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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 379/82**of 15 February 1982****laying down for the period 15 February to 30 April 1982 certain interim measures for the conservation and management of fishery resources applicable to vessels flying the flag of Spain**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement on fisheries between the European Economic Community and the Government of Spain ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas the Community and Spain held consultations, in accordance with the procedure provided for in the Agreement, concerning the conditions of fishing by vessels of either party in the fishing zone of the other party during the year 1982; whereas these consultations were not concluded until 26 January 1982;

Whereas, at the conclusion of these consultations, the Community delegation undertook to recommend to its authorities that certain measures should be adopted, for the said period, authorizing fishing by Spanish vessels in the fishing zones of Member States which are subject to Community fisheries rules; whereas these measures, as regards in particular the fixing of the number of licences to be granted to Spanish vessels, will take into account the fact that these vessels will only be engaged in fishing during part of 1982;

Whereas in order to permit an early resumption of fishing by Spanish vessels, it is appropriate that the Community adopt immediately the agreed rules authorizing fishing by Spanish vessels in the Community fisheries zone with effect from 15 February 1982 until 30 April 1982;

Whereas, consequently, these measures should be provisionally adopted on the basis of Article 3 of the Agreement, subject to their later inclusion in the definitive rules to be adopted under Article 43 of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

The only catches which vessels flying the flag of Spain are authorized to make during the period 15 February to 30 April 1982 in the 200 mile fishing zones of the Member States covered by the Community fisheries rules shall be those set out in Annex I, within the quantitative limits laid down therein and caught under the conditions laid down by this Regulation.

Article 2

1. Fishing shall be subject to the holding on board of a licence, issued by the Commission on behalf of the Community, and to compliance with the conservation and supervisory measures and other provisions governing fishing in the zones referred to in Article 1.
2. The number of licences which may be issued to vessels flying the flag of Spain shall be as laid down in point 3 of Annex I.
3. A vessel may hold only one licence.
4. The skippers of vessels holding a licence must observe the special conditions laid down in Annex II. These conditions shall form part of the licence. However, in the case of vessels holding a licence referred to in point 3 (d), (g) or (h) of Annex I, only points 1 and 2 of the special conditions laid down in Annex II must be observed.

⁽¹⁾ OJ No L 322, 28. 11. 1980, p. 4.

Article 3

1. When an application for a licence referred to in point 3 (a), (b), (c), (g) and (h) of Annex I is submitted to the Commission, the following information shall be supplied :

- (a) name of the vessel ;
- (b) registration number ;
- (c) external identification letters and numbers ;
- (d) port of registration ;
- (e) name and address of the owner or charterer and, if the owner is a legal person, of the members ;
- (f) gross tonnage and overall length ;
- (g) engine power ;
- (h) call sign and radio frequency ;
- (i) intended method of fishing ;
- (j) intended area of fishing ;
- (k) species intended to be fished ;
- (l) period for which a licence is requested.

2. Each licence shall be valid for one vessel only. When several vessels are taking part in the same fishing operation, each vessel must be in possession of a licence indicating this method of fishing.

3. However, in the case of the fishing referred to in point 3 (b) and (c) of Annex I, a single licence may be issued on request for two vessels whose particulars shall be entered at the same time on the licence.

For each of the said types of fishing, the Spanish authorities shall provide a list of vessels which shall not exceed in number that fixed in the last column of point 3 of Annex I, specifying for which vessels a licence or a joint licence is requested and, where appropriate, the period of validity requested.

4. A vessel may hold only one licence.

Article 4

1. The licences referred to in point 3 (d) of Annex I may be issued only to vessels appearing on a list of vessels authorized to use such licences during the period referred to in Article 1. This list shall provide the following particulars in respect of each vessel :

- name of the vessel,
- registration number ;
- external identification letters and numbers,
- port of registry,
- name and address of the owner or charterer,
- gross tonnage and overall length,
- call sign and radio frequency.

2. The licences referred to in point 3 (d) of Annex I may be used only by vessels included in a periodic programme. This programme shall give the names and

registration numbers of all vessels authorized to use such a licence during the period covered, together with the dates on which each vessel may use such a licence.

A periodic programme shall be valid for a period of at least one month and shall be introduced at least four working days before the beginning of the period which it covers. The duration for which each vessel may use a licence under the periodic programme shall be not less than two days. Approval of the various parts of a periodic programme shall be given by the Commission one working day before the date scheduled for their entry into force.

Article 5

1. The licence referred to in point 3 (e) of Annex I may be issued only to vessels which appear on a list of vessels authorized to use such licences during the period from 1 March to 30 April 1982. This list shall provide the following particulars in respect of each vessel :

- name of the vessel,
- registration number,
- external identification letters and numbers,
- port of registry,
- name and address of the owner or charterer,
- gross tonnage and overall length,
- engine power,
- call sign and radio frequency.

2. The licences referred to in point 3 (e) of Annex I may be used only by vessels which appear on a periodic list. This list shall show, in respect of each of the licences, the names and registration numbers of each of the vessels authorized to use these licences during the period covered by the list. A periodic list shall be valid for a period of at least two weeks and shall be introduced at least four working days before the beginning of the period which it covers. The list may not provide for alternate use of a given licence by more than three vessels. Each vessel may use only one licence during the period covered by a list. Approval of a periodic list shall be given by the Commission not later than one working day before the date for its entry into force.

Article 6

1. Notwithstanding the provisions of Articles 4 and 5, changes in the periodic programmes and lists may be requested in respect of vessels which have been prevented by *force majeure* from using the licence during the specified period. The vessels concerned shall not be authorized to fish until confirmation has been received from the Commission ; such confirmation should be given within 36 hours, excluding public holidays.

2. Should the Commission not be in possession of a new periodic programme or list four working days before the expiry of the preceding programme or list, the provisions applicable to the last week covered shall be applied for a further week.

Article 7

Licences other than those referred to in point 3 (g) and (h) of Annex I may be invalidated if the Commission does not receive, by the fifth and 20th day of each month, information communicated by the competent Spanish authorities concerning the catches made by each vessel and the landings made in each port during the previous fortnight.

Article 8

1. Fishing with gillnets shall be prohibited.
2. The vessels may have on board no fishing gear other than that necessary for the fishing authorized.
3. Vessels fishing as specified in point 3 (h) of Annex I may have on board no other fishing gear than drifting long lines.

Article 9

1. By-catches shall be permitted within the limits laid down in point 2 of Annex I.
2. Vessels holding a licence entitling them to fish for tunny may not fish any species other than thunnidae; they may not have on board any species other than thunnidae, with the exception of anchovies intended as live bait.
3. Vessels holding a licence entitling them to fish for Ray's bream may not fish for any other species; they may not have on board any species other than Ray's bream.

Article 10

Licences referred to in point 3 (b) of Annex I shall be valid during the period 15 to 28 February 1982.

Article 11

1. The licences referred to in point 3 (a), (b), (c) (f) (g) and (h) of Annex I shall be valid for a period of two months, from the first day of a month to the last day of a month.

Applications for licences shall be submitted not later than 15 days before the date envisaged for the commencement of validity. However, licences the vali-

dity of which commences on 1 April 1982 may be valid for a period of one month.

2. The validity of licences may be extended under the conditions laid down in paragraph 1.

3. Licences may be cancelled with a view to the issue of new licences. The cancellation shall take effect on the first day of the month following the surrender of the licences to the Commission.

The new licences shall be issued in accordance with paragraph 1.

Article 12

The period of validity of the licence referred to in point 3 (a) and (e) of Annex I shall expire as soon as it has been established that the quantities laid down in point 1 of Annex I have been fished.

Article 13

1. Licences for vessels which have not complied with the obligations provided for in this Regulation may be withdrawn.

2. Where a vessel infringes this Regulation by fishing without a valid licence in the zone referred to in Article 1 and where that vessel belongs to a shipowner who has one or more other vessels to which licences have been issued, one of such licences may be withdrawn.

3. Vessels engaging in the type of fishing referred to in point 3 (a) of Annex I which have failed to comply with the obligations provided for in this Regulation shall not be granted a licence for a period of from four to 12 months from the date on which the infringement was committed.

4. Vessels engaging in the type of fishing referred to in point 3 (b), (c), (d), (f), (g) and (h) of Annex I which have failed to comply with the obligations provided for in this Regulation shall not be granted a licence for a period of from two to four months from the date on which the infringement was committed.

5. No licence shall be issued during the periods referred to in paragraphs 3 and 4 to a vessel belonging to a shipowner who also owns a vessel whose licence has been withdrawn.

Article 14

1. Fishing may not take place in a zone within ICES sub-areas VI and VII, situated south of 56° 30' N, east of 12° W and north of 50° 30' N

2. The fishing referred to in point 3 (d) of Annex I may not take place east of 1° 48' W.

3. Notwithstanding paragraph 1 fishing specified in Annex I (3) (h) is allowed only within ICES divisions VII g), h), j) and k).

Article 15

The competent authorities in the Member States shall take appropriate measures, including the regular inspection of vessels, to ensure implementation of this Regulation.

Article 16

Where an infringement is duly found to have taken place, the Member States shall, without delay, inform the Commission of the name of the vessel concerned and of any action they may have taken.

Article 17

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

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

Done at Brussels, 15 February 1982.

For the Council

The President

P. de KEERSMAEKER

ANNEX I

1. Fishing quotas

Species	ICES sub-areas	Quantity (tonnes)
Hake	VI VII VIII	995 3 400 4 105 ⁽¹⁾
Other species taken as by-catches of hake fishing	VI VII VIII	1 990 6 800 8 210
Anchovy	VIII	29 000 ⁽²⁾
Tuna	VI, VII, VIII	No limit
Ray's bream	VII g), h), j), k)	No limit

⁽¹⁾ Catches made by vessels referred to under point 3 (c) and (d) are to be added to this quantity.

⁽²⁾ Catches made by vessels flying the flag of Spain in the Spanish fishing zone of the Bay of Biscay are to be deducted from this quantity.

2. Permitted by-catches

Target species	Species fished as by-catches	Permitted limits of by-catches
Hake	Cod Haddock Whiting Pollack Saithe	The total by-catches of these species may not exceed 3 % by weight of the total catch on board
	Clupeid fish Norway lobster	The total by-catches of these species may not exceed 5 % by weight of the total catch on board
	Sole Plaice Herring	By-catches of these species may not be kept on board
Sardine	Horse-mackerel	By-catches of this species may not exceed 10 % by weight of the total catch or 10 % by weight of any sample of less than 100 kg of fish found to be on board in the vessel's hold after sorting
	Other species (including invertebrates)	By-catches of all other species may not be kept on board

3. Number of licences that may be issued for the various ICES sub-areas and divisions

Type of fishing	ICES sub-areas and division	Number of licences	Complete list of vessels
(a) Vessels conducting hake fishing	VI VII VIII	19 ⁽¹⁾ 60 ⁽¹⁾ 51 ⁽¹⁾	— — —
(b) Sardiniers (seiners less than 100 grt)	VIII	40	71
(c) Long-liners less than 100 grt	VIII a)	10	25
(d) Fishing exclusively with rods from vessels not exceeding 50 grt	VIII	50	—
(e) Vessels fishing for anchovy as target species	VIII	160	—
(f) Vessels fishing for anchovy to be used as live bait	VIII	120	—
(g) Tuna fishing	VI, VII, VIII	No limit	—
(h) Vessels fishing for Ray's bream	VII g), h), j), k)	No limit	—

⁽¹⁾ Figure fixed on the basis of a standard vessel with a brake horsepower of 700 bhp. The conversion factors for vessels of another horsepower are as follows:

<i>Horsepower</i>	<i>Coefficient</i>
Less than 300 bhp	0.57
300 bhp or more, but less than 400 bhp	0.76
400 bhp or more, but less than 500 bhp	0.85
500 bhp or more, but less than 600 bhp	0.90
600 bhp or more, but less than 700 bhp	0.96
700 bhp or more, but less than 800 bhp	1.00
800 bhp or more, but less than 1 000 bhp	1.07
1 000 bhp or more, but not exceeding 1 200 bhp	1.11
Over 1 200 bhp	2.25
Long-liners other than those specified in 3 (c)	0.33

When applying these conversion factors to 'parejas' and 'trios' the horsepower of the individual vessels' engines are to be totalled.

*ANNEX II***Special conditions**

1. The fishing licence must be on board the vessel.
2. The registration letters and numbers of the licensed vessel must be clearly marked on the bow of the vessel at both sides and on each side of the superstructure where they can best be seen.

The letters and numbers shall be painted in a colour contrasting with that of the hull or superstructure and shall not be effaced, altered, covered or otherwise obscured.

3. A log-book must be kept in which the following details are to be entered after each fishing operation :
 - 3.1. the quantity (in kg) of each species caught ;
 - 3.2. the date and the time of the beginning and end of fishing ;
 - 3.3. the ICES statistical square in which the catches were made ;
 - 3.4. the fishing method used ;
 - 3.5. all radio messages transmitted in accordance with points 4 to 6.
4. Information must be transmitted by the licensed vessel to the Commission of the European Communities at Brussels (telex address 24.189 FISEU-B) via one of the radio stations listed in point 6.2 and in accordance with the following timetable :
 - 4.1. in the case of licences authorizing fishing for hake or sardines :
 - 4.1.1. on each occasion the vessel enters the 200 nautical mile fishing zone off the coasts of the Member States of the Community, which is covered by Community fisheries regulations ;
 - 4.1.2. on each occasion the vessel leaves the 200 nautical mile fishing zone off the coasts of the Member States of the Community, which is covered by Community fisheries regulations ;
 - 4.1.3. on each occasion the vessel moves from one ICES sub-area to another within the zones as defined in 4.1.1 and 4.1.2 ;
 - 4.1.4. on each occasion the vessel enters a Community port ;
 - 4.1.5. on each occasion the vessel leaves a Community port ;
 - 4.1.6. at weekly intervals, in respect of the week beginning either on the date on which the vessel first entered the zone referred to in 4.1.1 above or on the date on which the vessel left one of the ports referred to in 4.1.5 above.
 - 4.2. where the licence authorizes fishing for anchovies :
 - 4.2.1. on each occasion the vessel enters the 200 nautical mile fishing zone off the coasts of the Member States, which is covered by Community fisheries regulations ;
 - 4.2.2. on each occasion the vessel leaves the 200 nautical mile fishing zone off the coasts of the Member States of the Community, which is covered by Community fisheries regulations.
5. The following details must be included in all messages transmitted in pursuance of point 4 :
 - 5.1. the date, time, geographical position and ICES statistical square ;
 - 5.2. the quantity (in kg) of each species of fish in the hold ;

- 5.3. the quantity (in kg) of each species caught since the previous transmission ;
- 5.4. the ICES statistical square in which the catches were taken ;
- 5.5. the quantity (in kg) of each species transferred to other vessels since the previous transmission.
6. The details provided for in point 5 must be transmitted in accordance with the following conditions :

- 6.1. all messages must be transmitted via a radio station on the list below :

<i>Name</i>	<i>Call sign</i>
North Foreland	GNF
Humber	GKZ
Cullercoats	GCC
Wick	GKR
Oban	GNE
Portpatrick	GPK
Anglesey	GLV
Ilfracombe	GIL
Niton	GNI
Stonehaven	GND
Portishead	GKA
	GKB
	GKC
Land's End	GLD
Valentia	EJK
Malin Head	EJM
Boulogne	FFB
Brest	FFU
Saint-Nazaire	FFO
Bordeaux-Arcachon	FFC

- 6.2. If for reasons of *force majeure* it is impossible for the message to be transmitted by the licensed vessel, it may be transmitted on that vessel's behalf by another vessel.

- 6.3. Content of the message

Messages transmitted under the provisions of the licence and in accordance with the timetable set out in point 4 must take into account the details required pursuant to point 5 and contain the following information :

- name of vessel,
- call sign,
- external identification letters and numbers,
- licence number,
- serial number of the message for the voyage in question,
- indication of the type of message taking into account the different points mentioned in point 4,
- the geographical position and the ICES statistical square,
- the quantity (in kg) of each species of fish in the holds using the code given in point 6.4,
- the quantity (in kg) of each species caught since the previous transmission,
- the ICES statistical square in which the catches were taken,
- the quantity (in kg) of each species transferred to other vessels since the previous transmission,
- the name, call sign, and, if applicable, the licence number of the vessel to which the transfer was made,
- the name of the skipper.

6.4. The code to be used to indicate the quantities of fish on board as mentioned in point 6.3 :

- A. Deep-water prawn (*Pandalus borealis*)
 - B. Hake (*Merluccius merluccius*)
 - C. Greenland halibut (*Reinhardtius hippoglossoides*)
 - D. Cod (*Gadus morrhua*)
 - E. Haddock (*Melanogrammus aeglefinus*)
 - F. Halibut (*Hippoglossus hippoglossus*)
 - G. Mackerel (*Scomber scombrus*)
 - H. Horse-mackerel (*Trachurus trachurus*)
 - I. Round-nose grenadier (*Coryphaenoides rupestris*)
 - J. Saithe (*Pollachius virens*)
 - K. Whiting (*Merlangus merlangus*)
 - L. Herring (*Clupea harengus*)
 - M. Sandeel (*Ammodytes* sp)
 - N. Sprat (*Clupea sprattus*)
 - O. Plaice (*Pleuronectes platessa*)
 - P. Norway pout (*Trisopterus esmarkii*)
 - Q. Ling (*Molva molva*)
 - R. Other
 - S. Shrimp (*Pandalidae*)
 - T. Anchovy (*Engraulis encrassicholus*)
 - U. Redfish (*Sebastes* sp)
 - V. American Plaice (*Hypoglossoides platessoides*)
 - W. Squid (*Illex*)
 - X. Yellowtail (*Limanda ferruginea*)
 - Y. Blue whiting (*Gadus poutassou*)
 - Z. Tuna (*Thunnidae*)
 - AA. Blue ling (*Molva dypterygia*)
 - BB. Tusk (*Brosme brosme*)
 - CC. Dogfish (*Scyliorhinus retifer*)
 - DD. Basking shark (*Cetorhina*)
 - EE. Porbeagle (*Lamna nasus*)
 - FF. Squid *loligo* (*Loligo vulgaris*)
 - GG. Ray's bream (*Brama brama*)
 - HH. Sardine (*Sardina pilchardus*)
-

COUNCIL REGULATION (EEC) No 380/82**of 15 February 1982****laying down certain interim measures for the conservation and management of fishery resources applicable to vessels registered in the Faroe Islands**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Fisheries Agreement between the European Economic Community, on the one hand, and the Government of Denmark and the local Government of the Faroe Islands, on the other hand⁽¹⁾, and in particular Article 2 thereof,

Having regard to the proposal from the Commission,

Whereas in accordance with the procedure provided for by the said Agreement, and in particular Article 2 thereof, the Community, on the one hand, and the Government of Denmark and the local Government of the Faroe Islands, on the other hand, have held consultations concerning their mutual fishing rights for 1982;

Whereas during these consultations the delegations agreed to recommend to their respective authorities that they fix certain catch quotas for 1982 for vessels of the other Party;

Whereas in order to avoid a too long interruption of reciprocal fishing by vessels of the two parties in the fisheries zone of the other, it is necessary that the Community adopt immediately interim rules authorizing fishing by Faroese vessels in the Community fisheries zone;

Whereas, consequently, this measure should be adopted on a temporary basis, subject to its later inclusion in the definitive rules to be adopted under Article 43 of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

1. The only fishing activities by vessels registered in the Faroe Islands in the 200 nautical mile zone of the Member States in the North Sea, Skagerrak, Kattegat, the Baltic Sea, the Labrador Sea, Davis Strait, Baffin Bay and the Atlantic Ocean north of 43° N which shall be authorized until 30 April 1982 are those for the species mentioned in Annex I within the geographical and quantitative limits laid down therein and in

accordance with the conditions laid down in this Regulation.

2. Fishing authorized under paragraph 1 shall be limited except in Skagerrak to the parts of the 200 nautical mile fishing zone lying seawards of 12 nautical miles from the base-lines from which the territorial seas of Member States are measured.

3. Notwithstanding paragraph 1, unavoidable by-catches of a species for which no quota is established in a zone shall be permitted within the limits fixed in the conservation measures in force in the zone concerned.

4. By-catches in a given zone of a species for which a quota is established in that zone shall be counted against the quota concerned.

Article 2

1. Vessels fishing under the quotas established in Article 1 shall comply with the conservation and control measures and all other provisions governing fishing in the zones referred to in that Article.

2. Vessels referred to in paragraph 1 shall keep a log-book in which the information set out in Annex II is to be entered.

3. Vessels referred to in paragraph 1, excluding those fishing in ICES division III a) shall transmit to the Commission the information set out in Annex III. This information is to be transmitted according to the rules set out in this Annex.

4. The registration letters and numbers of the vessels referred to in paragraph 1 must be clearly marked on the bow of the vessel on both sides.

Article 3

1. Fishing within the waters referred to in Article 1, except in Skagerrak, under the quotas established in the said Article shall be permitted only where a licence issued by the Commission on behalf of the Community is held on board and where the conditions set out in the licence are observed.

2. The delivery of licences for the purpose of paragraph 1 shall be subject to the condition that the number of licences valid on any one day shall not exceed:

(a) 16 for fishing mackerel in ICES division VI a) (north of 56° 30' N) ICES divisions VII e), f) and

⁽¹⁾ OJ No L 226, 29. 8. 1980, p. 11.

- h), sprat in ICES sub-area IV and division VI a) (north of 56° 30' N) and horse-mackerel in ICES sub-area IV and division VI a) (north of 56° 30' N), VII e), f), h);
- (b) 12 for fishing Norway pout in ICES sub-area IV and division VI a) (north of 56° 30' N) and sandeel in ICES sub-area IV;
- (c) for fishing northern deep-water prawn (*Pandalus borealis*):
- nine in ICES sub-area XIV,
 - eight in NAFO sub-area 1 (south of 68° N);
- (d) 17 for fishing ling and tusk in ICES division VI b);
- (e) six for fishing blue ling in ICES divisions VI a) (north of 56° 30' N) and VI b);
- (f) six for fishing Greenland halibut in NAFO sub-area 1 and ICES sub-area XIV;
- (g) 14 for fishing blue whiting in ICES sub-area VII (west of 12° W) and ICES divisions VI a) (north of 56° 30' N) and VI b);
- (h) three for fishing porbeagle;
- (i) 16 for fishing herring in ICES division VI a) (north of 56° 30' N);
- (j) six for fishing redfish in ICES sub-area XIV;
- (k) 10 for fishing capelin in ICES sub-area XIV.

3. Each licence shall be valid for one vessel only. When several vessels are taking part in the same fishing operation, each vessel shall be in possession of a licence.

4. Licences may be cancelled with a view to the issue of new licences. The cancellation shall take effect from the date of the surrender of the licence to the Commission.

5. Should there be an infraction of the obligations fixed by this Regulation the licence shall be withdrawn.

6. No licence shall be issued for a maximum period of 12 months for vessels in respect of which the obligations laid down in this Regulation have not been observed.

7. Licences issued in pursuance of Regulation (EEC) No 3000/81⁽¹⁾ and valid on 31 December 1981, shall remain valid until 31 March 1982 at the latest, if so requested by the Faroese authorities.

Article 4

When an application for a licence is submitted to the Commission, the following information shall be supplied:

- (a) name of the vessel;
- (b) registration number;
- (c) external identification letters and numbers;
- (d) port of registration;
- (e) name and address of the owner or charterer;
- (f) gross tonnage and overall length;
- (g) engine power;
- (h) call sign and radio frequency;
- (i) intended method of fishing;
- (j) intended area of fishing;
- (k) species for which it is intended to fish;
- (l) period for which a licence is requested.

Article 5

Fishing for tusk, ling and porbeagle within the limits of the quotas referred to in Article 1 shall be allowed only if the method commonly known as 'long-lining' is used.

Article 6

Fishing in Skagerrak within the limits of the quotas referred to in Article 1 shall be subject to the following conditions:

1. directed fishing for herring is prohibited until 31 March 1982;
2. directed fishing for herring for purposes other than human consumption shall be prohibited;
3. the use of trawl and purse seine for the capture of pelagic species shall be prohibited from Saturday midnight to Sunday midnight.

Article 7

The competent authorities of the Member States shall take appropriate steps, including the regular inspection of vessels, to ensure that this Regulation is enforced.

Article 8

Where an infringement is duly established the Member States shall, without delay, inform the Commission of the name of the vessel involved and of any action they have taken.

Article 9

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

It shall apply until 30 April 1982.

⁽¹⁾ OJ No L 304, 24. 10. 1981, p. 1.

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

Done at Brussels, 15 February 1982.

For the Council

The President

P. de KEERSMAEKER

ANNEX I

Fishing quotas

Species	Fishing zones ICES sub-area and division or NAFO sub-area	Quantity (tonnes)
Ling	VI b)	500 ⁽¹⁾
Tusk	VI b)	500 ⁽¹⁾
Blue ling	VI a) ⁽²⁾ , VI b)	400
Mackerel	IV VI a) ⁽²⁾ , VII e), f), h)	— 10 000
Horse mackerel	IV, VI a) ⁽²⁾ , VII e), f), h)	6 000
Norway pout	IV, VI a) ⁽²⁾	20 000 ⁽³⁾ ⁽⁴⁾
Sprat	IV, VI a) ⁽²⁾	15 000
Sandeel	IV	15 000 ⁽³⁾
Blue whiting	VI a) ⁽²⁾ , VI b), VII ⁽²⁾	25 000
Other white fish (by-catches only)	IV, VI a) ⁽²⁾	750
Herring	III a) N (Skagerrak) ⁽⁶⁾ VI a) ⁽²⁾	600 1 800
Northern deepwater prawn (<i>Pandalus borealis</i>)	NAFO 1 ⁽⁷⁾ XIV	500 700
Greenland halibut	NAFO 1 XIV	150 150
Redfish	XIV	500
Porbeagle	Entire Community zone excluding NAFO 3 PS	300
Capelin	XIV	10 000

⁽¹⁾ These quotas are interchangeable.

⁽²⁾ North of 56° 30' N.

⁽³⁾ Each of these quotas may be exceeded by a maximum of 5 000 tonnes provided that the total catches of Norway pout, sandeel and sprat do not exceed 50 000 tonnes.

⁽⁴⁾ Of which maximum 7 000 tonnes may be fished in ICES VI a) north of 56° 30' N subject to the provision on request by the EEC of details of the quantity and composition of any by-catch taken.

⁽⁵⁾ West of 12° W.

⁽⁶⁾ Limited in the west by a line drawn from the lighthouse of Hanstholm to lighthouse of Lindesnes and in the south by a line drawn from Skagen lighthouse to the lighthouse of Tistlarna and from there to the nearest coast of Sweden.

⁽⁷⁾ South of 68° N.

ANNEX II

1. The following details are to be entered in the log-book after each haul when fishing within the 200 nautical mile fishing zone off the coasts of the Member States of the Community which is covered by exclusive Community rules on fisheries :
 - 1.1. the quantity (in kg) of each species caught, including by-catches ;
 - 1.2. the date and the time of the haul ;
 - 1.3. the geographical position in which the catches were made ;
 - 1.4. the fishing method used ;
 - 1.5. all radio messages sent in conformity with Annex III.
2. The following log-book has to be used when fishing within NAFO sub-area 1 and ICES sub-area XIV.

ANNEX III

1. The information to be transmitted to the Commission and the timetable for its transmission are as follows :

- 1.1. On each occasion the vessel enters :

- 1.1.1. the 200 nautical mile fishing zone off the coasts of the Member States of the Community, or

- 1.1.2. NAFO sub-area 1 as defined by the Convention on Future Multilateral Cooperation in the North-West Atlantic Fisheries situated under the jurisdiction of Denmark :

- (a) the information specified under point 1.5 below ;
- (b) the quantity (in kilograms) of each species of fish in the hold ;
- (c) the date and NAFO sub-area or ICES sub-area within which the captain intends to commence fishing.

Where the fishing operations necessitate more than one entry into the zones referred to under 1.1.1 and 1.1.2 on a given day one communication shall suffice on first entry.

- 1.2. On each occasion the vessel leaves :

- 1.2.1. the zone referred to under 1.1.1 :

- (a) the information specified under point 1.5 below ;
- (b) the quantity (in kilograms) of each species of fish in the hold ;
- (c) the quantity (in kilograms) of each species caught since the previous transmission ;
- (d) the ICES sub-area or NAFO sub-area in which the catches were taken ;
- (e) the quantity (in kilograms) of each species transferred to other vessels since the vessel entered the zone and the identification of the vessel to which the transfer was made ;
- (f) the quantity (in kilograms) of each species landed in a port of the Community since the vessel entered the zone ;

- 1.2.2. the zone referred to under 1.1.2 :

- information referred to under (a), (b), (c), (d), (e), (f) ;
- (g) the quantity (in kilograms) of discards specified by species since the previous transmission.

- 1.3. A notice of leaving at least 48 hours prior to the vessel's scheduled exit from the zone referred to under 1.1.2 and from ICES sub-area XIV.

- 1.4. When fishing for demersal species at weekly intervals, commencing on the seventh day after the vessel first enters the zones referred to under 1.1.1 and 1.1.2.

When fishing for pelagic species at daily intervals, commencing the day after the vessel first enters the zone referred to under 1.1.1 :

- (a) the information specified under point 1.5 below ;
- (b) the quantity (in kg) of each species caught since the previous transmission ;
- (c) the ICES or NAFO sub-area in which the catches were made.

- 1.5. (a) the name, call sign, identification numbers and letters of the vessel and the name of its master ;

- (b) the licence number if the vessel is under licence ;
- (c) the serial number of the message ;
- (d) identification of the type of message ;
- (e) the date, the time and the geographical position of the vessel.

- 2.1 The information specified under point 1 shall be transmitted to the Commission of the European Communities in Brussels (telex address 24 189 FISEU-B) via one of the radio stations listed under point 3 below and in the form specified under point 4.
- 2.2 If it is impossible for reasons of *force majeure* for the message to be transmitted by the vessel, it may be transmitted on the vessel's behalf by another vessel.

<i>Name of radio station</i>	<i>Call sign of radio station</i>
Skagen	OXF
Blåvand	OXB
Rønne	OYE
Norddeich	DAF DAK
	DAH DAL
	DAI DAM
	DAJ DAN
Scheveningen	PCH
Oostende	OST
North Foreland	GNF
Humber	GKZ
Cullercoats	GCC
Wick	GKR
Oban	GNE
Portpatrick	GPK
Anglesey	GLV
Ilfracombe	GIL
Niton	GNI
Stonehaven	GND
Portishead	GKA
	GKB
	GKC
Land's End	GLD
Valentia	EJK
Malin Head	EJM
Boulogne	FFB
Brest	FFU
Saint-Nazaire	FFO
Bordeaux-Arcachon	FFC
Prins Christians Sund	OZN
Angmagssalik	OZL
Julianehåb	OXF
Godthåb	OXI
Holsteinsborg	OYS
Godhavn	OZM
Thorshavn	OXJ
Velferdsstasjon Faeringerhamm	22239
Bergen	LGN
Farsund	LGZ
Florø	LGL
Rogaland	LGQ
Tjøme	LGT
Alesund	LGA

Central Godthåb

4. Form of communications

The information specified under point 1 concerning the fishing operations in the zones referred to under 1.1.1 and 1.1.2 shall contain the following elements, which shall be given in the following order:

- name of vessel,
- call sign,
- external identification letters and numbers,
- serial number of the message for the voyage in question,
- indication of the type of message according to the following code:
 - message — when entering one of the zones referred to under 1.1.1 and 1.1.2: 'IN',
 - message — when leaving one of the zones referred to under 1.1.1 and 1.1.2: 'OUT',
 - message — when moving from one ICES division to another: 'ICES',
 - weekly message: 'WKL',
 - notice of departure from the zone referred to under 1.1.2: 'NL',

- the geographical position,
- the ICES or NAFO sub-area in which fishing is expected to commence,
- the date on which fishing is expected to commence,
- the quantity (in kg) of each species of fish in the hold using the code mentioned in point 5,
- the ICES or NAFO sub-area in which the catches were made,
- the quantity (in kg) of each species transferred to other vessels since the previous transmission,
- the name and call sign of the vessel to which the transfer was made,
- the quantity (in kg) of each species landed in a port of the Community since the previous transmission,
- the name of the master,
- the quantity (in kg) of each species discarded since the previous transmission using the code mentioned in point 5 only in the case of fisheries operations in the zones referred to under 1.1.2.

5. The code to be used to indicate the quantities of fish on board as mentioned in point 4 above :

- A. Deep-water prawn (*Pandalus borealis*),
- B. Hake (*Merluccius merluccius*),
- C. Greenland halibut (*Reinhardtius hippoglossoides*),
- D. Cod (*Gadus morrhua*),
- E. Haddock (*Melanogrammus aeglefinus*),
- F. Halibut (*Hippoglossus hippoglossus*),
- G. Mackerel (*Scomber scombrus*),
- H. Horse-mackerel (*Trachurus trachurus*),
- I. Round-nose grenadier (*Coryphaenoides rupestris*),
- J. Saithe (*Pollachius virens*),
- K. Whiting (*Merlangus merlangus*),
- L. Herring (*Clupea harengus*),
- M. Sand-eel (*Ammodytes* sp),
- N. Sprat (*Clupea sprattus*),
- O. Plaice (*Pleuronectes platessa*),
- P. Norway pout (*Trisopterus esmarkii*),
- Q. Ling (*Molva molva*),
- R. Other,
- S. Shrimp (*Pandalidae*),
- T. Anchovy (*Engraulis encrassicholus*),
- U. Redfish (*Sebastes* sp),
- V. American plaice (*Hypoglossoides platessoides*),
- W. Squid (*Illex*),
- X. Yellowtail (*Limanda ferruginea*)
- Y. Blue whiting (*Gadus poutassou*),
- Z. Tuna (*Thunnidae*),
- AA. Blue ling (*Molva dypterygia*),
- BB. Tusk (*Brosme brosme*).
- CC. Dogfish (*Scyliorhinus retifer*)
- DD. Basking shark (*Cetorhina*)
- EE. Porbeagle (*Lamna nasus*)
- FF. Squid loligo (*Loligo vulgaris*)
- GG. Ray's bream (*Brama brama*)
- HH. Sardine (*Sardina pilchardus*)

COMMISSION REGULATION (EEC) No 381/82

of 19 February 1982

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3808/81⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 2196/81⁽⁵⁾ and subsequent amending Regulations;

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

— in the case of currencies which are maintained in relation to each other at any given moment within

a band of 2.25 %, a rate of exchange based on their central rate,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 18 February 1982;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2196/81 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 February 1982.

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

Done at Brussels, 19 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 7.

ANNEX

to the Commission Regulation of 19 February 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	84.43
10.01 B II	Durum wheat	111.04 ⁽¹⁾ ⁽²⁾
10.02	Rye	38.84 ⁽⁶⁾
10.03	Barley	63.72
10.04	Oats	49.53
10.05 B	Maize, other than hybrid maize for sowing	94.98 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	91.66 ⁽⁴⁾
10.07 C	Grain sorghum	75.84 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	132.65
11.01 B	Rye flour	68.84
11.02 A I a)	Durum wheat groats and meal	185.53
11.02 A I b)	Common wheat groats and meal	141.64

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.81 ECU/tonne.

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

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

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

COMMISSION REGULATION (EEC) No 382/82**of 19 February 1982****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 3808/81 ⁽²⁾, and in particular
Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy ⁽³⁾, as last amended by Regulation (EEC)
No 2543/73 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2197/81 ⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2.25 % a rate of exchange based on their
central rate,

- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies in relation to the Community
currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on
18 February 1982;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 February
1982.

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

Done at Brussels, 19 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 10.

ANNEX

to the Commission Regulation of 19 February 1982 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	22.55	22.55	22.55
10.02	Rye	0	0	0	2.96
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0.49	0.49	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0.99	0.99	0
10.07 C	Grain sorghum	0	0	0	6.86
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 383/82
of 19 February 1982
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1785/81 of 30 June 1981 on the common
organization of the markets in the sugar sector⁽¹⁾, as
amended by Regulation (EEC) No 192/82⁽²⁾, and in
particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1808/81⁽³⁾,
as last amended by Regulation (EEC) No 368/82⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1808/81 to the
information known to the Commission that the levies

at present in force should be altered to the amounts
set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 20 February
1982.

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

Done at Brussels, 19 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 21, 29. 1. 1982, p. 1.
⁽³⁾ OJ No L 181, 2. 7. 1981, p. 24.
⁽⁴⁾ OJ No L 46, 18. 2. 1982, p. 18.

ANNEX

to the Commission Regulation of 19 February 1982 fixing the import levies on white sugar and raw sugar

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	24.82
	B. Raw sugar	18.25 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 384/82

of 17 February 1982

amending for the third time Regulation (EEC) No 2730/81 establishing a list of agencies in non-member importing countries entitled to issue invitations to tender in the milk and milk products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Articles 13 (3) and 17 (4) thereof,

Whereas Commission Regulation (EEC) No 2730/81⁽²⁾, as last amended by Regulation (EEC) No 3756/81⁽³⁾, established a list of agencies in non-member importing countries entitled to issue invitations to tender in the milk and milk products sector;

Whereas in the light of the most recent information available to the Commission on the trade practices

followed by the importing countries concerned and the official nature of the agencies in question, this Regulation should be amended;

Whereas 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

The Annex to Regulation (EEC) No 2730/81 is amended as follows :

The list of issuing organizations should be completed by addition of the following organizations, insertion being made in the alphabetical order of the importing country :

Importing country

Taiwan

Iran

Issuing organization

Taiwan Supply Bureau
46 Kuan-Chien Road, 6th and 7th floor
Taipei
Taiwan

Food Procurement and Distribution Centre
(FPDC)
169 West Apadana Avenue
Teheran

Iranian Pharmaceuticals Inc. (IPI)
32 Tohid Avenue
Teheran

Article 2

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

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

Done at Brussels, 17 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 272, 26. 9. 1981, p. 25.

⁽³⁾ OJ No L 374, 22. 12. 1981, p. 20.

COMMISSION REGULATION (EEC) No 385/82
of 19 February 1982
correcting Regulation (EEC) No 376/82 fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European
Economic Community,

Article 1

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 3808/81 ⁽²⁾, and in particular the
fourth subparagraph of Article 16 (2) thereof,

The amounts '58.22', '69.01' and '66.50' appearing in
the Annex to Regulation (EEC) No 376/82 under
subheadings 11.07 A I b), 11.07 A II b) and 11.07 B of
the Common Customs Tariff are replaced by '66.50',
'58.22' and '69.01' respectively.

Whereas the export refunds on malt were fixed by
Commission Regulation (EEC) No 376/82 of 18
February 1982 ⁽³⁾; whereas a check has revealed that as
the result of an obvious error the Annex to that Regu-
lation does not correspond to that submitted for the
opinion of the management committee; whereas it is
therefore necessary to amend the Regulation in ques-
tion,

Article 2

This Regulation shall enter into force on 20 February
1982. It shall apply with effect from 19 February 1982.

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

Done at Brussels, 19 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No L 47, 19. 2. 1982, p. 25.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 15 February 1982

on information to be published on a regular basis by companies the shares of which have been admitted to official stock-exchange listing

(82/121/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 54 (3) (g) and 100 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 Council Directive 80/390/EEC of 17 March 1980 coordinating the requirements for the drawing up, scrutiny and distribution of the listing particulars to be published for the admission of securities to official stock-exchange listing ⁽⁴⁾ seeks to ensure improved protection of investors and a greater degree of equivalence in the protection provided, by coordinating requirements as to the information to be published at the time of admission ;

Whereas, in the case of securities admitted to official stock-exchange listing, the protection of investors requires that the latter be supplied with appropriate regular information throughout the entire period during which the securities are listed ; whereas coordi-

nation of requirements for this regular information has similar objectives to those envisaged for the listing particulars, namely to improve such protection and to make it more equivalent, to facilitate the listing of these securities on more than one stock exchange in the Community, and in so doing to contribute towards the establishment of a genuine Community capital market by permitting a fuller interpenetration of securities markets ;

Whereas, under Council Directive 79/279/EEC of 5 March 1979 coordinating the conditions for the admission of securities to official stock-exchange listing ⁽⁵⁾, listed companies must as soon as possible make available to investors their annual accounts and report giving information on the company for the whole of the financial year ; whereas the fourth Directive 78/660/EEC ⁽⁶⁾ has coordinated the laws, regulations and administrative provisions of the Member States concerning the annual accounts of certain types of companies ;

Whereas companies should also, at least once during each financial year, make available to investors reports on their activities ; whereas this Directive can, consequently, be confined to coordinating the content and distribution of a single report covering the first six months of the financial year ;

Whereas, however, in the case of ordinary debentures, because of the rights they confer on their holders, the protection of investors by means of the publication of a half-yearly report is not essential ; whereas, by virtue

⁽¹⁾ OJ No C 29, 1. 2. 1979, p. 5 and OJ No C 210, 16. 8. 1980, p. 5.

⁽²⁾ OJ No C 85, 8. 4. 1980, p. 69.

⁽³⁾ OJ No C 53, 3. 3. 1980, p. 54.

⁽⁴⁾ OJ No L 100, 17. 4. 1980, p. 1.

⁽⁵⁾ OJ No L 66, 16. 3. 1979, p. 21.

⁽⁶⁾ OJ No L 222, 14. 8. 1978, p. 11.

of Directive 79/279/EEC, convertible or exchangeable debentures and debentures with warrants may be admitted to official listing only if the related shares are already listed on the same stock exchange or on another regulated, regularly operating, recognized open market or are so admitted simultaneously; whereas the Member States may derogate from this principle only if their competent authorities are satisfied that holders have at their disposal all the information necessary to form an opinion concerning the value of the shares to which these debentures relate; whereas, consequently, regular information needs to be coordinated only for companies whose shares are admitted to official stock-exchange listing;

Whereas the half-yearly report must enable investors to make an informed appraisal of the general development of the company's activities during the period covered by the report; whereas, however, this report need contain only the essential details on the financial position and general progress of the business of the company in question;

Whereas, in order to take account of difficulties resulting from the current state of laws in certain Member States, companies may be allowed a longer period to implement the provisions of this Directive than that laid down for the adaptation of national laws;

Whereas, so as to ensure the effective protection of investors and the proper operation of stock exchanges, the rules relating to regular information to be published by companies, the shares of which are admitted to official stock-exchange listing within the Community, should apply not only to companies from Member States, but also to companies from non-member countries

HAS ADOPTED THIS DIRECTIVE:

SECTION I

General provisions and scope

Article 1

1. This Directive shall apply to companies the shares of which are admitted to official listing on a stock exchange situated or operating in a Member State, whether the admission is of the shares themselves or of certificates representing them and whether such admission precedes or follows the date on which this Directive enters into force.

2. This Directive shall not, however, apply to investment companies other than those of the closed-end type.

For the purposes of this Directive 'investment companies other than those of the closed-end type' shall mean investment companies:

- the object of which is the collective investment of capital provided by the public, and which operate on the principle of risk spreading, and
 - the shares of which are, at the holders' request, repurchased or redeemed, directly or indirectly, out of those companies' assets. Action taken by such companies to ensure that the stock-exchange value of their shares does not significantly vary from their net asset value shall be regarded as equivalent to such repurchase or redemption.
3. The Member States may exclude central banks from the scope of this Directive.

Article 2

The Member States shall ensure that the companies publish half-yearly reports on their activities and profits and losses during the first six months of each financial year.

Article 3

The Member States may subject companies to obligations more stringent than those provided for by this Directive or to additional obligations, provided that they apply generally to all companies or to all companies of a given class.

SECTION II

Publication and contents of the half-yearly report

Article 4

1. The half-yearly report shall be published within four months of the end of the relevant six-month period.
2. In exceptional, duly substantiated cases, the competent authorities shall be permitted to extend the time limit for publication.

Article 5

1. The half-yearly report shall consist of figures and an explanatory statement relating to the company's activities and profits and losses during the relevant six-month period.

2. The figures, presented in table form, shall indicate at least:

- the net turnover, and
- the profit or loss before or after deduction of tax.

These terms shall have the same meanings as in the Council Directives on company accounts.

3. The Member States may allow the competent authorities to authorize companies, exceptionally and on a case-by-case basis, to supply estimated figures for profits and losses, provided that the shares of each such company are listed officially in only one Member

State. The use of this procedure must be indicated by the company in its report and must not mislead investors.

4. Where the company has paid or proposes to pay an interim dividend, the figures must indicate the profit or loss after tax for the six-month period and the interim dividend paid or proposed.

5. Against each figure there must be shown the figure for the corresponding period in the preceding financial year.

6. The explanatory statement must include any significant information enabling investors to make an informed assessment of the trend of the company's activities and profits or losses together with an indication of any special factor which has influenced those activities and those profits or losses during the period in question, and enable a comparison to be made with the corresponding period of the preceding financial year.

It must also, as far as possible, refer to the company's likely future development in the current financial year.

7. Where the figures provided for in paragraph 2 are unsuited to the company's activities, the competent authorities shall ensure that appropriate adjustments are made.

Article 6

Where a company publishes consolidated accounts it may publish its half-yearly report in either consolidated or unconsolidated form. However, the Member States may allow the competent authorities, where the latter consider that the form not adopted would have contained additional material information, to require the company to publish such information.

Article 7

1. The half-yearly report must be published in the Member State or Member States where the shares are admitted to official listing by insertion in one or more newspapers distributed throughout the State or widely distributed therein or in the national gazette, or shall be made available to the public either in writing in places indicated by announcement to be published in one or more newspapers distributed throughout the State or widely distributed therein, or by other equivalent means approved by the competent authorities.

2. A half-yearly report must be drawn up in the official language or languages or in one of the official languages or in another language, provided that, in the Member State concerned, such official language or languages or such other language are customary in the

sphere of finance and are accepted by the competent authorities.

3. The company shall send a copy of its half-yearly report simultaneously to the competent authorities of each Member State in which its shares are admitted to official listing. It shall do so not later than the time when the half-yearly report is published for the first time in a Member State.

Article 8

Where the accounting information has been audited by the official auditor of the company's accounts, that auditor's report and any qualifications he may have shall be reproduced in full.

SECTION III

Powers of the competent authorities

Article 9

1. Member States shall appoint one or more competent authorities and shall notify the Commission of the appointment of such authorities, giving details of any division of powers among them. Member States shall also ensure that this Directive is applied.

2. The Member States shall ensure that the competent authorities have the necessary powers to carry out their task.

3. Where particular requirements of this Directive are unsuited to a company's activities or circumstances, the competent authorities shall ensure that suitable adaptations are made to such requirements.

4. The competent authorities may authorize the omission from the half-yearly report of certain information provided for in this Directive if they consider that disclosure of such information would be contrary to the public interest or seriously detrimental to the company, provided that, in the latter case, such omission would not be likely to mislead the public with regard to facts and circumstances knowledge of which is essential for the assessment of the shares in question.

The company or its representatives shall be responsible for the correctness and relevance of the facts on which any application for such exemption is based.

5. Paragraphs 3 and 4 shall also apply to the more stringent or additional obligations imposed pursuant to Article 3.

6. If a company governed by the law of a non-member country publishes a half-yearly report in a non-member country, the competent authorities may authorize it to publish that report instead of the half-yearly report provided for in this Directive, provided

that the information given is equivalent to that which would result from the application of this Directive.

7. This Directive shall not affect the competent authorities' liability, which shall continue to be governed solely by national law.

SECTION IV

Cooperation between Member States

Article 10

1. The competent authorities shall cooperate whenever necessary for the purpose of carrying out their duties and shall exchange any information required for that purpose.

2. Where a half-yearly report has to be published in more than one Member State, the competent authorities of these Member States shall, by way of derogation from Article 3, use their best endeavours to accept as a single text the text which meets the requirements of the Member State in which the company's shares were admitted to official listing for the first time or the text which most closely approximates to that text. In cases of simultaneous admission to official listing on two or more stock exchanges situated or operating in different Member States, the competent authorities of the Member States concerned shall use their best endeavours to accept as a single text the text of the report which meets the requirements of the Member State in which the company's head office is situated; if the company's head office is situated in a non-member country, the competent authorities of the Member States concerned shall use their best endeavours to accept a single version of the report.

SECTION V

Contact Committee

Article 11

1. The Contact Committee set up by Article 20 of Directive 79/279/EEC shall also have as its function :

- (a) without prejudice to Articles 169 and 170 of the Treaty to facilitate the harmonized implementation of this Directive through regular consultations on any practical problems arising from its application on which exchanges of views are deemed useful ;

(b) to facilitate consultation between the Member States on the more stringent or additional obligations which they may impose pursuant to Article 3 with a view to the ultimate convergence of obligations imposed in all Member States, in accordance with Article 54 (3) (g) of the Treaty ;

(c) to advise the Commission, if necessary, on any additions or amendments to be made to this Directive ; in particular, the Committee shall consider the possible modification of Articles 3 and 5 in the light of progress towards the convergence of obligations referred to in (b) above.

2. Within five years of notification of this Directive, the Commission shall, after consulting the Contact Committee, submit to the Council a report on the application of Articles 3 and 5 and on such modifications as it would be possible to make thereto.

SECTION VI

Final provisions

Article 12

1. Member States shall bring into force the measures necessary to comply with this Directive not later than 30 June 1983. They shall forthwith inform the Commission thereof.

2. Member States may postpone application of the measures referred to in paragraph 1 until 36 months from the date on which they bring such measures into force.

3. As from the notification of this Directive, Member States shall communicate to the Commission the main provisions of the laws, regulations and administrative provisions which they adopt in the field governed by this Directive.

Article 13

This Directive is addressed to the Member States.

Done at Brussels, 15 February 1982.

For the Council

The President

P. de KEERSMAEKER

COMMISSION

COMMISSION DECISION

of 18 February 1982

**terminating the anti-dumping procedure concerning imports of
polyester/cotton sheets and pillowcases from the USA**

(82/122/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3017/79 of 20 December 1979 on protection against
dumped or subsidized imports from countries not
members of the European Economic Community⁽¹⁾,
and in particular Article 9 thereof,

After hearing the opinions expressed by the Advisory
Committee set up under that Regulation;

Whereas in April and June 1981 respectively, the
Commission received complaints from the British
Textile Employers' Association and the Irish Textiles
Federation on behalf of the United Kingdom and Irish
manufacturers of polyester/cotton sheets and pillow-
cases;

Whereas United Kingdom and Irish production of the
products accounted for approximately 50 % of EEC
production and the remaining EEC producers, repre-
sented by Eurocoton, supported the complaints;

Whereas approximately 80 % of US exports of the like
product to the Community are supplied to the UK
and Irish markets;

Whereas, since the complaints provided sufficient
evidence of dumping in respect of like products origi-
nating in the United States and of material injury
resulting therefrom, the Commission accordingly
announced, by a notice published in the *Official
Journal of the European Communities*⁽²⁾ the initiation
of a procedure concerning imports of polyester/cotton
sheets and pillowcases originating in the United States
and commenced an investigation of the matter;

Whereas the Commission officially so advised the
exporters and importers concerned, representatives of
the exporting country and the complainants;

Whereas the Commission has given all parties directly
concerned the opportunity to make known their views
in writing and to be heard orally; whereas several of
the importing and exporting parties concerned have
taken these opportunities;

Whereas the complainants, the importers and the
exporters known to be concerned and the representa-
tives of the exporting country have had the opportu-
nity to inspect non-confidential information made
available to the Commission but did not avail them-
selves of this opportunity;

Whereas, in the course of the procedure, the Commis-
sion sought and verified all information it deemed to
be necessary and carried out inspections at the
premises of all US manufacturers known to be
concerned viz. Burlington Industries Inc., the Bibb
Company, Cannon Mills Inc., Dan River Inc., Field-
crest Mills Inc., M. Lowenstein Corporation, Springs
Mills Inc., J. P. Stevens and Company Inc., Thomaston
Mills Inc., West Point Pepperell Inc.;

Whereas inspections were also carried out at the
premises of certain US exporters or brokers viz. Dalton
Mercantile Corporation, Household Industrial Trading
Corporation, New Era Export Company Incorporated,
Janaco Textile Corporation;

Whereas the offices of a number of EEC-importers
were also visited and inspections carried out at
Atlantic Household Textiles, Breenpride Ltd,
Kingsley and Forrester Ltd, John Lewis and Company
Ltd and J. E. Turner and Sons Ltd;

Whereas the investigations relating to US exporters
covered more than 90 % of all imports of the products
concerned to the Community during the reference
period;

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No C 157, 26. 6. 1981, p. 2.

Whereas investigations regarding injury were carried out at the premises of the complainants (Courtaulds Ltd, Dorma Sheets Ltd, Lonrho Textiles Ltd and Vantona Textiles Ltd, in the United Kingdom and Constellation Ltd and Slane Manufacturing Company Ltd in Ireland);

Whereas, to ascertain if dumping was being carried out by the US producers the Commission compared on a transaction by transaction basis their prices for exports to the Community with their prices on the US domestic market; whereas, where prices varied in transactions relating to one product during a time period within which a comparison was made the normal value was taken as a weighted average domestic price which was compared with individual export prices; whereas these comparisons were made regarding prices at the ex-factory level of like products supplied at similar times during the period July 1980 until June 1981; whereas the selling prices were adjusted where necessary to take account of differences in selling and ancillary costs and the terms and conditions of sale; whereas these adjustments took account of certain cooperative advertising costs where the producers showed clearly that these related only to sales of the products themselves by an individual retail outlet and which were incurred by means of a rebate on specific sales of these products to that retailer;

Whereas, on this basis, the investigation revealed that, in the case of every company concerned, the prices for exports to the Community were not less than the relevant normal values;

Whereas exports to the Community of the products in question were therefore not being dumped;

Whereas, in these circumstances, the procedure concerning imports of polyester/cotton sheets and pillowcases originating in the United States of America should be terminated,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping procedure in respect of polyester/cotton sheets and pillowcases originating in the United States of America is hereby terminated.

Done at Brussels, 18 February 1982.

For the Commission

Wilhelm HAERKAMP

Vice-President

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