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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1701/2006
of 17 November 2006
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 November 2006.

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

Done at Brussels, 17 November 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 17 November 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	67,4
	204	30,1
	999	48,8
0707 00 05	052	114,3
	204	66,2
	628	171,8
	999	117,4
0709 90 70	052	149,2
	204	151,2
	999	150,2
0805 20 10	204	83,3
	999	83,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	66,3
	092	17,6
	400	86,5
	999	56,8
0805 50 10	052	52,0
	388	53,6
	528	46,2
	999	50,6
0806 10 10	052	110,9
	388	221,7
	504	243,3
	508	263,0
	999	209,7
0808 10 80	096	29,0
	388	93,5
	400	101,2
	404	99,2
	720	75,7
	800	145,7
0808 20 50	999	90,7
	052	118,3
	720	58,5
	999	88,4

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1702/2006**of 17 November 2006****fixing the minimum selling prices for butter for the 20th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies may sell by standing invitation to tender certain quantities of butter from intervention stocks that they hold and may grant aid for cream, butter and concentrated butter. Article 25 of that Regulation lays down that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further laid down

that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure. The amount of the processing security as referred to in Article 28 of Regulation (EC) No 1898/2005 should be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 20th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the minimum selling prices for butter from intervention stocks and the amount of the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 18 November 2006.

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

Done at Brussels, 17 November 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

ANNEX

Minimum selling prices for butter and processing security for the 20th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005*(EUR/100 kg)*

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	210	211	—	211
		Concentrated	206,1	—	—	—
Processing security		Unaltered	45	45	—	45
		Concentrated	45	—	—	—

COMMISSION REGULATION (EC) No 1703/2006**of 17 November 2006****fixing the maximum aid for cream, butter and concentrated butter for the 20th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies may sell by standing invitation to tender certain quantities of butter of intervention stocks that they hold and may grant aid for cream, butter and concentrated butter. Article 25 of that Regulation lays down that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further laid down

that the price or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure. The amount of the processing security as referred to in Article 28 of Regulation (EC) No 1898/2005 should be fixed accordingly.

- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 20th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005 the amount of the maximum aid for cream, butter and concentrated butter and the amount the processing security, as referred to in Articles 25 and 28 of that Regulation respectively, are fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 18 November 2006.

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

Done at Brussels, 17 November 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

ANNEX

Maximum aid for cream, butter and concentrated butter and processing security for the 20th individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 1898/2005

(EUR/100 kg)

Formula		A		B	
Incorporation procedure		With tracers	Without tracers	With tracers	Without tracers
Maximum aid	Butter $\geq 82\%$	17,5	14	14	14
	Butter $< 82\%$	—	13,65	—	13
	Concentrated butter	20	16,58	20	16,5
	Cream	—	—	9	6
Processing security	Butter	19	—	15	—
	Concentrated butter	22	—	22	—
	Cream	—	—	10	—

COMMISSION REGULATION (EC) No 1704/2006**of 17 November 2006****fixing the maximum aid for concentrated butter for the 20th individual invitation to tender opened under the standing invitation to tender provided for in Regulation (EC) No 1898/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Article 47 of Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/99 as regards measures for the disposal of cream, butter and concentrated butter on the Community market ⁽²⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter. Article 54 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 %.
- (2) An end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is to be lodged to

ensure the taking over of the concentrated butter by the retail trade.

- (3) In the light of the tenders received, the maximum aid should be fixed at the appropriate level and the end-use security should be determined accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 20th individual tender under the standing invitation to tender opened in accordance with Regulation (EC) No 1898/2005 the maximum amount of the aid for concentrated butter with a minimum fat content of 96 %, as referred to in Article 47(1) of that Regulation, is fixed at 19,27 EUR/100 kg,

The end-use security provided for in Article 53(4) of Regulation (EC) No 1898/2005 is fixed at 21 EUR/100 kg.

Article 2

This Regulation shall enter into force on 18 November 2006.

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

Done at Brussels, 17 November 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 308, 25.11.2005, p. 1. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

COMMISSION REGULATION (EC) No 1705/2006**of 17 November 2006****fixing the minimum selling price for butter for the 52nd individual invitation to tender issued under the standing invitation to tender referred to in Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10(c) thereof,

Whereas:

- (1) Pursuant to Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾, intervention agencies have put up for sale by standing invitation to tender certain quantities of butter held by them.
- (2) In the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed or a decision shall be taken to make no

award, in accordance with Article 24a of Regulation (EC) No 2771/1999.

- (3) In the light of the tenders received, a minimum selling price should be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 52nd individual invitation to tender pursuant to Regulation (EC) No 2771/1999, in respect of which the time limit for the submission of tenders expired on 14 November 2006, the minimum selling price for butter is fixed at 236,21 EUR/100 kg.

Article 2

This Regulation shall enter into force on 18 November 2006.

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

Done at Brussels, 17 November 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1802/2005 (OJ L 290, 4.11.2005, p. 3).

COMMISSION REGULATION (EC) No 1706/2006**of 16 November 2006****establishing a prohibition of fishing for saithe in ICES zone IIa (EC waters), IIIa, IIbcd (EC waters),
IV by vessels flying the flag of Belgium**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 51/2006 of 22 December 2005 fixing for 2006 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2006.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2006.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2006 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 16 November 2006.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

⁽³⁾ OJ L 16, 20.1.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 1642/2006 (OJ L 308, 8.11.2006, p. 5).

ANNEX

No	49
Member State	Belgium
Stock	POK/2A34.
Species	Saithe (<i>Pollachius virens</i>)
Zone	Ila (EC waters), IIIa, IIIbcd (EC waters), IV
Date	20 October 2006

COMMISSION REGULATION (EC) No 1707/2006**of 17 November 2006****fixing the definitive rate of refund and the percentage of system B export licences to be issued in the fruit and vegetables sector (tomatoes, oranges, lemons, table grapes, apples and peaches)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽²⁾, and in particular Article 6(7) thereof,

Whereas:

- (1) Commission Regulation (EC) No 858/2006 ⁽³⁾ fixed the indicative quantities for the issue of B system export licences.

- (2) The definitive rate of refund for tomatoes, oranges, lemons, table grapes, apples and peaches covered by licences applied for under system B between 1 July and 31 October 2006 should be fixed at the indicative rate, and the percentage of licences to be issued for the quantities applied for should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

For applications for system B export licences submitted pursuant to Article 1 of Regulation (EC) No 858/2006 between 1 July and 31 October 2006, the percentages of licences to be issued and the rates of refund applicable are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 November 2006.

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

Done at Brussels, 17 November 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

⁽³⁾ OJ L 159, 13.6.2006, p. 5.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 1 July to 31 October 2006 (tomatoes, oranges, lemons, table grapes, apples and peaches)

Product	Rate of refund (EUR/t net)	Percentages of licences to be issued for the quantities applied for
Tomatoes	20	100 %
Oranges	29	100 %
Lemons	50	100 %
Table grapes	12	100 %
Apples	23	100 %
Peaches	11	100 %

COMMISSION REGULATION (EC) No 1708/2006

of 17 November 2006

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾,

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2247/2003 of 19 December 2003 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) ⁽³⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 2247/2003 provides for the possibility of issuing import licences for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.
- (2) The applications for import licences submitted between 1 to 10 November 2006, expressed in terms of boned meat, in accordance with Regulation (EC) No 2247/2003, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.

- (3) The quantities in respect of which licences may be applied for from 1 December 2006 should be fixed within the scope of the total quantity of 52 100 t.

- (4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States shall issue on 21 November 2006 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

Germany:

- 390 t originating in Botswana,
- 30 t originating in Namibia;

United Kingdom:

- 130 t originating in Botswana,
- 223 t originating in Namibia.

Article 2

Licence applications may be submitted, pursuant to Article 4(2) of Regulation (EC) No 2247/2003, during the first 10 days of December 2006 for the following quantities of boned beef and veal:

Botswana:	13 639 t,
Kenya:	142 t,
Madagascar:	7 579 t,
Swaziland:	3 363 t,
Zimbabwe:	9 100 t,
Namibia:	6 869 t.

Article 3

This Regulation shall enter into force on 18 November 2006.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 348, 21.12.2002, p. 5.

⁽³⁾ OJ L 333, 20.12.2003, p. 37. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽⁴⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

Done at Brussels, 17 November 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 7 November 2006

on the conclusion of the Agreement in the form of an Exchange of Letters on the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Gabonese Republic on fishing off the coast of Gabon for the period from 3 December 2005 to 2 December 2011

(2006/788/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Community and the Gabonese Republic have negotiated and initialled a Fisheries Partnership Agreement providing Community fishermen with fishing opportunities in the waters falling within the sovereignty of the Gabonese Republic.
- (2) It is in the Community's interest to approve that Agreement.
- (3) It is necessary to guarantee the continuity of fishing activities from the date of expiry of the previous Protocol ⁽¹⁾ until the date of entry into force of the Protocol setting out the fishing opportunities and financial contribution provided for in that Agreement.
- (4) The method for allocating the fishing opportunities among the Member States should be defined,

Article 1

The Agreement in the form of an Exchange of Letters on the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Gabonese Republic on fishing off the coast of Gabon for the period from 3 December 2005 to 2 December 2011 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The Agreement shall apply provisionally from 3 December 2005.

Article 3

The fishing opportunities set out in the Protocol to the Agreement shall be allocated among the Member States as follows:

Fishing category	Type of vessel	Member State	Licences or quota
Tuna fishing	Surface longliners	Spain	13
		Portugal	3
Tuna fishing	Freezer tuna seiners	Spain	12
		France	12

⁽¹⁾ Approved by Council Regulation (EC) No 580/2002 of 25 March 2002 (OJ L 89, 5.4.2002, p. 3).

If licence applications from these Member States do not exhaust all the fishing opportunities laid down by the Protocol, the Commission may take into consideration licence applications from any other Member State.

Article 4

The Member States whose vessels fish under this Agreement shall notify the Commission of the quantities of each stock caught within the Gabonese fishing zone in accordance with Commission Regulation (EC) No 500/2001 of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the monitoring of catches taken by Community fishing vessels in third country waters and on the high seas ⁽¹⁾.

Article 5

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Brussels, 7 November 2006.

For the Council
The President
E. HEINÄLUOMA

⁽¹⁾ OJ L 73, 15.3.2001, p. 8.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

on the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Gabonese Republic on fishing off the Coast of Gabon for the period from 3 December 2005 to 2 December 2011

A. Letter from the Government of Gabon

Sir,

With reference to the Protocol, initialled on Friday 28 October 2005, setting out the fishing opportunities and the financial contribution for the period from 3 December 2005 to 2 December 2011, I have the honour to inform you that Gabon is willing to apply the Protocol provisionally from 3 December 2005 pending its entry into force in accordance with Article 13 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment of the financial contribution, laid down by Article 2 of the Protocol, must be paid before 30 September 2006.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.

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

For the Government of Gabon

B. Letter from the European Community

Sir,

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

'With reference to the Protocol, initialled on Friday 28 October 2005, setting out the fishing opportunities and the financial contribution for the period from 3 December 2005 to 2 December 2011, I have the honour to inform you that Gabon is willing to apply the Protocol provisionally from 3 December 2005 pending its entry into force in accordance with Article 13 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment of the financial contribution, laid down by Article 2 of the Protocol, must be paid before 30 September 2006.'

I am pleased to confirm the agreement of the European Community to a provisional application.

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

For the Council of the European Union

PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Gabonese Republic on fishing off the coast of Gabon for the period from 3 December 2005 to 2 December 2011

Article 1

Period of application and fishing opportunities

1. For a period of six years from 3 December 2005, the fishing opportunities granted under Article 5 of the Agreement shall be as follows:

Highly migratory species (species listed in Annex 1 to the 1982 United Nations Convention)

— freezer tuna seiners: 24 vessels,

— surface longliners: 16 vessels.

2. Paragraph 1 shall apply subject to Articles 4 and 5 of this Protocol.

3. Vessels flying the flag of a Member State of the European Community may fish in the Gabonese fishing zone only if they are in possession of a fishing licence issued under this Protocol in accordance with the Annex hereto.

Article 2

Financial contribution — Methods of payment

1. The financial contribution referred to in Article 7 of the Agreement shall comprise, for the period referred to in Article 1, an annual amount of EUR 715 000 equivalent to a reference tonnage of 11 000 tonnes per year and a specific amount of EUR 145 000 per year for the support and implementation of initiatives taken in the context of the Gabonese sectoral fisheries policy. This specific amount shall be an integral part of the single financial contribution defined in Article 7 of the Agreement.

2. Paragraph 1 shall apply subject to Articles 4, 5 and 7 of this Protocol.

3. The Community shall pay the sum of the amounts referred to in paragraph 1, i.e. EUR 860 000, each year during the period of application of this Protocol.

4. If the overall quantity of catches by Community vessels in Gabonese waters exceeds 11 000 tonnes per year, the amount of the annual financial contribution (EUR 715 000) shall be increased by EUR 65 for each additional tonne caught. However, the total annual amount paid by the Community shall not be more than twice the amount indicated in paragraph 3 (EUR 1 430 000). Where the quantities caught by Community vessels exceed the quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid the following year.

5. Payment of the financial contribution referred to in paragraph 1 shall be made no later than 30 September 2006 for the first year and no later than 30 June 2007, 2008, 2009, 2010 and 2011 for the following years.

6. Subject to Article 6, the Gabonese authorities shall have full discretion regarding the use to which this financial contribution is put.

7. The financial contribution shall be paid into account No 47069 X, 'Pêche Maritime' (Sea Fisheries) in the name of the Public Treasury of Gabon.

Article 3

Cooperation on responsible fishing — Scientific meeting

1. The Parties hereby undertake to promote responsible fishing in Gabonese waters on the basis of the principles of non-discrimination between the different fleets fishing in those waters.

2. During the period covered by this Protocol, the Community and the Gabonese authorities shall endeavour to monitor the evolution of resources in the Gabonese fishing zone.

3. The Parties undertake to promote cooperation at sub-regional level on responsible fishing and, in particular, within COREP.

4. In accordance with Article 4 of the Agreement and on the basis of the recommendations and resolutions adopted within the International Commission for the Conservation of Atlantic Tunas (ICCAT), and in the light of the best available scientific advice, the Parties shall consult each other within the Joint Committee provided for in Article 9 of the Agreement and adopt, where appropriate after a scientific meeting possibly at subregional level, and by mutual agreement, measures to ensure the sustainable management of fisheries resources affecting the activities of Community vessels.

Article 4

Review of fishing opportunities by mutual agreement

1. The fishing opportunities referred to in Article 1 may be increased by mutual agreement provided that the conclusions of the scientific meeting referred to in Article 3(4) confirm that such an increase will not endanger the sustainable management of Gabon's resources. In this case the financial contribution of EUR 715 000 referred to in Article 2(1) shall be increased proportionately and *pro rata temporis*. However, the total amount of the financial contribution paid by the European Community in respect of the reference tonnage shall not be more than twice the amount of EUR 715 000. Where the quantities caught annually by Community vessels are more than twice 11 000 (i.e. 22 000) tonnes, the amount due for the quantity exceeding that limit shall be paid the following year.

2. Conversely, if the Parties agree to adopt a reduction in the fishing opportunities provided for in Article 1, the financial contribution shall be reduced proportionately and *pro rata temporis*.

3. The allocation of the fishing opportunities among different categories of vessels may also be reviewed, following consultations and by mutual agreement between the Parties, provided that any changes comply with recommendations made by the scientific meeting referred to in Article 3 regarding the management of stocks liable to be affected by such redistribution. The Parties shall agree on the corresponding adjustment of the financial contribution where the redistribution of fishing opportunities so warrants.

Article 5

New fishing opportunities

1. Should Community vessels be interested in fishing activities which are not indicated in Article 1, the Community shall consult Gabon in order to seek authorisation for these new activities. Where appropriate, the Parties shall agree on the conditions applicable to these new fishing opportunities and, if necessary, make amendments to this Protocol and to the Annex hereto.

2. The Parties shall encourage exploratory fishing, particularly as regards deep-sea species present in Gabonese waters. To this end, at the request of one of the Parties, they shall consult each other and determine on a case-by-case basis the relevant species, conditions and other parameters.

The Parties shall carry out exploratory fishing in accordance with parameters that shall be agreed by both Parties in an administrative arrangement where appropriate. The authorisations for exploratory fishing should be agreed for a maximum period of six months. If the Parties conclude that the exploratory campaigns have achieved convincing results, the Gabonese Government may allocate fishing opportunities for the new species to the Community fleet, until the expiry of this Protocol. The financial compensation referred to in Article 2(1) of the current Protocol shall consequently be increased.

Article 6

Suspension and review of the payment of the financial contribution in the event of unusual circumstances

1. Where unusual circumstances, other than natural phenomena, prevent fishing activities in the Gabonese exclusive economic zone (EEZ), the European Community may suspend payment of the financial contribution provided for in Article 2(1). The suspension decision shall be taken following consultations between the two Parties within a period of two months following the request of one of the Parties, and provided that the Community has paid in full any amounts due at the time of suspension.

2. Payment of the financial contribution shall resume as soon as the Parties find, by mutual agreement following consultations, that the circumstances preventing fishing activities are no longer present and/or that the situation allows a resumption of fishing activities.

3. Where the validity of the licences granted to Community vessels is suspended along with the payment of the financial contribution, it shall be extended by a period equal to the period during which fishing activities were suspended.

Article 7

Promotion of responsible fishing in Gabonese waters

1. Sixty percent (60 %) of the total amount of the financial contribution fixed in Article 2 shall be allocated each year to the support and implementation of initiatives taken in the context of the sectoral fisheries policy drawn up by the Gabonese Government.

Gabon shall manage the corresponding amount following the identification by mutual agreement between the two Parties, in accordance with the current priorities of Gabonese fisheries policy for ensuring sustainable and responsible management of the sector, of the objectives to be attained and the annual and multiannual programming required to attain them, pursuant to paragraph 2 below.

2. On a proposal from Gabon and for the purposes of the preceding paragraph, as soon as this Protocol enters into force and no later than three months after that date, the Community and Gabon shall agree, within the Joint Committee provided for in Article 9 of the Agreement, on a multiannual sectoral programme and detailed implementing rules covering, in particular:

(a) annual and multiannual guidelines for using the percentage of the financial contribution referred to in paragraph 1 and its specific amounts for the initiatives to be carried out each year;

(b) the objectives, both annual and multiannual, to be achieved with a view to promoting responsible fishing and sustainable fisheries, taking account of the priorities expressed by Gabon in its national fisheries policy and other policies relating to or having an impact on the introduction of responsible fishing and sustainable fisheries;

(c) criteria and procedures for evaluating the results obtained each year.

3. Any proposed amendments to the multiannual sectoral programme or of the use of the specific amounts for the initiatives to be carried out each year must be approved by both Parties within the Joint Committee.

4. Each year, Gabon shall allocate the share corresponding to the percentage referred to in paragraph 1 with a view to implementing the multiannual programme. For the first year of application of the Protocol, that allocation must be notified to the Community at the time when the multiannual sectoral programme is approved within the Joint Committee. For each year of application of the Protocol thereafter, Gabon shall notify the Community of the allocation no later than 1 May of the previous year.

5. Where the annual evaluation of the progress made in implementing the multiannual sectoral programme so

warrants, the European Community may ask for the financial contribution referred to in Article 2(1) of this Protocol to be readjusted with a view to bringing the actual amount of financial resources allocated to implementation of the programme into line with its results.

Article 8

Disputes — suspension of application of the Protocol

1. Any dispute between the Parties over the interpretation of this Protocol or its application shall be the subject of consultations between the Parties within the Joint Committee provided for in Article 9 of the Agreement, in a special meeting if necessary.

2. Without prejudice to Article 9, application of the Protocol may be suspended at the initiative of one Party if the dispute between the two Parties is deemed to be serious and if the consultations held within the Joint Committee under paragraph 1 have not resulted in an amicable settlement.

3. Suspension of application of the Protocol shall require the interested Party to notify its intention in writing at least three months before the date on which suspension is due to take effect.

4. In the event of suspension, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. As soon as an amicable settlement is reached, application of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and *pro rata temporis* according to the period during which application of the Protocol was suspended.

Article 9

Suspension of application of the Protocol on grounds of non-payment

Subject to Article 3, if the Community fails to make the payments provided for in Article 2, application of this Protocol may be suspended on the following terms:

(a) the competent Gabonese authorities shall notify the European Commission of the non-payment. The latter shall carry out the requisite checks and, where necessary, transmit the payment within no more than 60 working days of the date of receipt of the notification;

- (b) if no payment is made and non-payment is not adequately justified within the period provided for in Article 2(5) of this Protocol, the competent Gabonese authorities shall be entitled to suspend application of the Protocol. They shall inform the European Commission of such action forthwith;
- (c) application of the Protocol shall resume as soon as the payment concerned has been made.

Article 10

National law

The activities of Community vessels operating in Gabonese waters shall be governed by the applicable law in Gabon, unless otherwise provided in the Agreement, this Protocol and the Annex and Appendices hereto.

Article 11

Review clause

During the fourth year of application of this Protocol, the Annex and the Appendices hereto, the Parties may review the

provisions of the Protocol, the Annex and the Appendices and, where necessary, make amendments. These amendments may include the reference tonnage and the flat-rate advances paid by shipowners.

Article 12

Repeal

The Annex to the Agreement between the European Community and Gabonese Republic on fishing off the coast of Gabon is hereby repealed and replaced by the Annex to this Protocol.

Article 13

Entry into force

1. This Protocol with its Annex shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.
2. It shall apply as from 3 December 2005.

ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES BY COMMUNITY VESSELS IN THE GABONESE FISHING ZONE

CHAPTER I

APPLICATION FOR AND ISSUE OF LICENCES

SECTION 1

Issue of licences

1. Only eligible vessels may obtain a licence to fish in the Gabonese fishing zone.
2. For a vessel to be eligible, neither the owner, the skipper nor the vessel itself must be prohibited from fishing in Gabon. They must be in order vis-à-vis the Gabonese authorities insofar as they must have fulfilled all prior obligations arising from their fishing activities in Gabon under fisheries agreements concluded with the Community.
3. Any Community vessel applying for a fishing licence may be represented by an agent resident in Gabon. The name and address of that representative shall be stated in the licence application.
4. The relevant Community authorities shall present to the Ministry responsible for fisheries in Gabon an application for each vessel wishing to fish under the Agreement at least 15 working days before the date of commencement of the period of validity requested.
5. Applications shall be submitted to the Ministry responsible for fisheries on a form drawn up in accordance with the specimen in Appendix I.
6. All licence applications shall be accompanied by the following documents:
 - proof of payment of the flat-rate advance for the period of validity of the licence,
 - any other documents or certificates required under the specific rules applicable to the type of vessel concerned pursuant to this Protocol.
7. The fee shall be paid into the account specified by the Gabonese authorities in accordance with Article 2(7) of the Protocol.
8. The fees shall include all national and local charges with the exception of port taxes and service charges.
9. Licences for all vessels shall be issued to shipowners or their representatives via the European Commission Delegation to Gabon within 15 working days of receipt of all the documents referred to in point 6 by the Ministry responsible for fisheries in Gabon.
10. If a licence is signed at a time when the European Commission Delegation offices are closed, it may be sent direct to the vessel's agent, with a copy to the Delegation.
11. Licences shall be issued for a specific vessel and shall not be transferable.
12. However, at the request of the European Community and where *force majeure* is proven, a vessel's licence shall be replaced by a new licence for another vessel of the same category as the first vessel, as referred to in Article 1 of the Protocol, with no further fee due. In this case, the calculation of the catch levels to determine whether an additional payment should be made shall take account of the sum of the total catches of the two vessels.

13. The owner of the first vessel, or his or her representative, shall return the cancelled licence to the Ministry responsible for fisheries in Gabon via the European Commission Delegation.
14. The new licence shall take effect on the day that the vessel's owner returns the cancelled licence to the Ministry responsible for fisheries in Gabon. The European Commission Delegation to Gabon shall be informed of the licence transfer.
15. The licence must be held on board at all times, without prejudice to what is laid down in point 2 of Chapter VIII of this Annex.

SECTION 2

Licence conditions — Fees and advance payments

1. Licences shall be valid for a period of one year. They shall be renewable.
2. The fee shall be EUR 35 per tonne caught within the Gabonese fishing zone in the case of tuna seiners and surface longliners.
3. Licences shall be issued once the following standard amounts have been paid to the competent national authorities:
 - EUR 4 550 per tuna seiner, equivalent to the fees due for 130 tonnes of highly migratory species and associated species caught per year,
 - EUR 2 030 per surface longliner, equivalent to the fees due for 58 tonnes of highly migratory species and associated species caught per year.
4. No later than 15 May of each year, the Member States shall notify the European Commission, with a copy to the European Commission Delegation and the Gabonese authorities, of the catch tonnages for the past year, as confirmed by the scientific institutes referred to in point 5 below.
5. The final statement of the fees due for year n shall be drawn up by the European Commission by 30 June of year $n + 1$ at the latest on the basis of the catch declarations made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data in the Member States, such as the *Institut de Recherche pour le Développement* (IRD), the *Instituto Español de Oceanografía* (IEO) and the *Instituto de Investigação das Pescas e do Mar* (IPIMAR) via the European Commission Delegation.
6. This statement shall be sent simultaneously to the Ministry responsible for fisheries in Gabon and to the shipowners.
7. Any additional payments shall be made by the shipowners to the competent Gabonese national authorities by 31 July of year $n + 1$ at the latest, into the account referred to in point 7 of Section 1 of this Chapter.
8. However, if the amount of the final statement is lower than the advance referred to in point 3 of this Section, the resulting balance shall not be reimbursable to the shipowner.

CHAPTER II

FISHING ZONES

1. Community vessels may carry out fishing activities in waters beyond 12 nautical miles from the base lines in the case of tuna seiners and surface longliners.
2. Zones prohibited to shipping:

The zones adjacent to oil extraction activities shall be closed to all shipping.

The Ministry responsible for fisheries in the Gabonese Republic shall notify the coordinates of these zones to shipowners when the fishing licence is issued.

The zones closed to shipping shall also be notified for information purposes to the European Commission Delegation in the Gabonese Republic, as shall all changes to these zones, which shall be announced at least two months before enforcement.

CHAPTER III

CATCH REPORTING ARRANGEMENTS

1. For the purposes of this Annex, the duration of a trip by a Community vessel shall be defined as follows:
 - the period elapsing between entering and leaving the Gabonese fishing zone, or
 - the period elapsing between entering the Gabonese fishing zone and a transhipment, or
 - the period elapsing between entering the Gabonese fishing zone and a landing in Gabon.
2. All vessels authorised to fish in Gabonese waters under the Agreement shall be obliged to communicate their catches to the Ministry responsible for fisheries in Gabon so that it can check the quantities caught, which shall be validated by the competent scientific institutes in accordance with the procedure referred to in point 4 of Section 2 of Chapter I of this Annex. Catches shall be communicated as follows:
 - 2.1. During an annual period of validity of the licence within the meaning of point 2 of Section 3 of Chapter I of this Annex, declarations shall include the catches made by the vessel during each trip. The original of the declarations shall be transmitted on a physical medium to the Ministry responsible for fisheries in Gabon within 45 days following the end of the last trip made during the period. Copies shall be sent at the same time by electronic means or by fax to the flag Member State and the Ministry responsible for fisheries in Gabon.
 - 2.2. Vessels shall declare their catches on the corresponding form in the logbook, in accordance with the specimen in Appendix 2. The words 'Outside Gabonese fishing zone' shall be entered in the logbook in respect of periods during which the vessel is not in the Gabonese fishing zone.
 - 2.3. The forms shall be filled in legibly and signed by the skipper of the vessel or by his or her legal representative.
3. Where the provisions set out in this Chapter are not complied with, the Gabonese Government reserves the right to suspend the licence of the offending vessel until formalities have been completed and to apply to the shipowner the penalty laid down in current Gabonese legislation. The European Commission and the flag Member State shall be informed thereof.

CHAPTER IV

TRANSHIPMENT AND LANDINGS

The Parties shall cooperate with a view to improving landing or transhipment options in Gabonese ports.

1. Landings:

Community tuna vessels which opt to land their catches in a Gabonese port shall benefit from a reduction of EUR 5 per tonne landed in the fee indicated in point 2 of Section 2 of Chapter 1 of the Annex.

An additional reduction of EUR 5 shall be granted where fisheries products are sold to a Gabonese processing factory.

This mechanism shall apply, for all Community vessels, up to a maximum of 50 % of the final statement of catches (as defined in Chapter III of the Annex) from the first year of this Protocol.

2. Detailed rules on checks on the tonnages landed or transhipped shall be laid down at the first meeting of the Joint Committee.
3. Evaluation:
The level of the financial incentives and the maximum percentage of the final statement of catches shall be adjusted within the Joint Committee, in accordance with the socio-economic impact of landings in the year concerned.

CHAPTER V

EMBARKING SEAMEN

1. Owners of tuna vessels and surface longliners shall employ ACP nationals, subject to the following conditions and limits:
 - for the fleet of tuna seiners, at least 20 % of the seamen signed on during the tuna-fishing season in the fishing zone of third countries shall be of ACP origin,
 - for the fleet of surface longliners, at least 20 % of the seamen signed on during the tuna-fishing season in the fishing zone of third countries shall be of ACP origin.
2. Shipowners shall endeavour to sign on additional seamen of ACP origin.
3. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by Community vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.
4. The employment contracts of seamen from the ACP countries shall be drawn up between the shipowners' representative(s) and the seamen and/or their trade unions or representatives. A copy shall be given to the signatories. These contracts shall guarantee the seamen the social security cover applicable to them, including life assurance and sickness and accident insurance.
5. The wages of the seamen from the ACP countries shall be paid by the shipowners. They shall be fixed, before licences are issued, by mutual agreement among the shipowners or their representatives. However, the wage conditions granted to local seamen shall not be lower than those applied to Gabonese crews and shall under no circumstances be below ILO standards.
6. All seamen employed aboard Community vessels shall report to the skipper of the vessel designated on the day before their proposed embarkation date. Where a seaman fails to report at the date and time agreed for embarkation, shipowners shall be automatically absolved of their obligation to take the seaman on board.

CHAPTER VI

TECHNICAL MEASURES

Vessels shall comply with the measures and recommendations adopted by ICCAT in the region regarding fishing gear and the technical specifications thereof and all other technical measures applicable to their fishing activities.

CHAPTER VII

OBSERVERS

1. Vessels authorised to fish in Gabonese waters under the Agreement shall take on board observers appointed by the competent regional fisheries organisation on the terms set out below.
 - 1.1. Community vessels shall take on board an observer appointed by the competent regional organisation in order to check catches made in Gabonese waters.

- 1.2. The competent regional authority shall draw up a list of vessels designated to take an observer on board and a list of the appointed observers. These lists shall be kept up to date. They shall be forwarded to the European Commission as soon as they have been drawn up and every three months thereafter where they have been updated.
- 1.3. The competent regional authority shall inform the shipowners concerned, or their representatives, of the name of the observer appointed to be taken on board their vessel at the time the licence is issued, or no later than 15 days before the observer's planned embarkation date.
2. The time spent on board by observers shall be one fishing trip. However, at the express request of the competent Gabonese authorities, this embarkation may be spread over several trips according to the average duration of trip for a particular vessel. This request shall be made by the competent regional authority when the name of the observer appointed to board the vessel in question is notified.
3. The conditions under which observers are taken on board shall be agreed between shipowners or their representatives and the competent regional authorities.
4. Observers shall be taken on board at a port chosen by the shipowner at the beginning of the first voyage in Gabonese waters after notification of the list of designated vessels.
5. Within two weeks and giving 10 days' notice, the shipowners concerned shall make known at which Gabonese ports and on what dates they intend to take observers on board.
6. Where observers are taken on board in a foreign port, their travel costs shall be borne by the shipowner. Should a vessel with a regional observer on board leave the regional fishing zone, all measures must be taken to ensure the observer's return as soon as possible at the expense of the shipowner.
7. If the observer is not present at the time and place agreed and during the 12 hours following the time agreed, shipowners shall be automatically absolved of their obligation to take the observer on board.
8. Observers shall be treated as officers. Where vessels are operating in Gabonese waters, they shall carry out the following tasks:
 - 8.1. observe the fishing activities of the vessels;
 - 8.2. verify the position of vessels engaged in fishing operations;
 - 8.3. perform biological sampling in the context of scientific programmes;
 - 8.4. note the fishing gear used;
 - 8.5. verify the catch data for Gabonese waters recorded in the logbook;
 - 8.6. verify the percentages of by-catches and estimate the quantity of discards of species of marketable fish;
 - 8.7. report fishing data by radio, including the quantity of catches and by-catches on board.
9. Skippers shall do everything in their power to ensure the physical safety and welfare of observers during performance of their duties.
10. Observers shall be offered every facility needed to carry out their duties. The skipper shall give them access to the means of communication needed for the discharge of their duties, to documents directly concerned with the vessel's fishing activities, including in particular the logbook and the navigation log, and to those parts of the vessel necessary to facilitate the exercise of their tasks as observer.

11. While on board, observers shall:
 - 11.1. take all appropriate steps to ensure that the conditions of their boarding and presence on the vessel neither interrupt nor hamper fishing operations,
 - 11.2. respect the material and equipment on board and the confidentiality of all documents belonging to the vessel.
12. At the end of the observation period and before leaving the vessel, observers shall draw up an activity report to be transmitted to the competent regional authorities, with a copy to the European Commission. They shall sign it in the presence of the skipper, who may add or cause to be added to it any observations considered relevant, followed by the skipper's signature. A copy of the report shall be handed to the skipper when the observer is put ashore.
13. Shipowners shall bear the cost of accommodating observers in the same conditions as the officers, within the confines of the practical possibilities offered by the vessel.
14. The salary and social contributions of the observer shall be borne by the competent regional authorities.

CHAPTER VIII

MONITORING

1. The European Community shall keep an up-to-date list of the vessels to which a fishing licence has been issued under this Protocol. This list shall be notified to the Gabonese authorities responsible for fisheries inspection as soon as it is drawn up and each time it is updated.
2. Community vessels may be included on the list referred to in the previous point upon receipt of notification of the advance payment referred to in point 3 of Section 2 of Chapter I of this Annex. The shipowner may then obtain a certified copy of this list to be kept on board instead of the fishing licence until the licence has been issued.
3. **Entering and leaving the zone**
 - 3.1. Community vessels shall notify, at least three hours in advance, the Gabonese authorities responsible for fisheries inspection of their intention to enter or leave the Gabonese fishing zone; they shall also declare the overall quantities and the species on board.
 - 3.2. When notifying leaving, vessels shall also communicate their position. This information should preferably be communicated by fax (+241-76 46 02) or, for vessels not equipped with a fax, by radio (call sign DGPA-6241 MH2) or e-mail (dgpa@internetgabon.com).
 - 3.3. Vessels found to be fishing without having informed the competent Gabonese authority shall be regarded as vessels in breach of the legislation.
 - 3.4. Vessels shall also be informed of the fax and telephone numbers and e-mail address when the fishing licence is issued.
4. **Control procedures**
 - 4.1. Skippers of Community fishing vessels engaged in fishing activities in Gabonese waters shall allow and facilitate boarding and the discharge of their duties by any Gabonese official responsible for the inspection and control of fishing activities.
 - 4.2. These officials shall not remain on board for longer than is necessary for the discharge of their duties.
 - 4.3. Once the inspection has been completed, a certificate shall be issued to the skipper of the vessel.

5. **Satellite monitoring**

- 5.1. All Community vessels fishing under this Agreement shall be subject to satellite monitoring in line with Appendix 4. These provisions shall enter into force on the 10th day following notification by the Gabonese Government to the European Community Delegation in Gabon of the entry into operation of the Gabonese Fisheries Monitoring Centre (FMC).

6. **Boarding**

- 6.1. The competent Gabonese authorities shall inform the flag State and the European Commission, within no more than 24 hours, of all boardings of and penalties imposed on Community vessels in Gabonese waters.
- 6.2. The flag State and the European Commission shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

7. **Statement of boarding**

- 7.1. After the competent Gabonese authorities have drawn up a statement, the skipper of the vessel shall sign it.
- 7.2. This signature shall not prejudice the rights of the skipper or any defence which he or she may make to the alleged infringement.
- 7.3. The skipper shall take the vessel to the port indicated by the Gabonese authorities. In the case of minor infringements, the competent Gabonese authorities may authorise the boarded vessel to continue its fishing activities.

8. **Consultation meeting in the event of boarding**

- 8.1. Before any measures regarding the skipper or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within one working day of the receipt of the above information, between the European Commission and the competent Gabonese authorities, possibly attended by a representative of the Member State concerned.
- 8.2. At the meeting, the Parties shall exchange any relevant documentation or information helping to clarify the circumstances of the established facts. The shipowner or his or her representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.

9. **Settlement of boarding**

- 9.1. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement through a compromise procedure. This procedure shall end no later than three working days after the boarding.
- 9.2. In the event of an amicable settlement, the amount of the fine shall be determined in accordance with Gabonese legislation.
- 9.3. If the case cannot be settled by amicable procedure and has to be brought before a competent judicial body, a bank security set to take account of the boarding costs and the fines and compensation payable by the parties responsible for the infringement shall be paid by the shipowner into a bank account specified by the competent Gabonese authorities.
- 9.4. The bank security shall be irrevocable until the legal proceedings have been concluded. It shall be released once legal proceedings end without a conviction. Similarly, in the event of a conviction leading to a fine of less than the security lodged, the balance shall be released by the competent Gabonese authorities.
- 9.5. The vessel shall be released and its crew authorised to leave the port:

— once the obligations arising under the amicable settlement have been fulfilled, or

- when the bank security referred to in point 9.3 has been lodged and accepted by the competent Gabonese authorities, pending completion of the legal proceedings.

10. **Transshipment**

- 10.1. All Community vessels wishing to tranship catches in Gabonese waters shall do so within Gabonese ports.
- 10.2. The owners of such vessels must notify the following information to the competent Gabonese authorities at least 24 hours in advance:
- the names of the transshipping fishing vessels,
 - the names of the cargo vessels,
 - the tonnage by species to be transhipped,
 - the day of transshipment;
- 10.3. Transshipment shall be considered as an exit from the Gabonese fishing zone. Vessels must therefore submit their catch declarations to the competent Gabonese authorities and state whether they intend to continue fishing or leave the Gabonese fishing zone.
- 10.4. Any transshipment of catches not covered above shall be prohibited in the Gabonese fishing zone. Any person infringing this provision shall be liable to the penalties provided for by Gabonese law.
11. Skippers of Community fishing vessels engaged in landing or transshipment operations in a Gabonese port shall allow and facilitate the inspection of such operations by Gabonese inspectors. Once the inspection has been completed in the port, a certificate shall be issued to the skipper of the vessel.
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Appendices

1. Licence application form
 2. ICCAT logbook
 3. Provisions applicable to the satellite-based vessel monitoring system (VMS) and coordinates of the Gabonese fishing zone
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Appendix 1

Ministry of Fisheries

APPLICATION FOR A LICENCE FOR FOREIGN INDUSTRIAL FISHING VESSELS:

1. Name of shipowner:
2. Address of shipowner:
3. Name of representative or agent:
4. Address of shipowner's representative or local agent:
.....
5. Name of skipper:
6. Name of vessel:
7. Registration No:
8. Fax No:
9. E-mail address:
10. Radio code:
11. Date and place of construction:
12. Flag country:
13. Port of registration:
14. Port of fitting out:
15. Overall length:
16. Width of vessel:

17. Gross registered tonnage:
18. Net tonnage:
19. Hold capacity:
20. Cold storage and freezing capacity:
21. Engine type and horse power:
22. Fishing gear:
23. Number of crew:
24. Communications equipment:
25. Call sign:
26. Identification markings:
27. Fishing operations to be carried out:
28. Place of landing:
29. Fishing zones:
30. Species to be caught:
31. Period of validity:
32. Special conditions:
- Opinion of the Directorate-General for Fisheries and Aquaculture:
- Comments of the Ministry responsible for fisheries:
-

Appendix 2

ICCAT logbook for tuna fishery

Longline	
Live bait	
Purse seine	
Trawl	
Outros (Others)	

Name of vessel: Flag country: Registration No: Shipowner: Address:	Gross tonnage:	Vessel DEPARTED:	Month	Day	Year	Port	Trip number:
	Capacity — (MT):						
	Skipper:	Vessel RETURNED:					
	No of crew:						
	Reporting date:						
	(Reported by):	No of days at sea:	No of fishing days:	No of sets made:			

[illegible]

Notes

- Notes
- 1 — Use one sheet per month, and one line per day.
 - 2 — At the end of each trip, forward a copy of the log to your correspondent or to the ICCAT, Calle Corazón de María, 8, 28002 Madrid, Spain.
 - 3 — 'Day' refers to the day you set the line.
 - 4 — Fishing area refers to the position of the boat. Round off minutes and second degree of latitude and longitude. Be sure to record N/S and E/W.
 - 5 — The last line (landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
 - 6 — All information reported here will be kept strictly confidential.

*Appendix 3***Provisions applicable to satellite monitoring of Community fishing vessels operating in the Gabonese EEZ and on the basis of the EC/GABON Fisheries Agreement**

1. All fishing vessels with an overall length exceeding 15 metres operating under the Fisheries Agreement between the European Community and Gabon shall be tracked by satellite when fishing in the Gabonese EEZ.
2. For the purposes of the satellite tracking, the Gabonese authorities shall communicate to the Community party the latitude and longitude coordinates of the Gabonese EEZ.

The Gabonese authorities shall transmit this information in electronic form, expressed in decimal degrees (WGS-84).

3. The Parties shall exchange information on X.25 addresses and the specifications for electronic data transmission between their Control Centres in accordance with points 5 and 7. Such information shall include the following where they exist: names, telephone, telex and fax numbers, and e-mail addresses (Internet or X.400) which may be used for general communications between Control Centres.
4. The position of vessels shall be determined with a margin of error of less than 500 metres and a confidence interval of 99 %.
5. When a vessel which is fishing under the Agreement and is the subject of satellite tracking pursuant to Community legislation enters the Gabonese EEZ, the subsequent position reports (vessel identification, longitude, latitude, course and speed) shall be transmitted immediately by the Control Centre of the flag State to the Gabonese Fisheries Monitoring Centre (FMC) at intervals of no more than two hours. The messages concerned shall be identified as position reports.
6. The messages specified in point 5 shall be transmitted electronically in X.25 format, or any other secure protocol. They shall be communicated in real time in the format set out in Table II.
7. Where the continuous satellite monitoring equipment installed on board a fishing vessel develops a technical fault or breaks down, the skipper of the vessel shall transmit the information specified at 5 to the Control Centre of the flag State and the Gabonese FMC in good time. It will be necessary in those circumstances to send a global position report every eight hours. This global position report shall include the position reports as recorded by the skipper of the vessel on a two-hourly basis in accordance with the requirements laid down in point 5.

The Control Centre of the flag State shall send these messages to the Gabonese FMC. The faulty equipment shall be repaired or replaced within a period of not more than one month. After this deadline, the vessel in question must leave the Gabonese EEZ.

8. The Control Centres of the flag States shall monitor the movements of their vessels in Gabonese waters. If the vessels are not being monitored in accordance with the conditions laid down, the Gabonese FMC shall be informed by the FMC of the flag State as soon as this is discovered and the procedure laid down in point 7 shall be applicable.
9. If the Gabonese FMC establishes that the flag State FMC is not transmitting the information specified in point 5, the competent departments of the flag State FMC and the European Commission shall be informed immediately.
10. The monitoring data communicated to the other party in accordance with these provisions is intended solely for the purposes of the Gabonese authorities in controlling and monitoring the Community fleet fishing under the Fisheries Agreement between the European Community and Gabon. Such data may not under any circumstances be communicated to other parties.
11. The satellite-tracking system software and hardware components shall be reliable and shall not permit the input or output of false positions or be capable of being manually overridden.

The system shall be fully automatic and operational at all times regardless of environmental and weather conditions. Destroying, damaging, rendering inoperative or tampering with the satellite-tracking system shall be prohibited.

Skippers shall ensure that:

- data are not altered in any way,
- the antenna or antennas connected to the satellite-tracking equipment are not obstructed,
- the power supply of the satellite-tracking equipment is not interrupted, and
- the satellite-tracking equipment is not removed from the vessel.

12. The Parties agree to exchange upon request information on the equipment used for satellite monitoring, in order to ensure that each piece of equipment is fully compatible with the requirements of the other Party for the purposes of these provisions.

13. Any dispute over the interpretation or application of these provisions shall be the subject of consultation between the Parties within the Joint Committee provided for in Article 9 of the Agreement.

14. The Parties agree to review these provisions, as appropriate.

Communication of VMS messages to Gabon

Position report

Data element	Code	Mandatory/ optional	Comments
Start of record	SR	M	System detail — indicates start of record
Recipient	AD	M	Message detail — recipient. Alpha 3 ISO country code
From	FR	M	Message detail — sender. Alpha 3 ISO country code
Flag State	FS	O	
Type of message	TM	M	Message detail — Message type 'POS'
Radio call sign	RC	M	Vessel detail — international radio call sign of vessel
Contracting party internal reference number	IR	O	Vessel detail — unique contracting party number (ISO-3 code of flag State followed by number)
External registration number	XR	M	Vessel detail — number marked on side of vessel
Latitude	LA	M	Vessel position detail — position in degrees and minutes N/S DDMM (WGS-84)
Longitude	LO	M	Vessel position detail — position in degrees and minutes E/W DDMM (WGS-84)
Course	CO	M	Vessel course 360° scale
Speed	SP	M	Vessel speed in tenths of knots
Dates	DA	M	Vessel position detail — date of record of UTC position (YYYYMMDD)
Time	TI	M	Vessel position detail — time of record of UTC position (HHMM)
End of record	ER	M	System detail — indicates end of record

Character set: ISO 8859.1

Each data transmission is structured as follows:

- a double slash (//) and field code indicate the start of the message,
- a single slash (/) separates the field code and the data.

Optional data elements have to be inserted between the start and end of the record.

Limits of the Gabonese EEZ

Coordinates of EEZ

The competent Gabonese authorities shall notify the competent departments of the zones closed to shipping. They undertake to give notification at least one month in advance of any amendment to those prohibited zones.

Coordinates of the Gabonese FMC

Name of FMC:

VMS Tel.:

VMS Fax:

VMS E-mail:

DSPG Tel.:

DSPG Fax:

Address X25 =

Declaration of entries/exits:

COUNCIL DECISION
of 13 November 2006
on consultation and information procedures in matters of credit insurance, credit guarantees and
financial credits

(Codified version)

(2006/789/EC)

THE COUNCIL OF THE EUROPEAN UNION,

TITLE I

GENERAL PROCEDURE

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

SECTION 1

Scope

Having regard to the proposal from the Commission,

Article 2

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

1. Consultation in accordance with the procedure laid down in Section II shall take place where it is proposed — by a State, any other State organisation or any State body for credit insurance or finance — to grant or guarantee, fully or partially, foreign credits:

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

(a) linked to exports of goods or services;

Whereas:

(b) which depart from the norms listed in Annex I or from any other norm adopted by the Member States.

(1) Council Decision 73/391/EEC of 3 December 1973 on consultation and information procedures in matters of credit insurance, credit guarantees and financial credits ⁽³⁾ has been substantially amended ⁽⁴⁾. In the interests of clarity and rationality the said Decision should be codified.

2. The consultation procedure shall be applicable:

(2) By a Decision of 27 September 1960 ⁽⁵⁾, the Council set up a Policy Coordination Group for Credit Insurance, Credit Guarantees and Financial Credits.

(a) whether it concerns supplier credits or financial credits;

(3) It is appropriate to provide for consultation and information procedures in matters of credit insurance, credit guarantees and financial credits,

(b) whether these credits form the subject-matter of individual contracts or global credit arrangements as described in Article 3;

(c) whether the credits are purely private or are sponsored fully or partially out of public funds.

HAS ADOPTED THIS DECISION:

3. Mixed credits combining public and private funds and global private credit arrangements combined with public fund interest subsidies shall for the purpose of the consultation procedure be considered as public credits.

Article 1

This Decision concerns the procedures for consultation and information in matters of credit insurance, credit guarantees and financial credits.

Article 3

1. 'Global credit arrangement' shall mean any understanding or statement, in whatever form, whereby the intention to guarantee supplier or financial credits or to open financial credits, up to a specified or ascertainable ceiling, and in respect of a connected series of transactions, is made known to a third country or to exporters or to financial institutions.

⁽¹⁾ OJ C 226 E, 15.9.2005, p. 43.

⁽²⁾ OJ C 302, 7.12.2004, p. 19.

⁽³⁾ OJ L 346, 17.12.1973, p. 1. Decision as last amended by the 1994 Treaty of Accession.

⁽⁴⁾ See Annex III.

⁽⁵⁾ OJ 66, 27.10.1960, p. 1339.

The consultation procedure shall be applicable to these global arrangements even where the nature of the transactions has not been specified and no formal commitment has been entered into, without prejudice to the right to decide on each particular contract.

2. If, in the course of a consultation on the granting of a global arrangement — whether public or private in nature — a Member State or the Commission should request oral consultation and if in the course of this oral consultation seven Member States should request that all or some of the individual contracts to be charged to this global arrangement constitute the subject of prior consultations, consultation shall be applicable to such contracts.

3. Any Member State which has granted a global arrangement shall, at a date subsequent thereto, and every six months thereafter, give notification of the use made of that arrangement.

SECTION II

Procedure

Article 4

In the case of an individual contract, the Member State initiating consultation shall supply the following information:

- (a) country of destination;
- (b) location of the transaction or, failing that, address of head office of the contracting party in the country of destination;
- (c) characteristics of the transaction:
 - (i) nature of transaction: type of material and approximate number of items to be supplied;
 - (ii) value rating according to the scale given in Annex II;
 - (iii) whether buyers and any guarantors are public or private;
 - (iv) if transaction is to be put for international tender, closing date for submission of tenders;
- (d) principal credit terms applied for by proposed recipient;
- (e) credit terms the authorities in the exporting country propose to offer:
 - (i) percentage payable on credit;
 - (ii) duration of credit and starting-point thereof (e.g. each delivery, last delivery, commissioning);

(iii) repayment rate;

(iv) where repayment is not to be effected by equal instalments at regular intervals between the starting-point and termination of the credit, exact details of how this is to be effected (percentage of each instalment and exact date of payment);

(v) amount of effective interest subsidy, where it differs from that receivable under the normal system; interest rate if the credit is to be granted out of public funds;

(vi) credit insurance charges, where these differ from those payable under the normal system;

(vii) scope and terms of any support for local expenditure;

(f) precise grounds cited for not applying, or departing from, the norms set out in Article 2(1). Where they obtain, the following circumstances must be specified:

(i) aid credit;

(ii) competition from a third country (with indication whether or not supported);

(iii) transaction to be charged to a global arrangement which has been the subject of previous consultation.

Article 5

In the case of global credit arrangements, the Member State initiating consultation shall supply the following information:

- (a) country of destination;
- (b) ceiling of global credit arrangement;
- (c) purpose of credit:
 - (i) if known, place where transaction is to be carried out;
 - (ii) type of material, the supply of which is contemplated;
 - (iii) whether borrowers and any guarantors are public or private;
- (d) credit terms as under point (e) of Article 4 and eligibility requirements for individual contracts (e.g. closing dates for charging to global credit arrangement, minimum contract prices to be set, if any);

(e) precise grounds cited for not applying, or departing from, the norms set out in Article 2(1). Where they obtain, the following circumstances must be specified:

(i) aid credit;

(ii) competition from a third country (with indication whether or not supported).

Article 6

The following numbering shall be observed when transmitting information:

(a) individual contracts: letters corresponding to the consulting Member State followed by a serial number for each year; where a contract is charged to a global arrangement, the numbering of such global arrangement shall also be indicated;

(b) global private credit arrangements: letter 'X' followed by the letters corresponding to the consulting Member State and a serial number for each year;

(c) public or mixed credits: letter 'A' followed by the letters corresponding to the consulting Member State and a serial number for each year.

Article 7

In order to enable Member States to coordinate their attitudes in due and proper time, the information prescribed under Articles 4 and 5 must be transmitted as soon as possible after initiation of the study either of the guarantees and the proposed credits proper, or of any other decision which, under the terms of national regulations or national administrative practices, would constitute a prerequisite for the subsequent examination of such guarantees or credits.

Article 8

Where there are changes in the factors justifying departure from the norms or if new basic terms of the credit are proposed which differ from those initially specified by the consulting Member State, renewed consultation shall take place under a revised reference.

If, however, the new terms proposed are more restrictive, the Member State concerned shall be committed only to direct information under the initial reference.

Article 9

The information specified in Articles 4 and 5, the replies specified in Article 10 and the notification referred to in Article 15 shall be transmitted by telex to recipients designated by each Member State, the Commission and the General Secretariat of the Council respectively.

All correspondence relating to a consultation shall bear the latter's number and an indication of the country of destination.

Article 10

1. Member States and the Commission may:

(a) indicate that the terms proposed by the consulting Member State do not call for any comments;

(b) request the consulting Member State to provide additional details;

(c) make comments and reservations or express an unfavourable opinion; only an opinion expressly stated to be an 'unfavourable opinion' shall be considered to be such;

(d) request a consultative meeting.

2. Where transactions subject to consultation receive an unfavourable opinion from seven Member States, consultative meetings shall take place automatically.

3. Except where Article 13 applies, the consulting Member State shall suspend its decision until the expiry of the periods prescribed in Article 11, or, where a consultative meeting is due to take place automatically under paragraph 2, until such meeting has been held.

Article 11

The procedure referred to in Article 10(1) must be initiated within a period of seven calendar days from the date of the introductory communication from the consulting Member State.

Where requests for additional details are addressed to the consulting Member State, by the date of expiry of the seven calendar-day time-limit at the latest, the latter must reply within five calendar days at the latest.

Participants in the aforementioned procedure shall be allowed a maximum period of three working days following receipt of such additional details within which to express their opinion.

Article 12

Failure on the part of the Member States consulted or of the Commission to reply within the periods prescribed in Article 11 shall be deemed an absence of comments as defined in point (a) of Article 10(1).

As soon as a Member State requesting additional details has notified the recipients referred to in Article 9 of failure to receive a reply by the date of expiry of the period prescribed in the second paragraph of Article 11 a consultative meeting shall take place automatically and Article 10(3) shall apply.

Article 13

As an exceptional measure, the consulting Member State may take an immediate decision on the transaction proposed if it considers that such decision can no longer be delayed.

However, except in the case of public credits, the first paragraph shall not apply:

- (a) in the case of the decision to grant or guarantee the credit being based only on intra-Community competition. However, the possibility of taking an immediate decision on transactions shall be permitted on terms which another Member State has already decided to support;
- (b) to the extent that any procedure laid down in an international context and to which all Member States are parties affords all participants, only the sole alternative, in cases of urgency, of reducing the normal periods for reply.

Article 14

Consultative meetings shall be held on the occasion of any meeting of the Policy Coordination Group for Credit Insurance, Credit Guarantees and Financial Credits set up by the Council Decision of 27 September 1960, or of its subgroups. Further, if any Member State so requests, special meetings shall be convened in between meetings of the Group or of its subgroups.

Member States and the Commission shall communicate to the recipients referred to in Article 9, if possible four calendar days before the consultative meetings, lists of the matters which they intend to submit for discussion.

Consultative meetings shall be held at the seat of the General Secretariat of the Council.

Article 15

In all cases the final decision taken in respect of each transaction shall be made known to the other Member States. The notification of such decision shall be accompanied by a statement of the reasons for which the consulting Member State was unable to take account of any comments, reservations or unfavourable opinions expressed by the partners consulted.

TITLE II

SPECIAL PROCEDURES*Article 16*

Any Member State may ask any other Member State whether it has knowledge of a transaction which until then has not been the subject of consultation and, in particular, of the credit terms alleged by an exporter or a financial institution. Should no reply to these requests for details be forthcoming within seven calendar days, the enquiring Member State shall be entitled to consider that the Member State consulted has knowledge of this matter and that the alleged credit terms are deemed to have been established. In accordance with the procedure referred to in Title I, the enquiring Member State shall have the right to institute a consultation while indicating expressly that it is motivated by a competitive situation which is deemed to have been established.

If consultation has already been initiated by a Member State and another Member State which is called upon to support the same transaction questions the first-mentioned State as to its final position, failure to reply to such questioning on the expiry of a period of five working days shall authorise the enquiring Member State to consider that the Member State thus questioned has supported the matter on the terms indicated during consultation.

Article 17

Untied credits departing from the norms set out in Annex I or from any other norm adopted by the Member States shall, within the framework of the Policy Coordination Group for Insurance Credit, Credit Guarantees and Financial Credits, entail notification:

- (a) of the basic components of credits granted in the course of the preceding quarter;
- (b) of the use made of untied credits at the close of the preceding year.

Article 18

When a Member State concludes with a third country an agreement which refers to the possible grant of credits without specifying the precise terms thereof:

- (a) in the case of tied credits, it shall on conclusion of the agreement communicate the main features thereof to the recipients referred to in Article 9;
- (b) in the case of untied credits, the notifications provided for in Article 17 shall equally apply to such credits.

TITLE III

PERIODIC REPORTS*Article 19*

The Policy Coordination Group for Credit Insurance, Credit Guarantees and Financial Credits shall submit half-yearly reports on the application of the procedure referred to in Titles I and II.

These periodic reports notwithstanding, supplementary reports shall also be drawn up, if the nature and importance of the

difficulties encountered in the application of the relevant procedure so require.

TITLE IV

FINAL PROVISIONS*Article 20*

Decision 73/391/EEC is repealed.

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in Annex IV.

Article 21

This Decision is addressed to the Member States.

Done at Brussels, 13 November 2006.

For the Council

The President

E. TUOMIOJA

ANNEX I

COMMUNITY NORMS WHICH CANNOT BE DEPARTED FROM WITHOUT CONSULTATION**A. Duration of credits**

The duration of any credit granted, whether supplier credit or financial credit, must not exceed five years calculated from the following starting points:

1. Capital goods consisting of individual items usable in themselves (for example, locomotives):
 - the mean date, or actual dates, on which the buyer is to take physical possession of the goods in his own country.
2. Capital goods for complete plants or factories where the supplier has no responsibility for commissioning:
 - the date on which the buyer is to take physical possession of the entire goods (excluding spare parts) supplied under the contract.
3. Construction contracts where the contractor has no responsibility for commissioning:
 - the date on which construction has been completed.
4. Installation (or construction) contracts where the supplier (or contractor) has a contractual responsibility for commissioning:
 - the date on which the supplier (or contractor) has completed installation (or construction) and preliminary tests to ensure that it is ready for operation, whether or not the installation (or construction) is handed over to the buyer at that time in accordance with the terms of the contract and irrespective of any continuing commitment which the supplier (or contractor) may have entered into, for example to guarantee its effective functioning or to train local personnel.
5. In the case of points 2, 3 and 4, where the contract involves the separate execution of individual parts of a project:
 - the date of the starting-point for each separate part, or the mean date of those starting-points or, where the supplier has entered into a contract not for the whole project but for an essential part of it, the starting-point appropriate to the project as a whole.

B. Percentage of local expenditure

In the case of guaranteed private credits, the balance of the local portion payable on credit must not exceed 5 % of the contract price.

However, consultation shall not be instituted in the case of contracts which provide for payment of the local portion to be made, at the latest, upon the expiry of a period of three months calculated from the final completion of the works or deliveries.

For the proper interpretation of this rule:

- (a) 'balance payable on credit' shall mean the balance outstanding after charging against the local portion all payments made on account in connection with the contract;
- (b) 'local portion' shall mean that portion of the contract price representing the expenditure the exporter expects to incur on the spot in the way of payments to employees and others and payments for goods and materials;
- (c) 'contract' shall mean any type of contract for the supply of goods and materials; for the carrying out of work; mixed (i.e. supply and works) contracts;
- (d) 'payments on account' shall mean all the sums payable between the placing of the order and final completion of the works or deliveries.

C. Leasing contracts

For the purposes of application of the rules, which are the subject of the present Decision, leasing contracts shall be treated as credits. Where their total duration is not expressly restricted, such duration shall be regarded as being in excess of five years.

ANNEX II

SCALE OF VALUES TO BE USED

Category I:	up to 750 000 special drawing rights.
Category II:	from 600 000 to 1 200 000 special drawing rights.
Category III:	from 1 000 000 to 2 200 000 special drawing rights.
Category IV:	from 2 000 000 to 3 200 000 special drawing rights.
Category V:	from 3 000 000 to 5 000 000 special drawing rights.
Category VI:	from 4 800 000 to 7 600 000 special drawing rights.
Category VII:	from 7 400 000 to 11 200 000 special drawing rights.
Category VIII:	from 10 000 000 to 22 000 000 special drawing rights.
Category IX:	from 20 000 000 to 44 000 000 special drawing rights.
Category X:	over 40 000 000 special drawing rights.

ANNEX III

REPEALED DECISION WITH ITS AMENDMENT

Council Decision 73/391/EEC ⁽¹⁾	(OJ L 346, 17.12.1973, p. 1)
Council Decision 76/641/EEC	(OJ L 223, 16.8.1976, p. 25)

⁽¹⁾ Decision 73/391/EEC was also amended by the following acts which have not been repealed:

- The 1985 Act of Accession;
- The 1994 Act of Accession.

ANNEX IV

CORRELATION TABLE

Decision 73/391/EEC	This Decision
Article 1	Article 1
Article 2	Article 21
Annex, Article 1, introductory wording	Article 2(1), introductory wording
Annex, Article 1, first and second indents	Article 2(1)(a) and (b)
Annex, Article 2, first paragraph, introductory wording	Article 2(2), introductory wording
Annex, Article 2, first paragraph, first to third indents	Article 2(2)(a) to (c)
Annex, Article 2, second paragraph	Article 2(3)
Annex, Article 3	Article 3
Annex, Article 4(a) and (b)	Article 4(a) and (b)
Annex, Article 4(c), first to fourth indents	Article 4(c)(i) to (iv)
Annex, Article 4(d)	Article 4(d)
Annex, Article 4(e), first to seventh indents	Article 4(e)(i) to (vii)
Annex, Article 4(f)	Article 4(f)(i) to (iii)
Annex, Article 5(a) and (b)	Article 5(a) and (b)
Annex, Article 5(c), first to third indents	Article 5(c)(i) to (iii)
Annex, Article 5(d)	Article 5(d)
Annex, Article 5(e)	Article 5(e)(i) and (ii)
Annex, Article 6, introductory wording	Article 6, introductory wording
Annex, Article 6, first to third indents	Article 6(a) to (c)
Annex, Articles 7 to 9	Articles 7 to 9
Annex, Article 10(1), introductory wording	Article 10(1), introductory wording
Annex, Article 10(1), first to fourth indents	Article 10(1)(a) to (d)
Annex, Article 10(2) and (3)	Article 10(2) and (3)
Annex, Articles 11 and 12	Articles 11 and 12
Annex, Article 13, first paragraph	Article 13, first paragraph
Annex, Article 13, second paragraph, introductory wording	Article 13, second paragraph, introductory wording
Annex, Article 13, second paragraph, first and second indents	Article 13, second paragraph, points (a) and (b)
Annex, Articles 14 to 16	Articles 14 to 16
Annex, Article 17, introductory wording	Article 17, introductory wording
Annex, Article 17, first and second indents	Article 17(a) and (b)
Annex, Article 18, introductory wording	Article 18, introductory wording
Annex, Article 18, first and second indents	Article 18(a) and (b)

Decision 73/391/EEC	This Decision
Annex, Article 19	Article 19
—	Article 20
Annex 1, point A	Annex I, point A
Annex 1, point B, introductory wording	Annex I, point B, first paragraph
Annex 1, point B, first indent	Annex I, point B, second paragraph
Annex 1, point B, subindents 1 to 4 of the second indent	Annex I, point B, third paragraph, (a) to (d)
Annex 1, point C	Annex I, point C
Annex 2	Annex II
—	Annex III
—	Annex IV

COMMISSION

COMMISSION DECISION

of 7 November 2006

concerning initiation of dispute settlement proceedings against India under the Understanding on Rules and Procedures Governing the Settlement of Disputes and other relevant WTO provisions as regards an obstacle to trade constituted by an Additional Duty on imported wines and spirits and an Extra Additional Duty on imported spirits maintained by India, and a ban on sale of imported wines and spirits maintained by the Indian State of Tamil Nadu

(2006/790/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3286/94 of 22 December 1994, laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organisation ⁽¹⁾, and in particular Articles 12(1) and 13(2) thereof,

Whereas:

- (1) On 20 July 2005, the Commission received a complaint pursuant to Article 4 of Regulation (EC) No 3286/94 (the 'Trade Barriers Regulation'). The complaint was lodged jointly by the Comité européen des entreprises vins ('CEEV') and The European Spirits Organisation ('CEPS').
- (2) The complaint concerned certain alleged Indian trade practices that adversely affected the importation and sale of wines and spirits in India ⁽²⁾. These practices included an Additional Duty applied upon importation

by India to wines and spirits, indirect taxes applied by certain Indian States to imported wines and spirits and restrictions on the sale of imported wines and spirits applied by certain Indian States.

- (3) The complainants alleged that these practices were inconsistent with Articles II, III and XI of the General Agreement on Tariffs and Trade 1994 ('GATT 1994'). On that basis, the complainants asked the Commission to take the necessary action.
- (4) The complaint contained sufficient evidence to justify the initiation of a Community examination procedure pursuant to Article 8(1) of the Trade Barriers Regulation. Consequently, the Commission initiated that procedure after consulting with the Member States in the framework of the Advisory Committee, on 17 September 2005 ⁽³⁾.
- (5) During the examination procedure, the complainants withdrew the claims made in relation to indirect taxes applied by certain Indian States to imported wines and spirits, and India introduced a new Additional Duty ('Extra Additional Duty') which is applied upon importation to wines and spirits. In the framework of that procedure, the Commission therefore carried out an investigation of the Additional Duty, the Extra Additional Duty and the alleged restrictions on the sale of imported wines and spirits applied by certain Indian States.
- (6) The investigation considered the relevant Indian legislation and took into account the views expressed by the various Indian Government Ministries, as well as Community and Indian enterprises and Trade Associations.

⁽¹⁾ OJ L 349, 31.12.1994, p. 71. Regulation as amended by Regulation (EC) No 356/95 (OJ L 41, 23.2.1995, p. 3).

⁽²⁾ The proceeding concerns wines, vermouths, aromatised wines and spirits classified under HS headings 2204, 2205, 2206 and 2208. They include still and sparkling wines, vermouths and other fortified wines such as port and sherry, and spirit drinks distilled from raw materials of agricultural origin such as brandies and wine spirits, whiskies, gin, vodka, rum and liqueurs.

⁽³⁾ OJ C 228, 17.9.2005.

- (7) The investigation concluded that the Additional Duty is inconsistent with Article II:1 of GATT 1994, and not justified under Article II:2(a) of GATT 1994, to the extent that it applies to wines and spirits, and that the Extra Additional Duty is inconsistent with Article II:1 of GATT 1994, and not justified under Article II:2(a) of GATT 1994, to the extent that it applies to spirits. Since the WTO Agreement prohibits these practices, there is evidence of an obstacle to trade in the sense of Article 2(1) of the Trade Barriers Regulation.
- (8) The investigation also concluded that further analysis of the alleged restrictions on the sale of imported wines and spirits in certain Indian States was required. An analysis conducted after the completion of the investigation showed that the legislation of the Indian State of Tamil Nadu contains a ban on sale of imported wines and spirits, which is inconsistent with Article III:4 of GATT 1994. Since the WTO Agreement prohibits this practice, there is evidence of an obstacle to trade in the sense of Article 2(1) of the Trade Barriers Regulation.
- (9) The investigation showed that despite the elimination, in 2001, of quantitative restrictions on the importation of wines and spirits following dispute settlement proceedings against India under the Understanding on Rules and Procedures Governing the Settlement of Disputes, imports of wines and spirits from the EC decreased in 2002 and have since 2003 increased only in line with the overall growth in consumption in India of wines and spirits. The effects that reasonably could be expected to flow from the elimination of the quantitative restrictions have therefore not occurred, due to the application of the measures under investigation.
- (10) The investigation showed furthermore that Indian total consumption of wines and spirits amounted in 2004 to respectively 0,67 and 87,1 million nine-litre cases, with an expected growth of between 5 % and 10 % per year over the next decade, and that less than 0,5 % per cent of spirits and less than 9 % of wines consumed in India are imported products, which are subject to the Additional Duty and the Extra Additional Duty.
- (11) The investigation confirmed that there is a large potential market in India for imported wines and spirits, and that elimination of the Additional Duty for wines and spirits and of the Extra Additional Duty for spirits would entail a reduction in retail prices of imported wines and spirits of respectively 22 % to 35 % and 23 % to 48 % in different Indian States. A reduction of that magnitude would significantly increase demand for imported wines and spirits given Indian consumer preferences and the expected growth of the Indian market for wines and spirits.
- (12) This evidence clearly shows that the Community industry has suffered and continues to suffer adverse effects within the meaning of Article 2(4) of the Trade Barriers Regulation.
- (13) The complainants represent a major sector of the economy of the Community, consisting of producers of wines and spirits in respectively 11 and 21 EC Member States. Those producers exported in 2005 goods amounting to EUR 10,45 billion to some 150 third country markets and employed over 600 000 people directly. The investigation showed that the Additional Duty and the Extra Additional Duty has prevented producers within this sector from gaining access to the potentially large Indian market
- (14) On the basis of the above, it can be concluded that it is in the Community's interest in the sense of Article 12(1) of the Trade Barriers Regulation to take action, within the WTO framework, to seek a rapid removal of the Indian Additional Duty on imported wines and spirits, the Indian Extra Additional Duty on imported spirits and the ban on sale of imported wines and spirits in the Indian State of Tamil Nadu, which represent a breach of fundamental WTO rules and an obstacle to trade in the sense of Article 2(1) of the Trade Barriers Regulation.
- (15) It is also of utmost importance for the Community to ensure that WTO partners fully comply with their obligations, just as the Community is required to do. It is therefore fundamental for the good functioning of the multilateral trading system that this incompatibility with WTO rules should be addressed in that forum.
- (16) Attempts to resolve this dispute through numerous meetings with the Indian authorities since the introduction of the Additional Duty, the Extra Additional Duty and the ban on sale in the Indian State of Tamil Nadu, and throughout the course of this investigation, have failed to identify a willingness on the part of the Indian authorities to reach a mutually agreed solution. In the absence of any likelihood that the Indian position will change, the initiation of a procedure within the framework of the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes is therefore deemed necessary.
- (17) The measures provided for in this Decision are in accordance with the opinion of the TBR Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The maintenance and application of an Additional Duty on imported wines and spirits and of an Extra Additional Duty on imported spirits by India, and the maintenance and application of a ban on sale of imported wines and spirits by the Indian State of Tamil Nadu appear to be inconsistent with India's obligations under the Marrakech Agreement Establishing the World Trade Organisation and, in particular, under the provisions of the General Agreement on Tariffs and Trade 1994, and constitute an obstacle to trade within the meaning of Article 2(1) of Regulation (EC) No 3286/94.

Article 2

The Community will initiate dispute settlement proceedings against India pursuant to the Understanding on Rules and Procedures Governing the Settlement of Disputes and the other relevant WTO provisions with a view to securing removal of the obstacle to trade referred to in Article 1.

Done at Brussels, 7 November 2006.

For the Commission

Peter MANDELSON

Member of the Commission

COMMISSION DECISION
of 7 November 2006
establishing the composition of the Gas Coordination Group
(Text with EEA relevance)
(2006/791/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

— the household sector representing 39 % of total European gas consumption.

Having regard to Council Directive 2004/67/EC of 26 April 2004 concerning measures to safeguard security of natural gas supply ⁽¹⁾, and in particular Article 7(2) thereof,

(5) Representatives of the bodies representing these sectors should therefore also participate in the meetings of the Gas Coordination Group.

Whereas:

(1) Article 7(1) of Directive 2004/67/EC has established a Gas Coordination Group in order to facilitate the coordination of security of supply measure. This Group shall be composed of the representatives of Member States and representative bodies of the industry concerned and of relevant consumers.

(6) Rules on disclosure of information by participants of the group should be provided for, without prejudice to the Commission's rules on security as set out in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom ⁽³⁾.

(2) It is necessary to establish the detailed composition of the Gas Coordination Group.

(7) The Gas Coordination Group should help to facilitate coordination of security of supply measures at Community level in the event of a major supply disruption and may also examine and, where appropriate, assist the Member States in coordinating the measures taken at national level to deal with the major supply disruption. In addition, it should exchange information on security of gas supply on a regular basis, and should consider aspects relevant in the context of a major supply disruption,

(3) In the light of the provisions of Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in gas and repealing Directive 98/30/EC ⁽²⁾, the following bodies of the industry concerned should be considered to be representative:

— the representative European association of the large network operators, i.e. the transmission system operators in the sense of Article 2(4) of Directive 2003/55/EC,

HAS DECIDED AS FOLLOWS:

Article 1

Composition of the Gas Coordination Group

— the representative European association of the gas supplying industry,

1. Each Member State may nominate not more than two representatives from its competent authorities.

— the international association representing gas producers in Europe.

2. The representative bodies of the industry concerned are:

(4) As for the relevant consumers, three main sectors consuming natural gas should be distinguished:

— Gas Infrastructure Europe (GIE),

— the industrial sector representing 35 % of total European gas consumption,

— Eurogas,

— the power sector using gas as a fuel and accounting for 22 % of total European gas consumption, and

— the International Association of the Oil and Gas Producers (OGP).

⁽¹⁾ OJ L 127, 29.4.2004, p. 92.

⁽²⁾ OJ L 176, 15.7.2003, p. 57.

⁽³⁾ OJ L 317, 3.12.2001, p. 1. Decision as last amended by Decision 2006/548/EC, Euratom (OJ L 215, 5.8.2006, p. 38).

Each of these organizations shall nominate not more than two representatives for participation in the meetings of the Group.

3. The representative bodies of relevant consumers are:

- the International Federation of Industrial Energy Consumers (IFIEC Europe),
- Eurelectric,
- Bureau Européen des Unions de Consommateurs (BEUC).

Each of these organizations shall nominate not more than two representatives for participation in the meetings of the Group.

4. Participants of the Gas Coordination Group meetings shall be nominated for each meeting.

5. The names of members shall be collected, processed and published in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾.

Article 2

Tasks of the Gas Coordination Group

The tasks of the Gas Coordination Group shall be:

- (a) to facilitate coordination of security of supply measures at Community level, including in the event of a major supply disruption;
- (b) to examine, and, where appropriate, assist the Member States in coordinating the measures taken at national level to deal with a major supply disruption.

Article 3

Operation

1. The Gas Coordination Group shall be chaired by the Commission.
2. In agreement with the Commission, sub-groups may be set up to examine specific questions under terms of reference established by the group. Such groups shall be dissolved as soon as their mandates are fulfilled.
3. The Commission's representative may ask experts or observers with specific competence on a subject on the

agenda to participate in the Gas Coordination Group's or sub-group's deliberations if this is useful and/or necessary.

4. Information obtained by participating in the deliberations of a group or sub-group shall not be divulged if, in the opinion of the Commission or any other member of the Gas Coordination Group, that information relates to confidential matters.

5. The Gas Coordination Group and its sub-groups shall normally meet on Commission premises in accordance with the procedures and schedule established by it. The Commission shall provide secretarial services. Other Commission officials with an interest in the proceedings may attend meetings of the group and its sub-groups.

6. The Gas Coordination Group shall adopt its rules of procedure on the basis of the standard rules of procedure adopted by the Commission.

7. Without prejudice to paragraph 4 of this Article, the Commission may publish on the Internet, in the original language of the document concerned, any summary, conclusion, or partial conclusion or working document of the Gas Coordination Group on the website of the relevant Commission service.

Article 4

Meeting expenses

The Commission shall reimburse travel and, where appropriate, subsistence expenses for participants of the Gas Coordination Group meetings, experts and observers in connection with the Gas Coordination Group's activities in accordance with the Commission's rules on the compensation of external experts.

The participants of the Gas Coordination Group meetings, experts and observers shall not be remunerated for the services they render.

Meeting expenses are reimbursed within the limits of the annual budget allocated to the Gas Coordination Group by the responsible Commission services.

Done at Brussels, 7 November 2006.

For the Commission

Andris PIEBALGS

Member of the Commission

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

CORRIGENDA**Corrigendum to Council Regulation (EC) No 1412/2006 of 25 September 2006 concerning certain restrictive measures in respect of Lebanon***(Official Journal of the European Union L 267 of 27 September 2006)*

In the Annex, on page 6, the fax number in the following address has been changed:

for: 'Fax: (49-89) 70 90 97 38 00'

read: 'Fax: (49-69) 70 90 97 38 00'.
