

Official Journal

of the European Communities

ISSN 0378 – 6978

L 382

Volume 29

31 December 1986

English edition

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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 16 December 1986

extending the collection of information concerning the activities of carriers participating in cargo liner traffic in certain areas of operation

(86/646/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Decision 78/774/EEC of 19 September 1978 concerning the activities of certain third countries in the field of cargo shipping ⁽¹⁾,

Having regard to the draft Decision submitted by the Commission,

Whereas the information collected under Decisions 79/4/EEC ⁽²⁾, 80/1181/EEC ⁽³⁾, 82/870/EEC ⁽⁴⁾, 84/656/EEC ⁽⁵⁾ gives ground for concern about the competitive position of Member State liner companies because of the nature of the competition which they face from certain carriers in the trades referred to in Annex II to Council Decision 79/4/EEC; whereas the collection of information about traffic in these areas should therefore continue;

Whereas the information collected about the traffic between the Community and the countries referred to in Article 2 of Decision 80/1181/EEC, in respect of which detailed rules are established in Decision 81/189/EEC ⁽⁶⁾, which was extended by Decisions 82/870/EEC and 84/656/EEC, also

gives ground for concern about the competitive position of Member State liner companies; whereas the collection of information about this traffic should therefore continue,

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision 84/656/EEC, '31 December 1986' is hereby replaced by '31 December 1988'.

Article 2

This Decision shall apply from 1 January 1987.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 December 1986.

For the Council

The President

J. MOORE

⁽¹⁾ OJ No L 258, 21. 9. 1978, p. 35.

⁽²⁾ OJ No L 5, 9. 1. 1979, p. 31.

⁽³⁾ OJ No L 350, 23. 12. 1980, p. 44.

⁽⁴⁾ OJ No L 368, 28. 12. 1982, p. 42.

⁽⁵⁾ OJ No L 341, 29. 12. 1984, p. 91.

⁽⁶⁾ OJ No L 88, 2. 4. 1981, p. 32.

COUNCIL DECISION

of 16 December 1986

fixing the allocation to Member States of the extra Community authorizations for 1987 resulting from the annual and additional increase in the Community quota for the carriage of goods by road

(86/647/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3164/76 of 16 December 1976 on the Community quota for the carriage of goods by road between Member States ⁽¹⁾, as last amended by Regulation (EEC) No 3677/85 ⁽²⁾, and in particular Article 3 (5) and (6) thereof,

Having regard to Commission Decision 86/491/EEC of 30 September 1986 fixing the allocation to Member States of the extra authorizations resulting from the increases in the Community quota for the carriage of goods by road for 1987 ⁽³⁾,

Whereas the second subparagraph of Article 3 (5) of Regulation (EEC) No 3164/76 provides that Decision 86/491/EEC shall become enforceable two months after its notification unless the matter has been referred to the Council by a Member State in the meanwhile;

Whereas a request from the Belgian Government for amendment of Decision 86/491/EEC was referred to the Council on 25 November 1986;

Whereas pursuant to the last part of the second subparagraph of Article 3 (5) of Regulation (EEC) No 3164/76 it is incumbent upon the Council, in such cases, to take a decision by a qualified majority by 31 December 1986;

Whereas the allocation to Member States of the increases in the Community quota for 1987 laid down in Decision 86/491/EEC must be maintained, subject to an increase by 60 authorizations of the allocation to Belgium;

Whereas adoption of this Decision does not prejudice the method of calculation to be applied for fixing the allocation

to Member States of the extra Community authorizations resulting from the further increases in the Community quota laid down in Article 3 of Regulation (EEC) No 3164/76,

HAS ADOPTED THIS DECISION:

Article 1

As a result of the annual and additional increase in the Community quota, there shall be an extra 2 009 Community authorizations for 1987.

Article 2

The extra authorizations referred to in Article 1 shall be allocated as follows:

Belgium	161
Denmark	114
Germany	329
Greece	60
Spain	156
France	281
Ireland	54
Italy	295
Luxembourg	60
Netherlands	336
Portugal	76
United Kingdom	87

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 December 1986.

For the Council

The President

J. MOORE

⁽¹⁾ OJ No L 357, 29. 12. 1976, p. 1.

⁽²⁾ OJ No L 354, 30. 12. 1985, p. 46.

⁽³⁾ OJ No L 285, 8. 10. 1986, p. 29.

COUNCIL DECISION

of 16 December 1986

on the grant of a national aid in the form of a payment on account of the premium for ewes in the sheepmeat sector in France

(86/648/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the third subparagraph of Article 93 (2) thereof,

Having regard to the request submitted by the French Government on 2 December 1986,

Whereas Articles 92, 93 and 94 of the Treaty, which concern national aid, were made applicable to the production and marketing of the sheepmeat and goatmeat products referred to in Article 23 of Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾;

Whereas the two consecutive periods of drought in the summer of 1985 and the summer of 1986 resulted in serious feeding problems in the sheepmeat sector in France; whereas farmers have been obliged to slaughter a large proportion of their herds and to incur debts to buy replacement fodder as feed for the animals which were not slaughtered;

Whereas the additional supply of meat resulting from this abnormal slaughter of herds has resulted in a considerable drop in the market prices of sheepmeat in France; whereas, furthermore, the debts incurred by farmers to purchase fodder which otherwise would have been unnecessary weigh heavily on the cash flow of farmers and even threaten the survival of some holdings;

Whereas the considerable drop in the pound sterling on the exchange markets as from August 1986 has stimulated United Kingdom exports of sheepmeat to the French market; whereas this meat may be supplied at relatively low prices in French francs as a result of the exchange rate trends; whereas this additional low-priced supply has also affected the level of French prices, which were already falling as a result of the effects of the drought;

Whereas the combination of these two factors foreign to the normal operation of the said market has resulted in current

market prices in French francs which are comparable to those of 1981; whereas the turnover of the farmers concerned is currently dropping very considerably as a result;

Whereas the Commission, in view of the high level of indebtedness of the farmers and of the ensuing cash flow difficulties, has authorized the French Government, as an exceptional measure, to make a payment on account amounting to 75 % of the premium for ewes to farmers whose holdings are situated in the less-favoured areas of France;

Whereas, however, the same acute cash flow problems are a burden on all French sheep farmers whether or not their holdings are situated in a less-favoured area; whereas the relevant rules provide for the possibility of making a payment on account only to holdings situated in less-favoured areas;

Whereas the French Government has decided to come to the aid of those farmers whose holdings are situated in an area which is not less-favoured; whereas, to this end, the French Government has considered advancing to them also, but from national funds, a sum corresponding to 75 % of the premium for ewes which those farmers may claim at the end of the marketing year, i.e. in March 1987;

Whereas the French Government notified this projected national aid to the Commission in accordance with Article 93 (3) of the Treaty;

Whereas the Commission considered that the projected aid was not compatible with the common market, and particularly with the common organization provided for by Regulation (EEC) No 1837/80;

Whereas the drop on the sheepmeat market in France is the result of the unforeseeable and abnormal combination of two factors foreign to the normal operation of that market, and whereas this drop represents a heavy burden on the income of the farmers in question;

Whereas there are therefore exceptional circumstances to justify considering the national aid in question as a derogation, to the extent and for the period strictly necessary in order to relieve the cash flow problems of the French farmers in question, as compatible with the common market,

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

HAS DECIDED AS FOLLOWS:

Article 2

This Decision is addressed to the French Republic.

Article 1

The national aid granted by the French Government in the form of a payment on account of the premium for ewes, to French sheep farmers whose holdings are situated in areas which are not less-favoured areas of France, shall be considered, up to a rate of 75 % of the estimated premium and until the end of the 1985/86 marketing year, as compatible with the common market.

Done at Brussels, 16 December 1986.

For the Council

The President

M. JOPLING

COUNCIL DECISION

of 16 December 1986

introducing a Community financial measure for the eradication of African swine fever in Portugal

(86/649/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 African swine fever has been present in Portugal for many years;

Whereas, in order to prevent the disease from spreading to its territory, the Community granted financial support for a period of five years by means of Council Decision 80/877/EEC of 15 September 1980 on financial aid from the Community for the eradication of African swine fever in Portugal ⁽³⁾;

Whereas the Act of Accession of Spain and Portugal sets as a specific objective to be achieved by the Portuguese Republic that of continuing and intensifying the campaign against African swine fever;

Whereas the efforts already made have served to stabilize the incidence of the disease; whereas the resources deployed must, however, be maintained and reinforced in order to eradicate African swine fever from the entire territory of Portugal and thus contribute to the establishment of the internal market;

Whereas the Portuguese authorities have appealed to the Community for a contribution towards the expenditure involved in the continuation and reinforcement of the eradication programme undertaken in 1981;

Whereas, in order to benefit from the results obtained, this request should be granted so that the systematic action already undertaken can be maintained and consolidated;

Whereas the reinforced eradication plan must include measures ensuring the effectiveness of the action undertaken; whereas a procedure closely associating the Member States and the Commission should be introduced by means of which such measures can be adopted and adapted as the situation develops;

Whereas the Member States should be kept regularly informed of the progress of the measures undertaken,

HAS ADOPTED THIS DECISION:

Article 1

The Portuguese Republic shall draw up a reinforced plan for the eradication of African swine fever and the restructuring of pig farms so as to protect the health of their livestock.

Article 2

The plan referred to in Article 1 must, apart from an indication of the organization that is to implement and coordinate it, provide for:

1. Measures to eliminate outbreaks of African swine fever, and more particularly:

- (a) the immediate slaughter and destruction of all pigs on those holdings where a clinical case of African swine fever is diagnosed and on those holdings which, as a result of an epizootiological investigation, can be considered as contaminated. Slaughter and destruction shall be effected in such a way as to avoid any danger of spreading the virus;
- (b) the cleansing and disinfection of, and elimination of insect and rodent pests from, holdings after the elimination of the pigs;
- (c) immediate and adequate compensation for the owners of holdings whose pigs have been slaughtered in accordance with (a);
- (d) a delay for health reasons before restocking of holdings, the duration of such delay being at least one month after slaughter and the completion of the operations provided for in paragraph (b) for holdings operating in enclosed premises and at least three months for other holdings;
- (e) the gradual restocking of holdings by the prior introduction of 'sentinel' pigs, in which the absence of African swine fever antibodies has been checked prior to their entry into the holding and again one month later;
- (f) continuous serological surveillance of holdings until they are fully restocked.

⁽¹⁾ OJ No C 203, 12. 8. 1986, p. 8.

⁽²⁾ OJ No C 322, 15. 12. 1986.

⁽³⁾ OJ No L 250, 23. 9. 1980, p. 12.

2. Measures for the surveillance of pig farms and the establishment of zones free from African swine fever, and in particular:
- (a) serological testing by representative samples from all pig farms in each region of production.
- However, the following rules shall apply in the special cases described below:
- in the case of breeding farms, multiplication farms or mixed closed circuit farms, all breeding sows and sows intended for breeding must be subjected to serological investigation,
 - in the case of mixed farms receiving pigs from external sources, if no clear separation exists between the breeding unit and the pig fattening unit, all the pigs on the holding must be subjected to serological investigation;
- (b) systematic serological investigation on all farms where one or more animals have reacted positively to the serological test provided for in (a) and the continuation of this investigation until all positive animals have been detected and eliminated;
- (c) an epizootiological investigation to identify the farms on which pigs reacting positively to serological tests originate and systematic serological investigation on such farms;
- (d) elimination by slaughter and destruction of all animals reacting positively to serological tests following measures provided for in (a), (b) and (c);
- (e) immediate and adequate compensation for owners of pigs slaughtered and destroyed in accordance with (d);
- (f) health protection measures on farms where pigs react negatively to serological tests. More particularly such protection must entail:
- the application of health measures with regard to any person entering the farm,
 - arrangements for the disinfection of any vehicle having to enter the farm,
 - the installation of safety gates for the delivery of feedingstuffs and various supplies,
 - the installation of safety gates for the removal of pigs;
- (g) health measures in respect of all animals entering the farm for the purposes of breeding or fattening. More particularly these measures must entail:
- an obligation to acquire animals from a farm presenting the same assurances,
 - serological investigation of all breeding pigs,
 - monitoring of breeding pigs before their entry into the production cycle;
- (h) establishment for the recognition of holdings free of African swine fever, of the following minimum criteria:
- absence of clinical disease on the holding for at least one year,
 - absence of clinical disease within a radius of 2 kilometres around the holding for at least one year,
 - execution of the serological operations provided for in (a), (b) and (c) for one year, when a positive animal has been detected;
- (i) clearly distinguishable marking of all pigs on holdings recognized as free of African swine fever.
3. Measures to create regions free of African swine fever, entailing more particularly:
- (a) the establishment of a system identifying all pigs on the national territory so that the region and holding of origin can be traced at any time;
- (b) the registration of all holdings engaged in pig farming, specifying the type of production, their position with regard to African swine fever and the size of their stock;
- (c) the monitoring of stock of holdings by the introduction of a pig-farming register or file recording in particular entries of pigs to the holding and their origin, exit of pigs and their destination, mortality and the causes thereof;
- (d) the monitoring of movements of pigs within a region or between regions irrespective of their origin and destination by regional bodies established for that purpose;
- (e) an absolute ban on the entry of live pigs originating in a region which does not have the same health status;
- (f) the promotion of regional groups of farmers to combat African swine fever so as to engender more effective cooperation with the technical and administrative departments and voluntary control over the application of the plan;
- (g) serological testing by sampling of pigs at the time of their slaughter;
- (h) laboratory testing of samples from slaughtered wild swine.

4. Measures to restructure pig farms in order to ensure greater health protection and prevent the spread of the disease, entailing more particularly:

(a) adaptation of existing piggeries so as to ensure effective health protection through:

- protective installations for the entry of vehicles and persons and safety gates for deliveries of feedingstuffs and various supplies,
- safety gates for the delivery or removal of live pigs;

(b) encouragement for the replacement of traditional farms by closed circuit farms with clear and effective separation between the breeding unit and the fattening unit;

(c) for fattening farms, the establishment of systems for the supply of piglets requiring the direct transportation of animals from recognized multiplication farms to the fattening farm;

(d) in the case of farms continuing to use grazing land in certain regions where this practice cannot be abandoned:

- the establishment of closed and protected housing for breeding stock and their piglets,
- establishment of enclosed and protected runs for sows and fattening piglets until the latter's departure to the grazing land,
- prohibition on the return of fattening pigs from grazing land to the breeding unit,
- obligation to transport fattened pigs direct to the slaughterhouse,
- serological testing of all pigs fattened on grazing land both before they are turned out and at the time of slaughter,
- where the result of serological testing is positive, seizure and destruction of the carcasses in question and a ban on the use of the grazing land of origin for the fattening of pigs,
- laboratory testing of samples from slaughtered wild swine.

5. National and regional protection measures, entailing more particularly:

(a) control and destruction of all waste from international means of transport;

(b) control of all scraps and swill from kitchens and industries using pigmeat;

(c) ban on the use for feeding to pigs of scraps and swill from kitchens and industries using pigmeat. However, the competent authorities may authorize the use of scraps for feeding in specially designated farms where

there are only fattening pigs provided that these scraps are collected and heat-treated, so as to ensure destruction of the virus, in specialized establishments under official control; animals of the swine species must not be allowed in these specialized establishments;

(d) obligation to slaughter pigs, for consumption, in slaughterhouses under official veterinary control.

Article 3

After examination of the plan submitted by the Portuguese authorities and of any amendments to be made thereto, the Commission shall decide, in accordance with the procedure laid down in Article 9, whether or not to approve it.

The Committee of the European Agricultural Guidance and Guarantee Fund shall be consulted on the financial aspects and the Standing Committee on Structure on the structural aspects of the plan.

Article 4

The measure provided for in this Decision shall qualify for financial aid from the Community.

Article 5

1. Community financial assistance shall be granted for a period of five years from the date fixed by the Commission in its decision approving the plan referred to in Article 1.

2. The estimated assistance to be charged to the Community budget under the chapter covering expenditure relating to agriculture shall be 10 million ECU for the duration of the period provided for in paragraph 1.

Article 6

1. On condition that all the measures laid down are applied and are in compliance with the plan approved by the Commission pursuant to Article 3, the expenditure incurred by Portugal:

- under Article 2 (1) (a), (b), (c), (e) and (f), (2) (a), (b), (c), (d) and (e), (3) (d), (f), (g) and (h) and the last three indents of (4) (d), and
- under Article 2 (3) (b) and (4) (a), (b), (c) and the first two indents of (d),

shall qualify for Community financial aid within the limits laid down in Article 5.

2. The Community shall refund 50 % of the expenditure referred to in the first indent of paragraph 1 and 30 % of the expenditure referred to in the second indent of paragraph 1.

3. Detailed rules for the application of this Article shall be adopted, as required in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70 ⁽¹⁾.

Article 7

1. Applications for payment shall relate to expenditure incurred by the Portuguese Republic during the calendar year and shall be submitted to the Commission before 1 July of the following year.

2. Article 7 (1) of Regulation (EEC) No 729/70 shall apply to the decisions adopted by the Commission relating to the Community financing of the measure provided for by this Decision.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 8

Regulation (EEC) No 129/78 ⁽²⁾ and Articles 8 and 9 of Regulation (EEC) No 729/70 shall apply *mutatis mutandis*.

Article 9

1. Where the procedure laid down in this Article is to be followed, matters shall be referred without delay by the chairman, either on his own initiative or at the request of a Member State, to the Standing Veterinary Committee (hereinafter called the 'Committee') set up by Decision 68/361/EEC ⁽³⁾.

2. Within the Committee, the votes of Member States shall be weighted as laid down in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its opinion on such measures within the time limit set by the chairman according to the urgency of the matters

under consideration. Opinions shall be delivered by a qualified majority of 54 votes.

4. The Commission shall adopt the measures and shall apply them immediately where they are in accordance with the opinion of the Committee. Where they are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay propose to the Council the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within three months from the date on which the proposal was submitted to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures and shall apply them immediately, save where the Council decides against the said measures by a simple majority.

Article 10

1. The Commission shall follow developments with regard to African swine fever in Portugal and the implementation of the eradication plan.

The Commission shall inform the Member States within the Committee of developments regularly, at least once a year, in the light of the information provided by the Portuguese authorities, who shall submit a progress report to the Commission together with the applications for payment, and any reports from experts who, acting on behalf of the Community and appointed by the Commission, have made on-the-spot visits.

2. Should the need arise to amend the eradication plan in the course of its execution, in particular with a view to ensuring coordination with other plans a new decision approving it shall be taken in accordance with the procedure laid down in Article 9.

Article 11

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 16 December 1986.

For the Council
The President
G. HOWE

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 20, 25. 1. 1978, p. 16.

⁽³⁾ OJ No L 255, 18. 10. 1968, p. 23.

COUNCIL DECISION

of 16 December 1986

introducing a Community financial measure for the eradication of African swine fever in Spain

(86/650/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 African swine fever has been present in Spain for many years;

Whereas, in order to prevent the disease from spreading to its territory, the Community granted financial support for a period of five years by means of Council Decision 79/509/EEC of 24 May 1979 on financial aid from the Community for the eradication of African swine fever in Spain ⁽³⁾;

Whereas the Act of Accession of Spain and Portugal sets as a specific objective to be achieved by the Kingdom of Spain that of continuing and intensifying the campaign against African swine fever;

Whereas the efforts already made have served to stabilize the incidence of the disease; whereas the resources deployed must, however, be maintained and reinforced in order to eradicate African swine fever from the entire territory of Spain and thus contribute to the establishment of the internal market;

Whereas the Spanish authorities have appealed to the Community for a contribution towards the expenditure involved in the continuation and reinforcement of the eradication programme undertaken in 1980;

Whereas, in order to benefit from the results obtained, this request should be granted so that the systematic action already undertaken can be maintained and consolidated;

Whereas the reinforced eradication plan must include measures ensuring the effectiveness of the action undertaken; whereas a procedure closely associating the Member States and the Commission should be introduced by means of which such measures can be adopted and adapted as the situation develops;

Whereas the Member States should be kept regularly informed of the progress of the measures undertaken,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Spain shall draw up a reinforced plan for the eradication of African swine fever and the restructuring of pig farms so as to protect the health of their livestock.

Article 2

The plan referred to in Article 1 must, apart from an indication of the organization that is to implement and coordinate it, provide for:

1. Measures to eliminate outbreaks of African swine fever, and more particularly:
 - (a) the immediate slaughter and destruction of all pigs on those holdings where a clinical case of African swine fever is diagnosed and on those holdings which, as a result of an epizootiological investigation, can be considered as contaminated. Slaughter and destruction shall be effected in such a way as to avoid any danger of spreading the virus;
 - (b) the cleansing and disinfection of, and elimination of insect and rodent pests from, holdings after the elimination of the pigs;
 - (c) immediate and adequate compensation for the owners of holdings whose pigs have been slaughtered in accordance with (a);
 - (d) a delay for health reasons before restocking of holdings, the duration of such delay being at least one month after slaughter and the completion of the operations provided for in paragraph (b) for holdings operating in enclosed premises and at least three months for other holdings;
 - (e) the gradual restocking of holdings by the prior introduction of 'sentinel' pigs, in which the absence of African swine fever antibodies has been checked prior to their entry into the holding and again one month later;
 - (f) continuous serological surveillance of holdings until they are fully restocked.

⁽¹⁾ OJ No C 197, 6. 8. 1986, p. 7.

⁽²⁾ OJ No C 322, 15. 12. 1986.

⁽³⁾ OJ No L 133, 31. 5. 1979, p. 27.

2. Measures for the surveillance of pig farms and the establishment of zones free from African swine fever, and in particular:

- (a) serological testing by representative samples from all pig farms in each region of production.

However, the following rules shall apply in the special cases described below:

- in the case of breeding farms, multiplication farms or mixed closed circuit farms, all breeding sows and sows intended for breeding must be subjected to serological investigation,
 - in the case of mixed farms receiving pigs from external sources, if no clear separation exists between the breeding unit and the pig fattening unit, all the pigs on the holding must be subjected to serological investigation;
- (b) systematic serological investigation on all farms where one or more animals have reacted positively to the serological test provided for in (a) and the continuation of this investigation until all positive animals have been detected and eliminated;
- (c) an epizootiological investigation to identify the farms on which pigs reacting positively to serological tests originate and systematic serological investigation on such farms;
- (d) elimination by slaughter and destruction of all animals reacting positively to serological tests following measures provided for in (a), (b) and (c);
- (e) immediate and adequate compensation for owners of pigs slaughtered and destroyed in accordance with (d);
- (f) health protection measures on farms where pigs react negatively to serological tests. More particularly such protection must entail:
- the application of health measures with regard to any person entering the farm,
 - arrangements for the disinfection of any vehicle having to enter the farm,
 - the installation of safety gates for the delivery of feedingstuffs and various supplies,
 - the installation of safety gates for the removal of pigs;
- (g) health measures in respect of all animals entering the farm for the purposes of breeding or fattening. More particularly these measures must entail:
- an obligation to acquire animals from a farm presenting the same assurances,

- serological investigation of all breeding pigs,
- monitoring of breeding pigs before their entry into the production cycle;

- (h) establishment for the recognition of holdings free of African swine fever, of the following minimum criteria:

- absence of clinical disease on the holding for at least one year,
- absence of clinical disease within a radius of 2 kilometres around the holding for at least one year,
- execution of the serological operations provided for in (a), (b) and (c) for one year, when a positive animal has been detected;

- (i) clearly distinguishable marking of all pigs on holdings recognized as free of African swine fever.

3. Measures to create regions free of African swine fever, entailing more particularly:

- (a) the establishment of a system identifying all pigs on the national territory so that the region and holding of origin can be traced at any time;
- (b) the registration of all holdings engaged in pig farming, specifying the type of production, their position with regard to African swine fever and the size of their stock;
- (c) the monitoring of stock of holdings by the introduction of a pig-farming register or file recording in particular entries of pigs to the holding and their origin, exit of pigs and their destination, mortality and the causes thereof;
- (d) the monitoring of movements of pigs within a region or between regions irrespective of their origin and destination by regional bodies established for that purpose;
- (e) an absolute ban on the entry of live pigs originating in a region which does not have the same health status;
- (f) the promotion of regional groups of farmers to combat African swine fever so as to engender more effective cooperation with the technical and administrative departments and voluntary control over the application of the plan;
- (g) serological testing by sampling of pigs at the time of their slaughter;
- (h) laboratory testing of samples from slaughtered wild swine.

4. Measures to restructure pig farms in order to ensure greater health protection and prevent the spread of the disease, entailing more particularly:

(a) adaptation of existing piggeries so as to ensure effective health protection through:

- protective installations for the entry of vehicles and persons and safety gates for deliveries of feedingstuffs and various supplies,
- safety gates for the delivery or removal of live pigs;

(b) encouragement for the replacement of traditional farms by closed circuit farms with clear and effective separation between the breeding unit and the fattening unit;

(c) for fattening farms, the establishment of systems for the supply of piglets requiring the direct transportation of animals from recognized multiplication farms to the fattening farm;

(d) in the case of farms continuing to use grazing land in certain regions where this practice cannot be abandoned:

- the establishment of closed and protected housing for breeding stock and their piglets,
- establishment of enclosed and protected runs for sows and fattening piglets until the latter's departure to the grazing land,
- prohibition on the return of fattening pigs from grazing land to the breeding unit,
- obligation to transport fattened pigs direct to the slaughterhouse,
- serological testing of all pigs fattened on grazing land both before they are turned out and at the time of slaughter,
- where the result of serological testing is positive, seizure and destruction of the carcasses in question and a ban on the use of the grazing land of origin for the fattening of pigs,
- laboratory testing of samples from slaughtered wild swine.

5. National and regional protection measures, entailing more particularly:

(a) control and destruction of all waste from international means of transport;

(b) control of all scraps and swill from kitchens and industries using pigmeat;

(c) ban on the use for feeding to pigs of scraps and swill from kitchens and industries using pigmeat. However, the competent authorities may authorize the use of scraps for feeding in specially designated farms where

there are only fattening pigs provided that these scraps are collected and heat-treated, so as to ensure destruction of the virus, in specialized establishments under official control; animals of the swine species must not be allowed in these specialized establishments;

(d) obligation to slaughter pigs, for consumption, in slaughterhouses under official veterinary control.

Article 3

After examination of the plan submitted by the Spanish authorities and of any amendments to be made thereto, the Commission shall decide, in accordance with the procedure laid down in Article 9, whether or not to approve it.

The Committee of the European Agricultural Guidance and Guarantee Fund shall be consulted on the financial aspects and the Standing Committee on Structure on the structural aspects of the plan.

Article 4

The measure provided for in this Decision shall qualify for financial aid from the Community.

Article 5

1. Community financial assistance shall be granted for a period of five years from the date fixed by the Commission in its decision approving the plan referred to in Article 1.

2. The estimated assistance to be charged to the Community budget under the chapter covering expenditure relating to agriculture shall be 42 million ECU for the duration of the period provided for in paragraph 1.

Article 6

1. On condition that all the measures laid down are applied and are in compliance with the plan approved by the Commission pursuant to Article 3, the expenditure incurred by the Kingdom of Spain:

- under Article 2 (1) (a), (b), (c), (e) and (f), (2) (a), (b), (c), (d) and (e), (3) (d), (f), (g) and (h) and the last three indents of (4) (d), and
- under Article 2 (3) (b) and (4) (a), (b), (c) and the first two indents of (d),

shall qualify for Community financial aid within the limits laid down in Article 5.

2. The Community shall refund 50 % of the expenditure referred to in the first indent of paragraph 1 and 30 % of the expenditure referred to in the second indent of paragraph 1.

3. Detailed rules for the application of this Article shall be adopted, as required in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70 ⁽¹⁾.

Article 7

1. Applications for payment shall relate to expenditure incurred by the Kingdom of Spain during the calendar year and shall be submitted to the Commission before 1 July of the following year.

2. Article 7 (1) of Regulation (EEC) No 729/70 shall apply to the decisions adopted by the Commission relating to the Community financing of the measure provided for by this Decision.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70.

Article 8

Regulation (EEC) No 129/78 ⁽²⁾ and Articles 8 and 9 of Regulation (EEC) No 729/70 shall apply *mutatis mutandis*.

Article 9

1. Where the procedure laid down in this Article is to be followed, matters shall be referred without delay by the chairman, either on his own initiative or at the request of a Member State, to the Standing Veterinary Committee (hereinafter called the 'Committee') set up by Decision 68/361/EEC ⁽³⁾.

2. Within the Committee, the votes of Member States shall be weighted as laid down in Article 148 (2) of the Treaty. The chairman shall not vote.

3. The representative of the Commission shall submit a draft of the measures to be adopted. The Committee shall deliver its opinion on such measures within the time limit set by the chairman according to the urgency of the matters

under consideration. Opinions shall be delivered by a qualified majority of 54 votes.

4. The Commission shall adopt the measures and shall apply them immediately where they are in accordance with the opinion of the Committee. Where they are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay propose to the Council the measures to be taken. The Council shall adopt the measures by a qualified majority.

If, within three months from the date on which the proposal was submitted to it, the Council has not adopted any measures, the Commission shall adopt the proposed measures and shall apply them immediately, save where the Council decides against the said measures by a simple majority.

Article 10

1. The Commission shall follow developments with regard to African swine fever in Spain and the implementation of the eradication plan.

The Commission shall inform the Member States within the Committee of developments regularly, at least once a year, in the light of the information provided by the Spanish authorities, who shall submit a progress report to the Commission together with the applications for payment, and any reports from experts who, acting on behalf of the Community and appointed by the Commission, have made on-the-spot visits.

2. Should the need arise to amend the eradication plan in the course of its execution, in particular with a view to ensuring coordination with other plans a new decision approving it shall be taken in accordance with the procedure laid down in Article 9.

Article 11

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 16 December 1986.

For the Council
The President
G. HOWE

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 20, 25. 1. 1978, p. 16.

⁽³⁾ OJ No L 255, 18. 10. 1968, p. 23.

COUNCIL DIRECTIVE

of 18 December 1986

amending, consequent on the accession of Spain and Portugal, Directive 77/93/EEC on protective measures against the introduction into the Member States of organisms harmful to plants or plant products

(86/651/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 396 thereof,

Having regard to the proposal from the Commission,

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

Whereas by means of Directive 77/93/EEC ⁽²⁾, as last amended by Regulation (EEC) No 3768/85 ⁽³⁾, the Council has established a system for the protection against the introduction into the Member States of organisms harmful to plants or plant products;

Whereas, in accordance with the conclusions of the Conference on the accession of Spain and Portugal to the European Communities, it is necessary to take account of the ecological conditions and of the plant health situation which characterize the territories of those States and the territories of the other Member States;

Whereas protection should therefore be extended to include Spain and Portugal or particular regions of those States

against certain harmful organisms affecting the Community as a whole and certain parts thereof;

Whereas protection against certain other harmful organisms affecting Spain and Portugal or particular regions thereof or affecting other Member States or regions with similar ecological conditions should be extended to include the Member States or regions concerned;

Whereas protection should be extended against certain plants known to bear a particular risk of carrying harmful organisms by permitting the Kingdom of Spain and the Portuguese Republic to prohibit or restrict the importation of those plants;

Whereas provision should be made for a transitional period to enable those two States to take all the measures required to comply with Directive 77/93/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 77/93/EEC is hereby amended as follows:

1. Article 1 (2) shall be replaced by the following:

2. This Directive shall not apply to the French overseas departments, nor to the Canary Islands, Ceuta or Melilla.'

2. The following paragraph shall be added to Article 20:

2. The Kingdom of Spain and the Portuguese Republic shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 March 1987 at the latest.

The other Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the provisions of this Directive in respect of Spain and Portugal on the same date at the latest.'

3. Annex I is hereby amended as follows:

(a) The following items in part A (a) shall be deleted:

9. *Rhagoletis cingulata* (Loew)

⁽¹⁾ OJ No C 68, 24. 3. 1986, p. 166.

⁽²⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽³⁾ OJ No L 362, 31. 12. 1985, p. 8.

10. *Rhagoletis fausta* (Osten Sacken)

11. *Rhagoletis pomonella* (Walsh);

(b) The following item shall be added to part A (a):

'17. Trypetidae (non-European):

(a) *Rhagoletis cingulata* (Loew),

(b) *Rhagoletis completa* Cress,

(c) *Rhagoletis fausta* (Osten Sacken),

(d) *Rhagoletis pomonella* (Walsh),

(e) *Anastrepha fraterculus* (Wied.),

(f) *Anastrepha ludens* (Loew),

(g) *Anastrepha mombinpraeoptans*,

(h) *Ceratitis rosa* Karsch,

(i) *Dacus cucurbitae* Coq,

(j) *Dacus dorsalis* Hendel,

(k) Other harmful Trypetidae in so far as they do not exist in Europe.';

(c) The following items in part B (a) shall be deleted:

2. *Anastrepha fraterculus* (Wied)

3. *Anastrepha ludens* (Loew)

5. *Dacus dorsalis* Hendel;

(d) In part B (a), 1, 6, 7, 8, 11, 12, 14 and 15, 'Spain, Portugal' shall be added in the right hand column;

(e) In part B (a), 10, 'Spain (Minorca and Ibiza) and Portugal (Azores and Madeira)' shall be added in the right hand column;

(f) In part B (a), 10a, 'Portugal' shall be added in the right hand column;

(g) In part B (b), 'Spain, Portugal' shall be added in the right hand column;

(h) In part B (c), 1 to 5a, 'Spain, Portugal' shall be added in the right hand column;

(i) In part B (d), 'Spain, Portugal' shall be added in the right hand column.

4. Annex II is hereby amended as follows:

(a) In part A (a), 10, '*Viteus vitifolii* (Fitch)' shall be replaced by '*Dactulosphaira vitifoliae* (Fitch)';

(b) In part B (a) the following item shall be added:

11 a. <i>Thaumetopoea</i> <i>pityocampa</i> Schiff.	Plants of <i>Pinus</i> L., other than fruit and seeds	Spain, (Ibiza)'
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(c) In part B (a), 2, 10a and 12, 'Spain' shall be added in the right hand column;

(d) In part B (a), 1, 6, 7, 8, 10, 10a and 12, 'Portugal' shall be added in the right hand column;

(e) In part B (b), 1, 'Spain, Portugal' shall be added in the right hand column;

(f) In part B (b), 2, 'Spain, France, Italy, Portugal' shall be added in the right hand column;

(g) In part B (c), 1, 2, 4, 4a, 5 and 6, 'Spain' shall be added in the right hand column;

(h) In part B (c), 1, 2, 4, 5 and 6, 'Portugal' shall be added in the right hand column;

(i) In part B (c) the following item shall be added:

'6. (a) Phytophthora cinnamomi Rands	Avocado (Persea Mill.), other than fruit	Greece (Crete), Spain, Italy (Sicily and Calabria), Portugal (Algarve)'
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5. Annex III is hereby amended as follows:

(a) In part B, 1, 2, 9 and 10, 'Spain, Portugal' shall be added to the right hand column;

(b) In part B the following item shall be added:

6 a Isolated Eucalyptus bark	Greece, Spain, France, Italy, Portugal'
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6. Annex IV is hereby amended as follows:

(a) In part B, 7a:

- 'Spain' shall be added in the second column in part A, 1 and in the third column after 'Greece',
- 'Portugal' shall be added in the second column in part A, 1 after 'Italy' and in the third column after 'Luxembourg';

(b) In part B, 8, 'Fortunella and Poncirus' shall be inserted after 'citrus' in the left hand column and 'Spain, Portugal' shall be added in the right hand column;

(c) In part B, 9 and 14, 'Spain, (Minorca and Ibiza), Portugal (Azores and Madeira)' shall be added in the third column;

(d) In part B, 17, 'Spain, France, Italy, Portugal' shall be added in the right hand column;

(e) In part B, 18, 'Spain' shall be added in the third column;

(f) In part B the following items shall be added:

3 a. Wood of Eucalyptus	The wood shall be treated by the appropriate procedure prior to shipment or shall be stripped of its bark and originate in a region free from Phoracantha spp.	Greece, Spain, France, Italy, Portugal
5 a. Plants of Pinus, other than fruit and seed	Official statement that plants originate in regions free from Thaumetopoea pityocampa	Spain (Ibiza)'

Article 2

Member States shall bring into force the laws, regulations or administrative provisions necessary to comply with this Directive by 1 March 1987 at the latest.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 18 December 1986.

For the Council
The President
M. JOPLING

COUNCIL DIRECTIVE

of 18 December 1986

amending Directive 76/625/EEC concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain species of fruit trees

(86/652/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 Commission, in order to perform the task conferred upon it by the Treaty and by Community provisions governing the common organization of the market in fruit and vegetables, needs information on the production potential of plantations of species of fruit trees other than those which are already covered by surveys under Directive 76/625/EEC ⁽³⁾, as last amended by Directive 86/84/EEC ⁽⁴⁾,

varieties of apples and pears, peaches, apricots, oranges, lemons and small-fruited citrus. The survey on plantations of purely non-dessert varieties of apples and pears shall be optional.

For the purposes of paragraph 2 of this Article and of Articles 2, 3, 5 and 6, the group of small-fruited citrus (mandarins, including tangerines and satsumas, clementines, wilkings and other similar citrus hybrids) shall be regarded as one species.'

2. In Article 2 (1) (A), the final subparagraph shall be replaced by the following:

'The survey relating to peach trees and apricot trees shall be carried out in Greece, Spain, France, Italy and Portugal only. The survey relating to orange trees, lemon trees and small-fruited citrus trees shall be carried out in Greece, Spain, France, Italy and Portugal only, in so far as any of the abovementioned species of citrus fruit exists in significant quantities on the territory of the Member State concerned.'

HAS ADOPTED THIS DIRECTIVE:

Article 2

This Directive is addressed to the Member States.

Article 1

Directive 76/625/EEC is hereby amended as follows:

1. Article 1 (1) shall be replaced by the following:

'1. Member States shall carry out in 1987, and each fifth year thereafter, in the spring, surveys on plantations of fruit trees existing on their territory for the production of dessert apples and pears, except for purely non-dessert

Done at Brussels, 18 December 1986.

For the Council

The President

M. JOPLING

⁽¹⁾ OJ No C 265, 21. 10. 1986, p. 10.

⁽²⁾ Opinion delivered on 12 December 1986 (not yet published in the Official Journal).

⁽³⁾ OJ No L 218, 11. 8. 1976, p. 10.

⁽⁴⁾ OJ No L 77, 22. 3. 1986, p. 32.

COUNCIL DIRECTIVE

of 18 December 1986

on the coordination of the laws of the Member States relating to self-employed commercial agents

(86/653/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 57 (2) 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 the restrictions on the freedom of establishment and the freedom to provide services in respect of activities of intermediaries in commerce, industry and small craft industries were abolished by Directive 64/224/EEC ⁽⁴⁾;

Whereas the differences in national laws concerning commercial representation substantially affect the conditions of competition and the carrying-on of that activity within the Community and are detrimental both to the protection available to commercial agents *vis-à-vis* their principals and to the security of commercial transactions; whereas moreover those differences are such as to inhibit substantially the conclusion and operation of commercial representation contracts where principal and commercial agent are established in different Member States;

Whereas trade in goods between Member States should be carried on under conditions which are similar to those of a single market, and this necessitates approximation of the legal systems of the Member States to the extent required for the proper functioning of the common market; whereas in this regard the rules concerning conflict of laws do not, in the matter of commercial representation, remove the inconsistencies referred to above, nor would they even if they were made uniform, and accordingly the proposed harmonization is necessary notwithstanding the existence of those rules;

Whereas in this regard the legal relationship between commercial agent and principal must be given priority;

Whereas it is appropriate to be guided by the principles of Article 117 of the Treaty and to maintain improvements

already made, when harmonizing the laws of the Member States relating to commercial agents;

Whereas additional transitional periods should be allowed for certain Member States which have to make a particular effort to adapt their regulations, especially those concerning indemnity for termination of contract between the principal and the commercial agent, to the requirements of this Directive,

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I

Scope

Article 1

1. The harmonization measures prescribed by this Directive shall apply to the laws, regulations and administrative provisions of the Member States governing the relations between commercial agents and their principals.

2. For the purposes of this Directive, 'commercial agent' shall mean a self-employed intermediary who has continuing authority to negotiate the sale or the purchase of goods on behalf of another person, hereinafter called the 'principal', or to negotiate and conclude such transactions on behalf of and in the name of that principal.

3. A commercial agent shall be understood within the meaning of this Directive as not including in particular:

- a person who, in his capacity as an officer, is empowered to enter into commitments binding on a company or association,
- a partner who is lawfully authorized to enter into commitments binding on his partners,
- a receiver, a receiver and manager, a liquidator or a trustee in bankruptcy.

Article 2

1. This Directive shall not apply to:

- commercial agents whose activities are unpaid,

⁽¹⁾ OJ No C 13, 18. 1. 1977, p. 2; OJ No C 56, 2. 3. 1979, p. 5.

⁽²⁾ OJ No C 239, 9. 10. 1978, p. 17.

⁽³⁾ OJ No C 59, 8. 3. 1978, p. 31.

⁽⁴⁾ OJ No 56, 4. 4. 1964, p. 869/64.

- commercial agents when they operate on commodity exchanges or in the commodity market, or
- the body known as the Crown Agents for Overseas Governments and Administrations, as set up under the Crown Agents Act 1979 in the United Kingdom, or its subsidiaries.

2. Each of the Member States shall have the right to provide that the Directive shall not apply to those persons whose activities as commercial agents are considered secondary by the law of that Member State.

CHAPTER II

Rights and obligations

Article 3

1. In performing his activities a commercial agent must look after his principal's interests and act dutifully and in good faith.

2. In particular, a commercial agent must:

- (a) make proper efforts to negotiate and, where appropriate, conclude the transactions he is instructed to take care of;
- (b) communicate to his principal all the necessary information available to him;
- (c) comply with reasonable instructions given by his principal.

Article 4

1. In his relations with his commercial agent a principal must act dutifully and in good faith.

2. A principal must in particular:

- (a) provide his commercial agent with the necessary documentation relating to the goods concerned;
- (b) obtain for his commercial agent the information necessary for the performance of the agency contract, and in particular notify the commercial agent within a reasonable period once he anticipates that the volume of commercial transactions will be significantly lower than that which the commercial agent could normally have expected.

3. A principal must, in addition, inform the commercial agent within a reasonable period of his acceptance, refusal, and of any non-execution of a commercial transaction which the commercial agent has procured for the principal.

Article 5

The parties may not derogate from the provisions of Articles 3 and 4.

CHAPTER III

Remuneration

Article 6

1. In the absence of any agreement on this matter between the parties, and without prejudice to the application of the compulsory provisions of the Member States concerning the level of remuneration, a commercial agent shall be entitled to the remuneration that commercial agents appointed for the goods forming the subject of his agency contract are customarily allowed in the place where he carries on his activities. If there is no such customary practice a commercial agent shall be entitled to reasonable remuneration taking into account all the aspects of the transaction.

2. Any part of the remuneration which varies with the number or value of business transactions shall be deemed to be commission within the meaning of this Directive.

3. Articles 7 to 12 shall not apply if the commercial agent is not remunerated wholly or in part by commission.

Article 7

1. A commercial agent shall be entitled to commission on commercial transactions concluded during the period covered by the agency contract:

- (a) where the transaction has been concluded as a result of his action; or
- (b) where the transaction is concluded with a third party whom he has previously acquired as a customer for transactions of the same kind.

2. A commercial agent shall also be entitled to commission on transactions concluded during the period covered by the agency contract:

- either where he is entrusted with a specific geographical area or group of customers,
- or where he has an exclusive right to a specific geographical area or group of customers,

and where the transaction has been entered into with a customer belonging to that area or group.

Member States shall include in their legislation one of the possibilities referred to in the above two indentations.

Article 8

A commercial agent shall be entitled to commission on commercial transactions concluded after the agency contract has terminated:

- (a) if the transaction is mainly attributable to the commercial agent's efforts during the period covered by

the agency contract and if the transaction was entered into within a reasonable period after that contract terminated; or

- (b) if, in accordance with the conditions mentioned in Article 7, the order of the third party reached the principal or the commercial agent before the agency contract terminated.

Article 9

A commercial agent shall not be entitled to the commission referred to in Article 7, if that commission is payable, pursuant to Article 8, to the previous commercial agent, unless it is equitable because of the circumstances for the commission to be shared between the commercial agents.

Article 10

1. The commission shall become due as soon as and to the extent that one of the following circumstances obtains:

- (a) the principal has executed the transaction; or
- (b) the principal should, according to his agreement with the third party, have executed the transaction; or
- (c) the third party has executed the transaction.

2. The commission shall become due at the latest when the third party has executed his part of the transaction or should have done so if the principal had executed his part of the transaction, as he should have.

3. The commission shall be paid not later than on the last day of the month following the quarter in which it became due.

4. Agreements to derogate from paragraphs 2 and 3 to the detriment of the commercial agent shall not be permitted.

Article 11

1. The right to commission can be extinguished only if and to the extent that:

- it is established that the contract between the third party and the principal will not be executed, and
- that fact is due to a reason for which the principal is not to blame.

2. Any commission which the commercial agent has already received shall be refunded if the right to it is extinguished.

3. Agreements to derogate from paragraph 1 to the detriment of the commercial agent shall not be permitted.

Article 12

1. The principal shall supply his commercial agent with a statement of the commission due, not later than the last day

of the month following the quarter in which the commission has become due. This statement shall set out the main components used in calculating the amount of commission.

2. A commercial agent shall be entitled to demand that he be provided with all the information, and in particular an extract from the books, which is available to his principal and which he needs in order to check the amount of the commission due to him.

3. Agreements to derogate from paragraphs 1 and 2 to the detriment of the commercial agent shall not be permitted.

4. This Directive shall not conflict with the internal provisions of Member States which recognize the right of a commercial agent to inspect a principal's books.

CHAPTER IV

Conclusion and termination of the agency contract

Article 13

1. Each party shall be entitled to receive from the other on request a signed written document setting out the terms of the agency contract including any terms subsequently agreed. Waiver of this right shall not be permitted.

2. Notwithstanding paragraph 1 a Member State may provide that an agency contract shall not be valid unless evidenced in writing.

Article 14

An agency contract for a fixed period which continues to be performed by both parties after that period has expired shall be deemed to be converted into an agency contract for an indefinite period.

Article 15

1. Where an agency contract is concluded for an indefinite period either party may terminate it by notice.

2. The period of notice shall be one month for the first year of the contract, two months for the second year commenced, and three months for the third year commenced and subsequent years. The parties may not agree on shorter periods of notice.

3. Member States may fix the period of notice at four months for the fourth year of the contract, five months for the fifth year and six months for the sixth and subsequent

years. They may decide that the parties may not agree to shorter periods.

4. If the parties agree on longer periods than those laid down in paragraphs 2 and 3, the period of notice to be observed by the principal must not be shorter than that to be observed by the commercial agent.

5. Unless otherwise agreed by the parties, the end of the period of notice must coincide with the end of a calendar month.

6. The provisions of this Article shall apply to an agency contract for a fixed period where it is converted under Article 14 into an agency contract for an indefinite period, subject to the proviso that the earlier fixed period must be taken into account in the calculation of the period of notice.

Article 16

Nothing in this Directive shall affect the application of the law of the Member States where the latter provides for the immediate termination of the agency contract:

- (a) because of the failure of one party to carry out all or part of his obligations;
- (b) where exceptional circumstances arise.

Article 17

1. Member States shall take the measures necessary to ensure that the commercial agent is, after termination of the agency contract, indemnified in accordance with paragraph 2 or compensated for damage in accordance with paragraph 3.

- 2. (a) The commercial agent shall be entitled to an indemnity if and to the extent that:
 - he has brought the principal new customers or has significantly increased the volume of business with existing customers and the principal continues to derive substantial benefits from the business with such customers, and
 - the payment of this indemnity is equitable having regard to all the circumstances and, in particular, the commission lost by the commercial agent on the business transacted with such customers. Member States may provide for such circumstances also to include the application or otherwise of a restraint of trade clause, within the meaning of Article 20;
- (b) The amount of the indemnity may not exceed a figure equivalent to an indemnity for one year calculated from the commercial agent's average annual remuneration over the preceding five years and if the contract goes back less than five years the indemnity shall be calculated on the average for the period in question;

- (c) The grant of such an indemnity shall not prevent the commercial agent from seeking damages.

3. The commercial agent shall be entitled to compensation for the damage he suffers as a result of the termination of his relations with the principal.

Such damage shall be deemed to occur particularly when the termination takes place in circumstances:

- depriving the commercial agent of the commission which proper performance of the agency contract would have procured him whilst providing the principal with substantial benefits linked to the commercial agent's activities,
- and/or which have not enabled the commercial agent to amortize the costs and expenses that he had incurred for the performance of the agency contract on the principal's advice.

4. Entitlement to the indemnity as provided for in paragraph 2 or to compensation for damage as provided for under paragraph 3, shall also arise where the agency contract is terminated as a result of the commercial agent's death.

5. The commercial agent shall lose his entitlement to the indemnity in the instances provided for in paragraph 2 or to compensation for damage in the instances provided for in paragraph 3, if within one year following termination of the contract he has not notified the principal that he intends pursuing his entitlement.

6. The Commission shall submit to the Council, within eight years following the date of notification of this Directive, a report on the implementation of this Article, and shall if necessary submit to it proposals for amendments.

Article 18

The indemnity or compensation referred to in Article 17 shall not be payable:

- (a) where the principal has terminated the agency contract because of default attributable to the commercial agent which would justify immediate termination of the agency contract under national law;
- (b) where the commercial agent has terminated the agency contract, unless such termination is justified by circumstances attributable to the principal or on grounds of age, infirmity or illness of the commercial agent in consequence of which he cannot reasonably be required to continue his activities;
- (c) where, with the agreement of the principal, the commercial agent assigns his rights and duties under the agency contract to another person.

Article 19

The parties may not derogate from Articles 17 and 18 to the detriment of the commercial agent before the agency contract expires.

Article 20

1. For the purposes of this Directive, an agreement restricting the business activities of a commercial agent following termination of the agency contract is hereinafter referred to as a restraint of trade clause.
2. A restraint of trade clause shall be valid only if and to the extent that:
 - (a) it is concluded in writing; and
 - (b) it relates to the geographical area or the group of customers and the geographical area entrusted to the commercial agent and to the kind of goods covered by his agency under the contract.
3. A restraint of trade clause shall be valid for not more than two years after termination of the agency contract.
4. This Article shall not affect provisions of national law which impose other restrictions on the validity or enforceability of restraint of trade clauses or which enable the courts to reduce the obligations on the parties resulting from such an agreement.

CHAPTER V

General and final provisions

Article 21

Nothing in this Directive shall require a Member State to provide for the disclosure of information where such disclosure would be contrary to public policy.

Article 22

1. Member States shall bring into force the provisions necessary to comply with this Directive before 1 January 1990. They shall forthwith inform the Commission thereof. Such provisions shall apply at least to contracts concluded after their entry into force. They shall apply to contracts in operation by 1 January 1994 at the latest.
2. As from the notification of this Directive, Member States shall communicate to the Commission the main laws, regulations and administrative provisions which they adopt in the field governed by this Directive.
3. However, with regard to Ireland and the United Kingdom, 1 January 1990 referred to in paragraph 1 shall be replaced by 1 January 1994.

With regard to Italy, 1 January 1990 shall be replaced by 1 January 1993 in the case of the obligations deriving from Article 17.

Article 23

This Directive is addressed to the Member States.

Done at Brussels, 18 December 1986.

For the Council
The President
M. JOPLING

COUNCIL DIRECTIVE
of 18 December 1986
amending Directive 79/174/EEC concerning the flood protection programme in the Hérault
Valley
(86/654/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Article 1

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

Article 6 (1) of Directive 79/174/EEC shall be replaced by the following:

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

‘1. The duration of the measures shall be 10 years from the date on which this Directive is to apply.’

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

Article 2

Whereas Article 6 (1) of Directive 79/174/EEC ⁽³⁾ stipulates that the duration of the measure will be seven years from the date on which the said Directive applies; whereas the said period expired on 8 May 1986;

This Directive is addressed to the French Republic.

Whereas the works provided for in Directive 79/174/EEC cannot be continued and completed within the time limits initially provided for,

Done at Brussels, 18 December 1986.

HAS ADOPTED THIS DIRECTIVE:

For the Council

The President

M. JOPLING

⁽¹⁾ OJ No C 276, 1. 11. 1986, p. 10.

⁽²⁾ Opinion delivered on 12 December 1986 (not yet published in the Official Journal).

⁽³⁾ OJ No L 38, 14. 2. 1979, p. 18.

COUNCIL DIRECTIVE

of 18 December 1986

concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC (France)

(86/655/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas ⁽¹⁾, as last amended by Regulation (EEC) No 797/85 ⁽²⁾, and in particular Article 2 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽³⁾,Whereas Council Directive 75/271/EEC of 28 April 1975 concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC ⁽⁴⁾, supplemented by Directives 76/401/EEC ⁽⁵⁾, 76/631/EEC ⁽⁶⁾ and 77/178/EEC ⁽⁷⁾, listed the areas of the French Republic designated as less-favoured within the meaning of Articles 3, 4 and 5 of Directive 75/268/EEC;

Whereas the Government of the French Republic has, pursuant to Article 2 (1) of Directive 75/268/EEC, requested the Commission to extend the Community list of less-favoured farming areas within the meaning of Article 3 (4) of that Directive on the basis of the criteria set out in Directive 75/271/EEC;

Whereas the request concerns the classification of 474 421 hectares, of which 237 985 hectares fall under Article 3 (4), and 236 436 hectares under Article 3 (5), of Directive 75/268/EEC;

Whereas the two types of area notified to the Commission meet the conditions of Article 3 (4) and (5) of Directive 75/268/EEC; whereas the first concerns less-favoured areas in danger of depopulation, in which the conservation of the countryside is necessary and which are homogeneous from the point of view of natural production conditions, and the second concerns areas suffering specific handicaps and thus they both meet the required characteristics

Whereas, according to the information supplied by the Member State concerned, these areas have adequate infrastructures,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The areas in the territory of the French Republic listed in the Annex are hereby added to the Community list of less-favoured farming areas within the meaning of Article 3 (4) and (5) of Directive 75/268/EEC.

Article 2

This Directive is addressed to the French Republic.

Done at Brussels, 18 December 1986.

For the Council
The President
M. JOPLING

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽²⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽³⁾ Opinion delivered on 12 December 1986 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 128, 19. 5. 1985, p. 33.

⁽⁵⁾ OJ No L 108, 26. 4. 1976, p. 22.

⁽⁶⁾ OJ No L 223, 16. 8. 1976, p. 7.

⁽⁷⁾ OJ No L 58, 3. 3. 1977, p. 22.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

I — ZONES DÉFAVORISÉES AU SENS DE L'ARTICLE 3 PARAGRAPHE 4 DE LA DIRECTIVE 75/268/CEE

Zones à ajouter:

CANTONS	COMMUNES OU PARTIES DE COMMUNES
18 — Département du Cher	
<i>Arrondissement de Bourges</i>	
Sancergues	Marseilles-les-Aubigny
<i>Arrondissement de Saint-Amand-Montrond</i>	
La Guerche-sur-l'Aubois	Âpremont-sur-Allier, La chapelle-Hugon, Le Chautay, Cours-les-Barres, Cuffy, Germigny l'Exempt, La Guerche-sur-l'Aubois, Jouet-sur-l'Aubois, Torteron
Nérondes	Blet, Charly, Croizy, Flavigny, Ignol, Nérondes, Ourouer-les-Bourdelins, Saint-Hilaire-de-Gondilly, Tendron
Sancoins	Augy-sur-l'Aubois, Givardon, Grossouvre, Mornay-sur-Allier, Neuilly-en-Dun, Neuvy-le-Barrois, Sagonne, Saint-Aignan-des-Noyers, Sancoins, Vereaux
Charenton-du-Cher	Bannegon, Bessais le Fromental, Charenton-du-Cher, le Pondy, Saint Pierre-les-Etieux, Vernais
31 — Département de la Haute-Garonne	
<i>Arrondissement de Toulouse</i>	
Caraman	Albiac, Beauville, Le Faget, Francarville, Louvens-Lauragais, Mascarville, Prunet, Saussens, Toutens, Vendine
Fronton	Bouloc, Fronton, Gargas, Vacquiers, Villaudric, Villeneuve-lès-Bouloc
Lanta	Aigrefeuille, Aurin, Bourg-Saint-Bernard, Lanta, Lauzerville, Preserville, Sainte-Foy-d'Aigrefeuille, Saint-Pierre-de-Lages, Tarabel, Vallesvilles
Montastruc-la-Conseillère	Azas, Bessières, Buzet/Tarn, Gemil, Montjoire, Montpitol, Paulhac, Roquesrière, Saint-Jean-Lherm
Nailloux	Cagnac, Gibel, Mauvaisin, Monestrol Montgeard, Nailloux, Saint-Léon, Seyre
Revel	Belesta-en-Lauragais, Falga, Juzes, Maurens, Montegut Lauragais, Mourvilles Hautes, Nogaret, Revel, Saint-Felix-Lauragais, Saint-Julia, Vaudreuille, Vaux, Roumens
Verfeil	Bonrepos Riquet, Gaure, Lavalette, Saint-Marcel-Paulel, Saint-Pierre, Verfeil
Villefranche-de-Lauragais	Avignonet-Lauragais, Beauteville, Cessales, Folcarde, Gardouch, Lagarde, Lux, Montclar-Lauragais, Montesquieu-Lauragais, Montgaillard-Lauragais, Renneville, Rieumajou, Saint-Germier, Saint-Rome, Saint-Vincent, Trebons-sur-la-Grasse, Vallegue, Vieillevigne, Villefranche
Villemur-sur-Tarn	Bondigoux, Le Born, Layrac-sur-Tarn, Magdelaine-sur-Tarn, Mirepoix-sur-Tarn, Villema-tier, Villemur-sur-Tarn
47 — Département de Lot-et-Garonne	
<i>Arrondissement de Villeneuve-sur-Lot</i>	
Castillonnes	Cahuzac, Castillonnes, Douzains, Ferrensac, Lalandusse, Lougratte, Montauriol, Serignac-Peboudou
Monflanquin	Lacaussade, Laussou, Monflanquin, Monségur, Montagnac-sur-Lède, Paulhiac, Saint-Aubin, Salles, Sauvetat-sur-Lède (la), Savignac-sur-Leyze
Villereal	Bournel, Devillac, Doudrac, Mazières-Naresse, Montaut, Rayet, Saint-Etienne-de-Villereal, Saint-Eutrope-de-Born, Villeréal
Cancon	Beaugas, Cancon, Casseneuil, Castelnau-de-Gratecombe, Monbahus, Monviel, Moulinet, Pailloles, Saint-Maurice-de-Lestajol, Boudy-de-Beauregard
Monclar	Montastruc, Saint-Pastour, Tombeboeuf, Tourtrès, Villebramar

CANTONS	COMMUNES OU PARTIES DE COMMUNES
Lauzun	Agnac, Allemans-du-Dropt, Armillac, Bourgougnague, Laperche, Lauzun, Lavergne, Miramont-de-Guyenne, Montignac-de-Lauzun, Peyriere, Puysserampion, Roumagne, Saint-Colomb-de-Lauzun, Saint-Pardoux-Isaac, Segalas
Seyches	Cambes, Escassefort, Lachapelle, Montignac-Toupinerie, Puymiclan, Saint-Avit, Saint-Barthélémy-d-Agenais, Seyches
<i>Arrondissement de Nérac</i>	
Casteljaloux	Leyritz-Moncassin, Villefranche-du-Queyran
Mezin	Lannes (y compris: Villeneuve-de-Mezin), Mezin, Poudenas, Saint-Maure-de-Peyriac, Saint-Pé-Saint-Simon
89 — Département de l'Yonne	
<i>Arrondissement d'Auxerre</i>	
Toucy	Beauvoir, Diges, Dracy, Égleny, Fontaines, Lalande, Leugny, Levis, Lindry, Moulins-sur-Ouane, Parly, Pourrain, Toucy, Villiers-Saint-Benoît (y compris la Villotte)
Aillant-sur-Tholon	Merry-la-Vallée, Les Ormes, Sommechaie
Charny	Chevillon, Dicy, La Ferté-Loupière, Perreux, Prunoy, Villefranche-Saint-Phal

II — ZONES DÉFAVORISÉES AU SENS DE L'ARTICLE 3 PARAGRAPHE 5 DE LA DIRECTIVE 75/268/CEE

Zones à ajouter:

CANTONS	COMMUNES OU PARTIES DE COMMUNES
17 — Département de la Charente-Maritime	
<i>Arrondissement de la Rochelle</i>	
La Jarrie	Anais
Marans	Longèves
Courçon	Ferrières
<i>Arrondissement de Rochefort</i>	
Saint-Agnant	Champagne
Surgères	Saint-Pierre-d'Amilly, Saint-Saturnin-du-Bois, Saint-Mard, Vandr�, Marsais
<i>Arrondissement de Saint-Jean-d'Ang�ly</i>	
Loulay	Bernay, Courant, Lozay, D�euil-sur-le-Mignon, Migr�, Saint-F�lix
Saint-Jean-d'Ang�ly	Landes, Voissay
Saint-Savinien	Les Nouillers, Taillebourg
Tonnay-Boutonne	Annezay, Saint-Cr�pin, Saint-Laurent-de-la-Barri�re, Chautemerle-sur-la-Soie, Saint-Loup, Chervettes, Nachamps, Puyrolland, Tonnay-Boutonne, Torx�, Puy-du-Lac, Saint-Cr�pin
<i>Arrondissement de Saintes</i>	
Saujon	Balanzac
Saintes-Sud	�curat
Saint-Porchaire	Crazannes, Les Essards, Le Mung, Plassay, Port-d'Envaux, Sainte-Gemme, Sainte-Radegonde, Saint-Sulpice-d'Arnoult, Souligonne
<i>Arrondissement de Jonzac</i>	
Montendre	Rouffignac
Mirambeau	Saint-George-des-Agouts
Montlieu-la-Garde	Saint-Palais-de-N�grignac
26 — D�partement de la Dr�me	
<i>Arrondissement de Valence</i>	
Saint-Donnat-sur-l'Herbasse	Arth�monay
Romans-sur-Is�re	Cr�pol, Geysans, Le Chalon, Saint-Michel-sur-Savasse
Le Grand-Serre	Hauterives
Saint-Vallier	Rati�res, Saint-Avit
Grignan	Montjoyer, Salles-sous-Bois, R�auville, Roussas
Mont�limar	La Touche, Portes-en-Valdaine, Rochefort-en-Valdaine
31 — D�partement de la Haute-Garonne	
<i>Arrondissement de Muret</i>	
Auterive	Miremont
Carbonne	Carbonne, Longages, Mauzac, No�, Peyssies
Caz�res	Caz�res, Marignac-Laspeyres, Martres-Tolosane, Palaminy, Boussens
Cintegabelle	Aignes, Cintegabelle
Le Fousseret	Lafitte-Vigordane, Saint-�lix-le-Ch�teau
Rieumes	Berat
Rieux-Volvestre	Lavelanet-de-Comminges, Saint-Julien, Salles-sur-Garonne

CANTONS	COMMUNES OU PARTIES DE COMMUNES
<i>Arrondissement de Toulouse</i>	
Grenade	Larra
Nailloux	Calmont
<i>Arrondissement de Saint-Gaudens</i>	
Barbazan	Huos, Martres-de-Rivière, Pointis-de-Rivière
Montrejeau	Bordes-de-Rivière, Clarac
Saint-Gaudens	Estancarbon, Labarthe-Inard, Miramont-de-Comminges
Saint-Martory	Beauchalot, Lestelle-Saint-Martory, Mancieux, Saint-Martory
38 — Département de l'Isère	
<i>Arrondissement de Grenoble</i>	
Saint-Marcellin	Montagne, Saint-Antoine, Sainte-Marcellin, Saint-Vérand
Saint-Étienne-de-Geoirs	Saint-Pierre-de-Bressieux, Saint-Siméon-de-Bressieux
Vinay	Vinay
Vif	Claix
Pont-en-Royans	Saint-Pierre-de-Chérennes
Touvet	Barraux, La Buisnière, La Flachère, Saint-Vincent-de-Mercuze
42 — Département de la Loire	
<i>Arrondissement de Roanne</i>	
Roanne-Nord	Le Bénisson-Dieu, Briennon, Mably
Roanne-Sud	Pouilly-les-Nonains, Saint-Léger-sur-Roanne, Villemontais, Lentigny, Ouches, Villereest
Saint-Haon-le-Châtel	Noailly, Saint-Germain-Lespinasse, Saint-Romain-la-Motte, Andierle, Saint-Haon-le-Vieux, Renaison, Saint-André-d'Apchon, Saint-Alban-les-Eaux
Perreux	Commelle-Vernay, Notre-Dame-de-Boisset, Parigny, Perreux, Saint-Vincent-de-Boisset
La Pacaudière	La Pacaudière, Saint-Forgeux-Lespinasse, Saint-Martin-d'Estreaux, Vivans, Changy
Charlieu	Pouilly-sous-Charlieu, Charlieu, Saint-Nizier-sous-Charlieu, Saint-Pierre-la-Noaille, Vougy, Chaudon
Saint-Symphorien-de-Lay	Pradines
45 — Département du Loiret	
<i>Arrondissement de Montargis</i>	
Châteaurenard	Melleroy
Châtillon-Coligny	Aillant-sur-Milleron, Châtillon-Coligny, Le Charme, Dammarie-sur-Loing, Sainte-Geneviève-des-Bois, Saint-Maurice-sur-Aveyron
Briare	Adon, Batilly-en-Puisaye, Breteau, Briare, Bonny-sur-Loire, La Bussière, Champoulet, Escrignelles, Feins-en-Gâtinais, Faverelles, Dammarie-en-Puisaye, Ousson-sur-Loire, Ouzouer-sur-Trézée, Thau
Gien	Boismorand, Gien, Poilly-lez-Gien, Saint-Brisson-sur-Loire, Saint-Martin-sur-Ocre
Châtillon-sur-Loire	Autry-le-Châtel, Beaulieu, Cernoy-en-Berry, Châtillon-sur-Loire, Pierrefitte-ès-Bois, Saint-Firmin-sur-Loire
89 — Département de l'Yonne	
<i>Arrondissement d'Auxerre</i>	
Charny	Chambeugle, Charny, Chêne-Arnoult, Fontenouilles, Grand-Champ, Malicorne, Saint-Denis-sur-Ouanne, Marchais-Beton, Saint-Martin-sur-Ouanne
Bleneau	Bleneau, Champcevrains, Champignelles (y compris Louesmes), Rogny-les-Sept-Écluses, Saint-Privé, Tonnerre-en-Puisaye, Villeneuve-les-Genêts
Saint-Fargeau	Lavau, Mezilles, Saint-Fargeau (y compris Ronchères et Septifonds), Saint-Martin-des-Champs
Saint-Sauveur	Fontenoy, Lainsecq, Moutiers, Sainpuits, Sainte-Colombe-sur-Loing, Saints, Saint-Sauveur-en-Puisaye, Sougères-en-Puisaye, Thury, Treigny (y compris Perreuse)

COUNCIL DECISION

of 22 December 1986

amending Decision 71/143/EEC setting up machinery for medium-term financial assistance

(86/656/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 103 and 108 thereof,

Having regard to the proposal from the Commission, presented after consultation of the Monetary Committee,

Whereas, by its Decision 71/143/EEC ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, the Council set up machinery for medium-term financial assistance initially valid for a period of four years from 1 January 1972;

Whereas the validity of this machinery has periodically been extended and was last prolonged by two years until 31 December 1986, by Decision 84/655/EEC ⁽²⁾;

Whereas it is appropriate for the obligations of the Member States to continue to apply until the transition to the definitive phase of the European Monetary System;

Whereas, by Regulation (EEC) No 1131/85⁽³⁾, the ceiling on outstanding borrowing authorized under the Community loan mechanism intended for Member States' balance of payments was raised by 2 000 million ECU; whereas this increase should entail an equivalent reduction in the total commitments laid down under Article 1 (1) of Decision 71/143/EEC so that the total amount of medium-term Community loans which may be granted in respect of Member States' balance of payments support remains unchanged,

HAS ADOPTED THIS DECISION:

Article 1

Decision 71/143/EEC is hereby amended as follows:

1. Article 1 (2) shall be replaced by the following:

'2. This obligation shall apply until 31 December 1988, unless the definitive phase of the European Monetary System is set up before this date.'

2. The Annex shall be replaced by the following:

'ANNEX

The ceilings for credits provided for in Article 1 (1) of this Decision shall be as follows:

Member State	million ECU	% of total
Belgium	875	6,28
Denmark	407	2,92
Germany	2 715	19,50
Greece	235	1,69
Spain	1 132	8,13
France	2 715	19,50
Ireland	158	1,13
Italy	1 810	13,00
Luxembourg	31	0,22
Netherlands	905	6,50
Portugal	227	1,63
United Kingdom	2 715	19,50
<i>Total EEC</i>	13 925	100,00'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 December 1986.

For the Council
The President
 G. SHAW

⁽¹⁾ OJ No L 72, 27. 3. 1971, p. 15.

⁽²⁾ OJ No L 341, 29. 12. 1984, p. 90.

⁽³⁾ OJ No L 118, 1. 5. 1985, p. 59.

COUNCIL DECISION

of 22 December 1986

amending Decision 85/8/EEC on specific Community action to combat poverty

(86/657/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 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 Decision 85/8/EEC ⁽⁴⁾ enables the application of a programme of action to combat poverty in the Community;

Whereas that Decision enabled the implementation of specific Community action covering the period 1985 to 1988 in to Member States;

Whereas, following the accession of Spain and Portugal to the European Communities this current Community action should be extended to include those two new Member States;

Whereas, therefore, specific measures as envisaged in Article 1 of the said Decision should be implemented to aid underprivileged persons in those two Member States;

Whereas the funds estimated as necessary to implement the measures referred to in the aforementioned Decision should be increased in consequence,

HAS DECIDED AS FOLLOWS:

Article 1

In Article 2 of Decision 85/8/EEC, the first paragraph is hereby replaced by the following:

'The funds estimated as necessary to implement the measures referred to in Article 1 amount to 29 million ECU for four years (1985 to 1988).'

Article 2

This Decision shall be published in the *Official Journal of the European Communities*. It shall take effect on the fifth day following its publication.

Done at Brussels, 22 December 1986.

*For the Council**The President*

G. SHAW

⁽¹⁾ OJ No C 151, 17. 6. 1986, p. 4.

⁽²⁾ OJ No C 227, 8. 9. 1986, p. 152.

⁽³⁾ OJ No C 263, 20. 10. 1986, p. 16.

⁽⁴⁾ OJ No L 2, 3. 1. 1985, p. 24.

COUNCIL DECISION

of 22 December 1986

on the conclusion of an Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period 1 October 1986 to 28 February 1988

(86/658/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Articles 155 (2) and 167 (3) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to the second paragraph of Article 17 of the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal ⁽¹⁾, as amended by the Agreement signed on 21 January 1982 ⁽²⁾, and by the Agreement signed on 20 November 1985 ⁽³⁾, extended for two interim periods from 16 January 1986 to 30 April ⁽⁴⁾ and from 1 to 31 May 1986 ⁽⁵⁾, both parties have conducted negotiations to determine the amendments or additions to be made to the said Agreement at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a Protocol laying down the fishing rights and the financial compensation provided for in the abovementioned Agreement for the period from 1 October 1986 to 28 February 1988 was initialled on 1 October 1986;

Whereas under that Protocol the fishermen of the enlarged Community maintain their fishing possibilities in the waters under the sovereignty or jurisdiction of Senegal;

Whereas, under the terms of Article 155 (2) (b) of the Act of Accession, it is for the Council to determine the procedures appropriate to take into consideration all or part of the interests of the Canary Islands when it adopts decisions, case by case, particularly with a view to the conclusion of fisheries agreements with third countries; whereas in the case in point, the procedure in question should be determined;

Whereas, in order for Community vessels to resume fishing, following the halt in their activities since 31 May 1986, it is essential for the Protocol to be approved as soon as possible; for that reason, the two sides have initialled an exchange of letters providing for the application of the initialled Protocol on a provisional basis from 1 October 1986; whereas this agreement should be approved pending a final decision under Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing rights and compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 October 1986 to 28 February 1988, is hereby approved on behalf of the Community.

The text of the Agreement in the form of an exchange of letters and Protocol is attached to this Decision.

Article 2

With a view to taking into consideration the interests of the Canary Islands, the Protocol referred to in Article 1 and in so far as is necessary for its application, the provisions of the common fisheries policy relating to the conservation and management of fishery resources shall also apply to vessels which sail under the flag of Spain, which are recorded on a permanent basis in the registers of the competent authorities at local level ('registros de base') in the Canary Islands, under the conditions defined in Note 6 to Annex I to Council Regulation (EEC) No 570/86 of 24 February 1986 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands ⁽⁶⁾.

⁽¹⁾ OJ No L 226, 29. 8. 1980, p. 17.

⁽²⁾ OJ No L 234, 9. 8. 1982, p. 9.

⁽³⁾ OJ No L 361, 31. 12. 1985, p. 87.

⁽⁴⁾ OJ No L 75, 20. 3. 1986, p. 53.

⁽⁵⁾ OJ No L 168, 25. 6. 1986, p. 22.

⁽⁶⁾ OJ No L 56, 1. 3. 1986, p. 1.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels, 22 December 1986.

For the Council
The President
G. SHAW

AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing rights and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 October 1986 to 28 February 1988

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

Brussels,

Sir,

With reference to the new Protocol, initialled on 1 October 1986, establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 October 1986 to 28 February 1988, I have the honour to inform you that the Government of Senegal is prepared to apply that Protocol provisionally from 1 October 1986 until it enters into force in accordance with Article 14 of the said Protocol, provided that the European Economic Community, is prepared to do likewise.

It is understood that, in this case, a first instalment equivalent to 50 % of the compensation laid down in Article 2 of the Protocol must be paid before 28 February 1987.

I should be obliged if you would confirm that the European Economic Community agrees to provisional application as indicated above.

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

*For the
Government of the Republic of Senegal*

B. *Letter from the Community*

Brussels,

Sir,

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

'With reference to the new Protocol, initialled on 1 October 1986, establishing the fishing rights and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 October 1986 to 28 February 1988, I have the honour to inform you that the Government of Senegal is prepared to apply that Protocol provisionally from 1 October 1986 until it enters into force in accordance with Article 4 of the said Protocol, provided that the European Economic Community is prepared to do likewise.

It is understood that, in this case, a first instalment equivalent to 50 % of the compensation laid down in Article 2 of the Protocol must be paid before 28 February 1987.

I should be obliged if you would confirm that the European Economic Community agrees to provisional application as indicated above.'

I have the honour to confirm that the European Economic Community agrees to provisional application as indicated above.

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

*On behalf of
the Council of the European Communities*

PROTOCOL

establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period from 1 October 1986 to 28 February 1988

THE PARTIES TO THIS PROTOCOL,

Article 3

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal, signed on 15 June 1979 and amended by the Agreement signed on 21 January 1982 and by the Agreement signed on 20 November 1985,

At the request of the Community, the fishing rights referred to in Article 1 (2), 4a and 4b of this Protocol may be increased to 1 500 GRT, 7 000 GRT and 7 000 GRT respectively. In this case, the financial compensation referred to in Article 2 shall be increased proportionately on the basis of the period involved.

HAVE AGREED AS FOLLOWS:

Article 4

Article 1

For the period from 1 October 1986 to 28 February 1988, the limits referred to in Article 4 of the abovementioned Agreement shall be set as follows:

1. Tuna boats obliged to land their entire catch in Senegal: 3 000 GRT
 2. Wet trawlers:
 - (a) obliged to land their entire catch in Senegal: 1 000 GRT
 - (b) not obliged to land their entire catch in Senegal: —
 3. Tuna boats not obliged to land their entire catch in Senegal: 23 300 GRT
 4. Freezer trawlers not obliged to land their entire catch in Senegal: 8 000 GRT
- of which:
- (a) per month for the duration of this Protocol: 6 000 GRT
 - (b) for four months a year 6 000 GRT
- above the tonnage referred to in point (a)

Article 2

1. The financial compensation referred to in Article 9 of the Agreement shall be CFAF 1700 million for the period referred to in Article 1.
2. The compensation shall be paid into the account of the Treasurer-General of Senegal.

The Community shall in addition contribute CFAF 90 million towards the financing of a Senegalese scientific programme.

This sum shall be put at the disposal of the Centre for Oceanographic Research of Dakar-Thiaroye (CRODT), which comes under the Senegalese Institute for Agricultural Research (ISRA). The Senegalese authorities concerned shall send the Commission a summary report on the use made of this sum.

Article 5

1. The two parties agree that an essential condition for the success of their cooperation is that the competence and know-how of persons engaged in sea fishing should be improved. To this end, the Community shall make it easier for nationals of Senegal to find places in establishments in its Member States and shall provide for that purpose, during the period referred to in Article 1, 10 study and training grants of a maximum duration of five years in the various scientific, technical and economic subjects connected with fisheries.

2. Point D of Annex I to the Agreement, 'Training grants and scientific programme' is hereby repealed.

Article 6

1. During the period from 1 March 1987 until 28 February 1988, the limits laid down in Article 1 of this Protocol shall be increased by:

- (a) 500 GRT for tuna boats obliged to land their entire catch in Senegal;
- (b) 6 000 GRT for wet trawlers not obliged to land their entire catch in Senegal;
- (c) 33 500 GRT for tuna boats not obliged to land their entire catch in Senegal;

(d) 10 000 GRT for freezer trawlers not obliged to land their entire catch in Senegal.

2. During this period, the limits for surface longliners shall be set at 1 200 GRT.

Article 7

1. The wet trawlers referred to in Article 6 (1) (b) above and the shrimp-fishing freezer trawlers referred to in paragraph 1 (d) of the same Article shall be authorized to fish outside the limit of the first 12 nautical miles of the waters under Senegalese jurisdiction north of latitude 14°27'00N and outside the limit of the first 25 nautical miles of the waters under Senegalese jurisdiction south of latitude 14°27'00N.

2. The longliners referred to in Article 6 (2) shall be authorized to operate in the zone delimited as follows:

- outside the first 15 nautical miles north of latitude 14°45'00N,
- outside the first 25 nautical miles south of latitude 14°45'00N.

Article 8

In return for the increase in the fishing rights referred to in Article 6, the financial compensation paid by the Community for the period specified in that Article shall be CFAF 1,5 thousand million.

Article 9

The licences shall be valid for the entire period laid down in Article 1. However, licences issued for the vessels referred to in paragraph 4 (b) of that Article are valid for only four months, and those issued under Article 6, for 12 months.

Article 10

Each Community vessel intending to fish in Senegal's fishing zone shall inform the radio station of the 'Projet de Protection et Surveillance des Pêches du Sénégal' (PSPS — Senegal Fisheries Protection and Surveillance Project) each time it enters or leaves the zone. Shipowners shall be notified of the call sign of the fishing licence. Any vessel found to be fishing without having informed the PSPS of its presence shall be considered to be fishing without a licence.

Article 11

By way of derogation from Article 8 of the Agreement and Annex I to the Agreement:

1. Article 8 (1) of the Agreement shall not apply to wet trawlers.

2. Paragraph A.1.6 shall read as follows:

The fees shall be set according to the following scale:

(a) trawlers landing their entire catch:

CFAF 16 250 per GRT per year for shrimp boats;

CFAF 15 000 per GRT per year for other trawlers;

(b) trawlers not landing their entire catch and fishing throughout the year;

CFAF 32 500 per GRT per year for shrimp boats;

CFAF 27 500 per GRT per year for other trawlers;

(c) trawlers not landing their entire catch and fishing for a period of four months determined for each vessel on the basis of an overall fishing plan presented by the Community to the Senegalese Government every six months: CFAF 20 000 per GRT.

(d) in the case of licences issued under Article 6 of the Protocol, the fees shall be fixed in proportion to the length of the period of validity of the licences.

3. Paragraphs A.1.6 (d) and (e) are hereby replaced by the following paragraph A.1.7.:

(a) tuna boats and longliners landing their entire catch: CFAF 2 per kilogram of fish caught;

(b) tuna boats and longliners not landing their entire catch: CFAF 7 per kilogram of fish caught;

(c) the licences referred to under (b) shall be issued on payment of a fixed sum of CFAF 350 000 per vessel of the State Secretariat for Sea Fisheries as an advance on the fees, corresponding to 50 tonnes of tuna or swordfish caught by tuna seiner or longliner per year.

A provisional statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities upon the expiry of this Protocol, on the basis of the catch statements made by each shipowner and forwarded simultaneously to the Senegalese authorities and the Commission departments responsible. The fixed amount in respect of these fees shall be paid by each shipowner to the Office of the Secretary of State for fisheries no later than 31 December 1987.

The final statement of the fees due shall be drawn up by the Commission following verification of the volume of catch by the CRODT. The final statement

shall be communicated to the Senegalese authorities and notified to the shipowners, who shall have 30 days to discharge their financial obligations.

However, if the amount of the final statement is lower than the abovementioned advance, the resulting balance shall not be reimbursable.

4. The following shall be added to paragraph C.1:

'In the case of wet tuna boats, the target set by the two parties shall be to land a minimum quantity of 3 500 tonnes of tuna a year in Senegal's ports from 1 March 1987.

If during the fishing year, the total landings by the fleet concerned fall short of this minimum amount, as a result of an unforeseeable change in the state of the fish stocks or the structure of the said fleet, the two parties shall consult each other without delay in order to determine and ensure implementation of the action required to reach the said amount.'

5. Paragraph C.2 shall read as follows:

'Freezer tuna boats shall land 11 000 tonnes of tuna a year from 1 March 1987 at the international price in force and in accordance with a programme to be determined by common accord between Community shipowners and Senegalese canners. In the event of disagreement on the timetable for landings, the Joint Committee referred to in Article 11 of the Agreement shall hold a special meeting at the request of one of the parties.

During the first phase of the period of application of this Protocol, from 1 October 1986 to 28 February 1987, the freezer tuna boats shall be obliged to land at least 1 833 tonnes of tuna at the international price in force.'

6. Paragraph C.3 shall read as follows: 'Freezer trawlers shall land 130 kilograms of fish and crustaceans per GRT per six months. Any failure to comply with the obligation to land catches shall render the shipowner liable to the following penalties imposed by the Senegalese authorities:

- fine of CFAF 300 000 per tonne not landed,
- withdrawal of the licence (which will not be renewed) for the vessels concerned or another vessel operating under the same shipowner.

In order to guarantee payment of the fine, the licence shall be issued subject to the lodging of a banker's guarantee in Senegal of CFAF 39 000 per GRT per six months.

Article 12

Should the Community fail to make the payments provided for in Article 2, 4, 5 and 8 of this Protocol, the Agreement on fishing shall be suspended.

Article 13

Until the expiry of the Fisheries Agreement concluded between the Government of the Kingdom of Spain and the Government of the Republic of Senegal, which has been administered by the Community since 1 January 1986, the rights and obligations arising from that Agreement shall not be affected by this Protocol.

Article 14

This Protocol shall enter into force on the date of its signature.

It shall apply from 1 October 1986 until 28 February 1988.

COUNCIL RECOMMENDATION

of 22 December 1986

on the coordinated introduction of the integrated services digital network (ISDN) in the European Community

(86/659/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 recommendation 84/549/EEC ⁽⁴⁾ calls for the introduction of services on the basis of a common harmonized approach in the field of telecommunications;

Whereas the resources offered by the telecommunications networks should be utilized to the full to maintain the Community's worldwide competitiveness in the light of the rapid pace of development in the telecommunications sector;

Whereas the technical resources afforded by the integrated services digital network (ISDN) make it possible to provide a range of harmonized and compatible services for all Community users and to create new means of communication using sound, the written word and images;

Whereas current investment in digital switching and digital transmission equipment in the Member States makes it possible to envisage the development of the integrated services digital network;

Whereas a coordinated policy for the introduction of the ISDN will make possible the establishment of a European market in telephone and data-processing terminals capable of creating, by virtue of its size, the indispensable development conditions which will enable the European telecommunications industries to maintain and increase their share of world markets;

Whereas it is appropriate to implement Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations ⁽⁵⁾;

Whereas consideration should be given to Council Directive 86/361/EEC of 24 July 1986 on the initial stage of the

mutual recognition of type approval for telecommunications terminal equipment ⁽⁶⁾ and to Council Regulation (EEC) No 3300/86 of 27 October 1986 instituting a Community programme for the development of certain less-favoured regions of the Community by improving access to advanced telecommunications (STAR programme) ⁽⁷⁾;

Whereas it is appropriate to make use of the potential of the Community's financial instruments in order to promote the development of the Member States' infrastructure;

Whereas the implementation of such policy should pay proper attention to user privacy protection;

Whereas the implementation of such a policy will lead to closer cooperation, at Community level, between the telecommunications industry and the administrations and the recognized private operating agencies offering telecommunications services, hereinafter referred to as 'telecommunications administrations';

Whereas a favourable opinion has been delivered by the senior officials group on telecommunications (SOGT) according to which the detailed recommendations drawn up by the analysis and forecasting group (GAP) provide a strategic basis for the development of an ISDN that will truly enable European users to communicate efficiently and economically;

Whereas favourable opinions on these recommendations have been delivered by the telecommunications administrations, by the European Conference of Postal and Telecommunications Administrations (CEPT) and by the telecommunications equipment manufacturers in the Member States,

HEREBY RECOMMENDS:

1. that the telecommunications administrations implement the detailed recommendations concerning the coordinated introduction of the integrated services digital network (ISDN) in the Community, as described in the Annex;
2. that implementation of these recommendations focuses particularly on:
 - (a) standardization and implementation of the S/T interface;
 - (b) the timetable set out;
 - (c) the network-penetration objectives, as compatible with commercial strategies;

⁽¹⁾ OJ No C 157, 24. 6. 1986, p. 3.

⁽²⁾ Opinion delivered on 12 December 1986 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 17 September 1986 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 298, 16. 11. 1984, p. 49.

⁽⁵⁾ OJ No L 109, 26. 4. 1983, p. 8.

⁽⁶⁾ OJ No L 217, 5. 8. 1986, p. 21.

⁽⁷⁾ OJ No L 305, 30. 10. 1986, p. 1.

3. that the telecommunications administrations continue the harmonization work within the CEPT, particularly concerning the objectives and timetable drawn up in the Annex for those specifications on ISDN which have still to be completed;
4. that the telecommunications administrations undertake all those measures which will facilitate the coordinated introduction of the ISDN, particularly those relating to implementation of CEPT specifications in equipment concerned by ISDN;
5. that the Community financial instruments take this recommendation into account within the framework of their interventions, particularly as regards the investment required for ISDN implementation;
6. the Member State Governments encourage telecommunications administrations to implement this recommendation;
7. that Member State Governments inform the Commission at the end of each year, from the end of 1987, of the measures taken and problems which may be encountered in the course of implementing this recommendation. The progress of work will be actively examined by the Commission and the SOGT set up by the Council on 4 November 1983 in order to ascertain whether the priorities and the implementation of the programme as a whole is satisfactorily achieved. The progress of work will be the subject of an annual report from the Commission to the European Parliament.

Done at Brussels, 22 December 1986.

For the Council

The President

G. SHAW

ANNEX

DETAILED RECOMMENDATIONS CONCERNING THE COORDINATED INTRODUCTION OF THE INTEGRATED SERVICES DIGITAL NETWORK (ISDN) IN THE COMMUNITY

1. RECOMMENDATIONS ESTABLISHED FOR THE RAPID CONVERGENCE OF EUROPEAN ACTIVITY ON THE INTRODUCTION OF ISDN

All the following recommendations are related and should not be dissociated.

1.1. General philosophy

All Member States are in agreement that ISDN (subscriber access at 144 Kbit/s and 2 Mbit/s) should be considered as a natural evolution of the telephone network, i.e. it should be used by both professional and residential subscribers and the existing structure of the current telephone network should not be fundamentally changed by this evolution. The first decisions must take this into account.

Nevertheless, the speed of market penetration will depend on numerous economic, social and cultural factors and of course, on the impact of the network itself, i.e. the dissemination or actual penetration of the new services at any point in time.

It is clear that in all Member States, the professional sector has significantly greater expectations and requirements for the services than the residential sector.

The professional sector will be penetrated through the supply of multiservice PABXs and of ISDN accesses. In this sector, a major submission is that the terminals connected to ISDN basic access and behind the PABXs should also be compatible, which necessitates the use of a common standard for both public and private networks.

A significant demand from the residential sector will only develop following a sustained policy of anticipated supply launched over such a period as to attain a critical mass of new service penetration and thus creating in effect a 'snowball' reaction.

This policy should be supported by marketing and tariffing activities to help stimulate demand.

1.2. Definition of the interface between the public and private network

A standard physical interface between ISDN terminals and the public network is recommended.

This should be at the CCITT S or T reference point and should be in accordance with CCITT and CEPT recommendations.

In the case of basic access (i.e. 144 Kbit/s) the physical interfaces at the S and T reference points must be identical. This terminal interface should also be offered by PABX manufacturers so that common design of terminals can be achieved.

The above statements imply that for basic access at least the NT1 function is provided by the public network operator.

Agreement is urgently needed between telecommunications administrations, within the framework of CEPT, on a standard physical interface at the T reference point for primary rate access (i.e. 2048 Kbit/s).

Clearly, during a transitional phase of several years PABX multiservices will use different standards but as soon as possible these PABXs ought to be able to offer, in addition to these standards, the S interface. The manufacturers's representatives consulted were in agreement on this point.

2. SERVICES TO BE DEFINED AND SPECIFIED IN DETAIL BY THE END OF 1986 IN ORDER TO BE PROVIDED IN ALL MEMBER STATES STARTING FROM 1988

The following items will have to be specified in detail at the latest by the end of 1986.

(a) *Bearer services*

Circuit switched transparent at 64 Kbit/s;

(b) *Teleservices*

— Telephony 3,1 kHz at 64 Kbit/s,

— Facsimile at 64 Kbit/s (Group IV),

- Teletex at 64 Kbit/s,
- Mixed-mode teletex/facsimile at 64 Kbit/s.

(c) *Supplementary services*

In order to enhance the services, a common set of supplementary services among the Member States should be implemented. These supplementary services are intended to be added to those already available in the telephone network and to those inherent in the definition of ISDN protocols. (Procedures for subaddressing, terminal portability, user to user signalling in call control messages have to be specified, although their implementation is foreseen at a later stage.)

The telecommunications administrations are invited to establish, within the framework of CEPT, the following supplementary services:

- call-waiting,
- calling-line identification,
- closed-user-group (this service might be implemented later by some countries),
- direct-dialling-in.

(d) *Adaptors* (for connection of existing terminals to the ISDN via the S interface)

- adaptor X 21,
- adaptor X 25 on the B channel (for access to packet switched services),
- A/D adaptor specified according to national needs.

Note 1

Special attention should be given to the definition of personal computer use on the bearer service at 64 Kbit/s.

Note 2

Special attention should be given to compatibility between circuit switched and packet switched services, where compatibility may be realized in the terminal or in the network.

3. **SERVICES TO BE SPECIFIED BY THE END OF 1987 AND WHICH MIGHT BE IMPLEMENTED DURING THE PERIOD 1988 to 1993**

(The precise date of introduction of such services will be decided as soon as possible.)

(a) *Bearer service*

Packet bearer service on D channel

The telecommunications administrations are invited to study within the framework of CEPT the usefulness of teleservices, in particular videotex, teletex, message handling and teleaction on packet bearer service.

(b) *Teleservices at 64 Kbit/s*

In order to augment demand, the following list of teleservices should be considered with priority:

- Telephony (7 kHz at 64 Kbit/s,
- Audioconference at 64 Kbit/s,
- Videotex alphageometric at 64 Kbit/s,
- Image transmission and computer communication at 64 Kbit/s. For these two teleservices, the telecommunications administrations are asked to identify, within the framework of CEPT, possible services and produce detailed specifications of first services.

(c) *Adaptors*

- X 21 bis,
- for asynchronous terminals (V 24).

(d) *Supplementary services*

The telecommunications administrations are invited to study, within the framework of CEPT, by the end of 1987, the following list of supplementary services based on CEPT's own list.

- Advice of charge,
- Completion of call meeting busy,

- Conference call,
- Diversion,
- Freephone,
- Malicious call identification,
- Three party call,
- Called user identification.

Note

The provision of these supplementary services assumes the availability of an ISDN user part (ISUP). Should the ISUP not be available, their provision via the telephone user part (TUP) + may be restricted.

4. SERVICES TO BE SPECIFIED BY THE END OF 1990

(a) Teleservices based on packet service

(If the telecommunications administrations agree on the need to specify such packet services, referred to in paragraph 3 (a).

- Teletex,
- Videotex,
- Message handling (see CCITT recommendation X 400,
- Teleaction, set of services providing to the users a reliable transfer of small volumes of packed-sized information. This service may be adapted to several teleservices: tele-alarm, telesupervision, tele-alert, telecommand, telemetry, teleshopping, etc.

(b) Teleservices based on 64 Kbit/s

- Audiography at 64 Kbit/s,
- Alphaphotographic videotex at 64 Kbit/s,
- If possible, viewphone at 64 Kbit/s.

(c) Supplementary services

Work to be continued.

5. NUMBERING, ADDRESSING AND SIGNALLING

The achievement of the full CEPT specifications on ISUP, signalling connection control part (SCCP) and transaction capabilities (TCAP) is recommended to the telecommunications administrations in order to reach a common standard within Europe at the earliest opportunity.

As an interim solution, it is recommended to all telecommunications administrations that, starting from 1988 and when CCITT No 7 is introduced, international digital exchanges (linked by digital circuits or possibly also by analogue circuits) should be interconnected by means of the enhanced telephone user part (TUP +) for both PSTN and ISDN services.

The telecommunication administrations should provide within the framework of CEPT detailed technical specifications on TUP + by the end of 1986.

It is required that interworking with the existing public telephone network is also achieved, including some means for identifying different teleservices and terminals.

Note

The TUP + is based on the red book TUP of CCITT enhanced to meet ISDN requirements, including the supplementary services hereabove.

6. TARIFF CONSIDERATIONS

The issue of tariff levels and structures for the ISDN is fundamental for its rapid take-up.

In the longer term, following an inevitable period of high investment costs, the level of investment per basic access should be comparable with that of the current telephone network, with an investment structure related to the type of transmission and digital switching which may be different from that of today.

Several studies on ISDN tariffs have still to be completed. The telecommunications administrations are invited to study within the framework of CEPT the following proposals:

- In accordance with current trends, tariffs for all services, including telephony, should be less dependant on distance than at present (always bearing in mind the problems of transit costs through other countries).
- In the transitional phase from the analogue network to the ISDN corresponding to the period 1988 to 1993, the telecommunications administrations are requested to study within CEPT the relationship between, on the one hand, the tariff threshold applicable to ISDN services and ISDN basic access and, on the other, tariffs applicable to telephony.
- Tariffs for teleservices which use the same bearer capabilities should be independent of the teleservice. On the contrary, all value added by the network should be charged independently of the utilization of the bearer capabilities.
- An agreement should be obtained on the ratio between the monthly rental for the primary rate access (2 048 Kbit/s) and that for the basic access (144 Kbit/s).

A ratio of the order of 10 might be discussed.

7. INTERWORKING BETWEEN NATIONAL ISDN TRIALS

Those administrations implementing national trials of ISDN before the full implementation of the present recommendations should endeavour, where provided, to interconnect these services in order to increase early experience of ISDN in Europe.

8. LEVEL OF PENETRATION

Forecasts of demand in new fields, such as the services supported by ISDN, do not provide a particularly relevant basis for market planning.

Nevertheless, it is realistic to set objectives attainable over the next eight years, i.e. up to the end of 1993, for a level of penetration of ISDN which permits the market for services and terminals to reach a mature phase.

The objective should be for an adequate geographic coverage and rate of penetration at national level for each country.

The administrations should plan to provide by 1993 ISDN accesses for a number equivalent to 5 % of 1983 subscriber main lines. This figure depends, among other things, on the capability of the industry to offer cost effective ISDN solutions for the infrastructure and the terminal equipments.

The territorial coverage should be sufficient to permit 80 % of customers to have the option of the ISDN access.

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE
MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY,
MEETING WITHIN THE COUNCIL,

of 22 December 1986

establishing the arrangements to be applied to imports into Spain and Portugal of products
covered by the ECSC Treaty originating in Austria, Finland, Norway, Sweden or Switzerland
and covered by Agreements between the Community and those countries

(96/660/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE
MEMBER STATES OF THE EUROPEAN COAL AND STEEL
COMMUNITY, MEETING WITHIN THE COUNCIL,

Whereas the Member States have concluded the Treaty
establishing the European Coal and Steel Community;

Whereas on 1 January 1986 the Kingdom of Spain and the
Portuguese Republic acceded to that Community;

Whereas the Additional Protocols to the Agreements
concluded between the Member States of the European Coal
and Steel Community and that Community, on the one hand,
and the Republic of Austria, the Republic of Finland, the
Kingdom of Norway and the Kingdom of Sweden, on the
other, and also the Additional Protocols to the Agreements
concluded between the Member States of the said
Community, on the one hand, and the Swiss Confederation
and the Republic of Iceland, on the other, must be approved
by each Contracting Party in accordance with its own
procedures;

Whereas the procedures for ratifying the Additional
Protocols have not yet been completed and it is necessary
concomitantly and on a unilateral basis to implement the
obligations resulting for 1987 from those Protocols, as
regards customs duties on imports; whereas, however, such
obligations do not exist as far as Iceland is concerned;

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

Article 1

1. For the products covered by the ECSC Treaty
originating in Austria, Finland, Norway, Sweden and
Switzerland (hereinafter referred to as the EFTA countries)
customs duties on imports into Spain, including the Canary
Islands, Ceuta and Melilla shall be reduced from 1 January
1987 to 77,5 % of the basic duties, and customs duties on
imports into Portugal shall be reduced from 1 January 1987
to 80 % of the basic duties.

2. The basic duties shall be the duties actually applied on
1 January 1985, except for imports into Portugal of sheets,
clad, coated or otherwise surface-treated, falling within

subheading ex 73.13 B IV of the Common Customs Tariff,
for which the basic duty shall be 20 %.

3. However, if after 1 January 1985 and before 1 January
1986 a tariff reduction was applied, such reduced duty shall
be considered as a basic duty.

4. If, during 1987, the Kingdom of Spain or the
Portuguese Republic suspends in whole or in part the
customs duties applicable to products imported from the
Community as constituted on 31 December 1985, it shall
also suspend or reduce, by the same percentage, the duties
applicable to products originating in the EFTA countries.

Article 2

1. If the Kingdom of Spain opens to third countries tariff
quotas actually applied on 1 January 1985, products
originating in the EFTA countries shall be subject to the same
treatment as products imported from the Community as
constituted on 31 December 1985, whilst such quotas remain
open.

2. If the Kingdom of Spain does not open the quotas
referred to in paragraph 1, Spain shall apply to products
imported from and originating in the EFTA countries the
duties applied in the event of such quotas being opened. The
quantities or value subject to these duties shall be limited to
the amounts actually imported from these countries under
the same quotas opened on 1 January 1985.

Article 3

The *ad valorem* charge of 0,4 % applied by the Portuguese
Republic to goods imported temporarily, reimported goods
(excluding containers) and goods imported under the inward
processing arrangements, characterized by the rebate of
duties levied on the import of goods used after export of the
products obtained ('drawback') shall be reduced to 0,2 % on
1 January 1987.

Article 4

Any amendments to the origin rules made necessary by the
accession of the Kingdom of Spain and the Portuguese
Republic and adopted by the Joint Committees provided for

in the Agreements between the Community and the EFTA countries shall apply to the products referred to in this Decision.

Article 5

This Decision shall apply until the entry into force of the Additional Protocols to the Agreements between the Member States of the European Coal and Steel Community and that Community, on the one hand, and the EFTA countries, on the other, and at the latest until 31 December 1987, whichever is the earlier.

Article 6

The Member States shall take the measures necessary to implement this Decision.

Done at Brussels, 22 December 1986.

The President

G. SHAW

COUNCIL OF THE EUROPEAN COMMUNITIES

THIRTY-SECOND REVIEW OF THE COUNCIL'S WORK

1 January — 31 December 1984

The annual review of the work of the Council of the European Communities examines the different subjects which fell within the Council's scope during the year concerned.

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285 pp

Published in: Danish, Dutch, English, French, German, Greek, Italian

Catalogue No: BX-44-85-371-EN-C

ISBN 92-824-0291-6

Price (excluding VAT) in Luxembourg:

Bfrs 300 £ Irl 4.80 £ UK 3.80 \$ US 5.50



OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES
L-2985 Luxembourg