subparagraph of Article 16 (1) of Directive 75/362/EEC:

'For this purpose and in addition to the declaration provided for in paragraph 2 relating to the services to be provided, Member States may, so as to permit the implementation of the provisions relating to professional conduct in force in their territory, require either automatic temporary registration or *pro forma* membership of a professional organization or body or, as an alternative, registration, provided that such registration or membership does not delay or in any way complicate the provision of services or impose any additional costs on the person providing the services.'

Article 8

Article 19 of Directive 75/362/EEC shall be deleted.

Article 9

In Article 2 (1) of Directive 75/363/EEC:

1. Point (c) shall be replaced by the following:

'(c) it shall be a full-time course supervised by the competent authorities or bodies pursuant to point 1 of the Annex hereto;'

2. Point (d) shall be replaced, in the German version, by the following:

'(d) sie muß in einem Universitätszentrum, einer Universitätsklinik oder gegebenenfalls in einer hierzu von den zuständigen Behörden oder Stellen zugelassenen Einrichtung der ärztlichen Versorgung erfolgen;'

Article 10

Article 3 of Directive 75/363/EEC shall be replaced by the following:

'Article 3

1. Without prejudice to the principle of full-time training as set out in Article 2 (1) (c), and until such time as the Council takes decisions in accordance with paragraph 3, Member States may permit part-time specialist training, under conditions approved by the competent national authorities, when training on a full-time basis would not be practicable for well-founded individual reasons.

2. Part-time training shall be given in accordance with point 2 of the Annex hereto and at a standard qualitatively equivalent to full-time training. This standard of training shall not be impaired, either by its part-time nature or by the practice of private, remunerated professional activity.

The total duration of specialized training may not be curtailed in those cases where it is organized on a part-time basis.

3. The Council shall decide, not later than 25 January 1989, whether the provisions of paragraphs 1 and 2 are to be maintained or amended, in the light of a re-examination of the situation and on a proposal by the Commission, with due regard to the fact that the possibility of part-time training should continue to exist in certain circumstances to be examined specialty by specialty.'

Article 11

In the German version of Directive 75/363/EEC:

(a) the following titles shall be replaced in Article 4:

- '— Krankheiten der Atemwege' by '— Lungen- und Bronchialheilkunde',
- '— Anästhesie-Wiederbelebung' by '— Anästhesiologie',
- '— Hals-, Nasen-, Ohrenheilkunde' by '— Hals-Nasen-Ohrenheilkunde;

(b) the following titles shall be replaced in Article 5:

- '— Neuropsychiatrie' by '— Nervenheilkunde (Neurologie und Psychiatrie)',
- '— Pädiatrische Chirurgie' by '— Kinderchirurgie',
- '— Gastro-Enterologie' by '— Gastroenterologie',
- '— Kinderpsychiatrie' by 'Kinder- und Jugendpsychiatrie',

- '— Mikrobiologie-Bakteriologie' by '— Mikrobiologie und Infektionsepidemiologie',
- '— Pathologische Anatomie' by '— Pathologie',
- '— Dermato-Venerologie' by '— Dermatologie und Venerologie'.

Article 12

Article 7 of Directive 75/363/EEC shall be replaced by the following:

'Article 7

As a transitional measure and notwithstanding Articles 2 (1) (c) and 3, Member States whose provisions, laid down by law, regulation, or administrative action, provided for part-time specialist training at the time of notification of Directives 75/362/EEC and 75/363/EEC may continue to apply these provisions to candidates who have begun training as specialists not later than 31 December 1983.

Each host Member State shall be authorized to require the beneficiaries of the above paragraph to produce, in addition to their diplomas, certificates and other evidence of formal qualifications, an attestation certifying that for at least three consecutive years out of the five years preceding the issue of the attestation they have in fact been lawfully practising as specialists in the field concerned.'

Article 13

The following Annex shall be added to Directive 75/363/EEC:

'ANNEX

Characteristics of full-time and part-time training of specialists

1. Full-time training of specialists

Such training shall be carried out in specific posts recognized by the competent authority.

It shall involve participation in all the medical activities of the department where the training is carried out, including on-call duties, so that the trainee specialist devotes to this practical and theoretical training all his professional activity throughout the duration of the standard working week and throughout the year according to provisions agreed by the competent authorities. Accordingly these posts shall be subject to appropriate remuneration.

Training may be interrupted for reasons such as military service, secondment, pregnancy or sickness. The total duration of the training shall not be reduced by reason of any interruption.

2. Part-time training of specialists

This training shall meet the same requirements as full-time training, from which it shall differ only in the possibility of limiting participation in medical activities to a period at least half of that provided for in the second subparagraph of point 1.

The competent authorities shall ensure that the total duration and quality of part-time training of specialists are not less than those of full-time trainees.

Appropriate remuneration shall consequently be attached to such part-time training.'

Article 14

Part-time specialist training begun before 1 January 1983 under Article 3 of Directive 75/363/EEC may be completed in accordance with that Article.

Article 15

Member States which, before notification of this Directive, have repealed the provisions laid down by law, regulation or administrative action on the award of diplomas, certificates and other evidence of formal qualification in neuropsychiatry or radiology and have, before the said notification, adopted measures relating to acquired rights on behalf of their own nationals, shall accord the right to benefit from such measures to nationals of the Member States, provided their diplomas, certificates and other evidence of formal qualifications in neuropsychiatry or radiology fulfil the conditions laid down in this respect either in Article 9 (2) of Directive 75/362/EEC or in Articles 2, 3 and 5 of Directive 75/363/EEC.

Article 16

Member States shall take the necessary measures to comply with this Directive by 31 December 1982 at the latest. They shall forthwith inform the Commission thereof.

Article 17

This Directive is addressed to the Member States.

Done at Brussels, 26 January 1982.

For the Council

The President

L. TINDEMANS

COUNCIL DECISION

of 27 June 1980

concerning the signature and deposit of a declaration of provisional application of the Food Aid Convention 1980

(82/77/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

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

Having regard to the recommendation from the Commission,

Whereas the Food Aid Convention 1980 (hereinafter referred to as 'the Convention') encourages international cooperation and contributes to the realization of the objectives of the Community, notably in the field of its policy of cooperation with developing countries;

Whereas it is desirable that the Community should provisionally apply the Convention and should deposit a declaration to this effect,

Article 1

The European Economic Community shall provisionally apply the terms of the Food Aid Convention 1980 with effect from the date of deposit of the declaration shown in the Annex hereto.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the declaration shown in the Annex and to deposit it with the Government of the United States of America.

Done at Luxembourg, 27 June 1980.

*For the Council**The President*

A. SARTI

ANNEX

Declaration of provisional application of the Food Aid Convention 1980, the text of which was established by the Conference held for that purpose in London on 6 March 1980

It will not be possible for the European Economic Community to complete by 30 June 1980 the institutional procedures provided for in Article XIV of the Food Aid Convention 1980.

Therefore, in accordance with Article XV of the Food Aid Convention 1980, the Community makes this declaration of provisional application of the Convention. By depositing such a declaration, the Community considers itself to be provisionally a party to the Convention with all the rights and obligations which derive therefrom until such time as the Council of the European Communities shall have taken a final decision on the matter.

*On behalf of the Council
of the European Communities*

FOOD AID CONVENTION 1980

PART I

OBJECTIVE AND DEFINITIONS

*Article I***Objective**

The objective of this Convention is to secure, through a joint effort by the international community, the achievement in physical terms of the World Food Conference target of at least 10 million tonnes of food aid annually to developing countries in the form of wheat and other grains suitable for human consumption, and as determined by the provisions of this Convention.

*Article II***Definitions**

1. For the purposes of this Convention:

- (a) 'cif' means cost, insurance and freight;
- (b) 'Committee' means the Food Aid Committee referred to in Article V;
- (c) 'Executive Secretary' means the Executive Secretary of the International Wheat Council;
- (d) 'fob' means free on board;
- (e) 'grain' or 'grains', unless otherwise stated, means wheat, barley, maize, oats, rye, sorghum and rice, or products derived therefrom, including products of secondary processing, as defined in the Rules of Procedure, subject to the provisions of paragraph 1 of Article III;
- (f) 'member' means a Party to this Convention;
- (g) 'Secretariat' means the secretariat of the International Wheat Council;
- (h) 'tonne' means 1 000 kilograms;
- (i) 'year' means the period from 1 July to 30 June, unless otherwise stated.

2. Any reference in this Convention to a 'government' or 'governments' shall be construed as including a reference to the European Economic Community (hereinafter referred to as the EEC). Accordingly, any reference in this Convention to 'signature' or to the

'deposit of instruments of ratification, acceptance or approval' or 'an instrument of accession' or to a 'declaration of provisional application' by a government shall, in the case of the EEC, be construed as including signature or declaration of provisional application on behalf of the EEC by its competent authority, and the deposit of the instrument required by the institutional procedures of the EEC to be deposited for the conclusion of an international agreement.

PART II

MAIN PROVISIONS

*Article III***International food aid**

1. The members of this Convention agree to contribute as food aid to the developing countries grains, as defined in Article II paragraph 1 (e), suitable for human consumption and of an acceptable type and quality or the cash equivalent thereof, in the minimum annual amounts specified in paragraph 3 below.

2. To the maximum extent possible contributions shall be made by members and needs estimated by recipient countries on a forward planning basis, so that recipient countries may be able to take account, in their development programmes, of the likely flow of food aid they will receive during each year of this Convention. Furthermore, members should, to the extent possible, indicate the amount of their contributions to be made in the form of gifts or grants.

3. The minimum annual contribution of each member towards the achievement of the objective of Article I is as follows:

<i>Member</i>	<i>Tonnes</i>
Argentina	35 000
Australia	400 000
Austria	20 000
Canada	600 000
European Economic Community and its Member States	1 650 000
Finland	20 000
Japan	300 000
Norway	30 000
Sweden	40 000
Switzerland	27 000
United States of America	4 470 000

4. For the purposes of the operation of this Convention, any member which has acceded to this Convention pursuant to paragraph 2 of Article XVI shall be deemed to be listed in paragraph 3 of this Article together with its minimum contribution as determined under the relevant provisions of Article XVI.

5. In the case of a member making the whole or part of its contribution in the form of cash, the quantity determined for that member, or that portion of that quantity not contributed in grain, shall be evaluated at prevailing market prices for wheat. For the purposes of this paragraph, the Committee shall annually determine the prevailing market price for the following year on the basis of the average monthly price of wheat for the preceding calendar year. The Committee shall establish a Rule of Procedure for the determination of the average monthly price of wheat. In determining the prevailing market price, the Committee shall pay due consideration to any significant increase or decrease in the annual average price.

6. The Committee shall establish Rules of Procedure for the purposes of evaluating a member's contribution, committed or shipped, in grain other than wheat, taking into account, where appropriate, the grain content of products and the commercial value of the grain relative to wheat.

7. Food aid under this Convention may be supplied on any of the following terms:

- (a) gifts of grain or gifts of cash to be used to purchase grain for the recipient country;
- (b) sales for the currency of the recipient country which is not transferable and is not convertible into currency or goods and services for use by the donor members ⁽¹⁾;
- (c) sales on credit, with payment to be made in reasonable annual amounts over periods of 20 years or more and with interest at rates which are below commercial rates prevailing in world markets ⁽²⁾;

on the understanding that such aid shall be supplied to the maximum extent possible by way of gifts, especially in the case of least developed countries, low *per capita* income countries and other developing countries in serious economic difficulties.

8. Grain purchases under paragraph 7 (a) of this Article shall be made from members of the Food Aid Convention 1980 and the Wheat Trade Convention in force, with preference accorded to developing members of both Conventions, with a view to facilitating exports of, or processing by, developing members of both Conventions. In making purchases it shall be the general aim that the major part of such purchases shall come from developing countries, with priority being given to developing members of the Food Aid Convention. These provisions shall not therefore exclude the purchase of grain from a developing country, not a member of these Conventions. In all purchases under this paragraph, special regard shall be given to the quality, the cif price advantages and the possibilities of speedy delivery to the recipient country, and the specific requirements of the recipient countries themselves. Cash contributions shall not normally be used in any year to purchase a grain from a country which is the same type of grain as that country has received as bilateral or multilateral food aid during the same year, or during the previous year if the grain so provided is still being used.

9. Aid transactions under paragraphs 7 and 8 of this Article shall be carried out in a way consistent with the concerns expressed in the FAO Principles of Surplus Disposal and Guiding Lines.

10. Contributions in the form of grains shall be placed in a fob forward position by members.

11. If transport costs beyond the fob position are borne by donors these shall be regarded as cash contributions under the Convention over and above the minimum annual amounts specified in paragraph 3 of this Article.

12. Members may, in respect of their contributions under this Convention, specify a recipient country or countries.

13. Members may make their contributions through an international organization or bilaterally. However, members shall give full consideration to the advantages of directing a greater proportion of food aid through multilateral channels, in particular the World Food Programme, and shall otherwise act in accordance with the Guidelines and Criteria for Food Aid, approved by the Committee on Food Aid Policies and Programmes of the World Food Programme.

⁽¹⁾ Under exceptional circumstances an exemption of not more than 10 % may be granted.

⁽²⁾ The credit sales agreement may provide for payment of up to 15 % of principal upon delivery of the grain.

14. In the case of the inability of a member to fulfil its obligations under this Convention in any one year, such member shall increase its commitments or shipments, as appropriate, in the following year by the residual amount remaining from the preceding year.

Article IV

Special provision for emergency needs

If in any year there is a substantial food grain production shortfall in the low income developing countries as a whole, the chairman of the Committee, after considering information received from the executive secretary, shall call a session of the Committee to consider the seriousness of the production shortfall. The Committee may recommend that members should respond to the situation by increasing the amount of food aid available.

Article V

Food Aid Committee

There shall be established a Food Aid Committee whose membership shall consist of all parties to this Convention. The Committee shall appoint a chairman and a vice-chairman.

Article VI

Powers and functions of the Committee

1. The Committee shall:
 - (a) receive from members, and members shall provide, regular reports on the amount, content, channelling and terms of their contributions under this Convention;
 - (b) keep under review the purchase of grains financed by cash contributions with particular reference to the obligation in paragraph 8 of Article III concerning purchases of grain from developing countries;
 - (c) examine the way in which the obligations undertaken under this Convention have been fulfilled; and
 - (d) exchange information on a regular basis on the functioning of the food-aid arrangements under this Convention, in particular, where information is available, on its effects on food production in recipient countries.

The Committee shall report as necessary.

2. For the purposes of Article IV and subparagraphs 1 (c) and (d) of this Article the Committee may receive information from recipient countries and may consult with them.

3. The Committee shall establish such rules of procedure as are necessary to carry out the provisions of this Convention.

4. In addition to the powers and functions specified in this Article, the Committee shall have such other powers and perform such other functions as are necessary to carry out the provisions of this Convention.

Article VII

Seat, sessions and quorum

1. The seat of the Committee shall be London, unless the Committee decides otherwise.

2. The Committee shall meet at least twice a year in conjunction with the statutory sessions of the International Wheat Council. The Committee shall meet also at such other times as the chairman shall decide; or at the request of three members; or as otherwise required by this Convention.

3. The presence of delegates representing two-thirds of the membership of the Committee shall be necessary to constitute a quorum at any session of the Committee.

Article VIII

Decisions

The decisions of the Committee shall be reached by consensus.

Article IX

Admission of observers

The Committee may, when appropriate, invite representatives of the secretariats of other international organizations, whose membership is limited to governments that are members of the United Nations, or its specialized agencies, to attend its sessions as observers.

Article X

Administrative provisions

The Committee shall use the services of the Secretariat for the performance of such administrative duties as the

Committee may request, including the processing and distribution of documentation and reports.

Article XI

Defaults and disputes

In the case of a dispute concerning the interpretation or application of this Convention, or of a default in obligations under this Convention, the Committee shall meet and take appropriate action.

PART III

FINAL PROVISIONS

Article XII

Signature

This Convention shall be open for signature in Washington from 11 March 1980 until and including 30 April 1980 by the governments referred to in paragraph 3 of Article III.

Article XIII

Depositary

The Government of the United States of America shall be the depositary of this Convention.

Article XIV

Ratification, acceptance or approval

This Convention shall be subject to ratification, acceptance or approval by each signatory government in accordance with its constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the depositary not later than 30 June 1980, except that the Committee under the Food Aid Convention 1971, as extended, or the Committee under this Convention, may grant one or more extensions of time to any signatory government that has not deposited its instrument of ratification, acceptance or approval by that date.

Article XV

Provisional application

Any signatory government may deposit with the depositary a declaration of provisional application of

this Convention. Any such government shall provisionally apply this Convention and be provisionally regarded as a party thereto.

Article XVI

Accession

1. This Convention shall be open for accession by any government referred to in paragraph 3 of Article III that has not signed this Convention. Instruments of accession shall be deposited with the depositary not later than 30 June 1980, except that the Committee under the Food Aid Convention 1971, as extended, or the Committee under this Convention, may grant one or more extensions of time to any government that has not deposited its instrument of accession by that date.

2. Once this Convention has entered into force in accordance with Article XVII of this Convention, it shall be open for accession by any government other than those referred to in paragraph 3 of Article III, upon such conditions as the Committee considers appropriate. Instruments of accession shall be deposited with the depositary.

3. Any government acceding to this Convention under paragraph 1 or 2 of this Article may deposit with the depositary a declaration of provisional application of this Convention pending the deposit of its instrument of accession. Any such government shall provisionally apply this Convention and be provisionally regarded as a party thereto.

Article XVII

Entry into force

1. This Convention shall enter into force on 1 July 1980, if by 30 June 1980 the governments referred to in paragraph 3 of Article III have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, and provided that the 1979 Protocol for the fifth extension of the Wheat Trade Convention 1971, or a new Wheat Trade Convention replacing it, is in force.

2. If this Convention does not enter into force in accordance with paragraph 1 of this Article, the governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, may decide by unanimous consent that it shall enter into force among themselves provided that the 1979 Protocol for the fifth extension of the Wheat Trade Convention 1971, or a new Wheat Trade Convention replacing it, is in force,

or may take whatever other action they consider the situation requires.

shall inform the Committee accordingly, but shall not be released from any obligations under this Convention which have not been discharged.

Article XVIII

Duration and extension

1. This Convention shall remain in force until and including 30 June 1981, provided that the 1979 Protocol for the fifth extension of the Wheat Trade Convention 1971, or a new Wheat Trade Convention replacing it, remains in force until and including that date.

2. If the Wheat Trade Convention 1971 is further extended, or if a new Wheat Trade Convention replacing it enters into force, the Committee may extend this Convention for the period of extension of the Wheat Trade Convention 1971, or for the duration of the new Wheat Trade Convention replacing it. At the time of such extension of this Convention, a member which does not wish to participate in this Convention, as extended, may withdraw therefrom by giving written notice of withdrawal to the depositary. Such member

Article XIX

Relationship of this Convention to the International Wheat Agreement 1971, as extended

This Convention shall replace the Food Aid Convention 1971, as extended, and shall be one of the constituent instruments of the International Wheat Agreement 1971, as extended.

Article XX

Authentic texts

The texts of this Convention in the English, French, Russian and Spanish languages shall all be equally authentic. The originals shall be deposited in the archives of the depositary, which shall transmit certified copies thereof to each signatory and acceding government.

In witness whereof the undersigned, having been duly authorized to this effect by their respective governments or authorities, have signed this Convention on the dates appearing opposite their signatures.

APPENDIX

Interpretative notes

Article III — International Food Aid

The Conference declares that the member countries should take the greatest care in order to ensure that the fulfilment of the food-aid obligations under the Food Aid Convention 1980 should not introduce interference with free and fair competition in shipping.

Article III (5) — Contribution of cash

A significant increase or decrease shall be considered to have taken place when the annual average price referred to in Article III (5) rises more than 20 % above, or falls more than 20 % below, that of the previous calendar year, respectively. In that regard, the prevailing market price actually used to evaluate a member's contribution shall not be more than 20 % above nor more than 20 % below that of the previous year.
