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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2143/87

of 13 July 1987

concerning the conclusion of the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations

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 Community and the People's Republic of Mozambique have negotiated and initialled an Agreement on fisheries relations which guarantees fishing opportunities for Community fishermen in waters over which Mozambique has sovereignty or jurisdiction;

Whereas it is in the Community's interest to approve this Agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in order to bind the Community ⁽³⁾.

Article 3

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

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

Done at Luxembourg, 13 July 1987.

For the Council

The President

B. SCHALL HOLBERG

⁽¹⁾ OJ No C 79, 26. 3. 1987, p. 4.

⁽²⁾ Opinion delivered on 19 June 1987 (not yet published in the Official Journal).

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

AGREEMENT**between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations**

THE EUROPEAN ECONOMIC COMMUNITY,

hereinafter referred to as 'the Community', and

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF MOZAMBIQUE,

hereinafter referred to as 'Mozambique',

CONSIDERING the spirit of cooperation resulting from the Lomé Convention and the good cooperation relations which exist between the Community and Mozambique;

RECOGNIZING the importance of the rational conservation, management and exploitation of the marine resources;

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

TAKING INTO ACCOUNT the signature by both Parties of the United Nations Convention on the Law of the Sea;

AFFIRMING that the exercise by coastal States of their sovereign rights in the waters within their jurisdiction for the purpose of exploring, exploiting, conserving and managing the living resources thereof must be in accordance with the principles of international law;

INSPIRED by the will to develop and intensify mutually advantageous cooperation in the field of fisheries;

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

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

HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles and rules which will in future govern, in all respects, the fisheries relations between the Community and Mozambique including fishing by vessels flying the flag of a Member State of the Community, hereinafter referred to as 'Community vessels', in the waters over which Mozambique has sovereignty or jurisdiction in respect of fisheries in accordance with the provisions of the United Nations Convention on the Law of the Sea and other rules of international law, hereinafter referred to as 'Mozambique's waters'.

Article 2

1. Mozambique shall permit fishing by Community vessels in Mozambique's waters in accordance with this Agreement.

2. The fishing activities under this Agreement shall be subject to the laws of Mozambique.

Article 3

1. The Community undertakes to take all appropriate steps to ensure that its vessels observe the provisions of this Agreement and the laws relating to fishing in Mozambique's waters consistent with the provisions of the United Nations Convention on the Law of the Sea and other rules of international law.

2. The authorities of Mozambique shall notify the Commission of the European Communities of any change to the said laws.

3. The measures taken by Mozambican authorities to regulate fisheries for the purpose of conservation shall be based on objective and scientific criteria and shall apply equally to Community and other third country vessels without prejudice to special arrangements between developing States within the same geographical area, including reciprocal fishing arrangements.

Article 4

1. Fishing activities by Community vessels in Mozambique's waters under the present Agreement shall be subject to possession of a fishing licence issued at the Community's request by the authorities of Mozambique.
2. The authorities of Mozambique will issue fishing licences within the limits laid down in the Protocol referred to in Article 8 of this Agreement.
3. Licences shall be valid in the zones defined in the Annex.
4. Licences shall be valid, at the request of the shipowner, for periods defined in the Annex.
5. A licence shall be issued for a given vessel and shall not be transferable.
6. At the request of the Community, a vessel's fishing licence may, and in the case of *force majeure* will, be replaced by a licence for another vessel of which the fishing capacity does not exceed that of the vessel to be replaced.

Article 5

1. Fishing licences shall be issued by the authorities of Mozambique subject to payment of a fee by the shipowner concerned.
2. The fee for a tuna-fishing licence shall be set per tonne of tuna caught in Mozambique's waters; the fee for shrimp trawlers shall be set according to the number of gross registered tonnes admissible under the licences.
3. The amount of these fees and the methods of payment are set out in the Annex.

Article 6

The Parties undertake to consult each other, either directly or within international organizations, to ensure the management and conservation of the living resources in the Indian Ocean and to cooperate in the relevant scientific research.

Article 7

The vessels authorized to fish in Mozambique's waters in the framework of this Agreement are obliged to communicate to the competent services of Mozambique the statements of catch and other relevant information according to the modalities defined in the Annex.

Article 8

In return for the fishing opportunities granted under Article 2, the Community will pay, in accordance with the conditions and arrangements stipulated in the Protocol annexed to this Agreement a financial contribution to Mozambique, without prejudice to the financing received by Mozambique under the Lomé Convention.

Article 9

1. The Parties agree to consult on questions relating to the implementation and proper functioning of this Agreement.
2. In the event of a dispute concerning the interpretation or application of this Agreement, such dispute shall be the subject of consultation between the Parties.

Article 10

1. With the aim of adopting practical measures for the application of the present Agreement, the Parties agree to constitute a Joint Committee. This Committee shall have the following competences:
 - to oversee the implementation, interpretation and proper functioning of the said Agreement;
 - to ensure the necessary liaison concerning matters of common interest;
 - to agree upon:
 - licence fees for vessels fishing for shrimps,
 - the quantitative limits for the species referred to in Articles 1 (1) and 1 (2) of the Protocol.
2. The Joint Committee will at least meet annually, preferably during the third quarter, alternatively in the People's Republic of Mozambique and the Community, or extraordinarily at the request of either Party, the date and location to be agreed.
3. The Parties shall consult at least 30 days in advance regarding the date and agenda for the Joint Committee meeting.

Article 11

Should the authorities of Mozambique decide, as a result of developments in the state of stocks, to take conservation measures which affect the activities of Community vessels, consultations shall be held between the Parties in order to adapt the Annex and the Protocol attached to this Agreement.

Such consultations will be based on the principle that any substantial reduction of the fishing rights provided for in the Protocol shall lead to an equivalent reduction of the financial compensation to be paid by the Community.

Article 12

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

Article 13

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the People's Republic of Mozambique.

Article 14

The Annex and the Protocol shall form an integral part of this Agreement and a reference to this Agreement shall also constitute a reference to the Annex and Protocol.

Article 15

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

At the end of the five-year period, and thereafter at the end of each two-year period, and at the end of the duration of the Protocol, the Contracting Parties shall enter into negotiations to determine by common agreement what amendments or additions to the Annex or Protocol are required. In the event of a Contracting Party giving notice denouncing the Agreement, the Contracting Parties shall enter into negotiations.

Article 16

This Agreement, drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each of these texts being equally authentic, shall enter into force on the date of its signature.

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES IN MOZAMBIQUE'S WATERS
BY COMMUNITY VESSELS

A. LICENCE APPLICATION AND ISSUING FORMALITIES

The procedure for applications for, and issue of, the licences enabling Community vessels to fish in Mozambique's waters shall be as follows:

The relevant Community authorities shall present to the Secretary of State for Fisheries of the People's Republic of Mozambique, via the Delegation of the Commission in Mozambique, an application for each vessel that wishes to fish under the Agreement:

- for shrimp vessels before 1 August of each year,
- for tuna vessels at least 30 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by Mozambique, a specimen of which is annexed hereto.

The licences will be delivered to vessel owners or to their representatives. Licences must be held on board at all times.

I. Provisions applicable to shrimp vessels

- (a) The licence fees are set as follows:

151 ECU/grt per year for vessels fishing exclusively for deep-water shrimps,
266 ECU/grt per year for vessels fishing for shallow-water and deep-water shrimps,
and have to be paid in four equal instalments on the first day of each quarter for the current year.

At the request of either Party, the licence fees may be reviewed by the Joint Committee referred to in Article 10 of the Agreement, namely in the event of a change in grt.

Licences are valid for a period of one year or until the quantitative limits fixed under Article 1 of the Protocol are exhausted. Vessels shall be required to put in at the port of Maputo for the issuing of the licence. This port shall be the base port for fishing activities where each fishing campaign shall start and finish. All crustaceans caught beyond the quantitative limits stated in Article 1 of the Protocol shall be the property of the Office of the Secretary of State for Fisheries and shall be delivered free of charge in the base port.

- (b) All shrimp vessels authorized to fish under the Agreement in Mozambique's waters shall be obliged to forward to the Secretary of State for Fisheries at the end of each fishing campaign a daily catch report drawn up by the captain in accordance with the specimen annexed hereto.

Furthermore, each vessel has to present a monthly report to the Secretary of State for Fisheries containing the quantity caught during the month and the quantities on board on the last day of the month. This report shall be presented no later than the last day of the month following the month concerned. Should this provision not be adhered to, Mozambique reserves the right to suspend the licence of the offending vessel until the formality has been complied with.

- (c) Each shrimp vessel fishing in Mozambican waters under the Agreement shall inform the radio station 'Radio Naval', on a daily basis, of its geographical position. Shipowners shall be notified of the call sign at the time of delivery of the fishing licence.

Shrimp vessels may not leave the Mozambican waters without the previous authorization of the Secretary of State for Fisheries and after control of the fish on board.

II. Provisions applicable to tuna vessels

- (a) The fees shall be set at 20 ECU per tonne caught within Mozambique's waters.

- (b) Applications for licences for tuna vessels shall be issued following advance payment to Mozambique of a lump sum of 1 000 ECU a year for each tuna seiner, equivalent to the fees for 50 tonnes of tuna caught within Mozambique's waters per year. A provisional statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by the shipowners and forwarded simultaneously to the Mozambican authorities and the Commission of the European Communities. The corresponding amount shall be paid by the shipowners to the Mozambican

treasury no later than 31 March of the following year. The final statement of the fees due in respect of a fishing year shall be drawn up jointly by the Commission of the European Communities and the Secretary of State for Fisheries of the People's Republic of Mozambique, taking into account available scientific opinion, particularly of ORSTOM, the Spanish Institute of Oceanography (IEO) and the Institute of Fisheries Research (IIP), and any statistical data which can be gathered by an international fishing organization in the Indian Ocean. The shipowners shall be notified by the Commission of the European Communities of the statement and shall have 30 days in which to meet their financial obligations. If the amount of the sum due for actual fishing operations does not equal the advance payment, the corresponding outstanding sum shall not be recoverable by the shipowner.

- (c) Every three days during the fishing period in Mozambique's waters, the vessels shall communicate to the radio station at 'Radio Naval' their position and their catch. On entering and leaving Mozambique's waters, the vessels shall communicate to the radio station at 'Radio Naval' their position and the volume of the catches on board.

In addition, the captain shall complete a fishing log book, as annexed, for each fishing period in Mozambique's waters.

This form must be legible and be signed by the captain of the vessel and sent to the Secretary of State for Fisheries of the People's Republic of Mozambique via the Delegation of the Commission of the European Communities in Maputo as soon as possible after the fishing period within Mozambique's waters.

B. SIGNING ON OF SEAMEN

Shipowners who have been issued fishing licences may employ Mozambican nationals as fishermen.

The salary and social contribution shall be paid through a local agent designated by the Secretary of State for Fisheries of the People's Republic of Mozambique.

C. FISHING ZONES

- (a) The fishing zones accessible to shrimp vessels shall comprise all waters under the sovereignty or the jurisdiction of the People's Republic of Mozambique south of 10°30' S and north of 26°30' S and beyond the first 12 nautical miles measured from the base lines.
- (b) The fishing zones accessible to tuna vessels shall comprise all waters under the sovereignty or the jurisdiction of the People's Republic of Mozambique south of 10°30' S and north of 26°30' S and outside 200 m isobathe.

D. INSPECTION AND MONITORING OF FISHING ACTIVITIES

Any Community vessel fishing in Mozambique's waters shall allow on board, and assist in the accomplishment of his duties, any official of Mozambique responsible for inspection and monitoring.

E. CHANGE OF GEAR

Changes in fishing gear shall be submitted to the Office of the Secretary of State for Fisheries for authorization.

F. IDENTIFICATION OF SHRIMP VESSELS

All shrimp vessels authorized under the Agreement to fish in Mozambique's waters shall be identifiable by means of a registration number and identification number given by the Secretary of State for Fisheries.

G. BY-CATCHES

By-catches in the shrimp fisheries shall be landed at the port of Maputo destined for supply to the internal market, at a price fixed by the Secretary of State for Fisheries.

H. CHEMICAL ADDITIVES

Shrimp vessels' shipowners are authorized to utilize only, for transformation purposes, those chemical additives authorized by Community legislation.

I. PROPERTY OF RARE SPECIES

All marine species for which preservation is justified due to rarity of the species or biological research and which are caught by a Community vessel authorized under the Agreement to fish in Mozambique's waters shall be the property of the Office of the Secretary of State for Fisheries and therefore shall be delivered as soon as possible, and in the best possible condition, to the Office of the Secretary of State for Fisheries at the port of Maputo free of charge.

J. TRANSHIPMENTS OF SHRIMPS

Transshipments, other than those between Community shrimp vessels, outside the base port are prohibited.

As far as transshipments which take place in the base port are concerned, they shall be authorized only under control by the Secretary of State for Fisheries.

K. TAKING ON BOARD OF OBSERVERS

(a) Each shrimp vessel shall take on board an observer designated by the Secretary of State for Fisheries of the People's Republic of Mozambique. The observer shall be accorded the conditions enjoyed by officers of that vessel. The salary and the social contributions of the observer shall be borne by the Mozambican authorities. Observers shall enjoy all facilities necessary for the performance of their duties including permanent access to fishing and navigation log books as well as navigation and communications equipment.

(b) All Community vessels may be requested by the Mozambican authorities to take on board a biologist.

L. PROHIBITION OF FIREARMS

Firearms, including those intended for self-defense purposes, shall be forbidden on all vessels authorized to fish in Mozambique's zone.

M. PENALTIES

Infringements shall be penalized as follows :

- payment of a fine of up to 100 000 ECU depending on the seriousness of the infringements for non-compliance with the provisions laid down in the Annex,
- non-renewal of fishing licence for failure to supply statements of catch.

Penalties not paid may lead to temporary seizure of the vessel concerned or any other vessel belonging to the same shipowner as a warranty for payment and to confiscation of the vessel without prejudice to the right of the shipowner to appeal to the relevant court.

**APPLICATION FOR A LICENCE TO FISH FOR SHRIMP IN THE WATERS OF
MOZAMBIQUE****PART A**

1. Name of owner :
2. Nationality of owner :
3. Business address of owner :
.....
.....
4. Fishing quota requested :
(a) deep-water shrimp (tonnes)
(b) shallow-water and deep-water shrimp (tonnes)
5. Chemical additives which may be used (brand name and composition) :
.....

PART B

To be completed for each vessel

1. Period of validity :
2. Name of vessel :
3. Year of construction :
4. Original flag country :
5. Currently flying the flag of :
6. Date of acquisition of current flag :
7. Year of acquisition :
8. Port and registration number :
9. Fishing method :
10. Gross registered tonnage :
11. Radio call sign :
12. Overall length (m) :
13. Bow (m) :
14. Depth (m) :
15. Construction material of the hull :
16. Engine power (bhp) :
17. Speed (knots) :
18. Cabin capacity :
19. Capacity of fuel tanks (m³) :
20. Capacity of fish holds (m³) :
21. Colour of the hull :
22. Colour of the superstructure :

23. Communication equipment on board :

Type	Brand	Power (Watt)	Year of construction	Frequencies	
				Reception	Transmission

24. Navigation and detection equipment installed

Type	Brand	Model	Range

25. Name of captain :

26. Nationality of captain :

To be annexed :

- three colour photographs of the vessel (side view),
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....
(Date of application).....
(Signature of owner's representative)

APPLICATION FOR A LICENCE TO FISH FOR TUNA IN THE WATERS OF MOZAMBIQUE

PART A

1. Name of owner :
2. Nationality of owner :
3. Business address of owner :
.....
.....

PART B

To be completed for each vessel

1. Period of validity :
2. Name of vessel :
3. Year of construction :
4. Original flag country :
5. Currently flying the flag of :
6. Date of acquisition of current flag :
7. Year of acquisition :
8. Port and registration number :
9. Fishing method :
10. Gross registered tonnage :
11. Radio call sign :
12. Overall length (m) :
13. Bow (m) :
14. Depth (m) :
15. Construction material of the hull :
16. Engine power (bhp) :
17. Speed (knots) :
18. Cabin capacity :
19. Capacity of fuel tanks (m³) :
20. Capacity of fish holds (m³) :
21. Freezing capacity (tonnes/24 hours) and freezing system used :
.....
22. Colour of the hull :
23. Colour of the superstructure :

24. Communication equipment on board :

Type	Brand	Model	Power (Watt)	Year of construction	Frequencies	
					Reception	Transmission

25. Navigation and detection equipment installed

Type	Brand	Model

26. Auxiliary vessels used (for each vessel) :

26.1. Gross registered tonnage :

26.2. Overall length (m) :

26.3. Bow (m) :

26.4. Depth (m) :

26.5. Construction material of the hull :

26.6. Engine power (bhp) :

26.7. Speed (knots) :

27. Auxiliary aerial fish detection equipment (even if not based on board) :

28. Home port :

29. Name of captain :

30. Nationality of captain :

To be annexed :

- three colour photographs of the vessel (side view) and of auxiliary fishing vessels and of auxiliary aerial equipment for fish detection,
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....
(Date of application)

.....
(Signature of owner's representative)

FICHA DE CAPTURA DIÁRIA

Tipo de Barco: Nome do Barco: Viagem Nº:
Assinatura da Capitão: Data: / /

NÚMERO DO ARRASTO		1	2	3	4	5	6	7	8	OBSERVAÇÕES
Posição do Arrasto	COORDENADAS	Início								
		Fim								
Quadrado										
Início do arrasto (horas)										
Fim do arrasto (horas)										
Duração do arrasto										
Profundidade (metros)										
Rumo do arrasto										
Velocidade (nós)										
Nome e tipo da arte de pesca										
Abertura da boca (metros)										
Temperatura da água	Superfície									
	Fundo									
Direcção e força do vento (nós)										
Estado do mar										
Deteção de camarão na sonda + (Sim) - (Não)										

CAPTURA DE CAMARÃO COSTEIRO

BRANCO	(P. Indicus e P. Japonicus)	Nº de caixas de kg								
			TOTAL							
TIGRE	(P. Monodon e P. Semisulcatus)	Nº de caixas de kg								
			TOTAL							
CASTANHO	(M. Monoceros)	Nº de caixas de kg								
			TOTAL							
TOTAL DE CAMARÃO (COSTEIRO)										

NÚMERO DO ARRASTO		1	2	3	4	5	6	7	8	OBSERVAÇÕES
CAMARÃO	ROSA (Thymenopeneus triarthrus)	Nº de caixas de kg								
			TOTAL							
OUTROS		Nº de caixas de kg								
			TOTAL							
TOTAL DE CAMARÃO (PROFUNDIDADE)										

Legosta (kg)	Lagostim (kg)	Outros crustáceos (kg)	Peixe de 1º Congelado	Carapau	Tubarão e Raia	Outros	Devolvido ao Mar								
								CHOCOS E LULAS (kg)							

C. P. 4603 MAPUTO: TELEF. 742112; TELEX 6-497 PEIXE-MO

MODALIDADE DE PESCA (FISHING MODALITIES)	
☐	PALANGRE (LONGLINE)
☐	ISCO VIVO (BAITBOAT)
☐	REDE DE CERCO (PURSE SEINE)
☐	CORRICO (TROL / TROLLING)
☐	OUTROS (OTHERS)

NOME DO NAVIO (VESSEL NAME)		TONELAGEM ARQUEAÇÃO BRUTA	1	MES (MONTH)	DIA (DAY)	ANO (YEAR)	PORTO (PORT)
NACIONALIDADE (FLAG COUNTRY)		CAPACIDADE (TM) (CAPACITY - TM)	tm				
(REGISTRATION Nº)		CAPTÃO ou MESTRE (CAPTAIN)					
Nº DE REGISTRO		Nº de TRIPULANTES (Nº of CREW)					
ARMADOR ou AFRETADOR (COMPANY or OWNER)		DATA DE COMUNICAÇÃO (REPORTING DATE)			Nº DE DIAS NO MAR (Nº of DAYS AT SEA)	Nº DE DIAS DE PESCA (Nº of fishing days)	
ENDEREÇO (ADDRESS)		COMUNICADO POR: (REPORTED BY)			Nº DE LANÇOS EFECTUADOS (Nº of sets made)		

[illegible]

1 - No fim de cada viagem enviar uma cópia do Diário de Pesca ao Departamento de Cooperação Internacional Av. Mao Tse Tung, 250, 15 - MAPUTO - Tel: 744170/42650 - Telex 6-491 PEIXMO

At the end of each trip forward a copy of the log to Department of International Cooperation Av. Mao Tse Tung, 250, B - MAPUTO - Tel: 744170/42650 - Telex 6-491 PEIXMO

2 - "AREA" significa a posição da operação; com arredondamento dos minutos e registrando graus de latitude e longitude (Fishing area refers to the position of the set and record degrees of latitude and longitude)

3 - A última linha "Quantidade descarregada" deve ser preenchida só no fim da viagem. Deve ser registrado o peso real na altura da descarga.

(The bottom line "loading weight" should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded)

4 - Toda a informação aqui registrada será mantida estritamente confidencial.

(All information reported herein will be kept strictly confidential)

(All information reported herein will be kept strictly confidential)

PROTOCOL

establishing the fishing rights and contributions provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations

Article 1

From 1 January 1987, for a period of three years, the limits referred to in Article 2 of the Agreement shall be as follows:

1. Shrimp vessels fishing exclusively on deep-water shrimps: 1 100 grt per month on a yearly average.
2. Shrimp vessels fishing on shallow-water and deep-water shrimps: 3 700 grt per month on a yearly average.

The quantities to be fished by Community vessels in 1987 may not exceed 1 000 tonnes of deep-water shrimps and 1 500 tonnes of shallow-water shrimps. These quantitative limits will be reviewed, for each of the following years, by the Joint Committee referred to in Article 10 of the Agreement. Shrimp tails weight retained on board are converted into whole weight by applying the coefficient 1,67.

3. Pending the availability of more extensive knowledge in respect of tuna resources and without prejudice to future arrangements, 40 ocean-going freezer tuna boats are allowed to fish simultaneously.

Article 2

1. The financial compensation referred to in Article 8 of the Agreement for the period referred to in Article 1 of this Protocol, is fixed at 6 900 000 ECU, payable in three annual instalments.
2. If during the period of application of this Protocol the amount of tuna caught by Community vessels in Mozambican waters exceeds 18 000 tonnes, the financial compensation will be increased by 50 ECU per tonne caught above this quantitative limit.
3. The use to which this compensation is put shall be the competence solely of Mozambique.

4. The compensation shall be paid into an account opened at a financial institution or any body designated by Mozambique.

Article 3

In the event of an increase in the availability of fishing possibilities then at the request of the Community the vessels' limits referred to in Article 1 (1) and (2) may be increased. In this case, the financial compensation referred to Article 2 shall be increased proportionally *pro rata temporis*.

Article 4

1. The Community shall also contribute, during the period referred to in Article 1, 600 000 ECU towards the financing of Mozambican scientific and technical programmes (e.g. equipment and infrastructure) to improve information on the fishery resources within the waters of Mozambique.

At the request of Mozambique, part of the amount not exceeding 60 000 ECU may be used to finance the expenses of participation in international conferences, not necessarily related to the said scientific programme, destined to improve the knowledge of fisheries resources.

2. The competent Mozambican authorities shall send to the Commission a brief report on the utilization of the funds.
3. The Community's contribution to the scientific and technical programmes shall be paid into an account specified on each occasion by the Office of the Secretary of State for Fisheries.

Article 5

Should the Community fail to make the payments provided for in this Protocol, the Agreement on fishing may be suspended.

COUNCIL REGULATION (EEC) No 2144/87

of 13 July 1987

on customs debt

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 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 Council Directive 79/623/EEC of 25 June 1979 on the harmonization of provisions laid down by law, regulation or administrative action relating to customs debt ⁽⁴⁾ defined the various situations giving rise to a customs debt on importation or exportation; whereas that Directive also determined the moment to be taken into consideration for the determination of the amount of customs debt and its liability for payment, as well as specifying the circumstances in which a customs debt is extinguished;

Whereas the rules governing the incurrance of a customs debt, the determination of its amount, when it becomes due and its extinction are so important for the proper functioning of the customs union that it is essential to ensure that such rules are implemented as uniformly as possible in the Community; whereas, to this end, the present provisions of Directive 79/623/EEC should be embodied in a Regulation; whereas this will lead to greater legal certainty for individuals;

Whereas all the principles embodied in Directive 79/623/EEC should be incorporated in this Regulation, together with further principles based on experience gained since the Directive was adopted; whereas provision should be made, in particular, that the *de facto* integration into the Community economy of goods the importation of which is subject to measures of prohibition or restriction of whatever kind, but excluding narcotic drugs, causes a customs debt to be incurred;

Whereas, indeed, the economic and financial effect on the Community economy of such *de facto* integration is identical to that which would result from an importation carried out lawfully pursuant to an authorization granted by the competent authorities permitting a derogation from the import, prohibition or restriction measure involved; whereas, moreover, the Common Customs Tariff makes no distinction, as regards application of the rates of duty set out therein, between goods which are

integrated into the Community economy lawfully and those which are not;

Whereas provision should also be made that a customs debt on exportation is incurred even if it concerns goods the exportation of which is subject to measures of prohibition of whatever kind, where, as a result of an unlawful act, those goods actually leave the customs territory of the Community;

Whereas it is justifiable to provide that the customs debt on importation is extinguished in respect of goods where they are seized by the customs authorities and confiscated;

Whereas account should also be taken, when determining the situation in which a customs debt is incurred, of the provisions of Council Regulation (EEC) No 3599/82 of 21 December 1982 on temporary importation arrangements ⁽⁵⁾, as last amended by the Act of Accession of Spain and Portugal, which provide, in certain cases, for the use of such customs arrangements only with partial relief from import duties;

Whereas the provisions of Article 10 of Directive 79/623/EEC, which concern trade between Member States, should be supplemented by drawing up specific rules on the compensatory levy collected in certain circumstances on the dispatch from one Member State to another Member State of goods obtained under the inward processing procedure; whereas account should also be taken on the provisions applicable to trade between the Community and the non-member countries which constitute the European Free Trade Association; whereas the agreements concluded with those non-member countries provide for the application of preferential tariff treatment for goods originating in Member States; whereas, where compensating products obtained or produced in the Community under the inward processing arrangements are concerned, such preferential tariff treatment is conditional on payment of the import duties payable on goods from non-member countries contained in the said compensating products;

Whereas it is deemed more appropriate to include the rules on liability for payment of the customs debt, which are currently set out in Article 8 of Directive 79/623/EEC, among the provisions concerning entry in the accounts and the terms of payment of customs debts;

Whereas it is necessary to safeguard the uniform implementation of the provisions of this Regulation and to provide to that end for a Community procedure enabling the rules for their implementation to be adopted within an appropriate period; whereas the Committee on

⁽¹⁾ OJ No C 261, 29. 9. 1984, p. 4.

⁽²⁾ OJ No C 122, 20. 5. 1985, p. 158.

⁽³⁾ OJ No C 44, 15. 2. 1985, p. 8.

⁽⁴⁾ OJ No L 179, 17. 7. 1979, p. 31.

⁽⁵⁾ OJ No L 376, 31. 12. 1982, p. 1.

General Customs Rules set up by Article 24 of Council Directive 79/695/EEC of 24 July 1979 on the harmonization of procedures for the release of goods for free circulation ⁽¹⁾ as last amended by Directive 81/853/EEC ⁽²⁾ is the appropriate body to organize close and effective collaboration between the Member States and the Commission in this field ;

Whereas this Regulation concerns customs debt, whether it results from the implementation of the common agricultural policy or from the implementation of the Treaty provisions concerning the customs union ; whereas this measure is necessary to attain, in the course of the operation of the common market, one of the objectives of the Community ; whereas the Treaty has not provided, in the case of the customs union, the necessary powers for this purpose ; whereas it is therefore necessary to base this Regulation also on Article 235 of the Treaty,

HAS ADOPTED THIS REGULATION :

Article 1

1. This Regulation lays down the rules in respect of :
 - (a) the incurrence of a customs debt ;
 - (b) the moment to be taken into consideration for the determination of the amount of a customs debt ;
 - (c) the extinction of a customs debt.
2. For the purposes of this Regulation :
 - (a) '*customs debt*' means the obligation on a person to pay the amount of the import duties (customs debt on importation) or export duties (customs debt on exportation) which apply under the provisions in force to goods liable to such duties ;
 - (b) '*person*' means :
 - a natural person, or
 - a legal person, or
 - when this possibility is provided for in the rules in force, an association of persons recognized as having legal capacity but lacking the legal status of a legal person ;
 - (c) '*Community goods*' means goods :
 - entirely obtained in the customs territory of the Community, without the addition of goods from third countries or territories which are not part of the customs territory of the Community,
 - from countries or territories not forming part of the customs territory of the Community which have been released for free circulation in a Member State,
 - obtained in the customs territory of the Community either from the goods referred to exclusively

in the second indent or from goods referred to in the first and second indents ;

- (d) '*import duties*' means customs duties and charges having equivalent effect, and agricultural levies and other import charges laid down under the common agricultural policy or under the specific arrangements applicable to certain goods resulting from the processing of agricultural products ;
- (e) '*export duties*' means agricultural levies and other export charges laid down under the common agricultural policy or under the specific arrangements applicable to certain goods resulting from the processing of agricultural products.

TITLE I

INCURRENCE OF CUSTOMS DEBT

A. Customs debt on importation

Article 2

1. A customs debt on importation shall be incurred by :
 - (a) the placing of goods liable to import duties in free circulation or the placing of such goods under the temporary importation procedure with partial relief from import duties ;
 - (b) the unlawful introduction into the customs territory of the Community of goods liable to import duties.

When the goods liable to import duties coming from a free zone situated within the customs territory of the Community are unlawfully introduced into another part of that territory, such introduction shall be considered as an unlawful introduction into the customs territory of the Community.

For the purposes of this point, unlawful introduction means any introduction in violation of the provisions adopted in implementation of Article 2 of Council Directive 68/312/EEC of 30 July 1968 on the harmonization of the provisions laid down by law, regulation or administrative action relating to customs treatment of goods entering the customs territory of the Community, and the temporary storage of such goods ⁽³⁾, as last amended by the Act of Accession of Spain and Portugal ;

- (c) the removal of goods liable to import duties from the customs supervision involved in the temporary storage of the goods or their being placed under a customs procedure which involves customs supervision ;

⁽¹⁾ OJ No L 205, 13. 8. 1979, p. 19.

⁽²⁾ OJ No L 319, 7. 11. 1981, p. 1.

⁽³⁾ OJ No L 194, 6. 8. 1968, p. 13.

- (d) the non-fulfilment of one of the obligations arising, in respect of goods liable to import duties, from their temporary storage or from the use of the customs procedure under which they are placed, or non-compliance with a condition to which the placing of the goods under that procedure is subject, unless it is established that these failures have no significant effect on the correct operation of the temporary storage or customs procedure in question;
- (e) the non-fulfilment of one of the obligations arising in respect of goods from their being put into free circulation with total or partial relief from import duties because of their intended use for a particular purpose; or the failure to meet one of the conditions laid down for granting this exemption, unless it is established that these failures have no significant effect on the use of the goods for the intended purpose;
- (f) the definitive retention, in the customs territory of the Community, of waste or scrap liable to import duties which results from the destruction of goods with the prior authorisation of the competent authorities, where such destruction has the effect:
 - in accordance with Article 4 (1) (b), of not causing to be incurred in respect of the said goods the customs debt which should have been incurred pursuant to point (e) of this paragraph, or
 - of permitting the repayment or remission, on the basis of Council Regulation (EEC) No 1430/79 of 2 July 1979 on the repayment or remission of import or export duties⁽¹⁾, as last amended by Regulation (EEC) No 3069/86⁽²⁾, of the import duties payable on the goods in respect of which the corresponding customs debt arose.

2. The customs debt on importation shall be incurred even if it relates to goods subject to measures of prohibition or restriction on importation of whatever kind.

However, no customs debt shall be incurred on the unlawful introduction into the customs territory of the Community of narcotic drugs which do not enter into the economic circuit strictly supervised by the competent authorities with a view to their use for medical and scientific purposes. For the purposes of criminal law as applicable to customs offences, the customs debt shall nevertheless be deemed to have been incurred where, under a Member State's criminal law, customs duties provide the basis for determining penalties, or the existence of a customs debt is grounds for taking criminal proceedings.

Article 3

The moment when a customs debt on importation is incurred shall be deemed to be:

- (a) in the cases referred to in Article 2 (1) (a), the moment when the competent authorities accept the entry of

the goods for free circulation or temporary importation or the time of any other act which, in accordance with the provisions in force, has the same effect in law as such acceptance;

- (b) in the cases referred to in Article 2 (1) (b), the moment when the goods are unlawfully introduced into the customs territory of the Community;
- (c) in the cases referred to in Article 2 (1) (c), the moment when the goods are removed from customs supervision;
- (d) in the cases referred to in Article 2 (1) (d), either the moment when the obligation, non-fulfilment of which causes the customs debt to be incurred, ceases to be met, or the moment when the goods were placed under the customs procedure concerned where it is established subsequently that a condition governing the placing of the goods under the said procedure was not in fact fulfilled;
- (e) in the cases referred to in Article 2 (1) (e), either the moment when the obligation, non-fulfilment of which causes the customs debt to be incurred, ceases to be met, or the moment when the goods were placed in free circulation where it is established subsequently that one of the conditions governing the placing of the said goods in free circulation was not in fact fulfilled;
- (f) in the cases referred to in Article 2 (1) (f), the moment at which the goods which give rise to waste or scrap are destroyed.

Article 4

1. No customs debt on importation shall be deemed to be incurred in respect of specific goods:

- (a) by way of derogation from Article 2 (1) (b) and (d), where the person concerned proves that the non-fulfilment of the obligations which arise from:

- the provisions adopted in implementation of Article 2 of Directive 68/312/EEC, or
- keeping the goods in question in temporary storage, or
- the use of the customs procedure under which the goods have been placed,

results from the total destruction or irretrievable loss of the goods by reason of the nature of the goods themselves or because of unforeseeable circumstances or *force majeure*, or following an authorization given by the competent authorities.

For the purposes of this point, goods shall be irretrievably lost when they are made unusable by any person.

⁽¹⁾ OJ No L 175, 12. 7. 1979, p. 1.

⁽²⁾ OJ No L 286, 9. 10. 1986, p. 1.

- (b) by way of derogation from Article 2 (1) (e), where the goods having first been released for free circulation with total or partial relief from import duties because of their intended use for particular purposes, are, with the authorization of the competent authorities, re-exported from the Community or destroyed;
- (c) by way of derogation from the first indent of Article 2 (1) (f), where the amount of the import duties relating to scrap and waste resulting from the destruction of goods released for free circulation with partial relief from import duties because of their intended use for particular purposes, is less than or equal to the amount of the import duties resulting from the release for free circulation of the destroyed goods.

2. Where the amount of the import duties relating to the scrap and waste resulting from the destruction of goods released for free circulation with partial relief from import duties because of their intended use for particular purposes is higher than the amount of the import duties resulting from the release for free circulation of the destroyed goods, the amount of the customs debt on importation incurred by virtue of the first indent of Article 2 (1) (f) shall be equal to the difference between the amount of the import duties relating to the scrap and waste and the amount of the import duties resulting from the release for free circulation of the destroyed goods.

B. Customs debt on exportation

Article 5

1. A customs debt on exportation shall be incurred by :
 - (a) goods liable to export duties leaving the customs territory of the Community ; goods destined for the island of Heligoland shall not be deemed to be exported from that customs territory ;
 - (b) failure to comply with the conditions under which the goods were allowed to leave the customs territory of the Community with total or partial relief from export duties.
2. The provisions of Article 2 (2) relating to customs debt shall apply *mutatis mutandis* to goods subject to measures of prohibition or restriction on exportation of whatever kind.

Article 6

The moment when a customs debt on exportation is incurred shall be deemed to be :

- (a) in the cases referred to in Article 5 (1) (a) :
 - if the goods in question are the subject of an export declaration, the moment when the competent authorities accept that declaration or the time of any other act

which, in accordance with the provisions in force, has the same effect in law as such acceptance,

- if the goods in question have not been the subject of a customs declaration as referred to in the first indent, the moment when the goods actually leave the customs territory of the Community ;
- (b) in the cases referred to in Article 5 (1) (b), the moment when the goods reach a destination other than that for which they were allowed to leave the customs territory of the Community with total or partial relief from export duties or, should the competent authorities be unable to determine that moment, the moment of expiry of the time-limit set for the production of proof that the conditions which entitle the goods to such relief have been complied with.

TITLE II

MOMENT TO BE TAKEN INTO CONSIDERATION FOR THE DETERMINATION OF THE AMOUNT OF CUSTOMS DEBT

Article 7

Subject to the special provisions adopted under specific customs or agricultural legislation :

- (a) the amount of the import or export duties payable on goods shall be determined on the basis of the rules of assessment applicable to the goods at the moment when the customs debt in respect of them is incurred, and, in the case of goods covered by temporary admission arrangements with partial relief from import duties, shall be determined by the number of months or fractions of a month the goods in question have been covered by such arrangements ;
- (b) where it is not possible to determine precisely when the customs debt is incurred, the material time for determining the rules of assessment applicable to the goods concerned shall be the moment when the competent authorities conclude that the goods are in a situation in which a customs debt is incurred.

However, where the information available to the competent authorities enables them to establish that the customs debt was incurred at a moment prior to that at which they reached that conclusion, the amount of the import or export duties payable on the goods in question shall be determined on the basis of the rules of assessment applicable to the goods at the most distant moment in the past at which existence of the customs debt arising from this situation may be established from the information available.

TITLE III

EXTINCTION OF CUSTOMS DEBT

Article 8

1. Without prejudice to the provisions in force concerning the withdrawal of action to recover the amount of a customs debt in the event of the time bar for that debt having lapsed, and also concerning the non-recovery of such amounts due to the establishment by judicial process of the insolvency of the debtor, a customs debt shall be extinguished:

- (a) by payment of the amount of the import or export duties payable on the goods in question or, where appropriate, by remission of that amount pursuant to the Community provisions in force;
- (b) by confiscation of the goods. For the purposes of criminal law applicable to customs offences, the customs debt shall nonetheless be deemed as not to have been extinguished where, under a Member State's criminal law, customs duties provide the basis for determining penalties, or the existence of a customs debt is grounds for taking criminal proceedings.

2. Customs debt on importation shall also be extinguished;

- (a) where, before they have been released, the entry of the goods for release for free circulation or for temporary importation with partial relief from import duties is, for a reason admissible under the rules in force, cancelled or rendered invalid by the competent authorities, or where the latter authorize the declarant to replace such declaration by an entry for another customs procedure;
- (b) where the goods entered for release for free circulation or for temporary importation with partial relief from import duties are, before their release, destroyed on the order or with the authorization of the competent authorities or surrendered, in the same state or after destruction, to the exchequer with the agreement of the said authorities;
- (c) where the person concerned that the goods entered for release for free circulation or for temporary importation with partial relief from import duties were destroyed or irretrievably lost before their release as a result of the actual nature of the goods or of unforeseeable circumstances or *force majeure*;
- (d) where the person concerned proves that the circumstances which caused the non-fulfilment of an obligation arising, in respect of goods liable to import duties, from their being kept in temporary storage or from the use of the customs procedure under which they were placed were due either to:

- the exportation of the goods concerned from the customs territory of the Community or their introduction into a free zone, or
- the consignment of the goods concerned to another Member State where they were treated in accordance with their legal status therein.

3. Customs debt on exportation shall also be extinguished:

- (a) where the export declaration is, for a reason admissible under the rules in force, cancelled or rendered invalid by the competent authorities;
- (b) where the person concerned proves that it has not been possible for the goods declared for export to leave the customs territory of the Community.

TITLE IV

PROVISIONS APPLICABLE TO TRADE BETWEEN THE COMMUNITY AND CERTAIN THIRD COUNTRIES

Article 9

1. In so far as agreements concluded between the Community and certain third countries provide for the granting on importation into those countries of preferential tariff treatment for goods originating in the Community within the meaning of such agreements, on condition that, where they have been obtained or produced under the inward processing arrangements, products from third countries used in producing the said goods are subjected to payment of the import duties payable thereon, the validation of the documents necessary to enable such preferential tariff treatment to be obtained in third countries shall cause a customs debt on importation to be incurred.

The moment when such customs debt is incurred shall be deemed to be the moment when the competent authorities accept the export declaration relating to the goods in question or any other act which, in accordance with the provisions in force, has the same effect in law as such acceptance.

The amount of the import duties corresponding to this customs debt shall be determined under the same conditions as in the case of a customs debt resulting from the acceptance, on the same date, of the declaration of release for free circulation of the goods concerned terminating the inward processing arrangements.

2. Article 8 (1), (2) (b) and (2) (c) shall apply *mutatis mutandis* to the extinction of the customs debt referred to in paragraph 1 of this Article. The said customs debt shall also be extinguished when the formalities completed to enable preferential tariff treatment to be obtained are cancelled.

TITLE V

PROVISIONS APPLICABLE TO TRADE BETWEEN
MEMBER STATES

Article 10

1. To the extent that Community goods are liable to customs or agricultural charges when traded between Member States, Articles 2 to 8 shall apply *mutatis mutandis*, as regards the incurrence of the customs debt arising from this situation, to the moment to be taken into consideration for determining the amount of the customs debt and its extinction.

2. In so far as, during the transitional period laid down by the Acts of Accession to the Community of new Member States, the placing in free circulation in the new Member States of goods obtained or produced under the inward processing procedure in other Member States, and vice versa, is subject to the charging of a compensatory levy, the completion of the formalities necessary to permit the placing in free circulation of the goods in question shall cause a customs debt on importation to be incurred.

The moment when such customs debt is incurred shall be deemed to be the moment when the competent authorities accept the declaration for dispatch to the Member State of destination concerned, or any other act which, in accordance with the provisions in force, has the same effect in law as such acceptance.

Article 8 (1), (2) (b) and (2) (c) shall apply *mutatis mutandis* to the extinction of such customs debt. The said customs debt shall also be extinguished when the

formalities completed to place the goods in question in free circulation are cancelled.

TITLE VI

FINAL PROVISIONS

Article 11

This Regulation shall be without prejudice to the provisions in force in the Member States under which the goods themselves constitute security for the import or export duties to which they are liable and as such may be liable to seizure or confiscation.

Article 12

The measures necessary to implement this Regulation shall be adopted in accordance with the procedure laid down in Article 26 (2) and (3) of Directive 79/695/EEC.

Article 13

Directive 79/623/EEC is hereby repealed with effect from 1 January 1989.

Any references to that Directive shall be read as referring to this Regulation.

Article 14

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

It shall apply with effect from 1 January 1989.

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

Done at Brussels, 13 July 1987.

For the Council

The President

P. SIMONSEN

COMMISSION REGULATION (EEC) No 2145/87

of 20 July 1987

determining, for the 1987/88 marketing year, the quantities of raw sugar produced in the French overseas departments benefitting from the refining aid referred to in Regulation (EEC) No 2225/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 229/87⁽²⁾, and in particular Article 9 (6) thereof,

Having regard to Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar⁽³⁾, and in particular the second subparagraph of Article 3 (2) thereof,

Whereas Article 3 of Regulation (EEC) No 2225/86 provides for the granting of an aid for the raw sugar produced in the French overseas departments and refined in a refinery situated in the European regions of the Community within the limits of the quantities to be determined according to the regions of destination in question and separately according to origin; whereas those quantities must be determined on the basis of a Community supply balance sheet for raw sugar; whereas the Community forward estimate for raw sugar for the 1987/88 marketing year enables the quantities which may benefit from the refining aid as well as their apportionment to be determined at this stage;

Whereas Commission Regulation (EEC) No 2750/86⁽⁴⁾, as amended by Regulation (EEC) No 437/87⁽⁵⁾, on the one hand laid down the detailed rules for the granting of the refining aid for the sugar produced in the French overseas departments and on the other hand determined the quantities of raw sugar in question for the 1986/87 marketing year; whereas it was not possible for

all of those quantities to be refined in due time but, in being considered as working stock, those quantities are eligible to the refining aid; whereas it is as a consequence appropriate to provide that the refining aid should be applied to those quantities by attributing them to the quantities fixed by Regulation (EEC) No 2750/86 for the 1986/87 marketing year;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities of sugar referred to in Article 3 (2) of Regulation (EEC) No 2225/86 shall be fixed for the 1987/88 marketing year in accordance with the Annex to this Regulation.

Article 2

For the quantities of raw sugar falling within the quantities referred to in the Annex to Regulation (EEC) No 2750/86 but for which refining took place as from 1 July 1987, the refining aid in force during the 1987/88 marketing year, by virtue of Article 3 of Regulation (EEC) No 2225/86 shall be applicable. Those quantities shall be attributed to the quantities laid down in the Annex to Regulation (EEC) No 2750/86 for the 1986/87 marketing year.

Article 3

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

It shall apply with effect from 1 July 1987.

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

Done at Brussels, 20 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 194, 17. 7. 1986, p. 7.

⁽⁴⁾ OJ No L 253, 5. 9. 1986, p. 8.

⁽⁵⁾ OJ No L 43, 13. 2. 1987, p. 21.

ANNEX

Quantities of raw cane sugar, expressed as tonnes of white sugar :

Originating from the French overseas departments	For refining			
	in metropolitan France	in Portugal	in the United Kingdom	in the other regions of the Community
1. Réunion	192 500	36 000	0	0
2. Guadeloupe and Martinique	34 500	24 000	0	0

COMMISSION REGULATION (EEC) No 2146/87

of 20 July 1987

adopting measures for the supply of raw sugar from beet harvested in the Community to Portuguese refineries during the 1987/88 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 229/87⁽²⁾, and in particular Article 9 (6) and the second subparagraph of Article 39 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purpose of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 12 thereof,

Whereas the second subparagraph of Article 9 (4) of Regulation (EEC) No 1785/81 stipulates that, to the extent necessary for the supply of refineries, provision may be made for the same measures as those taken in regard to raw sugar produced in the French overseas departments to be applied to raw sugar produced from beet harvested in the Community; whereas the raw sugar forward supply estimate for all refineries indicates that such sugar is available for Portuguese refineries for the 1987/88 marketing year;

Whereas Commission Regulation (EEC) No 2145/87⁽⁵⁾ lays down for the 1987/88 marketing year measures for the disposal of raw sugar produced in the French overseas departments and intended for refining in the European regions of the Community; whereas these measures consist of a flat-rate aid for transport to those regions and a refining aid; whereas the abovementioned raw sugar forward supply estimate indicates, after taking account the quantities imported by Portugal at a reduced levy in accordance with the provisions of the first and second subparagraph of Article 303 of the Act of Accession of Spain and Portugal, the existence of a supplementary requirement for the Portuguese refineries; whereas this requirement can be met for the said marketing year from supplies available in the Community by making available to the refineries a quantity of sugar, expressed as white sugar, obtained from beet harvested in the Community; whereas the application to this sugar of the measures provided for in the second subparagraph of Article 9 (4) of

Regulation (EEC) No 1785/81 makes such action possible at the least cost; whereas consequently the same aid measures should be adopted for these quantities of raw beet sugar as those prescribed by Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar⁽⁶⁾;

Whereas certain detailed rules relating to the determination of weights and sugar yields should be laid down, particularly in the case of transport in bulk in the same vessel but on behalf of several sellers;

Whereas in general a considerable period of time elapses between the date on which the sugar in question is loaded and that on which the formalities required for payment of the aid by the competent agency are concluded on arrival; whereas provision should therefore be made for advance payment;

Whereas suitable control provisions with regard to the refined sugar, including a definition of the term refining, should be laid down;

Whereas, for conversion into Escudos of the aid amounts, the conversion rate applicable to the transport aid and to the advance of that aid should be the agricultural conversion rate in force on the day when the bill of lading is made out for the sugar transported, all of which will be transported by sea, and, in so far as the refining aid is concerned, the conversion rate should be the agricultural conversion rate in force on the day when the sugar in question is refined;

Whereas Commission Regulation (EEC) No 3214/86⁽⁷⁾, as amended by Regulation (EEC) No 437/87⁽⁸⁾, determined the quantities of raw sugar obtained from beet harvested in the Community intended, for the 1986/87 marketing year, for the Portuguese refineries and entitled hereby to benefit from the same aids as those granted for the raw sugar produced in the French overseas departments; whereas it was not possible for all of those quantities to be refined in good time but, in being considered as working stock, those quantities are eligible for the refining aid; whereas it is appropriate to provide that the refining aid should be applied to those quantities by attributing them to the quantities fixed in Article 1 of Regulation (EEC) No 3214/86 for the 1986/87 marketing year;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ See page 21 of this Official Journal.

⁽⁶⁾ OJ No L 194, 17. 7. 1986, p. 7.

⁽⁷⁾ OJ No L 299, 23. 10. 1986, p. 24.

⁽⁸⁾ OJ No L 43, 13. 2. 1987, p. 21.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1987/88 marketing year, flat-rate Community aids shall be granted, as an intervention measure, in accordance with the conditions set out in this Regulation, for the transport to and refining in Portugal of raw sugar obtained from beet harvested in the Community, up to a limit equivalent to 72 000 tonnes of white sugar.

Article 2

1. There shall be granted for the sugar referred to in Article 1 delivered to Portuguese refineries and within the prescribed limit:

(a) a flat-rate aid for transport equal to the total aid granted during the 1987/88 marketing year under Article 2 of Regulation (EEC) No 2225/86 for the transport of raw sugar produced in the French overseas departments,
and

(b) an aid for refining in Portuguese refineries made up of:

(aa) an amount per 100 kilograms of raw sugar of standard quality equal to the difference between the storage levy as referred to in the second subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81 that was actually collected for the sugar in question and three times the amount of the monthly reimbursement of storage costs as referred to in the first subparagraph of Article 8 (2) of that Regulation which is applicable during the refining of the sugar,
and

(bb) for each tenth of a percentage point of yield in excess of 92 %, an amount equal to 0,0387 % of the intervention price for raw sugar for the 1987/88 marketing year.

2. The aid specified in paragraph 1 shall be granted on application by the Portuguese undertakings refining the sugar in question to the competent Portuguese authorities.

Article 3

1. The transport aid referred to in Article 2 (1) (a):

(a) shall, be applicable to the accepted arrival weight expressed as white sugar using the yield formula referred to in Article 1 (3) of Council Regulation (EEC) No 431/68 ⁽¹⁾.

In the case of transport in bulk which does not allow the identification of individual lots, the average yield

of the whole quantity delivered shall be applied to all the sugar in question.

(b) shall be paid on presentation by the refiner

— of the customs document of entry for consumption in Portugal or of the copy or photocopy of that document certified to be a true copy either by the body which approved the original document or by the official Portuguese services

and

— the bill of lading, the results of the analyses and the final invoice.

2. The analyses shall be carried out on delivery, in respect of the entire shipment, by 250-tonne lots, by a laboratory approved by Portugal.

3. An advance on the aid referred to in paragraph 1 may be paid, representing 90 % of the amount determined on the basis of the weight shown on the provisional invoice converted into white sugar on the basis of a standard yield of 94 %.

Applications for advance payment shall be made by the refiner concerned and accompanied by the customs document of entry into Portugal, the bill of lading and the provisional invoice.

Article 4

For the granting of the aid referred to in Article 2 (1) (b):

(a) the raw sugar concerned shall, at the refiner's request, be placed under customs control or under another form of administrative control providing the same safeguards;

(b) refining shall be understood to be the conversion of raw sugar as defined in Article 1 (2) (b) of Regulation (EEC) No 1785/81 into white sugar as defined in Article 1 (2) (a) of the said Regulation.

Article 5

1. The aids referred to in Article 2 (1) shall be granted only if the application presented by the refiner is accompanied by evidence recognized by Portugal that the raw sugar in question was obtained from beet harvested in the Community and if the bill of lading for the transported sugar was drawn up on or after 1 July 1987.

2. To permit the granting of the transport aid referred to in Article 2 (1) (a), the Commission shall notify the competent Portuguese authorities of the unit transport aid amounts applicable during the 1987/88 marketing year.

3. Within two months following each relevant month, Portugal shall notify the Commission of the quantities, expressed as white sugar, for which the aid specified in Article 2 (1) has been granted and the sums corresponding to those quantities.

⁽¹⁾ OJ No L 89, 10. 4. 1968, p. 3.

Article 6

For the quantities of sugar falling within the quantity fixed in Article 1 of Regulation (EEC) No 3214/86 for which refining took place as from that 1 July 1987, the refining aid in force during the 1987/88 marketing year by virtue of Article 2 (b) of this Regulation shall be applicable. The quantities so refined shall be attributed to the quantity fixed in Article 1 of Regulation (EEC) No 3214/86 for the 1986/87 marketing year.

Article 7

The conversion into Escudos:

- (a) of the aid referred to in Article 2 (1) (a) and of the advance payments referred to in Article 3 (3) shall be at the agricultural conversion rate applicable on the

day when the bill of lading for the transported sugar is drawn up;

- (b) of the aid referred to in Article 2 (1) (b) shall be at the agricultural conversion rate applicable on the day when the quantity of sugar concerned is refined.

Article 8

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

It shall apply with effect from 1 July 1987.

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

Done at Brussels, 20 July 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2147/87

of 20 July 1987

re-establishing the levying of customs duties on discontinuous synthetic textile fibres, products of category 55 (code 40.0550), originating in Mexico, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3925/86 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3925/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 2 of Regulation (EEC) No 3925/86 provides that preferential tariff treatment shall be accorded, for each category of products subjected to individual ceilings not allocated among the Member States, within the limits of the quantities specified in column 7 of its Annexes I or II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes; whereas Article 3 of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of discontinuous synthetic textile fibres, category 55, the relevant ceiling amounts to 11,2 tonnes, whereas on 7 July 1987 imports of the products in question into the Community, originating in Mexico, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Mexico,

HAS ADOPTED THIS REGULATION:

Article 1

As from 25 July 1987 the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3925/86, shall be re-established in respect of the following products, imported into the Community and originating in Mexico:

Code	Category	CCT heading No	NIMEXE code (1987)	Description
	(1)	(2)	(3)	(4)
40.0550	55	56.04 A	56.04-11, 13, 15, 16, 17, 18	Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning: A. Synthetic textile fibres: Synthetic staple fibres, including waste, carded or combed or otherwise processed for spinning

Article 2

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

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

Done at Brussels, 20 July 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 68.

COMMISSION REGULATION (EEC) No 2148/87

of 20 July 1987

re-establishing the levying of customs duties on yarn of regenerated textile fibres, products of category/27A (code 42.1271), originating in India to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3925/86 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3925/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 2 of Regulation (EEC) No 3925/86 provides that preferential tariff treatment shall be accorded, for each category of products subjected to individual ceilings not allocated among the Member States, within the limits of the quantities specified in column 7 of its Annexes I or II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes; whereas Article 3 of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of yarn of regenerated textile fibres, category 127 A the relevant ceiling amounts to 76,4 tonnes, whereas on 13 July 1987 imports of the products in question into the Community, originating in India, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to India,

HAS ADOPTED THIS REGULATION:

Article 1

As from 25 July 1987 the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3925/86, shall be re-established in respect of the following products, imported into the Community and originating in India:

Code	Category	CCT heading No	NIMEXE code (1987)	Description
	(1)	(2)	(3)	(4)
42.1271	127 A	51.01 ex B	51.01-63, 65, 74, 75	Yarn of man-made fibres (continuous), not put up for retail sale: B. Yarn of regenerated textile fibres: II. Other: Yarn, other than yarn of category 42

Article 2

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

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

Done at Brussels, 20 July 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 68.

COMMISSION REGULATION (EEC) No 2149/87

of 20 July 1987

concerning the stopping of fishing for plaice and saithe by vessels flying the flag of the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities ⁽¹⁾, as last amended by Regulation (EEC) No 4027/86 ⁽²⁾, and in particular Article 10 (3) thereof,Whereas Council Regulation (EEC) No 4034/86 of 22 December 1986, fixing, for certain fish stocks and groups of fish stocks, total allowable catches for 1987 and certain conditions under which they may be fished ⁽³⁾, provides for plaice and saithe quotas for 1987;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of plaice and saithe in the waters of ICES divisions V b (EC-zone), VI, XII and XIV by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quotas

allocated for 1987; whereas the United Kingdom has prohibited fishing for these stocks as from 17 July 1987; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of plaice and saithe in the waters of ICES divisions V b (EC-zone), VI, XII and XIV by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quotas allocated to the United Kingdom for 1987.

Fishing for plaice and saithe in the waters of ICES divisions V b (EC-zone), VI, XII and XIV by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited, as well as the retention on board, the transshipment and the landing of such stocks captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 17 July 1987.

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

Done at Brussels, 20 July 1987.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽²⁾ OJ No L 376, 31. 12. 1986, p. 4.

⁽³⁾ OJ No L 376, 31. 12. 1986, p. 39.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 June 1987

authorizing the Member States to institute intra-Community surveillance of the importation for home use of certain iron and steel products originating in certain third countries and covered by the Treaty establishing the European Coal and Steel Community and in free circulation in the Community

(87/376/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the third paragraph of Article 71 thereof,

Having regard to the requests made by the Member States,

Whereas under the provisions of the ECSC Treaty the principle of freedom of movement necessarily applies to products originating in third countries which are in free circulation in the Community;

Whereas these provisions preclude, in the case of intra-Community trade, any requirement, even of a purely formal nature, to submit import licences or any similar procedure;

Whereas the Commission, in response to the crisis in the iron and steel sector, has adopted measures with both internal and external effects; whereas, in this context, measures have been adopted in respect of imports of certain products originating in certain third countries with a view to ensuring adherence to traditional trade flows between the Community and these countries, including at regional level;

Whereas the combined effect of these measures is not, however, such as to eliminate the risk of deflections of trade in the case of the products in question;

Whereas under these circumstances it is important to ensure that full information is available on prospective imports of products originating in third countries in free circulation in certain Member States and the terms under which the products concerned are imported; whereas the Member States ought accordingly to be authorized to institute prior surveillance of these imports by making them subject to the issue of an import document;

Whereas this import document must be issued automatically, within a fixed time limit and for all the quantities applied for;

Whereas application of these surveillance measures must be of strictly limited duration;

Whereas, so that checking the origin of imports does not act as a barrier to intra-Community trade, the Member States ought as a general rule to be obliged, as part of the formalities for the importation of a product from another Member State, to confine themselves to asking the importer for a simple declaration on the origin of the product, on the basis of what he may reasonably be expected to know of it;

Whereas it is important that the Member States should keep the Commission regularly informed of the results of the surveillance,

HAS ADOPTED THIS DECISION :

Article 1

1. Each of the Member States mentioned in the Annex is hereby authorized to make imports for home use (hereinafter referred to as 'imports') of the iron and steel products covered by the Treaty establishing the European Coal and Steel Community listed in the Annex, originating in the third countries mentioned in the Annex and in free circulation in the other Member States, subject to presentation to the relevant authorities of an import document.

2. The import document shall be issued or countersigned by the Member States, without charge and for all the quantities applied for, upon receipt of the relevant application and at the very latest within 10 working days of the date on which the application was lodged.

3. The period of validity of the import document shall be three months.

4. Import documents which have been completely used up shall be returned immediately to the department which issued them. Unused or partly used documents shall be returned to the department which issued them within five working days following expiry of their period of validity.

Article 2

1. The importer's application shall provide the following particulars :

- (a) the country of origin and the Member State from which the goods are being imported ;
- (b) a description of the goods and the relevant NIMEXE code ;
- (c) the quantity of the goods in tonnes ;
- (d) the name, address, telephone number and telex number of the applicant ;
- (e) documentary evidence of release for free circulation ; failing such evidence, the import document's validity shall be limited to one month from the date of its issue ;
- (f) the characteristics of any seconds or substandard products ;
- (g) the reference data of any previous application for an import document in respect of the same products.

The Member States may not request any additional particulars.

2. The importer must attest to the accuracy of his application and submit as supporting evidence two duplicate copies either of the related sales contract or contracts or of the seller's confirmation of the order or orders.

Article 3

1. As part of the formalities for the importation of products of a kind covered by intra-Community surveillance measures, the relevant authorities of the importing Member State may request the importer to indicate the origin of the goods on the customs declaration or on the application for an import document.

2. Supporting documentation may not be requested except in cases where serious, justified doubts exist rendering such documentation indispensable in order to establish the true origin of the goods in question. Nevertheless, the request for such documentation may not, of itself, constitute an impediment to the importation of the goods.

Article 4

1. The Member States shall notify the Commission during the first 10 days of each month of :

- (a) the tonnages in respect of which import documents were issued during the preceding month ;
- (b) the tonnages in respect of which import documents expired during the preceding month without having been used totally or partially by the importers ;
- (c) the tonnages in respect of which import documents issued previously were totally or partially renewed during the preceding month.

2. The Member States' notifications shall include :

- (a) a breakdown by product, itemized by NIMEXE code ;
- (b) a breakdown by Member State of consignment and by country of origin.

Article 5

This Decision is addressed to the Member States.

It shall apply until 31 December 1987.

Done at Brussels, 24 June 1987.

For the Commission

Willy DE CLERCQ

Member of the Commission

ANNEX

List of imported products for which an import document must be issued

NIMEXE code	Member State	Third country of origin
73.01-23, 35 73.08-03, 05, 07, 21, 25, 29, 41, 45, 49 73.10-12, 14, 15, 17 73.11-16, 19 73.12-19 73.13-17, 19, 21, 23, 43, 45, 47	Germany	Bulgaria Hungary Poland Romania Czechoslovakia USSR People's Republic of Korea
73.01-10 to 49 73.02-01, 09 73.08-01 to 49 73.10-11, 12 to 17 73.11-11 to 19, 41, 50 73.12-11, 19, 21, 51, 71 ex 73.13-11 (other than grain oriented) 73.13-16, 17 to 36, 43 to 49, 64, 65, 67, 68, 72, 92 73.62-10 73.63-21, 29 73.64-20 73.65-55, 81 73.72-11, 13, 19 73.73-23 to 39 73.74-21, 23, 29 73.75-11, 19, 23 to 49, 63, 64, 69, 83, 84, 89	Benelux	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR
Same products as for Benelux, plus : 73.13-41 73.65-21, 23, 25, 53 73.73-72 73.75-53, 54, 59	Italy	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR People's Republic of Korea
All ECSC products falling under headings 73.07 to 73.16 inclusive	United Kingdom	People's Republic of Korea
All ECSC products falling under headings 73.07 to 73.16 inclusive		German Democratic Republic USSR
73.01-10, 21, 23, 25, 27, 31, 35, 41, 49 73.02-01, 09 73.06-10, 20, 30 73.07-12, 21, 24 73.08-03, 05, 07, 21, 25, 29, 41, 45, 49 73.10-11, 12, 14, 15, 17 73.11-11, 12, 14, 16, 19 73.12-19 73.13-16, 17, 19, 21, 23, 26, 41, 43, 45, 47, 49, 64, 67, 68, 72, 87 73.63-21 73.71-51, 52 73.73-23, 25, 26, 29, 33, 35, 36, 39 73.75-19, 23, 29, 33, 43, 53, 59, 63		Bulgaria Hungary Poland Romania

NIMEXE code	Member State	Third country of origin
73.01-10, 21, 23, 25, 27, 31, 35, 41, 49 73.02-01, 09 73.06-10, 20, 30 All ECSC products falling under headings 73.07 to 73.14 inclusive, and the following products falling under heading 73.15 : 73.61-20, 50 73.62-10, 30 73.63-21, 29, 72 73.64-20, 72 73.65-21, 23, 25, 53, 55, 70, 81 73.71-21, 23, 24, 29, 51, 52, 55, 56, 59 73.72-11, 13, 19, 33, 39 73.73-23, 24, 25, 26, 29, 33, 34, 35, 36, 39, 72 73.74-21, 23, 29, 72 73.75-11, 19, 23, 29, 33, 39, 43, 49, 53, 54, 59, 63, 69, 73, 79, 83, 84, 89		Czechoslovakia
73.01-10, 21, 23, 25, 27, 31, 35, 41, 49	Denmark	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR
73.02-01, 09 73.06-10, 20, 30 73.07-12, 21, 24 73.08-01, 03, 05, 07	Ireland	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR People's Republic of Korea
73.08-21, 25, 29, 41, 45, 49 73.09-00 73.10-11, 12, 14, 15, 17, 18, 42 73.11-11, 12, 14, 16, 19, 41, 50 73.12-11, 19, 21, 51, 71 73.13-11, 16, 17, 19, 21, 23, 26, 32, 34, 36, 41, 43, 45, 47, 49, 50, 64, 65, 67, 68, 72, 74, 76, 78, 79, 82, 84, 86, 87, 88, 89, 92 73.61-20 73.62-10, 30 73.63-29, 72 73.64-20, 72 73.65-21, 23, 25, 53, 55, 70, 81 73.71-21, 23, 24, 29, 51, 52 73.72-11, 13, 19, 33, 39 73.73-23, 25, 26, 29, 33, 35, 36, 39, 72 73.74-21, 23, 29, 72 73.75-11, 19, 23, 33, 43, 53, 54, 59, 63, 73, 79, 83, 84, 89	France Spain Portugal	Bulgaria Hungary Poland Romania Czechoslovakia German Democratic Republic USSR Brazil Republic of Korea Japan Argentina Mexico Venezuela Yugoslavia

COMMISSION DECISION

of 29 June 1987

**fixing maximum amounts for contracts awarded under the tendering procedure
opened by Regulation (EEC) No 1271/87 on the supply of various lots of
skimmed-milk powder as food aid**

(87/377/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (EEC) No 773/87 ⁽²⁾, and in particular Article 7 ⁽⁵⁾
thereof,

Whereas under Commission Regulation (EEC) No
1271/87 of 6 May 1987 on the supply of various lots of
skimmed-milk powder as food aid ⁽³⁾ tenders have been
invited for the supply of 1 750 tonnes of skimmed-milk
powder to certain third countries and beneficiary organi-
zations;

Whereas Article 13 (1) of Commission Regulation (EEC)
No 1354/83 of 17 May 1983 laying down general rules for
the mobilization and supply of skimmed-milk powder,
butter and butteroil as food aid ⁽⁴⁾, as last amended by
Regulation (EEC) No 3826/85 ⁽⁵⁾, specifies that in the
light of the tenders received a maximum amount shall be
fixed for each lot, or part thereof if the third subparagraph
of Article 11 (3) is used, or a decision shall be taken to
make no award;

Whereas on the basis of the basis of the tenders received
the maximum amounts should be those specified below;

Whereas the measures provided for in this Decision are in
accordance with the opinion of the Management
Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be adhered to when awards are
made under the tendering procedure opened by Regula-
tion (EEC) No 1271/87 shall be:

— Lot B: 1 354 560 ECU (D).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 June 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 78, 20. 3. 1987, p. 1.

⁽³⁾ OJ No L 120, 8. 5. 1987, p. 9.

⁽⁴⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

COMMISSION DECISION

of 29 June 1987

fixing maximum amounts for contracts awarded under the tendering procedure
opened by Regulation (EEC) No 1270/87 on the supply of various lots of butteroil
as food aid

(87/378/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (EEC) No 773/87 ⁽²⁾, and in particular Article 6 (7)
thereof,

Whereas under Commission Regulation (EEC) No
1270/87 of 6 May 1987 on the supply of various lots of
butteroil as food aid ⁽³⁾ tenders have been invited for the
supply of 1 260 tonnes of butteroil to certain third coun-
tries and beneficiary organizations;

Whereas Article 13 (1) of Commission Regulation (EEC)
No 1354/83 of 17 May 1983 laying down general rules for
the mobilization and supply of skimmed-milk powder,
butter and butteroil as food aid ⁽⁴⁾, as last amended by
Regulation (EEC) No 3826/85 ⁽⁵⁾, specifies that in the
light of the tenders received a maximum amount shall be
fixed for each lot, or part thereof if the third subparagraph
of Article 11 (3) is used, or a decision shall be taken to
make no award;

Whereas on the basis of the tenders received the
maximum amounts should be those specified below;

Whereas the measures provided for in this Decision are in
accordance with the opinion of the Management
Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be adhered to when awards are
made under the tendering procedure opened by Regula-
tion (EEC) No 1270/87 shall be:

- Lot C: 54 296 ECU (IRL),
- Lot E: 71 294 ECU (NL).

In the case of Lot F no award shall be made.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 June 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 78, 20. 3. 1987, p. 1.

⁽³⁾ OJ No L 120, 8. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

COMMISSION DECISION

of 29 June 1987

fixing maximum amounts for contracts awarded under the tendering procedure opened by Regulation (EEC) No 1530/87 on the supply of various lots of butteroil as food aid

(87/379/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 773/87 ⁽²⁾, and in particular Article 6 ⁽⁷⁾ thereof,

Whereas under Commission Regulation (EEC) No 1530/87 of 1 June 1987 on the supply of various lots of butteroil as food aid ⁽³⁾ tenders have been invited for the supply of 1 000 tonnes of butteroil to certain third countries and beneficiary organizations;

Whereas Article 13 (1) of Commission Regulation (EEC) No 1354/83 of 17 May 1983 laying down general rules for the mobilization and supply of skimmed-milk powder, butter and butteroil as food aid ⁽⁴⁾, as last amended by Regulation (EEC) No 3826/85 ⁽⁵⁾, specifies that in the light of the tenders received a maximum amount shall be fixed for each lot, or part thereof if the third subparagraph of Article 11 (3) is used, or a decision shall be taken to make no award;

Whereas on the basis of the tenders received the maximum amounts should be those specified below;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be adhered to when awards are made under the tendering procedure opened by Regulation (EEC) No 1530/87 shall be:

- Lot D: 159 617 ECU (D),
163 140 ECU (D),
- Lot E: 160 411 ECU (F),
177 779 ECU (F).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 June 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 78, 20. 3. 1987, p. 1.

⁽³⁾ OJ No L 143, 3. 6. 1987, p. 5.

⁽⁴⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

COMMISSION DECISION

of 29 June 1987

fixing maximum amounts for contracts awarded under the tendering procedure opened by Regulation (EEC) No 1531/87 on the supply of various lots of skimmed-milk powder as food aid

(87/380/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 773/87 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas under Commission Regulation (EEC) No 1531/87 of 1 June 1987 on the supply of one lot of skimmed-milk powder as food aid ⁽³⁾ tenders have been invited for the supply of 300 tonnes of skimmed-milk powder to certain third countries and beneficiary organizations;

Whereas Article 13 (1) of Commission Regulation (EEC) No 1354/83 of 17 May 1983 laying down general rules for the mobilization and supply of skimmed-milk powder, butter and butteroil as food aid ⁽⁴⁾, as last amended by Regulation (EEC) No 3826/85 ⁽⁵⁾, specifies that in the light of the tenders received a maximum amount shall be fixed for each lot, or part thereof if the third subparagraph of Article 11 (3) is used, or a decision shall be taken to make no award;

Whereas on the basis of the tenders received the maximum amounts should be those specified below;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be adhered to when awards are made under the tendering procedure opened by Regulation (EEC) No 1531/87 shall be:

— Lot A: 525 023 ECU (D).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 June 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 78, 20. 3. 1987, p. 1.

⁽³⁾ OJ No L 143, 3. 6. 1987, p. 13.

⁽⁴⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.