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II

(Acts whose publication is not obligatory)

COUNCIL

AGREEMENT

in the form of an exchange of letters establishing certain procedures for the use of the system of generalized tariff preferences following the entry into force of the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Socialist Federal Republic of Yugoslavia, of the other part

(83/413/ECSC)

Letter No 1

Sir,

During negotiations which took place on 22 June 1983 on the establishment of certain procedures for the use of the system of generalized tariff preferences for products in the coal and steel sector following the entry into force of the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Socialist Federal Republic of Yugoslavia, of the other part, agreement was reached on the following:

1. As from 1 April 1983, the date of entry into force of the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Socialist Federal Republic of Yugoslavia, of the other part, for products subject, under the said Agreement, to a Community tariff ceiling, and for the other products listed at any given time in Annex A to the Decision on the application of the generalized tariff preferences to certain steel products originating in developing countries, the EUR 1 movement certificate provided for in Protocol 3 to the Cooperation Agreement is the only documentary evidence acceptable for the granting of tariff preference.
2. The products referred to in paragraph 1:
 - which could be exported before 1 April 1983 accompanied by a Form A certificate of origin
 - and
 - which were on 1 April 1983 in transit or were in temporary storage, in bonded warehouses or in free zones in the Community or in Yugoslavia,may be allowed to benefit from the provisions of the Agreement if they originate in Yugoslavia within the meaning of Protocol 3 to the Cooperation Agreement and provided

that, within a period of four months from 1 April 1983, an EUR 1 certificate issued retrospectively by the competent authorities of Yugoslavia is produced to the customs authorities in the Community.

The transitional arrangements described in this paragraph shall apply *mutatis mutandis* to any product which may be put in a similar situation by a change either in the system of generalized tariff preferences or in the Agreement.

3. The problem of the application of the preferential arrangements in 1983 for ECSC products originating in Yugoslavia is resolved in the Declaration annexed to this letter.

I should be obliged if you would acknowledge receipt of this letter and confirm your authorities' agreement with its contents.

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

*Chairman of the Delegation
of the European Coal and
Steel Community*

Nikos DIMADIS

ANNEX

Declaration on the application in 1983 of the preferential arrangements for ECSC products originating in Yugoslavia

1. It is agreed that customs duties may be reimposed for 1983 in accordance with Article 3 (3) of the ECSC Agreement as soon as:
 - the quantities of ECSC products subject to ceilings or tariff quotas and admitted into the Community from 1 January 1983 to 31 March 1983, under the scheme of generalized tariff preferences,
 - plus the quantities of products which, from 1 April 1983, the date on which the ECSC Agreement enters into force, to 31 December 1983, fall under the arrangements in the abovementioned Agreement, applicable *pro rata temporis*,have reached the annual ceilings laid down in the Agreement.
2. Whatever the circumstances, the levying of customs duties on those products referred to in the first indent of point 1 may not be re-introduced until the annual ceiling laid down in the ECSC Agreement has been reached.

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date establishing certain procedures for the use of the system of generalized tariff preferences following the entry into force of the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Socialist Federal Republic of Yugoslavia, of the other part.

I have the honour to confirm my authorities' agreement with its contents.

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

*Chairman of the Delegation of
the Socialist Federal
Republic of Yugoslavia*

Bora RAFAJLOVSKI

COUNCIL DECISION

of 25 July 1983

on the accession of the Community to the Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts, as amended by the Protocol to the Conference of the representatives of the States Parties to the Convention signed in Warsaw on 11 November 1982

(83/414/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

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

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

Whereas the management and conservation of the living resources of the Baltic Sea and the Belts requires international regulation;

Whereas, to this end, a Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts, hereinafter referred to as 'the Gdansk Convention', was signed in Gdansk on 13 September 1973 and entered into force on 28 July 1974;

Whereas the Community exclusively is competent to take conservation measures for the living resources of the sea not only in an autonomous manner but also by contractual undertakings with third countries and within the framework of international organizations;

Whereas the two Member States which are Contracting Parties to the Gdansk Convention, namely the Kingdom of Denmark and the Federal Republic of Germany, submitted in 1977 to the Polish Government, depositary of the Convention, proposals for the amendment of the latter to permit the accession by the Community;

Whereas the States Parties to the Gdansk Convention signed on 11 November 1982 a Protocol containing

proposals for amendments to the Convention *inter alia* the said Danish-German proposal;

Whereas these amendments will enter into force 90 days after the Depositary Government has received notifications of acceptance of the amendments from all Parties; whereas after this entry into force the Community may accede to the Gdansk Convention;

Whereas in order to contribute to the conservation of the living resources in the area covered by the Gdansk Convention and in which Community fishermen carry on their activities, it is necessary for the Community to accede to the Convention,

HAS DECIDED AS FOLLOWS:

Article 1

The accession of the European Economic Community to the Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts, as amended by the Protocol to the Conference of the representatives of the States Parties to the Convention, signed in Warsaw on 11 November 1982, is hereby approved by the Community.

The texts of the Convention and the Protocol are attached to this Decision.

Article 2

The President of the Council shall deposit the instrument of accession with the Government of the Polish People's Republic in accordance with Article XVIII of the Convention ⁽³⁾.

Article 3

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

Done at Brussels, 25 July 1983.

For the Council

The President

C. SIMITIS

⁽¹⁾ OJ No C 117, 30. 4. 1983, p. 4.

⁽²⁾ Opinion delivered on 8 July 1983 (not yet published in the Official Journal).

⁽³⁾ The date of entry into force of the Convention with respect to the Community will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

CONVENTION

on fishing and conservation of the living resources in the Baltic Sea and the Belts

THE STATES PARTIES TO THIS CONVENTION,

BEARING IN MIND that maximum and stable productivity of the living resources of the Baltic Sea and the Belts is of great importance to the States of the Baltic Sea basin,

RECOGNIZING their joint responsibility for the conservation of the living resources and their rational exploitation,

BEING CONVINCED that the conservation of the living resources of the Baltic Sea and the Belts calls for closer and more expanded cooperation in this region,

HAVE AGREED AS FOLLOWS:

Article I

The Contracting States shall:

- cooperate closely with a view to preserving and increasing the living resources of the Baltic Sea and the Belts and obtaining the optimum yield and, in particular, to expanding and coordinating studies towards these ends,
- prepare and put into effect organizational and technical projects on conservation and growth of the living resources, including measures of artificial reproduction of valuable fish species and/or contribute financially to such measures, on a just and equitable basis, as well as to take other steps towards rational and effective exploitation of the living resources.

Article II

1. The area to which this Convention applies, hereinafter referred to as 'the Convention area', shall be all waters of the Baltic Sea and the Belts, excluding internal waters, bounded in the west by a line as from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen.

2. This Convention shall apply to all fish species and other living marine resources in the Convention area.

Article III

Nothing in this Convention shall be deemed to affect the rights, claims or views of any Contracting State in

regard to the limits of territorial waters and to the extent of jurisdiction over fisheries, according to international law.

Article IV

For the purpose of this Convention the term 'vessel' means any vessel or boat employed in catching or treating fish or other living marine organisms and which is registered or owned in the territory of, or which flies the flag of, any Contracting State.

Article V

1. An International Baltic Sea Fishery Commission hereinafter referred to as 'the Commission' is hereby established for the purposes of this Convention.

2. Each Contracting State may appoint not more than two representatives as members of the Commission and such experts and advisers to assist them as that State may determine.

3. The Commission shall elect a chairman and a vice-chairman from amongst its members who shall serve for a period of four years and who shall be eligible for re-election, but not for two consecutive terms of office. The chairman and the vice-chairman shall be elected from the representatives of different Contracting States.

4. A member of the Commission elected as its chairman shall forthwith cease to act as a representative of a State and shall not vote. The State

concerned shall have the right to appoint another representative to serve in the chairman's place.

Article VI

1. The Office of the Commission shall be in Warsaw.
2. The Commission shall appoint its Secretary and, as it may require, appropriate staff to assist him.
3. The Commission shall adopt its rules of procedure and other provisions which the Commission shall consider necessary for its work.

Article VII

1. The Commission shall adopt its financial rules.
2. The Commission shall adopt a two years' budget of proposed expenditures and budget estimates for the fiscal period following thereafter.
3. The total amount of the budget including any supplementary budget shall be contributed by the Contracting State in equal parts.
4. Each Contracting State shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.

Article VIII

1. Except where the Commission decides otherwise, it shall hold its sessions every two years in Warsaw at such time as it shall deem suitable. Upon the request of a representative of a Contracting State in the Commission, provided it is endorsed by a representative of another Contracting State, the Chairman of the Commission shall, as soon as possible, summon an extraordinary session at such time and place as he determines, however, not later than three months from the date of the submission of the request.
2. The first session of the Commission shall be called by the Depositary Government of this Convention and shall take place within a period of 90 days from the date following the entry into force of this Convention.
3. Each Contracting State shall have one vote in the Commission. Decisions and recommendations of the Commission shall be taken by a two-thirds majority of

votes of the Contracting States, present and voting at the meeting.

4. English shall be the working language of the Commission. The languages of the Signatory States are the official languages of the Commission. Only recommendations, decisions and resolutions of the Commission shall be made in these languages. At meetings of the Commission any Contracting State has the right to have all the proceedings translated into its own language. All the costs related to such translations shall be borne by that State.

Article IX

1. It shall be the duty of the Commission:
 - (a) to keep under review the living resources and the fisheries in the Convention area by collecting, aggregating, analyzing and disseminating statistical data, for example concerning catch, fishing effort and other information;
 - (b) to work out proposals with regard to coordination of scientific research in the Convention area;
 - (c) to prepare and submit recommendations based as far as practicable on results of the scientific research and concerning measures referred to in Article X for consideration of the Contracting States.
2. In implementing its functions, the Commission shall, when appropriate, seek the services of the International Council for the Exploration of the Sea (ICES) and of other international technical and scientific organizations and shall make use of information provided by the official bodies of the Contracting States.
3. To perform its functions the Commission may set up working groups or other subsidiary bodies and determine their composition and terms of reference.

Article X

Measures relating to the purposes of this Convention which the Commission may consider and in regard of which it may make recommendations to the Contracting States are:

- (a) any measures for the regulation of fishing gear, appliances and catching methods;

- (b) any measures regulating the size limits of fish that may be retained on board vessels or landed, exposed or offered for sale;
- (c) any measures establishing closed seasons;
- (d) any measures establishing closed areas;
- (e) any measures improving and increasing the living marine resources, including artificial reproduction and transplantation of fish and other organisms;
- (f) any measures regulating and/or allocating between the Contracting States the amount of total catch or the amount of fishing effort according to objects, kinds, regions and fishing periods;
- (g) any measures of control over the implementation of recommendations binding on the Contracting States;
- (h) any other measures related to the conservation and rational exploitation of the living marine resources.

Article XI

1. Subject to the provisions of this Article, the Contracting States undertake to give effect to any recommendation made by the Commission under Article X of this Convention from the date determined by the Commission, which shall not be before the period for objection provided for in this Article has elapsed.

2. Any Contracting State may, within 90 days from the date of notification of a recommendation, object to it and in that event shall not be under obligation to give effect to that recommendation.

A Contracting State may also at any time withdraw its objection and give effect to a recommendation.

In the event of an objection being made within the 90 days' period, any other Contracting State may similarly object at any time within a further period of 60 days.

3. If objections to a recommendation are made by three or more Contracting States, the other Contracting States shall be relieved forthwith of any obligation to give effect to that recommendation.

4. The Commission shall notify each Contracting State immediately upon receipt of each objection or withdrawal.

Article XII

1. Each Contracting State shall take in regard to its nationals and its vessels appropriate measures to ensure the application of the provisions of this Convention and of the recommendations of the Commission which have become binding for the Contracting State and in case of their infringement shall take appropriate action.

2. Without prejudice to the sovereign rights of the Contracting States in regard to their territorial sea and to the rights in their fishing zones, each Contracting State shall implement recommendations of the Commission binding on that State through its national authorities within its territorial sea and in the waters under its fisheries jurisdiction.

3. Each Contracting State shall furnish to the Commission at such time and in such form as may be required by the Commission, the available statistical data and information referred to in Article IX, paragraph 1 (a), as well as information on all actions taken by it in accordance with paragraphs 1 and 2 of this Article.

Article XIII

The Commission shall draw the attention of any State which is not a party to this Convention to such fishing operations undertaken by its nationals or vessels in the Convention area, which might affect negatively the activities of the Commission or the implementation of the purposes of this Convention.

Article XIV

The provisions of this Convention shall not apply to operations conducted solely for the purpose of scientific investigations by vessels authorized by a Contracting State for that purpose, or to fish and other marine organisms taken in the course of such operations. Catches so taken shall not be sold, exposed or offered for sale.

Article XV

1. The Commission shall cooperate with other international organizations having related objectives.

2. The Commission may extend an invitation to any international organization concerned or to the Government of any State, not a party to this Convention, to participate as an observer in the sessions of the Commission or meetings of its subsidiary bodies.

Article XVI

1. Each Contracting State may propose amendments to this Convention. Any such proposed amendment shall be submitted to the Depository Government and communicated by it to all Contracting States, which shall inform the Depository Government of either their acceptance or rejection of the amendment as soon as possible after the receipt of the communication. The amendment shall enter into force 90 days after the Depository Government has received notifications of acceptance of that amendment from all Contracting States.

2. Each State which shall become a party to this Convention after the entry into force of an amendment in accordance with the provisions of paragraph 1 of this Article, is obliged to apply the Convention as amended.

Article XVII

1. This Convention shall be subject to ratification or approval by the Signatory States. Instruments of ratification or instruments of approval shall be deposited with the Government of the Polish People's Republic which shall perform the functions of the Depository Government.

2. This Convention shall be open for accession to any State interested in preservation and rational exploitation of living resources in the Baltic Sea and the Belts, provided that this State is invited by the Contracting States. Instruments of accession shall be deposited with the Depository Government.

Article XVIII

1. This Convention shall enter into force on the 90th day following the date of the deposit of the fourth instrument of ratification or approval.

2. After entry into force of this Convention in accordance with paragraph 1 of this Article, the Convention shall enter into force for any other State, the Government of which has deposited an instrument of ratification, approval or accession, on the 30th day following the date of deposit of such instrument with the Depository Government.

Article XIX

At any time after the expiration of five years from the date of entry into force of this Convention any Contracting State may, by giving written notice to the Depository Government, withdraw from this Convention.

The withdrawal shall take effect for such Contracting State on the 31st day of December of the year in which the Depository Government was notified of the withdrawal.

Article XX

1. The Depository Government shall inform all Signatory and Acceding States:

- (a) of signatures of this Convention and deposit of each instrument of ratification, approval or accession, as well as of submitted declarations;
- (b) of the date of entry into force of this Convention;
- (c) of proposals relating to amendments to the Convention, notifications of acceptance and of the entry into force of such amendments;
- (d) of notifications of withdrawal.

2. The original of this Convention shall be deposited with the Government of the Polish People's Republic which shall transmit certified copies thereof to the Governments of all Signatory States and of all States which accede to this Convention.

3. The Depository Government shall register this Convention with the Secretariat of the United Nations.

In witness whereof the undersigned Plenipotentiaries, being duly authorized thereto, have signed this Convention.

Done at Gdansk, this thirteenth day of September, one thousand nine hundred and seventy-three, in a single copy drawn up in the Danish, Finnish, German, Polish, Russian, Swedish and English languages, each text being equally authentic.

PROTOCOL

to the Conference of the representatives of the States Parties to the Convention on fishing and conservation of living resources in the Baltic Sea and the Belts

Warsaw, 9 to 11 November 1982

1. At the invitation of the Government of the Polish People's Republic, a Conference of the representatives of the States Parties to the Convention on fishing and conservation of living resources in the Baltic Sea and the Belts was held in Warsaw from 9 to 11 November 1982.
 - (a) the preamble is completed with a new introductory note:

— noting that the States of the Baltic Sea basin have extended their jurisdiction over the living resources to waters beyond and adjacent to their territorial sea,';
2. The following States were represented at the Conference:
 - the Kingdom of Denmark,
 - the Republic of Finland,
 - the German Democratic Republic,
 - the Federal Republic of Germany,
 - the Polish People's Republic,
 - the Kingdom of Sweden,
 - the Union of Soviet Socialist Republics.
 - (b) Article VIII, paragraph 3, is reworded as follows:

'Each Contracting State shall have one vote in the Commission. Decisions and recommendations of the Commission shall be taken by a two-thirds majority of votes of the Contracting States, present and voting at the meeting, provided, however, that any recommendation relating to areas under the fisheries jurisdiction of one or more Contracting States shall enter into force for these States only in case they have given affirmative vote thereto.';
3. The European Economic Community, invited as an Observer, was also present at the Conference and took part in the debates.
 - (c) Article IX, paragraph 1, lit. (a) and (b) are reworded and lit. (d) is added as follows:

'(a) to coordinate the management of the living resources in the Convention area by collecting, aggregating, analyzing and disseminating statistical data, for example concerning catch, fishing effort and other information;

(b) to promote coordination, as appropriate, of scientific research and, when desirable, of joint programmes of such research in the Convention area;

(d) to examine information submitted by the Contracting States in accordance with Article XII, paragraph 3.';
4. Mr Marian Fila, Head of the Polish Delegation, was elected Chairman of the Conference.

Mr Bertil Roth, Head of the Swedish Delegation, was elected Vice-Chairman of the Conference.

The Secretary of the Conference was Dr Zdzislaw Russek, Secretary of the International Baltic Sea Fishery Commission.

 - (d) Article X, lit. (f), is reworded as follows:

'(f) any measures establishing total allowable catch or fishing effort according to species,
5. The Conference based its deliberations on the Final Report from the meeting of the representatives of the States Parties to the Convention on fishing and conservation of living resources in the Baltic Sea and the Belts held in Warsaw from 22 to 26 June 1981.
6. As a result of its deliberations, the Conference agreed to make the following amendments to the Convention:

stocks, areas and fishing periods including total allowable catches for areas under the fisheries jurisdiction of Contracting States.';

lit. (g) is deleted;

present lit. (h) is enumerated as (g);

(e) Article XI — a new paragraph 4 is introduced and the present paragraph 4 is reworded as a new paragraph 5 as follows:

'4. (a) After the date of entry into force of a recommendation adopted by the Commission, any Contracting State may notify the Commission of the termination of its acceptance of the recommendation and, if that notification is not withdrawn, the recommendation shall cease to be binding on that Contracting State at the end of one year from the date of notification.

(b) A recommendation which has ceased to be binding on a Contracting State shall cease to be binding on any other Contracting State 30 days after the date on which the latter notifies the Commission of the termination of its acceptance of the recommendation.

5. The Commission shall notify the Contracting States of any notification under this Article immediately upon the receipt thereof.';

(f) the following wording is added at the end of Article XII, paragraph 3:

'including information on control measures taken to ensure the application of the recommendations of the Commission.';

(g) Article XIII is reworded as follows:

'Each Contracting State shall inform the Commission of its legislative measures and of any agreements which it may have concluded, in so far as those measures and agreements relate to the conservation and utilization of fishery resources in the Convention area.';

(h) Article XVII is reworded as follows:

'1. This Convention shall be subject to ratification or approval by the Signatory States. Instruments of ratification or instruments of

approval shall be deposited with the Government of the Polish People's Republic which shall perform the functions of the Depository Government.

2. This Convention shall be open for accession to any State interested in the preservation and rational exploitation of living resources in the Baltic Sea and the Belts or to any intergovernmental economic integration organization to which the competence in the matters regulated by this Convention has been transferred by its Member States, provided that this State or organization is invited by the Contracting States.

3. Any reference to "Contracting State" in this Convention shall apply *mutatis mutandis* to the organizations mentioned under the previous paragraph and which have become Parties to this Convention.

4. In case of conflict between the obligations of an organization mentioned in paragraph 2 under this Convention and its obligations arising under the terms of the agreement establishing such an organization or any acts relating to it, the obligations under this Convention shall prevail.'

7. As a further result of its deliberations the Conference agreed upon the following provisions which constitute an Appendix to Article XVII concerning the accession of the EEC to the Convention:

(a) at the request of the Kingdom of Denmark and the Federal Republic of Germany, the European Economic Community (EEC) is invited by all Contracting States to accede to the Convention in the place of the Kingdom of Denmark and the Federal Republic of Germany; by way of derogation from Article XIX of the Convention, the membership of those two Contracting States in the Convention shall cease at the moment when the Convention enters into force for the EEC;

(b) from the time of its accession, the EEC shall take over all rights and obligations of a Contracting State as stipulated by the Convention including *inter alia* the right of one vote and the obligation to contribute one of the equal shares to the total amount of the Budget and shall ensure the strict application of all obligations deriving from this Convention;

(c) participation of the EEC in this Convention shall not be deemed to affect rights, claims or views of Contracting States in regard to the

- delimitation of the fishery zones and to the extent of jurisdiction over fisheries, according to international law;
- (d) The withdrawal of the Kingdom of Denmark and the Federal Republic of Germany will not affect the established official languages of the Commission;
- (e) Instruments of the accession of the EEC to the Convention shall be deposited with the Depositary Government.
8. The representatives of the EEC made a statement which is annexed to this Protocol.
9. The text of this Protocol, being a single original in the English language, shall be deposited with the Government of the Polish People's Republic. The Government of the Polish People's Republic shall send a certified copy of this Protocol to each of the States whose representatives took part in the Conference for acceptance of the amendments contained in the Protocol, according to the procedure provided for in Article XVI of the Convention.

Done in Warsaw this eleventh day of November 1982.

For the Delegation of the Kingdom of Denmark

For the Delegation of the Republic of Finland

For the Delegation of the German Democratic Republic

For the Delegation of the Federal Republic of Germany

For the Delegation of the Polish People's Republic

For the Delegation of the Kingdom of Sweden

For the Delegation of the Union of the Soviet Socialist Republics

ANNEX

Statement by the representatives of the European Economic Community

In so far as Article XVII, paragraph 4, is concerned, the representatives of the European Economic Community want to underline the following points:

1. the accession of the European Economic Community to this Convention does not create any conflict between the obligations of the Community under the Treaty which established it and the obligations inherent in this Convention;
 2. similarly, no conflict is created between existing Community law and the obligations arising from the Convention. Moreover, any hypothetical conflict is excluded since the accession of the European Economic Community to this Convention will have to be approved by the Council of Ministers of the European Communities. By this act of approval any potentially conflicting previous legal act will be overruled;
 3. as far as future Community law is concerned, the Community will be bound, like any other Contracting Party, to respect the obligations under the Convention.
-

COUNCIL DECISION

of 26 July 1983

on the provisional application of the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

(83/415/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 103 thereof,

Having regard to the proposal from the Commission,

Whereas the Community and Equatorial Guinea have carried out negotiations to conclude an Agreement on fishing off the coast of Equatorial Guinea;

Whereas, following these negotiations, the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea, the Annex and the Protocol forming an integral part of the Agreement and the exchange of letters provisionally applying the Agreement were initialled on 27 June 1983;

Whereas under this Agreement and the texts relating thereto the Government of Equatorial Guinea authorizes Community fishermen to fish off the coast of Equatorial Guinea;

Whereas the year for fishing off the coast of Equatorial Guinea is currently in operation and the interests of Community fishermen render imperative, in the absence of any alternative sufficient fishing prospects, that they have access to these waters; whereas it is therefore vital that the Agreement be applied at the earliest opportunity;

Whereas for that reason the provisional application of the Agreement should be approved, subject to a definitive Decision being taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea and the Protocol which forms an integral part thereto shall be provisionally applied.

The text of the Agreement and the texts of the Protocol and of the exchange of letters provisionally applying the Agreement are attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement and the exchange of letters provisionally applying the Agreement.

Done at Brussels, 26 July 1983.

For the Council

The President

C. SIMITIS

EXCHANGE OF LETTERS

applying provisionally the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

A. Letter from Equatorial Guinea

Sir,

With reference to the Fisheries Agreement we have negotiated, I have the honour to confirm that we have agreed it shall be applied provisionally as from this day, it being understood that:

- (a) the contribution referred to in Article 6 of the Agreement shall take account of the quantities of tuna caught from this day onwards;
- (b) the shipowners shall pay the sum stipulated in the Annex to the Agreement in respect of these same quantities.

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

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

*On behalf of the Government
of the Republic of Equatorial Guinea*

B. Letter from the Community

Sir,

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

'With reference to the Fisheries Agreement we have negotiated, I have the honour to confirm that we have agreed it shall be applied provisionally as from this day, it being understood that:

- (a) the contribution referred to in Article 6 of the Agreement shall take account of the quantities of tuna caught from this day onwards;
- (b) the shipowners shall pay the sum stipulated in the Annex to the Agreement in respect of these same quantities.

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

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

*On behalf of the
Council of the European Communities*

AGREEMENT

between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea

THE EUROPEAN ECONOMIC COMMUNITY, hereinafter referred to as 'the Community', and

THE GOVERNMENT OF THE REPUBLIC OF EQUATORIAL GUINEA, hereinafter referred to as 'Equatorial Guinea',

CONSIDERING the spirit of cooperation resulting from the Lomé Convention and the good cooperative relations between the Community and Equatorial Guinea,

CONSIDERING the desire of the Government of Equatorial Guinea to promote the rational exploitation of its fishery resources by means of intensified cooperation,

RECALLING that, in respect of sea fishing, Equatorial Guinea exercises its sovereignty or jurisdiction over a zone extending up to 200 nautical miles from its coast,

TAKING INTO ACCOUNT the work of the Third United Nations Conference on the Law of the Sea,

DETERMINED to conduct their relations in a spirit of mutual trust and respect for each other's interests in the sphere of sea fishing,

DESIROUS of establishing the terms and conditions governing fishing activities of common interests to both parties,

HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles and rules which will in future govern, in all respects, the fishing activities of vessels flying the flags of Member States of the Community, hereinafter referred to as 'Community vessels', in the waters over which Equatorial Guinea has sovereignty or jurisdiction in respect of fisheries, hereinafter referred to as 'Equatorial Guinea's fishing zone'.

Article 2

The Government of Equatorial Guinea shall permit fishing by Community vessels in Equatorial Guinea's fishing zone in accordance with this Agreement.

Article 3

1. The Community undertakes to take all appropriate steps to ensure that its vessels observe the provisions of the Agreement and the rules and regulations governing fishing in Equatorial Guinea's fishing zone.

2. The authorities of Equatorial Guinea shall notify the Commission of the European Communities of any proposed changes to the said rules and regulations.

Article 4

1. Fishing activities in Equatorial Guinea's fishing zone may be carried out by Community vessels only if so authorized by the authorities of Equatorial Guinea at the Community's request.

2. Such authorization shall be subject to payment of the fees due by the shipowners concerned.

3. The amount of the fee and the methods of payment shall be as specified in the Annex.

Article 5

The Parties undertake to coordinate action, either directly or within international organizations, to ensure the management and conservation of the living resources, particularly in the eastern-central Atlantic and in respect of highly migratory species, and to facilitate the relevant scientific research.

Article 6

In return for the fishing opportunities accorded under Article 2, the Community shall participate, in accordance with the conditions and arrangements stipulated in the Protocol annexed to this Agreement, in the execution of development projects in Equatorial Guinea, without prejudice to the financing received by Equatorial Guinea under the Lomé Convention.

Article 7

The Parties agree to enter into consultations in the event of a dispute concerning the interpretation or application of this Agreement.

Article 8

A Joint Committee shall be set up to ensure that this Agreement is applied correctly.

The Committee shall meet once a year, at the request of either Contracting Party, alternately in Equatorial Guinea and in the Community.

Article 9

Nothing in this Agreement shall affect or prejudice in any manner the views of either Party with respect to any matter relating to the Law of the Sea.

Article 10

This Agreement 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 Equatorial Guinea.

Article 11

The Annex and the Protocol form an integral part of this Agreement and, unless otherwise specified, a reference to this Agreement shall constitute a reference to them.

Article 12

This Agreement shall be concluded for an initial period of three years from the date of its entry into force. Unless one of the parties ends it by giving notice to that effect six months before the end of the three-year period, it shall remain in force for further periods of one year, unless denounced by notice given at least three months before the end of each such one-year period.

In that event the Contracting Parties shall enter into negotiations to determine by common agreement what amendments or additions to the Annex or Protocol are required.

Article 13

This Agreement shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

Done at Brussels, 25 July 1983, in duplicate in the Danish, Dutch, English, French, Greek, German, Italian and Spanish languages, each of these texts being equally authentic.

ANNEX

Conditions for the pursuit of fishing activities by Community vessels in Equatorial Guinea's fishing zone

1. The relevant Community authorities shall forward, as a rule three months before the date of the beginning of the requested period of validity, the list of the vessels which will fish under the Agreement during the following 12 months.

2. The fees provided for in Article 4 of the Agreement and payable by the shipowners referred to in 1 above are hereby set at 20 ECU per tonne caught in Equatorial Guinea's fishing zone.

3. Once the Agreement enters into force, the sum of 40 000 ECU shall be paid by the shipowners to Equatorial Guinea's Treasury as an advance on the fees.

4. A provisional statement of the fees due in respect of each fishing year shall be drawn up at the end of each calendar year, on the basis of the provisional catch statements drawn up by the shipowners and forwarded simultaneously to the Equatorial Guinea authorities and to the relevant authorities of the Commission of the European Communities. The corresponding amount shall be paid to Equatorial Guinea's Treasury by 31 December of the current year at the latest.

The final statement of the fees due in respect of a fishing year shall be drawn up by the relevant authorities of the Commission of the European Communities in the light of the catch situation as established by the International Commission for the Conservation of Atlantic Tunas for the fishing year in question.

The shipowners shall be notified of the statement and shall have 30 days in which to meet their financial obligations.

5. When the Agreement expires, the sum paid as an advance shall be deducted from the final payment.

6. Before the Agreement enters into force, the authorities of Equatorial Guinea shall give notice of the arrangements for the payment of fees, and in particular the accounts and the currencies to be used.

7. While they are engaged in fishing activities in Equatorial Guinea's fishing zones vessels shall communicate to the Annobon radio station (call sign: . . .) the result of each seine haul.

Vessels shall take observers on board at the request of the authorities of Equatorial Guinea. An observer must not be present for longer than the time required to make spot checks on the catches.

PROTOCOL

between the European Economic Community and the Government of the Republic of Equatorial Guinea

Article 1

Pursuant to Article 2 of the Agreement and for the period of application of this Protocol, authorizations to fish in Equatorial Guinea's fishing zone shall be granted to 27 ocean-going freezer tuna boats.

In addition and at the request of either Party, certain further authorizations may be granted for other categories of fishing vessel on terms to be defined within the Joint Committee.

Article 2

The contribution referred to in Article 6 of the Agreement shall be fixed at a flat rate amount of not less than 180 000 ECU per year. This amount shall cover fishing activities up to a catch of 4 000 tonnes of tuna; if the catch volume by Community vessels in Equatorial Guinea's fishing zone exceeds this quantity, the aforesaid amount shall be increased accordingly.

COUNCIL DIRECTIVE

of 25 July 1983

concerning the authorization of scheduled inter-regional air services for the transport of passengers, mail and cargo between Member States

(83/416/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Whereas in respect of fares and rates it is necessary to adhere to the principles of a fair cost/price ratio and a fair return on capital;

Having regard to the Treaty establishing the European Economic Community, and in particular Article 84 (2) thereof,

Whereas the laws and regulations of the Member States concerning the protection of the environment, social conditions and matters relating to airports should not be prejudiced by this Directive;

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas the Home State and the State affected should have the opportunity to apply less restrictive provisions than those in this Directive, and traffic rights which have already been granted by one Member State to another should not be restricted by this Directive;

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

Whereas the system set up by this Directive is of an experimental nature and its operation should therefore be reviewed by the Council at the end of a certain period from its taking effect;

Whereas a Community procedure for authorizing scheduled inter-regional air services between Member States, for the transport of passengers only or in combination with mail and/or cargo between certain Community airports, will give air carriers greater scope to develop markets and could thus contribute to the evolution of the intra-Community network;

Whereas the development of the air traffic system in the Greek Islands is at present inadequate and for this reason airports situated on those islands should be temporarily exempted from the application of this Directive,

Whereas common rules should be established to govern access to the provision of these services by air carriers effectively controlled by Member States or their nationals, or which, although not owned and effectively controlled by Member States or their nationals, nevertheless meet certain requirements;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Whereas these rules should not affect the relationship between the Home State and its air carriers;

This Directive shall apply to procedures for authorizing those scheduled inter-regional air services, for the development of internal Community air transport for the carriage:

Whereas it is necessary to develop internal Community air traffic on regional routes in order to contribute to the development of the regions within the European Community;

- of passengers, or
- of passengers in combination with mail and/or cargo,

on journeys which both originate and end in the European territories of the Member States and which are operated:

⁽¹⁾ OJ No C 287, 9. 11. 1981, p. 114.

⁽²⁾ OJ No C 343, 31. 12. 1981, p. 13.

- (a) over stages each being more than 400 kilometres, or over stages of less than 400 kilometres where air transport allows a substantial time saving compared to surface transport, because of natural obstacles such as sea and mountains;
- (b) by aircraft which have a capacity of not more than 70 passenger seats or a maximum takeoff weight of not more than 30 tonnes; and
- (c) between two airports in the Community which are open to international scheduled traffic of category 2 and 2, 2 and 3 or 3 and 3 respectively. The classification of airports is contained in Annex A.

Article 2

For the purposes of this Directive:

- (a) 'scheduled air service' means a series of flights each possessing all the following characteristics:
 - (i) it is performed as defined in Article 1 for remuneration, in such a manner that each flight is open to use by members of the public;
 - (ii) it is operated so as to serve traffic between the same two or more points, either
 - 1. according to a published timetable, or
 - 2. with flights so regular or frequent that they constitute a recognized systematic series;
 - (b) 'inter-regional air service' means a scheduled air service which may be authorized in accordance with Article 1;
 - (c) 'air carrier' means:
 - (i) an air transport enterprise which has its central administration and principal place of business in the Community, the majority of whose shares are owned by nationals of Member States and/or Member States and which is effectively controlled by such persons or States, or
 - (ii) an air transport enterprise which, although it does not meet the definition set out in (i) above, at the time of adoption of this Directive:
 - A. either has its central administration and principal place of business in the Community and has been providing scheduled or non-scheduled air services in the Community during the 12 months prior to adoption of this Directive;
 - B. or has been providing scheduled services between Member States on the basis of the third and fourth freedoms of the air during the 12 months prior to adoption of this Directive.
- The enterprises which meet the above criteria are listed in Annex B.
- (d) 'Home State' means the Member State in which the air carrier is established as an air transport operator for commercial purposes;
 - (e) 'State affected' means a Member State, other than the Home State, in which the airports of an inter-regional air service are situated.

Article 3

1. The Home State of the air carrier concerned, if it gives its approval, shall forward the application for an inter-regional air service to the State affected.

2. The State affected shall authorize the air carrier concerned to operate such an inter-regional air service if it conforms to the provisions of this Directive.

However, this provision shall not take effect, if, at the time of application for authorization:

- (a) an indirect scheduled air service already exists between the two airports concerned, or between other airports within 50 kilometres of either of them, which involves:
 - a total transit time between flight sectors of less than 90 minutes, and
 - an increase in total flight time compared with the proposed inter-regional air service of less than 50 %, or
- (b) a scheduled air service already exists:
 - between one of the two airports concerned and another airport situated within 50 kilometres of the other airport concerned, or
 - between two other airports situated, in each case, within 50 kilometres of one of the two airports concerned.

3. When the Home State forwards an application for an interregional air service to the State affected, that State shall, within three months of receipt, reach a decision either authorizing the service applied for or refusing it on the grounds provided for in this Article or in Article 6, and notify the Home State and the Commission of the decision.

Article 4

An inter-regional air service shall not be approved under the terms of this Directive unless the point of origin of the service is located in the Home State of the air carrier.

Article 5

1. The authorizations referred to in Article 3 shall give the air carrier concerned the right to pick up and set down the classes of traffic mentioned in Article 1.

2. The authorizations mentioned in paragraph 1 shall be valid for a period of at least three years, or such lesser period as may be desired by the air carrier concerned, unless revoked or withdrawn because the service in question no longer complies with the conditions under which it was authorized.

3. An authorization shall lapse if the air carrier concerned fails to commence operations within one year after the inauguration date indicated in that authorization.

4. Should an air carrier not enjoy the right to overfly or land for non-traffic purposes in the territory of a Member State, that State shall accord him those rights for the purposes of operating any inter-regional air service under the provisions of this Directive.

Article 6

1. A State affected shall authorize an inter-regional air service unless one or more of the following grounds preclude such authorization, and provided that these do not discriminate against inter-regional air services:

- (a) the airport affected in that State has insufficient facilities to accommodate the service;
- (b) navigational aids in that State are inadequate to accommodate the service;
- (c) the traffic covered by the air service applied for is already satisfactorily catered for, both as to quality and as to quantity, by existing direct air services between the two airports concerned.

2. Where an air carrier of one Member State has been authorized to operate an inter-regional air service, the

Home State of that air carrier shall raise no objection to an application for the introduction of an inter-regional service on the same route by an air carrier of the State affected.

Article 7

The Home State and the State affected shall approve the tariffs charged by an air carrier on a given inter-regional air service without outside subsidy on the basis that they:

- (a) are in reasonable proportion to the costs of the air carrier's operations for that service without direct or indirect State aid, while permitting a satisfactory return on capital; and
- (b) do not have the character of dumping.

Article 8

The territories of the Member States covered by this Directive means the European territories of the Member States to which the Treaty applies.

Article 9

The provisions of this Directive shall not prejudice the laws and regulations of the Member States, applicable either nationally, regionally or locally, concerning the protection of the environment or social conditions, nor matters related to the location, operation or safety of airports or their facilities. Such laws and regulations shall not, however, discriminate against inter-regional air services.

Article 10

1. The Home State and a State affected may by agreement apply less restrictive provisions whilst respecting the present Directive.

2. This Directive shall not restrict any traffic right which, at the time of adoption of this Directive, has been granted by one Member State to another, and by virtue of which an air carrier has been or can be authorized to operate an air service.

Article 11

A State affected which refuses an authorization, as provided for in Articles 3 and 6, shall on request state in writing the reasons on which the decision is based.

Article 12

1. The Commission shall present an annual report to the Council on the operation of this Directive, which shall include statistical information on the numbers of inter-regional air services approved, authorized or refused, and the numbers of such services which have commenced or terminated during the period under reference.

2. Member States and the Commission shall cooperate in the application of this Directive, particularly as regards the collection of the information mentioned in paragraph 1.

Article 13

The Council shall review the operation of this Directive before 1 July 1986 on the basis of the reports furnished by the Commission.

Article 14

1. The Member States shall, after consultation of the Commission, take the necessary steps to amend their laws and administrative provisions to bring them into conformity with this Directive not later than 1 October 1984.

2. The Member States shall communicate to the Commission all laws and administrative provisions made in furtherance of this Directive.

Article 15

1. Airports in the Greek Islands shall be exempted from the application of this Directive until 1 July 1993.

2. Unless otherwise decided by the Council on a proposal from the Commission, this exemption shall apply for a further period of five years and may be continued for five years thereafter.

3. The Commission shall provide a report on the development of the air traffic system in the Greek Islands by 31 December 1991, and a further report by 31 December 1996.

Article 16

This Directive is addressed to the Member States.

Done at Brussels, 25 July 1983.

For the Council

The President

C. SIMITIS

ANNEX A

Classification of airports open to scheduled international traffic

Member State	Airport	Airport category
BELGIUM	Bruxelles-Zaventem	1
DENMARK	København-Kastrup/Roskilde	1
GERMANY	Frankfurt/Rhein-Main	1
	Düsseldorf-Lohausen	1
	München-Riem	1
	Hamburg-Fuhlsbüttel	2
	Stuttgart-Echterdingen	2
	Köln/Bonn	2
GREECE	Athina-Hellinikon	1
	Thessaloniki-Micra	1
FRANCE	Paris-Charles de Gaulle/Orly	1
	Marseille-Magnane	2
	Nice-Côte d'Azur	2
	Lyon-Satolas	2
	Bâle-Mulhouse	2
IRELAND	Dublin	1
	Shannon	2
ITALY	Roma-Fiumicino/Ciampino	1
	Milano-Linate/Malpensa	1
	Napoli-Capodichino	2
	Venezia-Tessera	2
	Catania-Fontanarossa	2
LUXEMBOURG	Luxembourg-Findel	2
NETHERLANDS	Amsterdam-Schiphol	1
UNITED KINGDOM	London-Heathrow/Gatwick/Stansted	1
	Luton	1
	Manchester-Ringway	2
	Birmingham-Elmdon	2
	Glasgow-Abbotsinch	2
All other airports open to scheduled international traffic		3

ANNEX B

Airlines referred to in Article 2 (c) (ii)

The following airlines meet the criteria referred to in Article 2 (c) (ii) as long as they are recognized as national carriers by the Member State which so recognizes them at the time of the adoption of this Directive:

Scandinavian Airlines System

Britannia Airways

Monarch Airlines

The Council has received the following communication from the Government of the Federal Republic of Germany:

'When depositing its instruments of ratification of the Treaties establishing the European Communities, the Government of the Federal Republic of Germany declared that these Treaties applied equally to Land Berlin. It declared at the same time that the rights and responsibilities of France, the United Kingdom and the United States in respect of Berlin were unaffected. In view of the fact that civil aviation is one of the areas in which the said States have specifically reserved powers for themselves in Berlin, and following consultations with the Governments of these States, the Government of the Federal Republic of Germany states that the Council Directive concerning the authorization of scheduled inter-regional air services for the transport of passengers, mail and cargo between Member States does not cover Land Berlin.'

COUNCIL DIRECTIVE

of 25 July 1983

on the approximation of the laws of the Member States relating to certain lactoproteins
(caseins and caseinates) intended for human consumption

(83/417/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 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 the laws, regulations and administrative provisions in force in some Member States define the composition and manufacturing characteristics of caseins and caseinates intended for human consumption, together with the conditions with which these products must comply in order that certain designations may be used in their regard or that their use in the preparation of other foodstuffs may be authorized; whereas such provisions do not exist at present in other Member States;

Whereas this situation is such as to hinder the free movement of caseins and caseinates intended for human consumption and to create conditions of unfair competition between users; whereas it therefore has a direct effect on the establishment and functioning of the common market;

Whereas it is therefore necessary to determine, at Community level, the rules which must be observed as regards the composition and labelling of these products;

Whereas at present edible caseins and caseinates are not generally sold to the ultimate consumer; whereas, however, should such a sale occur, Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States

relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate customer ⁽⁴⁾ will also apply;

Whereas, on the other hand, with a view to facilitating trade it is advisable to adopt, at Community level, rules for labelling applicable to edible caseins and caseinates intended for use within the trade;

Whereas the preliminary programme of the European Economic Community for a consumer protection and information policy ⁽⁵⁾ provides for Community action in fields which are of special importance for the protection of the consumer's health and safety, notably in that of foodstuffs;

Whereas the process of defining the sampling procedures and methods of analysis necessary for testing the composition and other properties of the products in question constitutes a technical implementing measure the adoption of which should be entrusted to the Commission in order to simplify and speed up the procedure;

Whereas, in all the cases for which the Commission is empowered by the Council to implement the rules applicable to foodstuffs for human consumption, a procedure should be provided for instituting close cooperation between the Member States and the Commission within the Standing Committee for Foodstuffs set up pursuant to Decision 69/414/EEC ⁽⁶⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive concerns lactoproteins, as defined in the Annexes, which are intended for human consumption and mixtures thereof.

⁽¹⁾ OJ No C 50, 24. 2. 1979, p. 5.

⁽²⁾ OJ No C 140, 5. 6. 1979, p. 174.

⁽³⁾ OJ No C 247, 1. 10. 1979, p. 54.

⁽⁴⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽⁵⁾ OJ No C 92, 25. 4. 1975, p. 1.

⁽⁶⁾ OJ No L 291, 29. 11. 1969, p. 9.

2. For the purposes of this Directive:

- 'caseins' means the principal protein constituent of milk, washed and dried, insoluble in water and obtained from skimmed milk by precipitation:
 - by the addition of acid, or
 - by microbial acidification, or
 - by using rennet, or
 - by using other milk-coagulating enzymes,
 without prejudice to the possibility of prior use of ion exchange processes and concentration processes,
- 'caseinates' means products obtained by drying caseins treated with neutralizing agents,
- 'skimmed milk' means the milk of one or more cows to which nothing has been added and of which only the fat content has been reduced.

Article 2

The Member States shall take all the necessary steps to ensure that:

- the products defined in the Annexes may be marketed only if they conform to the definitions and rules laid down in this Directive and the Annexes thereto, and
- products which do not satisfy the criteria laid down in the Annexes are named and labelled in such a way that the buyer is not misled as to their nature, quality or use.

Article 3

The names referred to in the Annexes shall be reserved for the products defined and must be used commercially to designate those products.

Article 4

1. Without prejudice to Directive 79/112/EEC and without prejudice to the provisions to be adopted by the Community concerning the labelling of foodstuffs not intended for the ultimate consumer, the only mandatory particulars to be marked on the packages, containers or labels of the products defined in the Annexes, particulars which must be clearly visible, easily legible and in indelible characters, shall be as follows:

- (a) the name reserved for these products in accordance with Article 3 with, in the case of caseinates, an indication of the cation or cations;
- (b) in the case of products marketed as mixtures,
 - the words 'mixture of ...' followed by the names of the different products which make up the mixture, in decreasing order of weight,
 - an indication of the cation or cations in the case of caseinate or caseinates,
 - the protein content in the case of mixtures containing caseinates;
- (c) the net quantity expressed in the following units of mass: kilograms or grams. Until the end of the transitional period during which use of the imperial units of measurement contained in Chapter D of the Annex to Council Directive 71/354/EEC of 18 October 1971 on the approximation of the laws of the Member States relating to units of measurement⁽¹⁾, as last amended by Directive 76/770/EEC⁽²⁾, is authorized in the Community, Ireland and the United Kingdom may permit the quantity to be expressed only in imperial units of measurement calculated on the basis of the following conversion rates:
 - 1 ml = 0,0352 fluid ounces,
 - 1 l = 1,760 pints or 0,220 gallons,
 - 1 g = 0,0353 ounces (avoirdupois),
 - 1 kg = 2,205 pounds;
- (d) the name or business name and the address of the manufacturer or packager or of a seller established within the Community;

however, in the case of their national production, Member States may maintain in force national provisions requiring details of the manufacturing or packaging establishment to be mentioned;
- (e) in the case of products imported from third countries, the name of the country of origin;
- (f) the date of manufacture or some marking by which the batch can be identified.

2. Member States shall prohibit the marketing of edible caseins and caseinates in their territory if the particulars referred to in paragraphs 1 (a), (b), (e)

⁽¹⁾ OJ No L 243, 29. 10. 1971, p. 29.

⁽²⁾ OJ No L 262, 27. 9. 1976, p. 204.

and (f) do not appear in a language easily understood by the purchaser, unless the latter is given such information by other means; this provision shall not preclude the appearance of the said particulars in several languages.

The particulars specified in paragraph 1 (b), third indent, (c), (d) and (e), need appear only in an accompanying document. For transport in bulk, this derogation may be extended to (b), second indent, and (f).

Article 5

Without prejudice to Community provisions to be adopted in the field of health and hygiene in connection with the basic materials referred to in Annexes I and II, such products must be subjected to heat treatment which will render the phosphatase negative.

Article 6

1. Member States shall take all the necessary steps to ensure that trade in products referred to in Article 1 which comply with the definitions and rules laid down in this Directive and the Annexes thereto cannot be impeded by the application of non-harmonized national provisions governing the composition, manufacturing specifications, packaging or labelling of these products or of foodstuffs in general.

2. Paragraph 1 shall not apply to non-harmonized provisions which are justified on the grounds of:

- protection of public health,
- prevention of fraud unless such provisions are liable to impede the application of the definitions and rules laid down by this Directive,
- protection of industrial and commercial property, indications of source, registered designation of origin and prevention of unfair competition.

Article 7

1. Where, as a result of new information or of a reassessment of existing information made since the Directive was adopted, a Member State finds there is detailed evidence that the use in the products defined in Annexes I and II hereto of one of the substances referred to therein or the maximum quantity of such substance

that may be used constitutes a danger to human health, even though it complies with the provisions of this Directive, that Member State may temporarily suspend or restrict application of the provisions in question in its territory. It shall immediately inform the other Member States and the Commission thereof and give reasons for its decision.

2. The Commission shall examine as soon as possible the reasons given by the Member State concerned and shall consult the Member States within the Standing Committee for Foodstuffs; it shall then deliver its opinion forthwith and take the appropriate measures.

3. If the Commission considers that amendments to the Directive are necessary in order to remedy the difficulties referred to in paragraph 1 and to protect human health, it shall initiate the procedure provided for in Article 10 for the purpose of adopting such amendments. In that case, the Member State which has adopted safeguard measures may maintain them until the amendments enter into force.

Article 8

The Council, acting on a proposal from the Commission, shall adopt where necessary purity criteria for the technological adjuvants referred to in the Annexes.

Article 9

The following shall be determined in accordance with the procedure laid down in Article 10:

- (a) the methods of analysis necessary for checking the purity criteria referred to in Article 8;
- (b) the sampling procedures and methods of analysis necessary for checking the composition and manufacturing specifications at the time of manufacture of the products defined in the Annexes.

Article 10

1. Where the procedure laid down in this Article is invoked, the matter shall be referred to the Standing Committee for Foodstuffs set up by Decision 69/414/EEC, hereinafter referred to as 'the Committee', by its chairman, either on his own initiative or at the request of a representative of a Member State.

2. The Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall give its opinion on the said draft within such time as the chairman of the Committee may determine in the

light of the urgency of the matter in question. The Committee shall decide by a majority of at least 45 votes, the votes of the Member States being weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not take part in the vote.

3. (a) The Commission shall adopt the measures contemplated where they are in accordance with the opinion of the Committee.
- (b) Where the measures contemplated are not in accordance with the opinion of the Committee, or where no such opinion has been issued, the Commission shall forthwith submit to the Council a proposal on the measures to be taken. The Council shall act by a qualified majority.
- (c) If, on expiry of a period of three months from the date on which the matter was referred to the Council, the latter has not acted, the proposed measures shall be adopted by the Commission.

Article 11

This Directive shall not apply to products referred to in Article 1 intended for export to third countries.

Article 12

Member States shall make such amendments to their laws as may be necessary to comply with this Directive and shall forthwith inform the Commission thereof; the laws thus amended shall be applied in such a way as to:

- permit trade in products complying with this Directive not later than two years after its notification ⁽¹⁾,
- prohibit trade in products not complying with this Directive three years after its notification.

Article 13

This Directive is addressed to the Member States.

Done at Brussels, 25 July 1983.

For the Council

The President

C. SIMITIS

⁽¹⁾ This Directive was notified to the Member States on 2 August 1983.

ANNEX I

EDIBLE CASEINS

I. NAMES AND DEFINITIONS

- (a) '*edible acid casein*' means edible casein obtained by precipitation using the technological adjuvants and bacterial cultures listed in Section II (d) which comply with the standards laid down in Section II.
- (b) '*edible rennet casein*' means edible casein obtained by precipitation using the technological adjuvants listed in Section III (d) which comply with the standards laid down in Section III.

II. STANDARDS APPLICABLE TO 'EDIBLE ACID CASEIN'

(a) Essential factors of composition

- | | |
|--|------------------|
| 1. Maximum moisture content | 10,0 % by weight |
| 2. Minimum milk protein content calculated on the dried extract | 90 % by weight |
| of which minimum casein content | 95 % by weight |
| 3. Maximum milk fat content calculated on the dried extract | 2,25 % by weight |
| 4. Maximum titratable acidity, expressed in ml of decinormal sodium hydroxide solution per g | 0,27 |
| 5. Maximum ash content (P ₂ O ₅ included) | 2,5 % by weight |
| 6. Maximum anhydrous lactose content | 1 % by weight |
| 7. Maximum sediment content (burnt particles) | 22,5 mg in 25 g |

(b) Contaminants

- | | |
|----------------------|---------|
| Maximum lead content | 1 mg/kg |
|----------------------|---------|

(c) Impurities

- | | |
|--|-------------|
| Extraneous matter (such as wood or metal particles, hairs or insect fragments) | nil in 25 g |
|--|-------------|

(d) Harmless technological adjuvants and bacterial cultures suitable for human consumption

- (i) — lactic acid (E 270)
- hydrochloric acid
- sulphuric acid
- citric acid (E 330)
- acetic acid (E 260)
- orthophosphoric acid
- (ii) — whey
- bacterial cultures producing lactic acid

(e) Organoleptic characteristics

- | | |
|----------------|--|
| 1. Odour: | No foreign odours |
| 2. Appearance: | Colour ranging from white to creamy white; the product must not contain any lumps that would not break up under slight pressure. |

III. STANDARDS APPLICABLE TO 'EDIBLE RENNET CASEIN'

(a) Essential factors of composition

1. Maximum moisture content	10	% m/m
2. Minimum milk protein content calculated on the dried extract	84	% by weight
of which minimum casein content	95	% by weight
3. Maximum milk fat content calculated on the dried extract	2	% by weight
4. Minimum ash content (P_2O_5 included)	7,50	% by weight
5. Maximum anhydrous lactose content	1	% by weight
6. Maximum sediment content (burnt particles)	22,5	mg in 25 g

(b) Contaminants

Maximum lead content	1	mg/kg
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(c) Impurities

Extraneous matter (such as wood or metal particles, hairs or insect fragments)	nil in 25 g
--	-------------

(d) Harmless technological adjuvants suitable for human consumption

- rennet
- other milk-coagulating enzymes

(e) Organoleptic characteristics

1. *Odour*: No foreign odours
 2. *Appearance*: Colour ranging from white to creamy white; the product must not contain any lumps that would not break up under slight pressure.
-

ANNEX II

EDIBLE CASEINATES

I. DENOMINATIONS AND DEFINITIONS

'*edible caseinates*': means caseinates obtained from edible caseins using neutralizing agents of edible quality listed under Section II (d) and complying with the standards set out in Section II.

II. STANDARDS APPLICABLE TO EDIBLE CASEINATES

(a) Essential factors of composition

1. Maximum moisture content	8	% by weight
2. Minimum content of milk protein casein, calculated on the dried extract	88	% by weight
3. Maximum content of milk fat, calculated on the dried extract	2,0	% by weight
4. Maximum anhydrous lactose content	1,0	% by weight
5. pH value	6,0	to 8,0
6. Maximum sediment content (burnt particles)	22,5	mg in 25 g

(b) Contaminants

Maximum lead content	1	mg/kg
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(c) Impurities

Extraneous matter (such as wood or metal particles, hairs or insect fragments)	nil in 25 g
--	-------------

(d) Technological adjuvants of edible quality

(optional neutralizing and buffering agents)

hydroxides	} of	sodium
carbonates		potassium
phosphates		calcium
citrates		ammonium
		magnesium

(e) Characteristics

1. <i>Odour</i> :	Very slight foreign flavours and odours.
2. <i>Appearance</i> :	Colour ranging from white to creamy white; the product must not contain any lumps that do not break under slight pressure.
3. <i>Solubility</i> :	Almost entirely soluble in distilled water, except for the calcium caseinate.

COUNCIL DECISION

of 25 July 1983

on the commercial independence of the railways in the management of their international passenger and luggage traffic

(83/418/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 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 in its resolution of 15 December 1981 the Council set out the broad lines of railway policy within the framework of the common transport policy and in particular expressed its interest in improved cooperation between railway undertakings where international traffic is concerned;

Whereas measures need to be taken at Community level to allow the railways to develop their role in international passenger traffic;

Whereas the attainment of this objective presupposes that Member States endeavour to remove all obstacles to sufficient managerial independence of railway undertakings so as to enable them to focus their joint efforts on improving international passenger services with a view to optimizing their financial results;

Whereas such cooperation in the commercial management of this traffic, taking into account joint interest, entails in particular a flexible, dynamic and attractive pricing policy reflecting this specific structure of the international markets in question,

Article 1

1. Member States shall take the necessary steps to ensure that this Decision is applied to the following railway undertakings:

- Société nationale des chemins de fer belges (SNCB)/Nationale Maatschappij der Belgische Spoorwegen (NMBS),
- Danske Statsbaner (DSB),
- Deutsche Bundesbahn (DB),
- Οργανισμός Σιδηροδρόμων Ελλάδος ΑΕ. (ΟΣΕ),
- Société nationale des chemins de fer français (SNCF),
- Córas Iompair Éireann (CIE),
- Azienda autonoma delle ferrovie dello Stato (FS),
- Société nationale des chemins de fer luxembourgeois (CFL),
- Naamloze Vennootschap Nederlandse Spoorwegen (NS),
- British Railways Board (BRB),
- Northern Ireland Railways Company Ltd (NIR).

2. As regards the Société nationale des chemins de fer luxembourgeois (CFL), Belgium and France shall, in conjunction with Luxembourg, make any amendments to the basic texts which may prove necessary to enable this Decision to be applied.

Article 2

In accordance with this Decision, the railway undertakings shall enjoy commercial independence in the management of international passenger and luggage traffic.

This independence shall be used in particular for intensifying their cooperation in order to pursue common objectives and shall not prejudice their obligations as a public service.

⁽¹⁾ OJ No C 23, 28. 1. 1983, p. 12.

⁽²⁾ OJ No C 161, 20. 6. 1983, p. 172.

⁽³⁾ OJ No C 211, 8. 8. 1983, p. 7.

Article 3

The railway undertakings are free:

- to establish common tariff scales offering rates for the whole journey, whereby the rates set out in those tariffs may be independent of those obtained by adding the rates of the national tariffs,
- to offer all-in package services, on their own or in cooperation with other transport undertakings or the tourist industry,
- to create revenue pools within the framework of communities of interest,
- to delegate powers among themselves to make joint offers to customers.

Article 4

1. Within the framework of the Community rules applicable and in particular of Article 9 (1) of Decision 75/327/EEC⁽¹⁾, railway undertakings shall, in accordance with their commercial interests and taking account of costs and the market situation, fix the rates and conditions for the international carriage of passengers and luggage between Member States.

2. In order to promote the attainment of the objectives set out in Decision 75/327/EEC, railway undertakings shall apply rates in international passenger and luggage traffic between Member States intended at least to:

- ensure that the assignable costs specific to the traffic concerned by this Decision are covered, and
- make a positive contribution to covering joint costs.

3. The measures adopted under this Decision shall aim at optimizing revenue and improving the financial situation of the railways.

Article 5

By 31 December 1984 at the latest, the railway undertaking shall submit to the Commission and to the Council a joint report on the advisability of establishing, for international passenger traffic, a joint organization to implement commercial measures.

Article 6

1. Before 1 July 1984, and after consultation with the Commission, Member States shall adopt the provisions necessary for the implementation of this Decision.

2. At the request of the Member State or if the Commission considers it advisable, the latter shall consult the Member States concerned on the draft provisions referred to in paragraph 1.

Article 7

Five years after the entry into force of this Decision the Commission shall report to the Council on the results of its implementation.

The Council shall review the situation in the light of this report and, on a proposal from the Commission, shall take the appropriate decision by a qualified majority.

Article 8

This Decision is addressed to the Member States and the railway undertakings referred to in Article 1.

Done at Brussels, 25 July 1983.

For the Council

The President

C. SIMITIS

⁽¹⁾ OJ No L 152, 12. 6. 1975, p. 3.

COUNCIL RECOMMENDATION**of 25 July 1983****on the ratification of or accession to the 1979 International Convention on Maritime Search and Rescue (SAR)****(83/419/EEC)****THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

Having regard to the Treaty establishing the European Economic Community,

Whereas on 27 April 1979 an International Convention on Maritime Search and Rescue was approved in Hamburg under the auspices of the Intergovernmental Maritime Consultative Organization (IMCO);

Whereas, in view of the great importance of the said Convention with regard to the search for and rescue of persons in distress at sea, the Convention should enter into force as soon as possible;

Whereas ratification or accession by all the Member States will not only help to bring the Convention into force in accordance with the principles of international law but will also ensure a unified search and rescue service in the coastal waters of the Community and thereby increase the effectiveness of the Convention,

HEREBY RECOMMENDS:

that inasmuch as they have not already done so, the Member States ratify or accede to the 1979 International Convention on Maritime Search and Rescue as soon as they can.

Done at Brussels, 25 July 1983.

For the Council

The President

C. SIMITIS

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