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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 344/92

of 19 December 1991

amending Regulation (EEC) No 4134/86 on the arrangements for imports of certain textile products originating in Taiwan

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 4134/86 of 22 December 1986 on the arrangements for imports of certain textile products originating in Taiwan ⁽¹⁾, as last amended by Regulation (EEC) No 3058/90 ⁽²⁾, allocates shares of the Community quantitative quotas on imports and lays down the arrangements for imports into the Community of the products in question up to 31 December 1991;

Whereas the arrangements should be maintained beyond that date and adjusted as part of the revision of overall Community commercial policy for textile products;

Whereas in the light of the continuing uncertainty surrounding the treatment Taiwan applies to products originating in the Community, 1992 quotas should be set at the levels laid down in Annex II; whereas these levels may, however, be adjusted to take account of changes in the situation and restore the quotas originally established;

Whereas, in order to ensure the best possible utilization of the Community quantitative limits, they should be allocated in accordance with the requirements of the various Member States; whereas, however, the extent of the disparities existing in the conditions for importation of these products into the Member States and the particularly sensitive position of the Community textiles industry mean that the said conditions can be standardized only gradually; whereas, for these reasons, allocation of supplies cannot immediately be effected on the basis of requirements alone; whereas the Member States' shares of the Community quantitative limits for 1992 should be established;

Whereas the import arrangements currently in force expire on 31 December 1991; whereas it is necessary to provide for transitional arrangements in respect of products shipped before 1 January 1992;

Whereas Regulation (EEC) No 4134/86 should be amended in order to maintain it in force, and whereas Annex II to that Regulation should be amended in order to lay down the quantitative limits for 1992,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 4134/86 is hereby amended as follows:

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

'1. From 1 January 1992 to 31 December 1992, imports into the Community of products of the categories listed in Annex I shall be governed by the provisions of this Regulation.'

2. Article 2 is hereby amended as follows:

(a) paragraph 1 shall be replaced by the following:

'1. For 1992, imports into the Community of textile products listed in Annex II and originating in Taiwan shall be subject to quantitative quotas broken down in a manner which will bring about an orderly expansion and development of the market for textiles and a gradual adjustment to the supply needs of the markets, allowing for carry-over and advance drawing between one year and another and for transfers between categories.

The quotas for the period from 1 January to 31 December 1992 are fixed in Annex II.'

(b) paragraph 4 shall be replaced by the following:

'4. After 1 January 1992, the release for free circulation in the Community of the products covered by this Regulation shall be subject to

⁽¹⁾ OJ No L 386, 31. 12. 1986, p. 1.

⁽²⁾ OJ No L 294, 25. 10. 1990, p. 18.

the import arrangements in force before that date provided the products were loaded in Taiwan before 1 January 1992.';

3. Article 2 (7), 2 (8) and 2 (9), are hereby repealed;
4. in Article 6 (2), the date 1 January 1983 shall be replaced by that of 1 January 1987;
5. Article 13 shall be replaced by the following:
6. the descriptions and codes contained in Annex I to this Regulation shall replace the descriptions and codes contained in Annex I for the same categories;
7. Annex II shall be replaced by Annex II to this Regulation.

Article 2

'Article 13

This Regulation shall enter into force on 1 January 1992. It shall apply until 31 December 1992.';

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

It shall be applicable from 1 January to 31 December 1992.

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

Done at Brussels, 19 December 1991.

For the Council
The President
P. DANKERT

ANNEX I

Category	CN code	Description of goods
6	6203 41 10	Men's or boys' woven breeches, shorts other than swimwear and trousers (including slacks); women's or girls' woven trousers and slacks, of wool, of cotton or of man-made fibres
	6203 41 90	
	6203 42 31	
	6203 42 33	
	6203 42 35	Lower parts of tracksuits with lining, other than category 16 or 29, of cotton or of man-made fibres
	6203 42 90	
	6203 43 19	
	6203 43 90	
	6203 49 19	
	6203 49 50	
	6204 61 10	
	6204 62 31	
	6204 62 33	
	6204 62 39	
	6204 63 18	
	6204 69 18	
	6211 32 42	
	6211 33 42	
	6211 42 42	
	6211 43 42	
16	6203 11 00	Men's or boys' suits and ensembles; other than knitted or crocheted, of wool, of cotton or of man-made fibres, excluding ski suits
	6203 12 00	
	6203 19 10	
	6203 19 30	
	6203 21 00	Men's or boys' tracksuits with lining, with an outer shell of a single identical fabric, of cotton or of man-made fibres
	6203 22 80	
	6203 23 80	
	6203 29 18	
	6211 32 31	
	6211 33 31	
21	ex 6201 12 10	Parkas; anoraks, windcheaters, waister jackets and the like, other than knitted or crocheted, of wool, of cotton or man-made fibres
	ex 6201 12 90	
	ex 6201 13 10	
	ex 6201 13 90	
	6201 91 00	Upper parts of tracksuits with lining, other than category 16 or 29, of cotton or of man-made fibres
	6201 92 00	
	6201 93 00	
	ex 6202 12 10	
	ex 6202 12 90	
	ex 6202 13 10	
	ex 6202 13 90	
	6202 91 00	
	6202 92 00	
	6202 93 00	
	6211 32 41	
	6211 33 41	
	6211 42 41	
	6211 43 41	
29	6204 11 00	Women's or girls' suits and ensembles, other than knitted or crocheted, of wool, of cotton or man-made fibres, excluding ski suits
	6204 12 00	
	6204 13 00	
	6204 19 10	
	6204 21 00	Women's or girls' tracksuits with lining, with an outer shell of a single identical fabric, of cotton or of man-made fibres
	6204 22 80	
	6204 23 80	
	6204 29 18	
	6211 42 31	
	6211 43 31	

ANNEX II

**QUANTITATIVE LIMITS AMENDING ANNEX II
OF REGULATION (EEC) No 4134/86 FOR THE YEAR 1992**

(the descriptions of goods are shown in this table in an abbreviated form ⁽¹⁾)

GROUP I A

Category	Description of goods	Third countries	Unit	Member State	1992
(1)	(2)	(3)	(4)	(5)	(6)
2	Woven fabrics of cotton	Taiwan	tonnes	D ⁽²⁾ F ⁽²⁾ I BNL UK IRL DK GR ES PT	1 370 682 834 1 929 715 43 123 11 77 7
2 (a)	Of which: Other than unbleached or bleached	Taiwan	tonnes	EEC D F I BNL UK IRL DK GR ES PT EEC	5 791 116 51 61 81 52 3 11 3 12 3 393
3	Woven fabrics of synthetic fibres (discontinuous)	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT	1 594 1 512 1 985 2 062 478 39 64 151 104 5
3 (a)	Of which: Other than unbleached or bleached	Taiwan	tonnes	EEC D F I BNL UK IRL DK GR ES PT EEC	7 994 105 94 144 105 34 3 5 103 19 2 614

⁽¹⁾ The complete description of the goods is shown in Annex I of Council Regulation (EEC) No 1653/88, (OJ No L 153, 18. 6. 88, p. 1).

⁽²⁾ Within the quantitative limits for Germany and France the following sub-limits exist for products falling within CN code 5208 11 10 and 5208 21 10; Germany: 1992: 531 tonnes; France: 1992: 70 tonnes.

GROUP I B

(1)	(2)	(3)	(4)	(5)	(6)
4	Shirts, undervests, T-shirts and the like, knitted or crocheted	Taiwan ⁽¹⁾	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	3 934 1 306 562 2 155 1 895 48 120 29 49 17 10 115
5	Pullovers	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	5 392 767 913 5 119 7 798 44 184 22 50 16 20 305
6	Woven trousers	Taiwan ⁽¹⁾	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	2 896 253 167 1 299 420 15 50 11 45 10 5 166
7	Blouses	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	2 012 127 126 599 314 4 23 7 21 4 3 237
8	Shirts, other than knitted or crocheted	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	5 668 227 375 1 258 857 12 21 17 68 13 8 516

⁽¹⁾ See Appendix.

GROUP II A

(1)	(2)	(3)	(4)	(5)	(6)
20	Bed linen, other than knitted or crocheted	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	149 16 15 20 18 — 1 3 12 3 237
22	Yarn of staple or waste synthetic fibres	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	2 772 1 212 719 782 1 762 21 326 37 115 18 7 764
22 (a)		Taiwan	tonnes	UK	936
23	Yarn of staple or waste artificial fibres	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	1 178 351 652 1 646 450 16 59 27 75 15 4 469

GROUP II B

(1)	(2)	(3)	(4)	(5)	(6)
12	Socks ⁽¹⁾	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	13 427 3 630 1 568 2 719 6 503 103 4 579 153 454 92 33 228
13	Men's or boy's underpants and briefs, knitted or crocheted	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	1 322 408 164 234 271 6 31 14 94 32 2 576
14	Men's or boy's woven overcoats	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	1 759 347 264 307 412 16 58 28 54 9 3 254
15	Women's or girl's woven overcoats	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	1 303 161 118 198 276 7 28 17 37 7 2 152
16	Suits and ensembles	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	273 34 16 17 28 1 4 3 13 1 390

⁽¹⁾ Excluding stockings for varicose veins falling within CN code 6115 93 10.

(1)	(2)	(3)	(4)	(5)	(6)
17	Jackets and blazers, other than knitted or crocheted	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	499 69 60 40 90 2 7 3 14 1 785
18	Bathrobes, etc. other than knitted or crocheted	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	736 170 129 256 281 5 39 9 28 9 1 662
21	Parkas, anoraks, windcheaters	Taiwan ⁽¹⁾	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	3 943 277 163 674 244 11 66 17 74 13 5 482
24	Pyjamas, nightdresses, knitted or crocheted	Taiwan	1 000 pieces	D ⁽²⁾ F ⁽²⁾ I BNL UK IRL DK GR ES PT EEC	2 137 258 228 326 521 22 47 24 69 12 3 644
26	Dresses	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	2 304 143 119 155 180 5 24 10 52 12 3 004

⁽¹⁾ See Appendix.⁽²⁾ Within the quantitative limits for Germany and France the following sub-limits exist for products falling within CN codes 6108 31 10 and 6108 32 11: Germany 1992: 358 000 pieces; France 1992: 47 000 pieces.

(1)	(2)	(3)	(4)	(5)	(6)
27	Skirts, divided skirts	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	1 009 83 138 124 185 2 16 4 32 4 1 597
28	Trousers, knitted or crocheted	Taiwan ⁽¹⁾	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	542 76 66 76 942 3 29 4 16 3 1 757
29	Women's or girls' suits and ensembles	Taiwan	1 000 pieces	UK	39
31	Brassières	Taiwan	1 000 pieces	UK	472
68	Babies' garments	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	204 23 13 14 257 6 4 2 9 2 534
73	Track suits	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	725 86 70 339 265 4 13 7 22 2 1 533

⁽¹⁾ See Appendix.

(1)	(2)	(3)	(4)	(5)	(6)
77	Ski suits	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	133 16 25 20 57 — 2 4 — — 257
78	Garments, other than knitted or crocheted	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	1 857 437 317 575 545 31 69 23 61 11 3 926
83	Other garments, knitted or crocheted	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	454 113 81 81 98 3 14 11 17 3 875

GROUP III A

(1)	(2)	(3)	(4)	(5)	(6)
33	Woven fabrics of synthetic filament yarn	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	470 175 142 101 211 — 15 18 72 14 1 218
35	Woven fabrics of synthetic fibres (continuous)	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	1 168 433 783 2 437 554 161 138 65 123 26 5 888
37	Woven fabrics of artificial staple fibres	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	3 422 1 300 4 687 1 334 2 844 109 332 79 293 58 14 458
41	Yarns of synthetic filament, continuous	Taiwan	tonnes	ES	363
61	Narrow woven fabrics	Taiwan	tonnes	UK	196
62	Chenille yarn	Taiwan	tonnes	F	78

GROUP III B

(1)	(2)	(3)	(4)	(5)	(6)
10	Gloves, knitted or crocheted	Taiwan	1 000 pairs	D F I BNL UK ⁽¹⁾ IRL DK GR ES PT EEC	5 430 2 449 1 856 3 633 3 429 129 327 83 1 071 89 18 496
67	Clothing accessories	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	348 171 104 142 234 9 21 13 31 9 1 082
74	Suits and ensembles	Taiwan	1 000 pieces	D F I BNL UK IRL DK GR ES PT EEC	89 27 26 25 31 — 2 3 14 3 220
91	Tents	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	342 180 123 103 182 8 28 18 38 8 1 030
97	Nets	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	202 123 39 75 102 40 203 109 17 3 913

⁽¹⁾ Within the quantitative limits for the United Kingdom the following sub-limits for products falling within CN code 6116 10 10: 1992: 649 000 pieces.

(1)	(2)	(3)	(4)	(5)	(6)
97 (a)	Fishing nets	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	75 23 14 9 45 35 130 90 8 1 430
100	Impregnated fabrics	Taiwan	tonnes	ES	333
110	Woven pneumatic mattresses	Taiwan	tonnes	D F I BNL UK IRL DK GR ES PT EEC	1 111 576 420 332 804 27 103 39 93 19 3 524

Appendix

Category	Country	Remarks																						
4	Taiwan	For the purpose of setting off exports against the agreed quantitative limits a conversion rate of five garments (other than babies' garments) of a maximum commercial size of 130 cm for three garments whose commercial size exceeds 130 cm may be applied for up to 4% of the quantitative limits. The export licence concerning these products must bear in box 9 the words 'The conversion rate for garments of a commercial size of not more than 130 cm must be applied'.																						
6	Taiwan	For the purpose of setting off exports against the agreed quantitative limits a conversion rate of five garments (other than babies' garments) of a maximum size of 130 cm for three garments whose commercial size exceeds 130 cm may be applied for up to 5% of the quantitative limits. The export licence concerning these products must bear, in box 9, the words 'The conversion rate for garments of a commercial size of not more than 130 cm must be applied'.																						
21	Taiwan	For the purpose of setting off exports against the agreed quantitative limits a conversion rate of five garments (other than babies' garments) of a maximum commercial size of 130 cm for three garments whose commercial size exceeds 130 cm may be applied for up to 4% of the quantitative limits. The export licence concerning these products must bear, in box 9, the words 'The conversion rate for garments of a commercial size of not more than 130 cm must be applied'.																						
28	Taiwan	In addition to the quantitative limit shown in the Annex for 1992 a specific quantity of 162 tonnes was agreed for exports of bib and brace overalls, breeches and shorts falling within CN codes 6103 41 90, 6103 42 90, 6103 43 90, 6103 49 91, 6104 61 90, 6104 62 90, 6104 63 90 and 6104 69 91 only, broken down as follows: (tonnes) <table><tr><td>D</td><td>F</td><td>I</td><td>BNL</td><td>UK</td><td>IRL</td><td>DK</td><td>GR</td><td>E</td><td>P</td><td>EEC</td></tr><tr><td>84</td><td>7</td><td>7</td><td>13</td><td>49</td><td>1</td><td>1</td><td>—</td><td>—</td><td>—</td><td>162</td></tr></table>	D	F	I	BNL	UK	IRL	DK	GR	E	P	EEC	84	7	7	13	49	1	1	—	—	—	162
D	F	I	BNL	UK	IRL	DK	GR	E	P	EEC														
84	7	7	13	49	1	1	—	—	—	162														

COUNCIL REGULATION (EEC) No 345/92

of 27 January 1992

amending for the eleventh time Regulation (EEC) No 3094/86 laying down certain technical measures for the conservation of fishery resources

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 170/83 of 25 January 1983 establishing a Community system for the conservation and management of fishery resources ⁽¹⁾, as amended by the Act of Accession of Spain and Portugal, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas Article 2 of Regulation (EEC) No 170/83 provides that the conservation measures necessary to achieve the aims set out in Article 1 thereof are to be formulated in the light of the available scientific advice;

Whereas Regulation (EEC) No 3094/86 ⁽²⁾, as last amended by Regulation (EEC) No 3500/91 ⁽³⁾, lays down certain technical measures for the catching and landing of fisheries resources;

Whereas many fish stocks in Community waters are in a disturbing situation which requires conservation measures appropriate to the circumstances in order to safeguard the economic sector which depends on these fishery resources, whilst taking into account the already precarious situation of that sector;

Whereas developments in gear technology have had the consequence that the selectivity of trawls, Danish seines and similar towed nets is less than that on which the technical measures laid down in Regulation (EEC) No 3094/86, are based; whereas, in consequence, it is necessary to lay down certain technical specifications for such gear in order to ensure that their selectivity corresponds to that on which the aforementioned technical measures for conservation are based;

Whereas there is a need to clarify the rules governing minimum sizes where several methods are allowed for measuring the required sizes;

Whereas measures for protecting juveniles and immature fish should not only be known and implemented in the trade but

should be disseminated as widely as possible to the public;

Whereas that information is essential if it is intended to avoid secret and illicit trade and consumption; whereas such information enables better compliance of the rules to be enforced;

Whereas compliance with the rules governing minimum sizes should not involve fishermen in needless complications;

Whereas mackerel and anchovies meeting the minimum-size requirements are too large for use as live bait; whereas therefore, it is appropriate to allow fish of smaller sizes to be kept on board for use as live bait;

Whereas discards currently account for unacceptable wastage on a large scale; whereas a ban on fishing using insufficiently selective techniques or practised in areas where juveniles are concentrated, together with increases in mesh sizes and the prohibition of gear conducive to discarding, constitute a first step towards the final elimination of practices which are incompatible with conservation and the proper use of resources; whereas it is necessary to introduce a coherent system of management and exploitation which reduces discards to a minimum;

Whereas particular attention should be paid to industrial fishing, which is an activity of economic importance to the Community, with regard to its impact on fishery resources; whereas the Community rules should be adapted to allow better management of this activity and its impact on other fisheries;

Whereas industrial fishing is a continuous activity and, accordingly, the conditions governing it should also be stable;

Whereas in the light of the latest scientific advice it is necessary to set seasonal restrictions in certain zones off the Spanish and Portuguese coasts so as to limit catches of juvenile hake;

Whereas on 22 December 1989 the General Assembly of the United Nations adopted Resolution 44/225 on large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas;

⁽¹⁾ OJ No L 24, 27. 1. 1983, p. 1.

⁽²⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽³⁾ OJ No L 331, 9. 12. 1991, p. 2.

Whereas the use of such nets has been the subject of discussions and resolutions in various international fora;

Whereas by Decision 82/72/EEC ⁽¹⁾ the Council approved the Convention on the conservation of European wildlife and natural habitats (Berne Convention);

Whereas the Community has signed the United Nations Convention on the Law of the Sea which requires all the members of the international community to cooperate in the conservation and management of the living resources of the high seas;

Whereas the uncontrolled expansion and growth of driftnetting may entail serious disadvantages in terms of increased fishing effort and increased by-catches of species other than the target species; whereas it is therefore desirable to regulate fishing with driftnets;

Considering the interest aroused at international level and the concern expressed by ecological organizations and many fishermen, including those of the Community, with regard to the use of driftnets;

Whereas provision should be made for phases of adjustment for fishermen who are economically dependent on the use of driftnets, whilst limiting and analysing the ecological impact of corresponding fishing;

Whereas decisions relating to driftnets should be capable of adjustment, where effective conservation and management measures are adopted on the basis of reliable statistical analyses;

Whereas management measures concerning fishing in the Baltic Sea should be adopted within the International Baltic Sea Fishery Commission;

Whereas it is necessary to provide more time in order that measures submitted pursuant to Article 13 of Regulation (EEC) No 3094/86 may be technically examined;

Whereas the adjustment of technical measures applicable in the Skagerrak and Kattegat must be made in consultation with Norway and Sweden;

Whereas a balance needs to be struck between adjusting technical conservation measures to the diversity of the fisheries and the need for homogeneous rules which are easier to apply;

Whereas the rules governing some fisheries are obsolete and should be updated;

Whereas some fisheries using small mesh sizes make by-catches of juveniles of species which should be given special attention; whereas increasing mesh sizes in these fisheries would afford greater protection to the said species;

Whereby producers organizations, Member States and the Community itself should make the necessary effort to provide information to that end and to contribute to a positive and practical promotion campaign, likely to persuade all sectors to accept the proposed measures favourably and implement them in an appropriate fashion;

Whereas, taking account of the latest scientific advice, the definition of fishing for sole should be retained for large vessels;

Whereas with the present standard mesh size large quantities of fish less than the minimum landing size are caught and discarded in Regions 1 and 2; whereas these catches represent a waste of resources; and could be reduced by increasing the standard mesh size to 100 mm in Region 2, except in the Skagerrak and Kattegat where fishery rules are decided in consultation with Norway and Sweden; whereas such consultation on this measure has not yet taken place;

Whereas extensive trials have shown that the use of square mesh panels ahead of and above the cod-end can play a significant part in reducing the capture of undersize fish;

Whereas such measures would increase the abundance of whiting; whereas the latest scientific advice indicates that whiting is a major predator of other species of fish used for human consumption and that an increase in the abundance of whiting could therefore have a negative impact on these other species; whereas, therefore, measures should be implemented to limit preying by whiting;

Whereas the minimum landing size for certain species should be increased; whereas minimum landing sizes should be introduced for other species to ensure better conservation of fishery resources,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3094/86 is hereby amended as follows:

1. the following paragraph shall be added to Article 2:

'11. It shall be prohibited to have on board or to use any trawl, Danish seine or similar towed net of which

⁽¹⁾ OJ No L 38, 10. 2. 1982, p. 1.

the minimum mesh size is equal to or greater than 90 mm having more than 100 meshes in the circumference at least of the cod-end *sensu stricto*, excluding the joinings and selvages.

Any trawl, Danish seine or similar towed net of which the mesh size is equal to or greater than 100 mm may be equipped, in the upper part of the cod-end, with a section (panel or window) of square-meshed netting attached to the joinings or selvages, having a mesh size equal to or greater than 90 mm.

"Square-meshed netting" shall mean netting which is mounted so that the two AB directions of the meshes forming the panel are in one direction, parallel to the longitudinal axis of the cod-end and, in the other direction, at right angles to its longitudinal axis. The AB direction is the direction parallel to a rectilinear sequence of mesh bars, each from adjacent meshes.;

2. Article 5 (1) shall be replaced by the following:

'1. A fish, crustacean or mollusc is undersized, if its dimensions are smaller than the minimum dimensions specified in Annexes II or III for the relevant species and region or particular geographical area, if specified. Where more than one method of measuring the minimum size is provided for, the fish, crustacean or mollusc is deemed to be of the minimum size if at least one of the dimensions found is greater than the corresponding minimum dimension.;

3. Article 5 (2) (b) and (c) shall be replaced by the following:

'(b) The size of Norway lobster and lobsters shall be measured, as shown in Annex IV:

- as the length of the carapace, parallel to the mid-line from the back of either eye socket to the distal edge of the carapace,
- as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae.

Detached Norway lobster tails shall be measured from the front edge of the first segment present of the tail to the rear end of the telson, not including the setae. The tail shall be measured flat and unstretched.

(c) The size of edible crabs shall be measured, as shown in Annex IV:

- as the length of the carapace measured along the mid-line from the interorbital space to the rear edge of the carapace,
- as the maximum width of the carapace measured perpendicular to the mid-line of the carapace,
- as the maximum length of the last two segments of any of the pincer legs.;

4. point (c) of the second subparagraph of Article 5 (3) shall be replaced by the following:

'horse mackerel (*Trachurus* spp.), mackerel (*Scomber* spp.) and anchovies (*Engraulis encrasicolus*) intended for use as live bait.;

5. the following subparagraph shall be added to Article 5 (4):

'Only whole scallops (*Pecten* spp.) may be landed.;

6. the following Article shall be inserted:

'Article 7a

Sprats

1. Trawling for sprat using a mesh size less than 32 mm shall be prohibited all year round in the Skagerrak and Kattegat.

2. Fishing for sprat shall be prohibited:

(a) from 1 July to 31 October in an area bounded by the following points:

- the west coast of Denmark at 55°30' N,
- latitude 55°30' N, longitude 7°00' E,
- latitude 57°00' N, longitude 7°00' E,
- the west coast of Denmark at 57°00' N;

(b) in ICES statistical area 39E8, from 1 January to 31 March and from 1 October to 31 December. For the purpose of this Regulation, this ICES area shall be that bounded by a line due east from the United Kingdom east coast along latitude 55°00' N to a point at longitude 1°00' W, from there due north to a point at latitude 55°30' N and from there due west to the United Kingdom coast;

(c) in the inner waters of the Moray Firth west of longitude 3°30' W and in the inner waters of the Firth of Forth west of longitude 3°00' W, from 1 January to 31 March and from 1 October to 31 December.;

7. the following paragraphs shall be added to Article 9:

'15. (a) From 1 September to 31 December, it shall be prohibited to fish with any trawl, Danish seine or similar towed net in the geographical areas bounded by a line joining the following coordinates:

- the point on the north coast of Spain called Cabo Prior (latitude 43°34' N, longitude 8°19' W),

- latitude 43°50' N, longitude 8°19' W,
 - latitude 43°25' N, longitude 9°12' W,
 - the point on the west coast of Spain called Cabo Villano (latitude 43°10' N, longitude 9°12' W).
- (b) From 1 October to 31 December, it shall be prohibited to fish with any trawl, Danish seine or similar towed net in the geographical areas bounded by a line joining the following coordinates:
- the point on the west coast of Spain called Cabo Corrubedo (latitude 42°35' N, longitude 9°05' W,
 - latitude 42°35' N, longitude 9°25' W,
 - latitude 43°00' N, longitude 9°30' W,
 - the point on the west coast of Spain at latitude 43°00' N.
- (c) From 1 December to the last day of February in the ensuing year, it shall be prohibited to fish with any trawl, Danish seine or similar towed net in the geographical areas bounded by a line joining the following coordinates:
- a point on the west coast of Portugal at latitude 37°50' N,
 - latitude 37°50' N, longitude 9°03' W,
 - latitude 37°00' N, longitude 9°06' W,
 - a point on the west coast of Portugal at latitude 37°00' N.

16. It shall be prohibited for vessels using purse seines or towed gear with a mesh size permitted exceptionally for fishing mackerel, herring and horse mackerel, to carry automatic sorting equipment on board.

Notwithstanding the preceding subparagraph, freezer vessels shall be authorized to carry automatic sorting equipment on board, provided that its sole function is commercial grading of all the fish caught and intended for freezing. Automatic sorting equipment must be installed in such a way that the catch resulting from the grading is immediately frozen for marketing and cannot easily be thrown back into the sea.;

8. the following Article shall be inserted:

'Article 9a

1. No vessel may keep on board, or use for fishing, one or more driftnets whose individual or total length is more than 2,5 kilometres.

2. A derogation shall be granted until 31 December 1993 to vessels that have fished for long finned albacore tuna with driftnets in the north east Atlantic during at least the two years immediately preceding the entry into force of this Regulation. These vessels shall be entered in a Community register and may use driftnets whose length may attain 2,5 kilometres, but whose total resulting length may not exceed 5 kilometres. The headline shall be submerged at a minimum depth of two metres. This derogation shall expire on the abovementioned date, unless the Council, acting by a qualified majority on a proposal from the Commission, decides to extend it in the light of scientific evidence showing the absence of any ecological risk linked thereto.

3. Throughout the fishing referred to in paragraph 1, the net must, if it is longer than one kilometre, remain attached to the vessel. However, within the 12 mile coastal band, a vessel may detach itself from the net, provided it keeps it under constant observation.

4. Notwithstanding Article 1 (1), this Article shall apply in all waters, with the exception of the Baltic Sea, the Belts and the Sound, under the sovereignty or jurisdiction of the Member States and, outside those waters, to all fishing vessels flying the flag of a Member State or registered in a Member State.;

9. in Article 13 (4) and (5) the expression '10 calendar days' shall be replaced by '10 working days';

10. Annex I shall be replaced by Annex I to this Regulation;

11. in Annex II the figures for whiting (*Merlangius merlangus*) for Region 2 except Skagerrak and Kattegat and Region 3 shall be replaced by the figure '23';

12. the specifications in Annex III regarding horse mackerel (*Trachurus trachurus*) and (*Trachurus picturatus*), mackerel (*Scomber scombrus*), Spanish mackerel (*Scomber japonicus*), anchovy (*Engraulis encrasicolus*), and scallop (*Pecten maximus*) shall be replaced by the specifications in Annex II hereto.

Article 2

This Regulation shall enter into force on 1 June 1992.

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

Done at Brussels, 27 January 1992.

For the Council

The President

Arlindo MARQUES CUNHA

ANNEX I

Region	Geographical area	Additional conditions	Minimum mesh size	Authorized target species	Minimum percentage of target species	Maximum percentage of protected species
1 and 2	Entire region		100 diamond ⁽¹⁾	All		100
	North Sea, south of latitude 55°N		80 ⁽²⁾	Sole (<i>Solea vulgaris</i>)	5	100 of which not more than 10% cod, haddock and saithe
	West of Scotland and Rockall (ICES sub-area VI) ⁽³⁾		80	All		100
	ICES sub-area VII		80	All		100
	Entire region		70	Norway lobster (<i>Nephrops norvegicus</i>)	30	60
	Entire region except Skagerrak and Kattegat		90	Whiting (<i>Merlangius merlangus</i>)	50	100 of which not more than 10% cod, saithe and haddock
	Entire region except Skagerrak and Kattegat		40	Mackerel (<i>Scomber scombrus</i>)	50	10
				Horse mackerel (<i>Trachurus trachurus</i>)	50	
				Herring (<i>Clupea harengus</i>)	50	
				Pelagic cephalopods	50	
				Pilchards (<i>Sardina pilchardus</i>)	50	
				Blue whiting ⁽⁴⁾ (<i>Micromesistius poutassou</i>)	50	
	Entire region except Skagerrak and Kattegat		40	Prawns (<i>Pandalus</i> spp. excluding <i>Pandalus montagui</i>)	30	50
	Skagerrak and Kattegat		32	Herring (<i>Clupea harengus</i>) Sprat (<i>Sprattus sprattus</i>)	50	10
	Entire region		30	Argentines (<i>Argentina</i> spp.)	50	10
	Entire region except Skagerrak and Kattegat		20	Prawns/shrimps (<i>Pandalus montagui</i> and <i>Crangon</i> spp.)	30	50

Region	Geographical area	Additional conditions	Minimum mesh size	Authorized target species	Minimum percentage of target species	Maximum percentage of protected species
1 and 2 (cont'd)	Entire region except Skagerrak and Kattegat		16	Sprat (<i>Sprattus sprattus</i>)	50	10
	Entire region		16	Eels (<i>Anguilla anguilla</i>)	20	10
	Skagerrak and Kattegat outside four miles from the baselines		35	Shrimps/prawns (<i>Crangon</i> spp. and <i>Palaemon adspersus</i>)	20	50
	Skagerrak and Kattegat within four miles of the baselines		16	Shrimps/prawns (<i>Crangon</i> spp. and <i>Palaemon adspersus</i>)	20	50
			16	Greater weever (<i>Trachinus draco</i>) Molluscs except cuttlefish (<i>Sepia officinalis</i>) Garfish (<i>Belone belone</i>) Grey gurnard (<i>Eutrigla gurnardus</i>)	50	10
	Skagerrak and Kattegat		16	Blue whiting (<i>Micromesistius poutassou</i>)	50	10
	Skagerrak	From 1 November to last day of February	16	Sand-eels (<i>Ammodytidae</i>)	50	10
	Kattegat	From 1 August to last day of February	16	Sand-eels (<i>Ammodytidae</i>)	50	10
		From 1 March to 31 July	—	Sand-eels (<i>Ammodytidae</i>)	50	10
	Entire region except fishing sector for Norway pout ⁽⁵⁾		16	Norway pout (<i>Trisopterus esmarkii</i>)	50	10
	North Sea	From 1 November to last day of February	16	Sand-eels (<i>Ammodytidae</i>)	50	10
		From 1 March to 31 October	—	Sand-eels (<i>Ammodytidae</i>)	50	10
	Entire region except North Sea and Skagerrak and Kattegat		—	Sand-eels (<i>Ammodytidae</i>)	50	10
	Skagerrak and Kattegat		90	All		100
			70	Whiting (<i>Merlangius merlangus</i>)	50	30 except whiting

Region	Geographical area	Additional conditions	Minimum mesh size	Authorized target species	Minimum percentage of target species	Maximum percentage of protected species
1 and 2 (cont'd)			35	Prawns (<i>Pandalus borealis</i>)	20	50
			32	Mackerel (<i>Scomber scombrus</i>) Horse mackerel (<i>Trachurus trachurus</i>)	50	10
3	Entire region		65	All		100
			40	Mackerel (<i>Scomber</i> spp.) Blue whiting (<i>Micromesistius poutassou</i>) Herring (<i>Clupea harengus</i>) Pelagic cephalopods Horse mackerel (<i>Trachurus</i> spp.)	50 50 50 50 50 or 80 cumulative	10
		Selective trawls	65 ⁽⁶⁾ 50 ⁽⁶⁾	Norway lobster (<i>Nephrops norvegicus</i>)	30 ⁽⁷⁾	60 ⁽⁸⁾
		Non-selective trawls	55	Norway lobster (<i>Nephrops norvegicus</i>)	30 ⁽⁷⁾	60 ⁽⁸⁾
			55	Shrimps (<i>Parapenaeus longirostris</i> , <i>Aristeus antennatus</i> and <i>Aristaeomorpha foliacea</i>)	30	50
	Gulf of Cadiz ⁽⁹⁾		40	All species except those listed in Annex II for Region 3	50	10
	Entire region		20	Pilchards (<i>Sardina pilchardus</i>) Eels (<i>Anguilla anguilla</i>)	50	10
		Within 12 miles of the Member States' baselines	20	Shrimps (<i>Crangon</i> spp. and <i>Palaemon</i> spp.)	30	50
			16	Sprat (<i>Clupea sprattus</i>) Anchovies (<i>Engraulis encrasicolus</i>) Sand-eels (<i>Ammodytidae</i>)	50	10
4	Entire region					

Region	Geographical area	Additional conditions	Minimum mesh size	Authorized target species	Minimum percentage of target species	Maximum percentage of protected species
5	Entire region		65	All		100
			40	Mackerel (<i>Scomber</i> spp.) and Horse Mackerel (<i>Trachurus</i> spp.)	80	10
			20	Bogue (<i>Boops boops</i>) Pilchards (<i>Sardina pilchardus</i>)	50	10
6	Entire region		100	All		100
			45	Shrimps (<i>Penaeus subtilis</i> , <i>Penaeus brasiliensis</i> , <i>Xiphopenaeus kroyeri</i>)	30	50
7	Entire region					
8	Entire region					

(1) The upper half of the trawl cod-end may comprise a section (panel or window) of square mesh netting with a mesh size equal to or greater than 90 mm attached to the selvages and joinings.

(2) It is forbidden to carry on board any trawl or netting with a mesh size smaller than that of the net being used for fishing.

(3) South of a line running west from the east coast of the Sound of Jura at latitude 56°00'N.

(4) Blue whiting is not an authorized target species in the area bounded to the North by latitude 52°30'N and to the east by longitude 7°00'W.

(5) The fishing sector for Norway pout is understood as that part of the North Sea within the sovereignty or jurisdiction of a Member State and bounded to the south by a line starting from a point at 56°N on the east coast of Scotland as far as 2°E, then running north to 58°N, west to 0°30'W, north to 59°15'N, east to 1°E, north to 60°N, west to longitude 0°00', from there north to 60°30'N, west to the coast of the Shetland Isles, then west from 60°N on the west coast of the Shetlands to 3°W, south to 58°30'N and finally west to the coast of Scotland.

(6) Selective trawls must comprise top cod-end with a minimum mesh size of 65 mm and a bottom cod-end with a minimum mesh size of 50 mm, separated by a horizontal panel of netting.

(7) 25% between 1 January and 31 March.

(8) By way of derogation from Article 2 (4) of this Regulation, and until 31 December 1991, this percentage shall not be calculated until the third trawl has been made.

(9) The Gulf of Cadiz is defined as the area within ICES division IX a east of a line drawn due south from a point at longitude 7°52'W on the south coast of Portugal.

ANNEX II

Species	Region	Geographical area	Minimum size
Mackerel (<i>Scomber</i> spp.)	1, 2, 3 and 5	Except North Sea	20 cm
	2	North Sea	30 cm
Anchovy (<i>Engraulis encrasicolus</i>)	3	Except Division IX a	12 cm
	3	Division IX a	10 cm
Horse mackerel (<i>Trachurus</i> spp.)	1, 2, 3 and 5		15 cm
Scallop (<i>Pecten maximus</i>)	2 and 3	Except Division VII d	100 mm
	2	Division VII d	110 mm

COUNCIL REGULATION (EEC) No 346/92

of 27 January 1992

on the conclusion of the Protocol establishing for the period 16 June 1991 to 15 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 155 (2) (b) thereof,

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

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

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau ⁽³⁾ signed in Bissau on 27 February 1980, as last amended by the Agreement signed in Brussels on 29 June 1987 ⁽⁴⁾, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of application of the Protocol referred to in Article 9 of that Agreement;

Whereas, as a result of these negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period 16 June 1991 to 15 June 1993 was initialled on 13 June 1991;

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

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

Article 1

The Protocol establishing for the period 16 June 1991 to 15 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

With a view to taking into consideration the interest of the Canary Islands, the Protocol referred to in Article 1 and, in so far as is necessary for its application, the provisions of the common fisheries policy relating to the conservation and management of fishery resources shall also apply to vessels which sail under the flag of Spain, which are recorded on a permanent basis in the registers of the relevant authorities at local level (registros de base) in the Canary Islands, under the conditions specified in Note 6 to Annex I to Council Regulation (EEC) No 1135/88 of 7 March 1988 concerning the definition of the concept of originating products and methods of administrative cooperation in trade between the customs territory of the Community, Ceuta and Melilla and the Canary Islands ⁽⁵⁾.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

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

⁽¹⁾ OJ No C 228, 3. 9. 1991, p. 7.

⁽²⁾ OJ No C 13, 20. 1. 1992.

⁽³⁾ OJ No L 226, 29. 8. 1980, p. 33.

⁽⁴⁾ OJ No L 113, 30. 4. 1987, p. 1.

⁽⁵⁾ OJ No L 114, 2. 5. 1988, p. 1.

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

Done at Brussels, 27 January 1992.

For the Council

The President

Arlindo MARQUES CUNHA

PROTOCOL

establishing for the period 16 June 1991 to 15 June 1993 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau

THE PARTIES TO THIS PROTOCOL,

Article 4

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau signed in Bissau on 27 February 1980, as last amended by the Agreement signed in Brussels on 29 June 1987,

The Community shall also contribute during the period referred to in Article 1 the sum of ECU 850 000 towards the financing of a Guinea-Bissau scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of Guinea-Bissau and the functioning of the marine biology laboratory.

HAVE AGREED AS FOLLOWS:

This sum shall be made available to the Government of the Republic of Guinea-Bissau and paid into the account indicated by the Guinea-Bissau authorities.

Article 1

For a period of two years from 16 June 1991, the fishing rights granted pursuant to Article 4 of the Agreement shall be as follows:

Article 5

1. (a) freezer shrimp trawlers: 11 000 GRT per month, annual average;
- (b) freezer fin fish and cephalopod trawlers: 6 000 GRT per month, annual average;
2. freezer tuna seiners: 20 vessels;
3. pole-and-line tuna vessels and surface longliners: 12 vessels.

The two Parties agree that improving the skills of those involved in sea fishing is a vital element in the success of their cooperation. To that end, the Community shall make it easier for nationals of Guinea-Bissau to find places in establishments in its Member States and shall provide for that purpose, during the period referred to in Article 1, awards for study and practical training in the various scientific, technical and economic disciplines relating to fisheries.

Article 2

1. The financial compensation referred to in Article 9 of the Agreement shall be, for the period referred to in Article 1, ECU 12 000 000, payable in two equal annual instalments.
2. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Guinea-Bissau.
3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Guinea-Bissau.

The awards may also be used in any country linked with the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 500 000. At the request of the Guinea-Bissau authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries or the organization of seminars on fishing in Guinea-Bissau, or to strengthen the administrative infrastructure of the Office of the Secretary of State for Fisheries. The sum shall be payable as and when it is used.

Article 6

Should the Community fail to make the payments provided for in Articles 2 and 4, the application of this Protocol may be suspended.

Article 3

At the request of the Community, the fishing rights referred to in Article 1 (1) (a) and (b) may be increased by successive instalments of 1 000 GRT per month, calculated on an annual average basis. In this case, the financial compensation referred to in Article 2 shall be increased proportionately.

Article 7

The Annex to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau is hereby repealed and replaced by the Annex to this Protocol.

Article 8

This Protocol shall enter into force on the date on which it is signed.

It shall be applicable from 16 June 1991.

Article 9

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, each text being equally authentic.

ANNEX

CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN
GUINEA-BISSAU'S FISHING ZONE

A. Licence application and issuing formalities

The procedure for applications for, and issue of, the licences enabling Community vessels to fish in Guinea-Bissau's fishing zone shall be as follows:

The relevant Community authorities shall present to the Office of the Secretary of State for Fisheries of the Republic of Guinea-Bissau, via the Commission Delegation in Guinea-Bissau, an application for each vessel that is to be used for fishing under the Agreement, 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 the Government of the Republic of Guinea-Bissau, specimens of which are attached hereto (Appendix 1).

Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity. Payment shall be made into the account referred to in Article 2 of the Protocol.

The fees shall include all national and local taxes with the exception of port fees and fees for the provision of services.

By way of derogation from Article 4 (3) of the Agreement, the licences shall be valid from their date of issue to 31 December of the year in which they are issued or to the expiry of the Protocol in the case of the last year of application of the Protocol. The fees are annual. However, during the first and last years of application of the Protocol they shall be payable in proportion to the period of validity of the Agreement.

Licences for tuna seiners, pole-and-line tuna vessels and surface longliners shall be issued by the Guinea-Bissau authorities within the 30-day time limit laid down above to the shipowners or their representatives via the Delegation of the Commission of the European Communities in Guinea-Bissau.

Freezer trawlers must be present in the port of Bissau when the licence is handed over. The Delegation of the Commission of the European Communities shall be notified of each licence issued.

Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the European Economic Community, and where force majeure is proven, a vessel's licence shall be replaced by a new licence for another vessel whose features are similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Office of the Secretary of State for Fisheries of the Republic of Guinea-Bissau via the authorities of the Commission of the European Communities.

The licence must be held on board at all times.

1. *Provisions applicable to trawlers*

For the duration of this Protocol the fees for annual licences shall be as follows:

ECU 188 per GRT per year for fin fish trawlers;

ECU 209 per GRT per year for cephalopod trawlers;

ECU 266 per GRT per year for shrimp trawlers.

The fees for a calendar year may be paid in four-monthly or half-yearly instalments, in which case they shall be increased by 5 or 3 % respectively.

2. *Provisions applicable to tuna vessels and surface longliners*

(a) The fees shall be ECU 20 per tonne caught within Guinea-Bissau's fishing zone.

- (b) Licences shall be issued following payment to the Office of the Secretary of State for Fisheries of a lump sum of ECU 1 500 a year for each tuna seiner and ECU 300 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees for:
- 75 tonnes of tuna caught per year in the case of seiners,
 - 15 tonnes caught per year in the case of pole-and-line tuna vessels and surface longliners.

The final statement of the fees due for the fishing period 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 each shipowner and confirmed by the scientific institutes responsible for verifying catch date (Orstom and IEO — Spanish Institute of Oceanography). The statement shall be forwarded simultaneously to the Office of the Secretary of State for Fisheries and to the shipowners. Any additional payment due shall be made by the shipowners to the Office of the Secretary of State for Fisheries of Guinea-Bissau by 31 May of the following year at the latest, in accordance with the procedure for payment set out in Article 2 of the Protocol.

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

B. Statement of catch

For all Community vessels authorized to fish in Guinea-Bissau's waters under the Agreement a statement of their catch must be provided to the Office of the Secretary of State for Fisheries, with a copy to the Commission Delegation in Guinea-Bissau, in accordance with the procedures set out below:

- for trawlers, a statement of catch shall be made out according to the specimen annexed hereto (Appendix 2). The statements of catch shall be drawn up each month and presented at least once each quarter,
- for tuna seiners, pole-and-line tuna vessels and surface longliners, a fishing log shall be kept, in accordance with Appendix 3, for each fishing period spent in Guinea-Bissau's fishing zone. The form must be sent, within 45 days of the end of the fishing voyage spent in the Guinea-Bissau fishing zone, to the Office of the Secretary of State for Fisheries via the Delegation of the Commission of the European Communities in Guinea-Bissau,
- forms must be completed legibly and be signed by the master of the vessel.

Should this provision not be adhered to, the Government of Guinea-Bissau reserves the right to suspend the licence of the offending vessel until the formality has been complied with.

C. By-catches

1. Fin fish trawlers may not hold on board crustaceans representing more than 10 % of their total catch in the Guinea-Bissau fishing zone.

Cephalopod trawlers may not hold on board crustaceans representing more than 5 % or fish representing more than 10 % of their total catch in the Guinea-Bissau fishing zone.
2. Pole-and-line tuna vessels shall, moreover, be authorized to fish for live bait in order to carry out their fishing activities in the Guinea-Bissau fishing zone.

D. Signing-on of seamen

Owners who have been issued fishing licences under the Agreement shall contribute to the on-the-job vocational training of Guinea-Bissau nationals, subject to the conditions and limits set out below:

1. each trawler owner shall undertake to employ:
 - three seamen/fishermen on vessels of up to 300 GRT,
 - four seamen/fishermen on vessels of between 300 and 400 GRT,
 - five seamen/fishermen on vessels of more than 400 GRT;
2. owners of tuna vessels and surface longliners shall undertake to employ Guinea-Bissau nationals, subject to the conditions and limits set out below:
 - for the fleet of tuna seiners, four Guinea-Bissau seamen shall be signed on permanently in the Guinea-Bissau fishing zone,
 - for the fleet of pole-and-line tuna vessels and surface longliners, six Guinea-Bissau seamen shall be signed on for the tuna fishing season in the Guinea-Bissau fishing zone, all of them to be assigned to different vessels;

3. the wages of these seamen/fishermen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the Office of the Secretary of State for Fisheries; the wages shall be borne by the shipowners and must include the social contributions to which the seaman is subject (including life assurance and accident and sickness insurance).

Should the seamen not be signed on, owners of tuna seiners, pole-and-line tuna vessels and surface longliners shall be obliged to pay a lump sum equivalent to the wages of seamen not signed on.

This sum will be used for the training of seamen/fishermen in Guinea-Bissau and is to be paid into an account specified by the Guinea-Bissau authorities.

E. Taking on board of observers

1. The observer's task shall be to check on fishing activities in the Guinea-Bissau fishing zone. He shall be offered every facility needed to carry out his duties, including access to premises and documents. He must not remain on board any longer than is necessary for the accomplishment of his duties. The master of the vessel shall facilitate the work of the observer, who shall be accorded the conditions enjoyed by officers of the vessel. The salary and the social contributions of the observer shall be borne by the Government of Guinea-Bissau.

Should the observer be taken on board in a foreign port, his travelling costs shall be borne by the shipowner. Should a vessel with an observer on board leave the Guinea-Bissau fishing zone, all measures must be taken to ensure the observer's return to Guinea-Bissau as soon as possible at the expense of the shipowner.

2. Each trawler shall take on board an observer designated by the Office of the Secretary of State for Fisheries. As a contribution to the costs arising from the presence of the observer on board, the shipowner shall pay the Guinea-Bissau authorities the sum of ECU 4 per GRT per year per vessel exercising fishing activities in Guinea-Bissau waters at the same time as the licence fee is paid.
3. Tuna vessels and surface longliners shall take an observer on board at the request of the Office of the Secretary of State for Fisheries.

In that case, the port of embarkation shall be determined by mutual agreement between the Office of the Secretary of State for Fisheries and the shipowners or their representatives at a meeting to be arranged between the two parties.

F. Inspection and monitoring

Any Community vessel fishing in Guinea-Bissau's fishing zone shall allow on board any official of Guinea-Bissau responsible for inspection and monitoring and shall assist him in the accomplishment of his duties. The official must not remain on board any longer than is necessary for the verification of catches by random checks and for any other inspection relating to fishing activities.

G. Fishing zones

The freezer trawlers referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond 12 nautical miles from the base lines.

H. Meshes authorized

The minimum mesh size authorized for the trawl body (mesh fully extended) shall be:

- (a) 60 mm for fin fish vessels;
- (b) 40 mm for cephalopod vessels;
- (c) 40 mm for shrimp vessels;
- (d) 16 mm for fishing for live bait.

Outrigger fishing shall be authorized.

I. Entering and leaving the zone

All Community vessels fishing under the Agreement in the Guinea-Bissau zone shall communicate to the radio station of the Office of the Secretary of State for Fisheries the date and time and their position when entering and leaving the Guinea-Bissau fishing zone.

The call sign, frequency and working hours of the station shall be communicated to the shipowners by the Office of the Secretary of State for Fisheries at the time the licence is issued.

In cases where this radio communication cannot be used, vessels may use alternative means, such as telex (No 266 SEP BI), telegram or telefax (No 20 11 57).

J. Procedure in case of boarding

The authorities of the Commission of the European Communities in Guinea-Bissau shall be notified within 48 hours of any boarding with the Guinea-Bissau fishing zone of a fishing vessel flying the flag of a Member State of the Community and shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through an administrative procedure. This procedure shall end no later than three working days after the boarding.

If the case cannot be settled by administrative procedure and has to be brought before a competent judicial body, the competent authority shall fix a bank security within 48 hours of the completion of the administrative procedure pending the judicial decision. The size of the security shall not exceed the maximum fine provided for in national legislation in respect of the presumed infringement.

The bank security shall be released by the competent authority once the master of the vessel has been acquitted by the judicial decision.

The vessel and its crew shall be released:

- either on fulfilment of the obligations arising from the administrative procedure, or
- once the bank security has been lodged.

Should one of the parties consider it necessary, it may request urgent consultations pursuant to Article 10 of the Agreement.

Appendix 1

APPLICATION FORM
FOR A
FISHING LICENCE

For official use only	Remarks
Nationality:	
Licence No:	
Date of signing:	
Date of issue:	

APPLICANT

Name of firm:

Trade register No:

First name and surname of applicant:

Date and place of birth:

Occupation:

Address:

.....

No of employees:

Name and address of co-signatory:

.....

VESSEL

Type of vessel: Registration No:

New name: Former name:

Date and place of construction:

Original nationality:

Length: Beam: Hold:

Gross tonnage: Net tonnage:

Type of building materials:

Make of main engine: Type: Rating:

Propeller: Fixed ☐ Variable ☐ Ducted ☐

Transit speed:

Call sign: Call frequency:

List of sounding, navigating and transmission instruments:

Radar	☐	Sonar	☐	Netsonde	☐
VHF	☐	SSB	☐	Netsonde satellite navigation	☐
				Other	

No of seamen:

CONSERVATION

Packed in ice ☐ Ice and refrigeration ☐
Freezing in brine ☐ Dry ☐ Refrigerated sea water ☐

Total refrigerating power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Demersal

Inshore demersal ☐ Deep-sea demersal ☐

Type of trawl:
Cephalopods ☐ Shrimps ☐ Fish ☐

Length of trawl: Headline:

Mesh size in the body:

Mesh size in the wings:

Speed of trawling:

B. Deep-sea pelagic (tuna)

Pole and line ☐ No of poles and lines ☐

Seine ☐ Length of net: Depth of net:

No of tanks: Capacity in tonnes:

C. Longlines and pots

Surface ☐ Bottom ☐

Length of lines: No of hooks:

No of lines:

No of pots:

SHORE INSTALLATIONS

Address and permit No:

.....

Name of firm:

Activities:

Domestic wholesale fish trade ☐Export ☐

Type and No of wholesale trader's card:

Description of processing and conservation plant:

.....

.....

.....

.....

.....

No of employees:

Technical remarks

Authorization of the Ministry

Month:	Year:
Fishing method:	
Port of landing:	

Fishing modalities

☐ **Online**

Fishing modalities
☐ Longline
☐ Bait boat
☐ Purse seiner
☐ Trawling
☐ Others

[illegible]

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 3/91 OF THE EEC-AUSTRIA JOINT COMMITTEE

of 19 December 1991

amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation

(92/108/EEC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Austria, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter referred to as Protocol 3, and in particular Article 28 thereof,

Whereas there is no manufacture of maize flour (masa flour) in the Community, nor in the EFTA countries, a modification, limited to a two-year period, of the rules of origin established by Protocol 3 applicable to products of HS heading No 1905, is justified,

HAS DECIDED AS FOLLOWS:

Article 1

The reference (1) and the footnote in the list annexed to this Decision shall be inserted in the List in Annex III to Protocol 3 to the EEC-Austria Agreement.

Article 2

This Decision shall apply with effect from 1 December 1991.

Done at Brussels, 19 December 1991.

For the Joint Committee

The President

G. WAAS

ANNEX

List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers; empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	Manufacture from materials of any heading except those of Chapter 11 ⁽¹⁾

⁽¹⁾ However, until 30 November 1993, maize flour (masa flour), obtained by the 'nixtamalization' method (alkaline cooking and steeping), may be used.

DECISION No 3/91 OF THE EEC-FINLAND JOINT COMMITTEE**of 13 December 1991****amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation****(92/109/EEC)**

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Finland, signed in Brussels on 5 October 1973,

Having regard to Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter referred to as Protocol 3, and in particular Article 28 thereof,

Whereas there is no manufacture of maize flour (masa flour) in the Community, nor in the EFTA countries, a modification, limited to a two-year period, of the rules of origin established by Protocol 3 applicable to products of HS heading No 1905, is justified,

HAS DECIDED AS FOLLOWS:

Article 1

The reference (1) and the footnote in the list annexed to this Decision shall be inserted in the List in Annex III to Protocol 3 to the EEC-Finland Agreement.

Article 2

This Decision shall apply with effect from 1 December 1991.

Done at Brussels, 13 December 1991.

*For the Joint Committee**The President*

R. COHEN

ANNEX

List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
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⁽¹⁾ However, until 30 November 1993, maize flour (masa flour), obtained by the 'nixtamalization' method (alkaline cooking and steeping), may be used.

DECISION No 3/91 OF THE EEC-ICELAND JOINT COMMITTEE

of 20 December 1991

amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation

(92/110/EEC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Iceland, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter referred to as Protocol 3, and in particular Article 28 thereof,

Whereas there is no manufacture of maize flour (masa flour) in the Community, nor in the EFTA countries, a modification, limited to a two-year period, of the rules of origin established by Protocol 3 applicable to products of HS heading No 1905, is justified,

HAS DECIDED AS FOLLOWS:

Article 1

The reference (1) and the footnote in the list annexed to this Decision shall be inserted in the List in Annex III to Protocol 3 to the EEC-Iceland Agreement.

Article 2

This Decision shall apply with effect from 1 December 1991.

Done at Brussels, 20 December 1991.

*For the Joint Committee**The President*

H. HAFSTEIN

ANNEX

List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
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⁽¹⁾ However, until 30 November 1993, maize flour (masa flour), obtained by the 'nixtamalization' method (alkaline cooking and steeping), may be used.

DECISION No 3/91 OF THE EEC-NORWAY JOINT COMMITTEE
of 10 December 1991
amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation
(92/111/EEC)

THE JOINT COMMITTEE,
Having regard to the Agreement between the European Economic Community and the Kingdom of Norway, signed in Brussels on 14 May 1973,
Having regard to Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter referred to as Protocol 3, and in particular Article 28 thereof,
Whereas there is no manufacture of maize flour (masa flour) in the Community, nor in the EFTA countries, a modification, limited to a two-year period, of the rules of origin established by Protocol 3 applicable to products of HS heading No 1905, is justified,
HAS DECIDED AS FOLLOWS:

Article 1

The reference (1) and the footnote in the list annexed to this Decision shall be inserted in the List in Annex III to Protocol 3 to the EEC-Norway Agreement.

Article 2

This Decision shall apply with effect from 1 December 1991.

Done at Brussels, 10 December 1991.

For the Joint Committee
The President
E. BERG

ANNEX

List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
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1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers; empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	Manufacture from materials of any heading except those of Chapter 11 ⁽¹⁾

⁽¹⁾ However, until 30 November 1993, maize flour (masa flour), obtained by the 'nixtamalization' method (alkaline cooking and steeping), may be used.

DECISION No 3/91 OF THE EEC-SWEDEN JOINT COMMITTEE

of 6 December 1991

amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation

(92/112/EEC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Kingdom of Sweden, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter referred to as Protocol 3, and in particular Article 28 thereof,

Whereas there is no manufacture of maize flour (masa flour) in the Community, nor in the EFTA countries, a modification, limited to a two-year period, of the rules of origin established by Protocol 3 applicable to products of HS heading No 1905, is justified,

HAS DECIDED AS FOLLOWS:

Article 1

The reference (1) and the footnote in the list annexed to this Decision shall be inserted in the List in Annex III to Protocol 3 to the EEC-Sweden Agreement.

Article 2

This Decision shall apply with effect from 1 December 1991.

Done at Brussels, 6 December 1991.

*For the Joint Committee**The President*

S. BRATTSTRÖM

ANNEX

List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
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⁽¹⁾ However, until 30 November 1993, maize flour (masa flour), obtained by the 'nixtamalization' method (alkaline cooking and steeping), may be used.

DECISION No 3/91 OF THE EEC-SWITZERLAND JOINT COMMITTEE

of 13 December 1991

amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation

(92/113/EEC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Swiss Confederation, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation, hereinafter referred to as Protocol 3, and in particular Article 28 thereof,

Whereas there is no manufacture of maize flour (masa flour) in the Community, nor in the EFTA countries, a modification, limited to a two-year period, of the rules of origin established by Protocol 3 applicable to products of HS heading No 1905, is justified,

HAS DECIDED AS FOLLOWS:

Article 1

The reference (1) and the footnote in the list annexed to this Decision shall be inserted in the List in Annex III to Protocol 3 to the EEC-Switzerland Agreement.

Article 2

This Decision shall apply with effect from 1 December 1991.

Done at Brussels, 13 December 1991.

*For the Joint Committee**The President*

R. COHEN

ANNEX

List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
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⁽¹⁾ However, until 30 November 1993, maize flour (masa flour), obtained by the 'nixtamalization' method (alkaline cooking and steeping), may be used.