

Official Journal

of the European Communities

ISSN 0378 – 6978

L 107

Volume 35

24 April 1992

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

.....

II *Acts whose publication is not obligatory*

Council

92/217/EEC:

- ★ Council Decision of 16 March 1992 on a specific research and technological development programme in the field of human capital and mobility (1990 to 1994) 1

92/218/EEC:

- ★ Council Decision of 26 March 1992 adopting a specific research and technological development programme in the field of biotechnology (1990 to 1994) 11

92/219/EEC:

- ★ Council Decision of 30 March 1992 on the conclusion of an Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1992 to 30 September 1993, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations 18

Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period from 1 January 1992 to 30 September 1993 the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations 19

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

92/220/EEC:

★ Council Decision of 30 March 1992 on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1992 to 31 December 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast 20

Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1992 to 31 December 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast . . 21

Protocol establishing, for the period from 1 January 1992 to 31 December 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast . . 22

92/221/EEC:

★ Council Decision of 30 March 1992 amending Seventh Decision 85/355/EEC on the equivalence of field inspections carried out in third countries on seed-producing crops and Seventh Decision 85/356/EEC on the equivalence of seed produced in third countries 34

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 16 March 1992

on a specific research and technological development programme in the field of human capital and mobility (1990 to 1994)

(92/217/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130q (2) thereof,

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

In cooperation with the European Parliament ⁽²⁾

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, by its Decision 90/221/Euratom, EEC ⁽⁴⁾, the Council adopted a third framework programme for Community activities in the field of research and technological development (1990 to 1994), specifying *inter alia* the activities to be pursued for the management of intellectual resources (human and mobility); whereas this Decision should be taken in the light of the grounds set out in the preamble to that Decision;

Whereas Article 130k of the Treaty stipulates that the framework programme is to be implemented through specific programmes developed within each activity;

Whereas, pursuant to Article 4 and Annex I of Decision 90/221/Euratom, EEC, the amount deemed necessary for the whole framework programme includes an amount of

ECU 57 million for the centralized dissemination and exploitation of results, to be divided up in proportion to the amount envisaged for each of the actions;

Whereas in the context of this programme an assessment should be made of the economic and social impact as well as any eventual technological risks;

Whereas Decision 90/221/Euratom, EEC provides that a particular aim of Community research must be to strengthen the scientific and technological basis of European industry, and to encourage it to become more competitive at the international level; whereas that Decision also provides that Community action is justified where research contributes, *inter alia*, to the strengthening of the economic and social cohesion of the Community and to the promotion of its overall harmonious development, while being consistent with the pursuit of scientific and technical excellence; whereas this programme should contribute to the achievement of those objectives;

Whereas the training of young European scientists is one of the priorities of the third framework programme as is the mobility of research staff and the creation of scientific and technological research cooperation networks;

Whereas any action designed to exploit the potential of the Community's intellectual resources must essentially be of benefit to the scientists and researchers themselves;

Whereas a further objective of this programme should be to contribute to the creation of a 'researcher's Europe', through the europeanization of their advanced training, enabling it to take place in a Member State other than their state of origin;

Whereas a suitable application of the subsidiarity principle in this field implies the extending of training received by young researchers in their own country by enabling them, through

⁽¹⁾ OJ No C 188, 19. 7. 1991, p. 11.

⁽²⁾ OJ No C 158, 17. 6. 1991, p. 67 and OJ No C 39, 17. 2. 1992.

⁽³⁾ OJ No C 332, 31. 12. 1990, p. 45.

⁽⁴⁾ OJ No L 117, 8. 5. 1990, p. 28.

traineeships made available by the Community, to develop a research activity in a team or laboratory of recognized quality situated in another Member State;

Whereas in order to increase and improve the supply of host opportunities, it would appear useful also to provide for networks of associated teams or laboratories of recognized quality and for possibilities for access to major installations;

Whereas the Joint Research Centre (JRC) with its laboratories and installations can effectively be included among those organizations capable of playing an important role in the training of young researchers and the setting up of networks and shall contribute through its own programme to the implementation of the activities of this present programme;

Whereas it is appropriate to adopt decentralized methods of selecting candidates thereby closely associating teams or laboratories of recognized quality with the implementation of this action;

Whereas the setting up of the network infrastructure is of great importance for the achievement of the objectives of the Community's research and technological development (R&TD) policy, since it will consolidate and supplement the structuring effects of the thematic programmes;

Whereas the Scientific and Technical Research Committee (Crest) has been consulted,

HAS ADOPTED THIS DECISION:

Article 1

A specific research and technological development programme for the European Economic Community in the field of human capital and mobility, as defined in Annex I, is hereby adopted for a period commencing on 16 March 1992 and ending on 31 December 1994.

Article 2

1. The funds estimated as necessary for the execution of the programme amount to ECU 488,07 million, including expenditure on staff and administration amounting to ECU 15 million.

2. An indicative allocation of funds is set out in Annex II.

3. If the Council takes a Decision pursuant to Article 1 (4) of Decision 90/221/Euratom, EEC, this Decision shall be adapted accordingly.

Article 3

1. Detailed rules for the implementation of the programme and the amount of the Community's financial contribution are set out in Annex III.

Article 4

1. In the second year of the implementation of the programme, the Commission shall review it and send a report on the results of its review to the European Parliament and the Council; the report shall be accompanied, where necessary, by proposals for amendment of the programme.

2. At the end of the programme, an evaluation of the results achieved shall be conducted for the Community by a group of independent experts. The group's report, together with the Commission's comments, shall be submitted to the European Parliament and the Council.

3. The reports referred to in paragraphs 1 and 2 shall be established having regard to the objectives set out in Annex I to this Decision and in accordance with Article 2 (4) of Decision 90/221/Euratom, EEC.

Article 5

1. The Commission shall be responsible for the implementation of the programme.

2. Contracts concluded by the Commission shall govern the rights and obligations of each party, in particular the arrangements for the dissemination, protection and exploitation of research results, in accordance with the provisions adopted pursuant to the second paragraph of Article 130k of the Treaty.

3. A work programme shall be drawn up in accordance with the aims set out in Annex I and updated where necessary. It shall set out the detailed objectives and types of projects to be undertaken, and the financial arrangements to be made for them. The Commission shall make calls for proposals for projects on the basis of the work programme.

Article 6

The Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority provided for in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the committee's opinion, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 7

1. The procedure laid down in Article 6 shall apply to:

- the preparation and updating of the work programme referred to in Article 5 (3),
- the contents of the calls for proposals,
- the assessment of proposed activities as provided for in Annex III and the estimated amount of the Community's contribution to them where this amount exceeds ECU 0,1 million,
- departures from the general rules set out in Annex III,
- the participation in any project by non-Community organizations and enterprises referred to in Article 8,
- any adaptation of the indicative allocation of the amount set out in Annex II,
- the measures to be undertaken to evaluate the programme,
- arrangements for the dissemination, protection and exploitation of the results of research carried out under the programme,
- arrangements for the possible decentralized management of the programme as provided for in Annex III.

2. In Area 1 (training) of the programme where, pursuant to the third indent of paragraph 1 of this Article, the amount of the Community contribution is less than or equal to ECU

0,1 million, the Commission shall inform the Committee about the progress of selection procedures for institutions and researchers. The Commission shall communicate to the Committee all necessary information.

In the other areas of the programme, where, pursuant to the third indent of paragraph 1 of this Article, the amount of the Community contribution is less than or equal to ECU 0,1 million, the Commission shall inform the Committee of the projects and of the outcome of their assessment.

The Commission shall also inform the Committee of the implementation of the accompanying measures referred to in Annex III.

Article 8

1. The Commission is hereby authorized to negotiate, in accordance with Article 130n of the Treaty, international agreements with third countries which are members of COST, in particular the member countries of EFTA and the countries of Central and Eastern Europe, with a view to associating them with all or part of the programme.

2. Bodies and undertakings established in European third countries may, in accordance with the procedures laid down in Article 6 and on the basis of the criterion of mutual benefit, be admitted to an action undertaken within this programme.

No contracting body based outside the Community and participating in an action undertaken within the programme may benefit from the Community financing of the programme. Such a body shall contribute to the general administrative costs.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 16 March 1992.

For the Council

The President

Jorge BRAGA DE MACEDO

ANNEX I

SCIENTIFIC AND TECHNICAL OBJECTIVES AND CONTENT

This specific programme fully reflects the approach embodied in the third framework programme in terms of the scientific and technical goals and the underlying aims which it pursues.

Paragraph 6 of Annex II to the framework programme forms an integral part of the present specific programme.

1. Objectives

The central objective of the programme is to help to increase the quantity and quality of human resources available for research and technological development which will be needed by the Member States in the coming years, thus assisting the creation of a genuinely European scientific and technical community.

Such action should generate added value for the Community which will benefit all the Member States.

The action should also be organized across the board in accordance with a bottom-up approach focused on two main aims, the training and mobility of staff and the formation of networks.

In the pursuit of the objectives under this programme account will be taken of the experience acquired in the current Science, SPES and large-scale facilities programmes. The activities carried out as a follow-up to these programmes will extend and develop that experience taking into account the objective of this programme. The follow-up to the SPES action will be expanded to include the human and social sciences.

The activities will therefore be partly adapted so that they may play a more important role in the training and specialization of young European scientists attached to university laboratories and public or private research institutes.

The present specific programme will be developed by means of the following activities:

- the development of a Community system of research training fellowships,
- the creation and development of research networks for scientific and technical cooperation,
- measures to promote the access of researchers to large-scale scientific and technical facilities,
- the launching of a Community system of 'R&D Euroconferences'.

The various activities will be carried out with a view to increasing the mobility of Community scientists, in particular young researchers at post-doctoral level. Scientists shall be considered as being at post-doctoral level if they have had at least six years' higher education and hold a doctorate or equivalent degree, or, if not, have had two years' research experience following a post-graduate course.

Young researchers at doctoral level may also benefit from the Community action carried out under this programme, especially in those fields where there is a lack of post-doctoral researchers.

Support under this programme may also be given to established researchers who need specific training in a field other than their own in the context of the retraining requirements demanded by the rapid pace of scientific and technological change, or in order to apply their scientific knowledge in new areas where their participation is required.

The creation of research networks under this programme is of great importance for the achievement of the objectives of the Community's research and technological development policy in consolidating and complementing the structuring effects of thematic programmes.

These networks must together extend across all the regions of the Community countries, with particular reference to the special needs of the peripheral areas and the currently least-favoured regions. This will facilitate the establishment in those regions of a highly qualified scientific and technological potential. To this end, encouragement shall be given to the setting up in such regions of new research teams centred on young scientists trained abroad.

This programme will also encourage access to large-scale scientific and/or technical facilities of great importance already existing in the Community for Community researchers for whom this is not directly possible. In particular, this activity will be geared to increasing the advanced training opportunities offered to European researchers by enabling them to become familiar with the use of such facilities in the execution of research projects.

Furthermore, this programme will promote the development of a system of R&D Euroconferences which will, in particular, enable young scientists to take an active part in especially important high-level conferences — meetings of researchers on subjects at the cutting edge of scientific or technical knowledge, at which specialists present and discuss their work and ideas.

The human capital activities should complement and be consistent with the training carried out under the specific programmes and other Community training activities such as Comett, Eurotecnet, etc.

II. Community activities

1. *The development of a Community system of research training*

R&TD teams, laboratories or centres of recognized quality for the training or specialization of researchers may receive separately or jointly (in the case of a network) young scientists in accordance with the procedures described in Annex III.

These fellowships, to be known by the name of a man or a woman who has made an important contribution to the development of European culture, will be awarded in general for a period of six months to two years for researchers. In certain cases, and with a view to ensuring a balanced geographical spread of human resources, the two-year fellowships may be extended for a further year in order to enable researchers from less-favoured regions to return to those regions and to consolidate the knowledge acquired.

The training of researchers shall consist of their active participation in advanced research projects carried out in teams or research laboratories.

In order to prevent a 'brain drain' from the disadvantaged regions of the Community and to increase the effectiveness of training, Community financial support may also be granted to an experienced researcher (whether a university researcher or not) to enable him to carry out R&D projects (as a 'visiting professor', responsible for research) in a centre located in one of the said regions so as to train a number of young scientists locally.

The fellowships for established researchers will generally last up to one year.

2. *Assistance for the creation and development of research networks for scientific and technical cooperation*

The participants in scientific and technical development actions form networks of research laboratories undertaking joint research and development work. The number of Member States taking part in each network should be as high as possible. As a general rule, the scientific and technical cooperation networks will consist of five research laboratories or teams in at least three Community countries working jointly on at least one or more R&D projects. The association of recognized high-quality laboratories and promising laboratories situated in the less-favoured regions of the Community shall be particularly sought. It will allow researchers working in isolation in an advanced area to unite their efforts.

Twinings and networks of fewer than five centres involving research teams in different Member States may be supported whenever they will assist in the creation of a genuinely European scientific and technical Community.

The networks will consist of public and/or private research laboratories and/or teams in the Member States, in order to pool scientific and technical expertise for the benefit of all participants. In particular, they should encourage the interaction of different disciplines, the combining of various technologies and the application of techniques from one field to another.

If the innovative or complex nature of a scientific area so requires, encouragement will be given to the setting up of new networks consisting of research teams or laboratories with additional capacity.

If a researcher trained under this programme sets up a new research team in a disadvantaged region of the Community, Community aid may include funds to equip the team if it joins a scientific and technical cooperation network supported by the Community in accordance with the criteria set out in Annex III.

3. *Establishment of access to large-scale scientific and technical facilities*

A 'large-scale facility' is understood as being an establishment which requires high initial investment or a group of smaller establishments which have complementary capacities.

The Community financial aid to selected facilities will be in accordance with the criteria set out in Annex III.

4. *Euroconferences*

These research and development 'Euroconferences' will comprise opportunities for high-level specialists to present and discuss their ideas and their latest scientific or technical results and for young researchers to hold discussions and interact with eminent experts during the presentation of their work. This initiative will, in accordance with the principle of subsidiarity, be supplementary to national efforts; it will also have as its objective the strengthening of the cohesion of the Community by allowing young researchers from less developed regions to have contact with and to benefit from the highest level of expertise in a particular science and technology domain.

III. *Scientific and technological sectors*

By virtue of its horizontal nature, the present programme will cover all scientific and technological sectors. Thus it may in particular deal with strategic projects and projects drawn up in connection with the research sectors referred to in the first five activities mentioned in Article 1 of the third framework programme which are specified in Annex II thereto.

Nevertheless, the training measures carried out under this programme will not be directly determined by the objectives of other specific programmes. This means that, in the sectors covered by the other specific programmes, measures may be carried out under this programme, but such measures must be in addition to the specific training carried out under the specific programmes themselves and any duplication of effort must be avoided.

In accordance with the open nature of the programme, the subjects to be included in basic research in the exact and natural sciences, including mathematics and engineering sciences, will not be defined *a priori*.

With regard to the social and human sciences, the programme will essentially deal with training and networks likely to improve or enhance European competitiveness and bring about sustainable economic development, in fields such as the economic and management sciences, including environmental economics, as well as the interfaces between science, technology and society. Attention will also be given to problems connected with the general public's understanding and acceptance of science and technology.

ANNEX II

INDICATIVE ALLOCATION OF FUNDS

Area	ECU (millions)	Expenditure related to researchers
1. Training	220	85 %
2. Networks	200	60 %
3. Access for researchers to large-scale facilities	55	40 %
4. Euroconferences	13,07	
Total	488,07	

Notes:

1. Including expenditure on staff totalling ECU 9,5 million and administrative expenditure totalling ECU 5,5 million.
2. An amount of ECU 4,93 million, not included in the ECU 488,07 million, will be earmarked as the contribution from the specific programme human capital and mobility to the centralized scheme for the dissemination and exploitation of results.
3. An additional sum of ECU 25 million will be destined for JRC activities in the field of human capital and mobility, including a sum of ECU 0,25 million representing the contribution of the JRC to the centralized scheme for the dissemination and exploitation of results.

ANNEX III

RULES FOR THE IMPLEMENTATION OF THE PROGRAMME AND THE AMOUNT OF THE COMMUNITY'S FINANCIAL CONTRIBUTION

The Commission will implement the programme on the basis of the contents described in Annex I.

The rules for implementing the programme, referred to in Article 3, comprise training actions and accompanying measures. Selection of activities must take account of the criteria listed in Annex III to Decision 90/221/Euratom, EEC and of the objectives defined in Annex I to this Decision.

Each action undertaken within this programme will be supported only when the transnationality criterion is fulfilled.

I. Areas

1. *The development of a Community system of research training fellowships*

Participants in this action will comprise two categories:

- (i) individual recipients of training fellowships;
- (ii) laboratories or research teams receiving fellowship recipients.

The individual fellowship recipients defined in (i) must be nationals of the Community Member States or natural persons resident in the European Community. The laboratories or research teams defined in (ii) must be themselves based within the framework of legal entities established in the Community (*), such as research centres, academic institutions, scientific foundations having their own research activities, or industrial firms.

The participants in the training actions will be chosen on the basis of a two-level procedure aimed at matching host organizations with applicant researchers.

The procedure will consist of two separate calls for proposals which will be published in the *Official Journal of the European Communities*. Both calls must be made in accordance with the work programme referred to in Article 5 (3). They must outline the scientific domains considered as having priority.

The first call for proposals will be annual and will refer to three categories of organizations which may receive fellowship recipients:

- (i) individual research teams or laboratories;
- (ii) research teams or laboratories as outlined in (i) grouped to form intra-European networks, as defined in Annex I, point II.2, linked for the purposes of a scientific and technical theme or a scientific and technical project;
- (iii) institutions offering large-scale facilities, as defined in Annex I, point II.3.

The selection criteria for this first call for proposals must include:

- the suitability and quality of the hosting research team,
- its capacity to attract qualified researchers,
- its proven record in training researchers,
- the impact on social and economic cohesion where appropriate.

From the second year onwards, at the same time as the call for proposals, those organizations previously selected which wish to receive further fellowship recipients will be reviewed to confirm that they still meet the selection criteria.

(*) Exceptionally, for the purposes of this programme, the European Organization for Nuclear Research (CERN), based in Geneva but with the major part of its installations on Community territory, may be a participant in the contracts.

The second call for proposals must be open on a continuous basis and must be addressed to researchers as defined in Annex I, point II.1. Such researchers may:

- (a) apply for a fellowship to the recommended laboratories following the call outlined above. The applicants must then be preselected by the host organizations; or
- (b) apply together with a host laboratory not selected in the annual call for proposals.

The selection criteria for this second call for proposals must include:

- the curriculum vitae of the researcher candidate,
- the scientific or technological quality of the intended project with respect to the Community research policy,
- the impact on social and economic cohesion where appropriate.

The selection of researchers must be decentralized as far as possible and the degree of decentralization must be determined in accordance with the procedure set out in Article 6. The Commission, assisted by the programme committee:

- must adjust to this demand the balances between the procedures as outlined above under (a) and (b) and between the recommended host organizations as selected following the annual calls for proposals, and
- must monitor the Community selection criteria and their implementation.

Community fellowships cover two types of expenses: those related to the researchers themselves and those related to the administration of the fellowships. Administrative costs include those of the Commission and those of the host organizations, including a contribution to the research expenses of the fellow in specific cases, where appropriately justified, and only to a limited extent of not more than 15 % of the total budget of Area 1, so that the total expenditure related to researchers is at least 85 % of total budget. It is noted that the 15 % does not apply to each individual case.

Expenditure related to researchers is intended to cover subsistence and mobility-related expenses, and special expenses for publication of the findings.

The terms given to recipients of the Community training fellowships must be equal for all, irrespective of the category of host organization, and taking into account the cost of living in the host countries.

2. *Research networks for scientific and technical cooperation*

Participants in this action will comprise research teams or laboratories grouped to form intra-European networks, as defined in Annex I, point II.2, linked for the purpose of a scientific and technical theme or a scientific and technical project. The selection of proposals must be made on the basis of a call for proposals which must be open continuously and which will be published in the *Official Journal of the European Communities*.

Networks of research teams and laboratories will be chosen on the basis of the originality of their approach, scientific excellence, appropriateness of topics and the demonstrated added benefit to European science deriving from their linkage.

Moreover, the selection of proposals must seek to stimulate and foster the carrying out of research in the laboratories of the different countries from the point of view of economic and social cohesion.

The various forms in which support will be given must be the subject of a contract. The Community's contribution must cover expenses incurred in engaging researchers outside the network needed to complete the research project, incidental costs resulting from international cooperation (travel, accommodation and joint meetings), a contribution to research expenditure (experimental products, special purchases and the use of large-scale facilities if required) and administrative costs. The Community's contribution must in general represent 100 % of the marginal costs of the action (including the full research fellowship costs).

3. Access to large-scale facilities

Participants in this action will comprise research installations in the Community, as defined in Annex I, point II.3. The beneficiaries of Community support will be of two types:

- researchers wishing to have access to the facilities,
- organizations having such facilities at their disposal.

The selection procedure for choosing beneficiary organizations must consist of two successive calls for proposals which must be published in the *Official Journal of the European Communities*.

The first call for proposals must be addressed to centres having large-scale scientific and technical facilities at their disposal. The proposals received in response must be accompanied by expressions of interest from potential users.

The second call for proposals must be published with the list of organizations pre-selected according to the previous procedure; it will aim to obtain joint equipment-user proposals.

The extent of Community support must be based on the quality and unique features of the facility; interest shown by potential users; cost/benefit ratio of Community support; value for the Community in terms of importance of the facility in respect of the Community's overall scientific and technical potential.

The Community financial aid granted to selected facilities will be designed to cover the costs arising from giving new scientists access to them (travel, subsistence expenses and user fees). As a general rule, this aid will not be granted to purchase basic durable equipment or to contribute to infrastructural costs; however, special contributions to adapt and upgrade large installations to favour the access of guest researchers can be considered.

4. Euroconferences

The participants in the action for the development of Euroconferences will be organizations, scientific associations or learned societies organizing a series of high-level meetings for debating the latest work undertaken in advanced scientific or technical areas.

The selection procedure must consist of a call for proposals defining the priority scientific areas selected for the work programme as referred to in Article 5 (3). This call for proposals must be published in the *Official Journal of the European Communities*.

The Community's financial support will cover in particular the participation expenses (registration, travel and subsistence) of young scientists attending the conferences, with priority being given to those from less-favoured regions.

II. Accompanying measures

The accompanying measures will, in particular, consist of putting to use the resources permitting good technical execution, management and evaluation of the programme and adequate dissemination and accessibility of the results of the training actions and coordination, and increasing awareness of the participants in the programme.

The dissemination of the results of the training actions will be carried out within the specific programme as well as through the centralized action of dissemination and exploitation, pursuant to the Decision referred to in the third paragraph of Article 4 of Decision 90/221/Euratom, EEC.

COUNCIL DECISION

of 26 March 1992

adopting a specific research and technological development programme in the field of biotechnology
(1990 to 1994)

(92/218/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130q (2) thereof,

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

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, by its Decision 90/221/Euratom, EEC ⁽⁴⁾, the Council adopted a third framework programme for Community activities in the field of research and technological development (1990 to 1994), specifying, *inter alia*, the activities to be pursued for contributing to the development of Europe's potential for understanding and using the properties and structures of living matter; whereas this Decision should be taken in the light of the grounds set out in the preamble to Decision 90/221/Euratom/EEC;

Whereas Article 130k of the Treaty stipulates that the framework programme is to be implemented through specific programmes developed within each activity;

Whereas research and technological development in this field should be linked to various relevant Community policies and objectives;

Whereas, pursuant to Article 4 and Annex I of Decision 90/221/Euratom, EEC, the amount deemed necessary for the whole framework programme includes an amount of ECU 57 million for the centralized action of dissemination and exploitation of results, to be divided up in proportion to the amount envisaged for each of the actions;

Whereas, in the context of this programme, an assessment should be made of the economic and social impact as well as of any technological risks;

Whereas basic research in the field of biotechnology must be encouraged throughout the Community;

Whereas, in addition to the specific programme concerning human resources and mobility, it is necessary to encourage the training of research workers in the context of this programme;

Whereas biological research, in particular that which uses the methods of recombinant DNA, is often subject to national laws with which the contractors must comply;

Whereas on 23 April 1990 the Council adopted Directive 90/219/EEC on the contained use of genetically modified micro-organisms ⁽⁵⁾ and Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms ⁽⁶⁾;

Whereas the positive development of biotechnology could be enhanced by concerted actions;

Whereas actions should be undertaken to ensure that the necessary consideration is given to the ethical and social effects of these projects, and their applications in agriculture, industry, health care and the environment; whereas such actions will ensure that information is made available to the public concerning the content of the programme;

Whereas the results which may be achieved by genetic research make it necessary to adopt an integrated approach which takes account of the scientific, safety, ethical and legal aspects of possible applications and of the need to ensure that the results are not used in an improper manner or subject to misrepresentation;

Whereas the Commission has announced its intention to examine further the ethical implications of biotechnology using the appropriate advisory structure;

Whereas Decision 90/221/Euratom, EEC provides that a particular aim of Community research must be to strengthen the scientific and technological basis of European industry and to encourage it to become more competitive at international level; whereas it also provides that Community action is justified where research contributes, *inter alia*, to the strengthening of the economic and social cohesion of the

⁽¹⁾ OJ No C 174, 16. 7. 1990, p. 53.

⁽²⁾ OJ No C 280, 28. 10. 1991, p. 79 and Decision of 12 February 1992 (not yet published in the Official Journal).

⁽³⁾ OJ No C 31, 6. 2. 1991, p. 14.

⁽⁴⁾ OJ No L 117, 8. 5. 1990, p. 28.

⁽⁵⁾ OJ No L 117, 8. 5. 1990, p. 1.

⁽⁶⁾ OJ No L 117, 8. 5. 1990, p. 15.

Community and to the promotion of its overall harmonious development, while being consistent with the pursuit of scientific and technical excellence; whereas the programme in the field of biotechnology is looked upon as contributing to the achievement of these objectives;

Whereas small and medium-sized enterprises (SME) should be involved to the maximum extent possible in this programme; whereas account should be taken of their special requirements, without prejudice to the scientific and technical quality of the programme;

Whereas research in biotechnology may lead to improvements in agriculture and industrial efficiency and viability, in the preservation of the environment and health, and in quality products for the consumer;

Whereas, in accordance with Article 130g of the Treaty, the Community's activities aimed at strengthening the scientific and technological basis of European industry and encouraging it to become more competitive include promoting cooperation on research and technological development with third countries and international organizations; whereas such cooperation may prove particularly beneficial for the development of this programme;

Whereas it is necessary, as Annex II to Decision 90/221/Euratom, EEC provides, to reinforce biological knowledge as the common and integrated foundation needed for applications in agriculture, industry, nutrition and the environment;

Whereas the Scientific and Technical Research Committee (Crest) has been consulted,

HAS ADOPTED THIS DECISION:

Article 1

A specific research and technological development programme in the field of biotechnology, as defined in Annex I, is hereby adopted for a period commencing on 26 March 1992 and ending on 31 December 1994.

Article 2

1. The funds estimated as necessary for the execution of the programme referred to in Article 1 amount to ECU 162,36 million, including expenditure on staff and administration amounting to ECU 7 million.
2. An indicative allocation of funds is set out in Annex II.
3. Should the Council take a decision pursuant to Article 1 (4) of Decision 90/221/Euratom, EEC, this Decision shall be adapted accordingly.

Article 3

Detailed rules for the implementation of the programme and the amount of the Community's financial contribution are set out in Annex III.

Article 4

1. In the second year of the implementation of the programme, the Commission shall review it and send a report on the results of its review to the European Parliament, the Council and the Economic and Social Committee; the report shall be accompanied, where necessary, by proposals for amendment of the programme.
2. At the end of the programme, an evaluation of the results achieved shall be conducted for the Commission by a group of independent experts. The group's report, together with the Commission's comments, shall be submitted to the European Parliament, the Council and the Economic and Social Committee.
3. The reports referred to in paragraphs 1 and 2 shall be established having regard to the objectives set out in Annex I to this Decision and in accordance with Article 2 (4) of Decision 90/221/Euratom, EEC.

Article 5

1. The Commission shall be responsible for the implementation of the programme.
2. Contracts concluded by the Commission shall govern the rights and obligations of each party, in particular the arrangements for the dissemination, protection and exploitation of research results, in accordance with the provisions adopted pursuant to the second subparagraph of Article 130k of the Treaty.
3. A work programme shall be drawn up in accordance with the aims set out in Annex I and updated where necessary. It shall set out the detailed objectives and types of projects to be undertaken, and the financial arrangements to be made for them. The Commission shall make calls for proposals for projects on the basis of the work programme.

Article 6

The Commission shall be assisted by a Committee composed of representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority provided for in Article 148 (2) of the Treaty as regards adoption of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the

representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged when they are in accordance with the opinion of the committee.

When the measures envisaged are not in accordance with the committee's opinion, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from referral of the matter to the Council, the latter has not acted, the proposed measures shall be adopted by the Commission.

Article 7

1. The procedure laid down in Article 6 shall apply to:

- the preparation and updating of the work programme referred to in Article 5 (3),
- the contents of the calls for proposals,
- the assessment of the projects and concerted actions provided for in Annex III and the estimated amount of the Community's contribution to them where this amount exceeds ECU 0,3 million,
- departures from the general rules set out in Annex III,
- the participation in any project by non-Community organizations and enterprises referred to in Article 8,
- any adaptation of the indicative breakdown of the amount set out in Annex II,
- the measures to be undertaken to evaluate the programme,
- arrangements for the dissemination, protection and exploitation of the results of research carried out under the programme.

2. Where, pursuant to the third indent of paragraph 1, the amount of the Community contribution is less than or

equal to ECU 0,3 million, the Commission shall inform the committee of the projects and concerted actions and of the outcome of their assessment.

The Commission shall also inform the committee of the implementation of the accompanying measures referred to in Annex III.

Article 8

1. The Commission is hereby authorized to negotiate, in accordance with Article 130n of the Treaty, international agreements with third countries which are members of COST, in particular the member countries of EFTA and the countries of central and eastern Europe, with a view to associating them with all, or part, of the programme.

2. When framework agreements for scientific and technical cooperation have been concluded between the Community and European non-Member States, bodies and enterprises established in those countries may, in accordance with the procedures laid down in Article 6 and on the basis of the criterion of mutual benefit, be allowed to become partners in a project undertaken within the programme. For projects in Area 3 of Annex I, this option may be extended to bodies and enterprises established in other third countries as well as to international organizations engaged in research in this area.

No contracting body based outside the Community and participating as a partner in a project undertaken under the programme may benefit from Community financing for this programme. Such bodies shall contribute to the general administrative costs.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 26 March 1992.

For the Council

The President

Joaquim FERREIRA DO AMARAL

ANNEX I

SCIENTIFIC AND TECHNICAL OBJECTIVES AND CONTENT

This specific programme fully reflects the approach embodied in the third framework programme in terms of the scientific and technical goals and the underlying aims which it pursues.

Paragraph 4a of Annex II to the framework programme forms an integral part of the present specific programme. In particular, the objectives of the Bridge programme will be extended.

Prenormative research will be carried out in each of the areas described below, with emphasis on the safety assessment of new techniques and novel products.

The ethical, social and economic implications of biotechnology will be monitored and studied with a view to contributing to the clarification of such issues as the diversity of perceptions on benefits and possible risks of biotechnology and the factors influencing the acceptability of scientific results. A further area of interest will be the role of public policies, including research policies, in influencing these issues. The potential for using the applications of biotechnology R & D to enhance social progress and economic development through innovation in agriculture, medicine and industry will also be studied. A multidisciplinary approach involving representatives from the various sciences, professions and activities concerned will be pursued.

For all research projects conducted in the framework of the programme, contractors will be requested to provide, when applicable, information necessary for the detailed evaluation of the social, ethical and ecological impact of their studies, and, where necessary, approval from the responsible authorities. The provisions of relevant Community directives must be applied as regards the ecological impact. These must also be applied to work carried out as a consequence of the provisions laid down in Article 8 of the Decision.

Information technology will be used throughout the programme for collecting, pooling, analysing, distributing or simulating data.

Research will be carried out at the level of molecules, cells, organisms and populations. Integration between levels will be assured.

The following presents an analytical description of the content of the programme, based on, and taking account of, the above elements.

AREA 1

Molecular approaches

Protein structure and function

Research under this theme has two goals. First, to understand and control biological functions carried out by proteins (enzymes, hormones, antibodies, receptors, body structures, etc.). Second, to produce tailor-made proteins adapted to the specific requirements of man (for example, new drugs, industrial enzymes).

Target areas will include enzymes and proteins associated with biological membranes.

A specific objective of the programme will be the analysis of structure-function relationships for a number of membrane proteins.

Structure of genes

The goal is to arrive at a greater understanding of biological and genetic mechanisms. The study of the genetic message in representative species will be pursued at two levels: precise ordering of the genes within chromosomes (gene mapping), and detailed determination of the chemical composition of genes (gene sequencing).

Efforts will be undertaken to contribute to the sequencing work of the entire genome of yeast, which displays a genetic structure and organization (genome) comparable to that of plants and animals, and to initiate a Community effort for sequencing genes in suitable micro-organism, plant and animal species.

A specific objective will be the sequencing of more than 10 million nucleotides in the organisms studied.

Close liaison will be maintained with research under the Human Genome Analysis programme to ensure that developments in methodology, mapping and sequencing techniques are shared with mutual benefit.

Expression of genes

In order to make full use of the above information on gene structure, the processes through which the information stored as DNA in the genes is expressed in the form of active proteins will be studied in some models of practical importance — transcription factors, factors affecting transcription, RNA polymerases, their interactions with signals, ligands, DNA and post-transcriptional processes. A specific objective is the analysis of a number of DNA polymerases and transcription factors in yeast, plants and mammalian cells.

AREA 2

Cellular and organism approaches

Cellular regeneration, reproduction and development of living organisms

In order to provide basic knowledge required by biotechnology, comparative studies of reproductive events (meiotic pairing, gamete packaging, gamete recognition and fertilization), cell-cell interaction and cell replication in animals and plants will be undertaken. Research will be centred on the control of development, cell commitment and cell totipotency in higher organisms starting with the simplest levels of organization, namely gametes, eggs, proliferating lines and their reorganization into organs and embryos. Research projects on human embryos are not included in this programme.

At the same time, with regard to prenatal research, *in vitro* test systems will be elaborated which take into account the high specificity of modern drugs and their potential toxic effects during cell differentiation and organogenesis.

Metabolism of animals, plants and microbes; essential physiological tracts

The objective is to provide industrial and agricultural operators with the basic knowledge required for a more rational exploitation of resources in production, processing and animal husbandry.

The analysis of the biological material with a view to studying and protecting human health will utilize new animal models including, where necessary, transgenic animals. Any unnecessary suffering of such animals will be strictly avoided, and the Community provisions of Council Directive 86/609/EEC of 24 November 1986 ⁽¹⁾ on the protection of animals used for experimental and other scientific purposes shall be applied.

Research will concern the regulatory mechanisms governing some of the biological functions or metabolic activities in species which are important to man (for example, as specific objectives, production and secretion in micro-organisms, extremophile micro-organisms, metabolic pathways under extreme environments, nitrate assimilation in plants, food utilization and metabolic control in animals, etc.)

Communication systems within living matter

The goal is to provide industrial biotechnologists, agricultural and medical operators with a new approach to dealing with the complexity of living systems. This emerging subject will be studied at the cellular and systemic level.

Research will be focused on the immune and the nervous systems. Immunological studies will concern the complex interaction between the three main types of cells (antigen-presenting cells, T-lymphocytes and B-lymphocytes) responsible for the reaction of the animal body to foreign substances (antigens). Pharmacological and toxicological test systems will be developed for prenatal purposes for the evaluation of biotechnology products, with special attention to immune reactions in 'drug targeting' and immunotoxicology as such. Synergism with protein engineering will be assured.

In neurobiology, attention will be given to the basic unit of the brain, the neurons and their interactions. The biochemical, pharmacological and genetic characterization of newly discovered neuroreceptors systems will constitute a specific objective of the programme.

⁽¹⁾ OJ No L 358, 18. 12. 1986, p. 1.

AREA 3

Ecology and population biology

Ecological implications of biotechnology

The goal is to study the environmental implications of biotechnology and, in particular, of the release by man of living organisms in the environment in connection with the industrial, agricultural and environmental policies of the Community.

Particularly in the case of micro-organisms, the systematic analysis of possible risks will be carried out taking into consideration the need for a comprehensive understanding of the relevant characteristics of the ecosystems involved, such as the soil. Research will include the analysis of representative examples of interactions between microbial populations and other organisms in the ecosystems; the study of the impact of the introduction of genetically modified or genetically marked micro-organisms on the rhizosphere or leaf surface; the determination of the behaviour and effects upon ecosystems of organisms including those modified by genetic engineering (including as a complement to ongoing research in Bridge, fishes and insects).

Conservation of genetic resources

The aim is to ascertain the real dimension of the problem of loss of genetic diversity. Knowledge of genetic erosion in plants, animals and micro-organisms will be pursued, collected and circulated.

Taxonomy will be revitalized with inputs from molecular biology, providing specific and target support to decentralized collections of biotic materials; this support will be restricted to research and will exclude the maintenance or expansion of existing collections; a systematic assessment of the residual genetic variability of microbial, plant and animal species and varieties which have played a major role in regional and traditional European agriculture and food will be carried out.

Close coordination will be maintained with other relevant research programmes, including Biomedicine and Health, and Environment.

ANNEX II

INDICATIVE ALLOCATION OF FUNDS DEEMED NECESSARY

	(in million ecus)
Area 1: Molecular approaches	64
Area 2: Cellular and organism approaches	81
Area 3: Ecology and population biology	17,36
Total	162,36 ⁽¹⁾ ⁽²⁾ ⁽³⁾

The breakdown between different areas does not exclude the possibility that projects could cover several areas.

⁽¹⁾ Including expenditure on staff amounting to ECU 3,5 million and administration expenditure totalling ECU 3,5 million.

⁽²⁾ An amount deemed necessary of ECU 1,64 million, not included in the ECU 162,36 million, will be earmarked as the contribution from the specific programme in the field of biotechnology to the centralized scheme for the dissemination and exploitation of results.

⁽³⁾ At least 10 % of the funds will be allocated to basic research. Between 5 and 7 % of the funds will be allocated to training of researchers. Up to 3 % of the funds will be allocated to the assessment of ethical and socio-economic effects and technological risks.

ANNEX III

RULES FOR IMPLEMENTING THE PROGRAMME

1. The Commission will implement the programme on the basis of the scientific and technical content described in Annex I.
2. The rules for implementing the programme, referred to in Article 3, comprise research and technological development projects, concerted actions and accompanying measures. Selection of projects must take account of the criteria listed in Annex III to Decision 90/221/Euratom, EEC and of the objectives set out in Annex I to this programme.

— *Research projects*

The projects will be the subject of shared-cost research and technological development contracts and Community financial participation which will not normally be more than 50 %. Universities and other research centres participating in shared-cost projects will have the option of requesting, for each project, either 50 % funding of total expenditure or 100 % funding of the additional marginal costs.

Shared-cost research projects must, as a general rule, be carried out by participants established within the Community. Projects in which, for example, universities, research organizations and industrial firms, including small and medium-sized enterprises, may take part must provide, as a general rule, for the participation of at least two partners, independent of each other and established in different Member States. Contracts relating to shared-cost research projects must, as a general rule, be concluded following a selection procedure based on calls for proposals published in the *Official Journal of the European Communities*.

— *Cooperative research projects*

Cooperative research is intended for a group of undertakings, in particular SMEs, which do not have their own research facilities, in order to resolve common technical problems. One or more outside organizations (research associations, universities or undertakings) will be appointed to carry out the research.

50 % of the research costs of these projects will be covered for a period normally not exceeding two years. These projects must be submitted by undertakings which are to take part in planning and piloting the research and implementing the results.

— *Concerted actions*

Concerted actions consist of action by the Community to coordinate the individual research activities carried out in the Member States. They may benefit from funding of up to 100 % of coordinating expenditure.

— *Accompanying measures*

The accompanying measures referred to in Article 7 and described in Annex I will in particular be implemented through:

- the organization of seminars, workshops and scientific conferences,
- internal coordination through the creation of integrating groups,
- advanced technology training programmes, with the emphasis being placed on multidisciplinary,
- promotion of the exploitation of results,
- independent scientific and strategic evaluation of the operation of the projects and the programme.

3. The knowledge acquired in the course of the projects will be disseminated both within the specific programme and by means of a centralized activity, pursuant to the Decision referred to in the third subparagraph of Article 4 of Decision 90/221/Euratom, EEC.
4. Each proposal should include an environmental impact statement. The statement should also include an undertaking to comply with the relevant safety rules.

COUNCIL DECISION

of 30 March 1992

on the conclusion of an Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1992 to 30 September 1993, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations

(92/219/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations ⁽¹⁾, signed in Maputo on 30 September 1988,

Having regard to the proposal from the Commission,

Whereas the Community and the People's Republic of Mozambique held negotiations with a view to determining amendments or additions to be made to the Protocol to the Agreement on fisheries relations at the end of the period of application of the first Protocol;

Whereas, as a result of these negotiations, a new Protocol was initialled on 15 October 1991;

Whereas, under this Protocol, Community fishermen will enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the People's Republic of Mozambique for the period from 1 January 1992 to 30 September 1993;

Whereas, in order to avoid interruption of fishing activities by Community vessels, both parties initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol on expiry of the Protocol previously in force; whereas the Agreement in

the form of an exchange of letters should be concluded pending a definitive decision under Article 43 of the Treaty and the subsequent entry into force of the Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol defining, for the period from 1 January 1992 to 30 September 1993, the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations is hereby approved on behalf of the Community.

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

Article 2

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

Done at Brussels, 30 March 1992.

*For the Council**The President*

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No L 98, 10. 4. 1987, p. 12.

AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol establishing for the period from 1 January 1992 to 30 September 1993 the fishing opportunities and financial contribution provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Mozambique on fisheries relations

A. Letter from the Government of Mozambique

Sir,

With reference to the Protocol initialled on 15 October 1991 establishing the fishing opportunities and financial contribution for the period from 1 January 1992 to 30 September 1993, I have the honour to inform you that the Government of Mozambique is prepared to apply the Protocol provisionally from 1 January 1992 pending its entry into force in accordance with Article 6, provided that the European Economic Community is prepared to do the same.

It is understood that in this case the financial compensation stipulated in Article 2 of the Protocol must be paid before 30 April 1992.

I should be obliged if you would confirm that the European Economic Community is in agreement with such provisional application.

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

*For the Government of the
People's Republic of Mozambique*

B. Letter from the Community

Sir,

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

'With reference to the Protocol initialled on 15 October 1991 establishing the fishing opportunities and financial contribution for the period from 1 January 1992 to 30 September 1993, I have the honour to inform you that the Government of Mozambique is prepared to apply the Protocol provisionally from 1 January 1992 pending its entry into force in accordance with Article 6, provided that the European Economic Community is prepared to do the same.

It is understood that in this case the financial compensation stipulated in Article 2 of the Protocol must be paid before 30 April 1992.

I should be obliged if you would confirm that the European Economic Community is in agreement with such provisional application.'

I have the honour to confirm the agreement of the European Economic Community to this provisional application.

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

*On behalf of
the Council of the European Communities*

COUNCIL DECISION

of 30 March 1992

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1992 to 31 December 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast

(92/220/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast ⁽¹⁾, signed in Conakry on 7 February 1983, as last amended by the Agreement signed in Brussels on 28 July 1987 ⁽²⁾,

Having regard to the proposal from the Commission,

Whereas, in accordance with the second subparagraph of Article 15 of the aforesaid Agreement, the Community and the Republic of Guinea conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed to the Agreement;

Whereas, as a result of these negotiations, a new Protocol was initialled on 11 December 1991;

Whereas, under that Protocol, Community fishermen have fishing rights in the waters under the sovereignty or jurisdiction of the Republic of Guinea for the period from 1 January 1992 to 31 December 1993;

Whereas, in order to avoid any interruption in the fishing activities of Community vessels, it is essential that the new Protocol be applied as soon as possible; whereas, for this reason, the two Parties initialled an Agreement in the form of an exchange of letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the interim arrangements established by the Agreement in the form of an exchange of letters approved by the Council Decision of 7 December 1989;

Whereas the Agreement in the form of an exchange of letters should be approved, pending a final decision taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1992 to 31 December 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast is hereby approved on behalf of the Community.

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

Article 2

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

Done at Brussels, 30 March 1992.

*For the Council**The President*

Arlindo MARQUES CUNHA

⁽¹⁾ OJ No L 111, 27. 4. 1983, p. 1.

⁽²⁾ OJ No L 290, 30. 1. 1987, p. 9.

AGREEMENT

in the form of an exchange of letters concerning the provisional application of the Protocol establishing, for the period from 1 January 1992 to 31 December 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast

A. Letter from the Government of the Republic of Guinea

Sir,

With reference to the Protocol initialled on 11 December 1991 establishing fishing rights and financial compensation for the period from 1 January 1992 to 31 December 1993, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply this Protocol on a provisional basis, with effect from 1 January 1992, pending its entry into force in accordance with Article 8 of the said Protocol, provided that the European Economic Community is disposed to do the same.

This is on the understanding that a first instalment equal to 50 % of the financial compensation specified in Article 2 of the Protocol is paid by 30 April 1992.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.

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

*For the Government of the
Republic of Guinea*

B. Letter from the Community

Sir,

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

'With reference to the Protocol initialled on 11 December 1991 establishing fishing rights and financial compensation for the period from 1 January 1992 to 31 December 1993, I have the honour to inform you that the Government of the Republic of Guinea is ready to apply this Protocol on a provisional basis, with effect from 1 January 1992, pending its entry into force in accordance with Article 8 of the said Protocol, provided that the European Economic Community is disposed to do the same.

This is on the understanding that a first instalment equal to 50 % of the financial compensation specified in Article 2 of the Protocol is paid by 30 April 1992.

I should be obliged if you would confirm the European Economic Community's agreement to such provisional application.'

I have the honour to confirm the European Economic Community's agreement to this provisional application of the Protocol.

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

*On behalf of
the Council of the European Communities*

PROTOCOL

establishing, for the period from 1 January 1992 to 31 December 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast

Article 1

For a period of two years from 1 January 1992, the fishing rights granted under Article 2 of the Agreement shall be as follows:

1. trawlers: 12 000 (12 thousand) grt a month, annual average;
2. freezer tuna seiners: 24 vessels;
3. pole-and-line tuna vessels and surface longliners: eight vessels;
4. surface longliners: five vessels.

Article 2

1. The financial compensation referred to in Article 8 of the Agreement shall be, for the period referred to in Article 1, ECU 6 700 000, payable in two equal annual instalments.
2. The use to which this compensation is put shall be the sole responsibility of the Government of the Republic of Guinea.
3. The compensation shall be paid into an account opened with a financial institution or any other body designated by the Government of the Republic of Guinea.

Article 3

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

Article 4

The Community shall also contribute during the period referred to in Article 1 the sum of ECU 400 000 towards the financing of a Guinean scientific or technical programme to improve information on the fishery resources within the exclusive economic zone of the Republic of Guinea.

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

Article 5

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

The awards may also be used in any country linked with the Community by a cooperation agreement. The total cost of the awards may not exceed ECU 400 000. At the request of the Guinean authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries or for the organization of seminars on fishing in Guinea, or to strengthen the administrative infrastructure of the fisheries department. The sum shall be payable as and when it is used.

Article 6

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

Article 7

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

Article 8

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

It shall be applicable from 1 January 1992.

ANNEX

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

A. Licence application and issuing formalities

The relevant Community authorities shall present to the Office of the Secretary of State for fisheries of the Republic of Guinea, via the Commission Delegation in Guinea, an application for each vessel that is to be used for fishing under the Agreement, at least 30 days before the date of commencement of the period of validity requested.

The applications shall be made on the forms provided for that purpose by the Government of the Republic of Guinea, a specimen of which is attached hereto (Appendix 1).

Each licence application shall be accompanied by proof of payment of the fee for the period of the licence's validity. Payment shall be made into the account opened with the Public Treasury of Guinea.

The fees shall include all national and local charges except for port taxes and service costs.

Licences for all vessels shall be issued by the Guinean authorities within 30 days following receipt of proof of payment as laid down above to the shipowners or their representatives via the Delegation of the Commission of the European Communities in Guinea.

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

The new licence shall indicate:

- the date of issue,
- the validity of the new licence, covering the period from the date of arrival of the replacement vessel to the date of expiry of the licence of the replaced vessel.

In this case, no fee as laid down in the second subparagraph of Article 5 of the Agreement shall be due for unexpired periods of validity.

The licence must be held on board at all times.

I. Provisions applicable to trawlers

1. Each vessel shall be obliged to report to the port of Conakry once a year, prior to the issue of the licence, to undergo the inspection laid down by the rules and regulations currently in force. Inspections shall be carried out exclusively by duly authorized persons and must be effected within 24 working hours of arrival of the vessel in port if arrival has been announced at least 48 hours in advance. If the licence is renewed during the same calendar year the vessel shall be exempt from further inspection.
2. Each vessel must be represented by an agent appearing on a list drawn up by the Office of the Secretary of State for Fisheries.
3. (a) For the duration of this Protocol the fees for annual licences shall be as follows:
 - ECU 126/grt per year for fin-fish trawlers,
 - ECU 150/grt per year for cephalopod trawlers,
 - ECU 152/grt per year for shrimp trawlers.

Payment may be made in quarterly or half-yearly instalments at a fee 5% and 3% higher respectively.

- (b) For the duration of this Protocol the fees for half-yearly licences shall be as follows:

- ECU 82/grt per half-year for fin-fish trawlers,
- ECU 97/grt per half-year for cephalopod trawlers,
- ECU 99/grt per half-year for shrimp trawlers.

However, vessels failing to land 100 kg of fish per grt per quarter in accordance with the provisions of part C shall be obliged to pay an additional fee of ECU 10 per grt per year.

II. Provisions applicable to tuna vessels and surface longliners

- (a) The annual fees shall be ECU 20 per tonne caught within Guinea's fishing zone.
- (b) Licences shall be issued following payment to the Office of the Secretary of State for Fisheries of a lump sum of ECU 1 500 a year for each tuna seiner and ECU 300 a year for each pole-and-line tuna vessel and surface longliner, equivalent to the fees for:
 - 75 tonnes of tuna caught per year in the case of seiners,
 - 15 tonnes caught per year in the case of pole-and-line tuna vessels and surface longliners.

The final statement of the fees due for the fishing period shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made for each vessel and confirmed by the scientific institutes responsible for verifying catch data (Orstom and Spanish Institute of Oceanography) (IEO)). The statement shall be forwarded simultaneously to the Office of the Secretary of State for Fisheries and to the shipowners. Any additional payment due shall be made by the shipowners to the Office of the Secretary of State for Fisheries of Guinea no later than 30 days after notification of the final statement, to be paid into the account opened with the Public Treasury of Guinea.

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

B. Statement of catch

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

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

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

In this case, the Delegation of the Commission of the European Communities in Guinea shall be informed.

C. Landing of catch

Trawlers authorized to fish in the Guinea fishing zone shall, in order to make a contribution towards supplying the local population with fish caught in the Guinea fishing zone, be obliged to land 100 kg of fish per grt per year free of charge.

Landings may be made individually or collectively, mention being made of the vessels concerned.

D. By-catch

1. Fin-fish trawlers may not hold on board species other than fish representing more than 15 % of their total catch in the Guinea fishing zone.

Cephalopod trawlers may not hold on board crustaceans representing more than 20 % or fish representing more than 30 % of their total catch in the Guinea fishing zone.

Shrimp trawlers may not hold on board cephalopods representing more than 25 % or fish representing more than 50 % of their total catch in the Guinea fishing zone.

A maximum tolerance of 5 % of these percentages shall be authorized.

These limits shall be indicated on the licence.

2. Pole-and-line tuna vessels shall, moreover, be authorized to fish for live bait in order to carry out their fishing activities in the Guinea fishing zone.

E. Signing-on of seamen

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

- (i) each trawler owner shall undertake to employ:

- three seamen/fishermen on vessels of up to 350 grt,
- a number of seamen/fishermen equivalent to 25 % of the number of seamen/fishermen signed on for vessels with a tonnage greater than 350 grt;

- (ii) for the fleet of tuna seiners, three Guinea seamen shall be signed on permanently;

- (iii) for the fleet of pole-and-line tuna vessels, three Guinea seamen shall be signed on for the tuna-fishing season in the Guinea fishing zone, all of them to be assigned to different vessels;

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

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

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

F. Taking on board of observers and seamen/observers

1. The observers' and seamen/observers' task shall be to check on fishing activities in the Guinean fishing zone and collect all statistical data on the fishing activities of the vessel concerned. They shall be offered every facility needed to carry out their duties, including access to premises and documents and weekly radio communication of fishing data.

2. For each trawler the Office of the Secretary of State for Fisheries shall designate one of the Guinean seamen signed on to discharge the additional function of observer.

The master of the vessel shall facilitate the work of the seaman/observer outside the actual fishing operations. The seaman/observer shall be paid by the owner as a seaman in line with the terms in force.

The seaman/observer shall not normally remain on board for more than two trips.

3. Tuna vessels and surface longliners shall take an observer on board at the request of the Office of the Secretary of State for Fisheries. He must not remain on board any longer than is necessary for the accomplishment of his duties.

The master of the vessel shall facilitate the work of the observer, who shall be accorded the conditions enjoyed by officers of the vessel.

The salary and the social contributions of the observer shall be borne by the Government of Guinea.

Should the observer be taken on board in a foreign port, his travelling costs shall be borne by the shipowner.

Should a vessel with an observer on board leave the Guinean fishing zone, all measures must be taken to ensure the observer's return to Conakry as soon as possible at the expense of the shipowner.

G. Inspection and monitoring

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

H. Fishing zones

All the vessels referred to in Article 1 of the Protocol shall be authorized to fish in waters beyond 12 nautical miles.

I. Minimum meshes authorized

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

- (a) 40 mm for shrimps;
- (b) 40 mm for cephalopods;
- (c) 60 mm for fin fish.

These minimum sizes may be altered to conform to the standardization of the member states of the Subregional Fisheries Commission. Any such alterations shall be examined in the Joint Committee.

J. Entering and leaving the zone

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

The call sign and operating frequencies and times of the station shall be communicated to the shipowners by the Office of the Secretary of State for Fisheries at the time the licence is issued.

In cases where this radio communication cannot be used, vessels may use alternative means, such as telex (No 22315) or telegram.

K. Procedure in case of boarding

1. The Delegation of the Commission of the European Communities in Guinea shall be notified within 48 hours of any boarding within the Guinea exclusive economic zone of a fishing vessel flying the flag of a Member State of the Community and operating under an Agreement concluded between the Community and a third country and shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

2. In the case of vessels authorized to fish in Guinean waters, before any measures regarding the master 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 48 hours of receipt of the abovementioned information, between the Delegation of the Commission of the European Communities, the Office of the Secretary of State for Fisheries and the inspection authorities, possibly attended by a representative of the Member State concerned.

At the meeting, the Parties shall exchange any relevant documentation or information, in particular automatically registered data showing the vessel's positions during the trip up to the time of boarding, helping to clarify the circumstances of the established facts.

The shipowner or his representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.

3. 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.
4. Should the case not be settled by means of compromise, and therefore be brought before a competent judicial body, a bank security shall be fixed by the relevant authority within 48 hours following the conclusion of the compromise procedure, pending the judicial decision. The amount of the security must not exceed the amount of the penalty laid down under national legislation for the presumed infringement in question. The bank security shall be returned to the shipowner by the relevant authority once the case is settled without incrimination of the master of the vessel concerned.
5. The vessel and its crew shall be released either:
 - at the end of the consultation meeting, if the established facts permit, or
 - once the obligations arising under the compromise have been fulfilled, or
 - once a bank security is deposited (judicial procedure).
6. Should one of the Parties consider that there is a difficulty in the application of the abovementioned procedure, it may request urgent consultations under Article 10 of the Agreement.

Appendix 1

APPLICATION FORM
FOR A
FISHING LICENCE

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

APPLICANT

Name of firm:

Trade register No:

First name and surname of applicant:

Date and place of birth:

Occupation:

Address:

.....

No of employees:

Name and address of co-signatory:

.....

VESSEL

Type of vessel: Registration No:

New name: Former name:

Date and place of construction:

Original nationality:

Length: Beam: Hold:

Gross tonnage: Net tonnage:

Type of building materials:

Make of main engine: Type: Rating:

Propeller:

Fixed ☐Variable ☐Ducted ☐

Transit speed:

Call sign: Call frequency:

List of sounding, navigating and transmission instruments:

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

Other:

No of seamen:

CONSERVATION

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

Total refrigerating power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Demersal

Inshore demersal ☐ Deep-sea demersal ☐

Type of trawl: ☐
 Cephalopods ☐ Shrimps ☐ Fish ☐

Length of trawl: Headline:

Mesh size in the body:

Mesh size in the wings:

Speed of trawling:

B. Deep-sea pelagic (tuna)

Pole and line ☐ No of poles and lines ☐

Seine ☐ Length of net: Depth of net:

No of tanks: Capacity in tonnes:

C. Longlines and pots

Surface ☐ Bottom ☐

Length of lines: No of hooks:

No of lines:

No of pots:

SHORE INSTALLATIONS

Address and permit No:

.....

Name of firm:

Activities:

Domestic wholesale fish trade ☐Export ☐

Type and No of wholesale trader's card:

Description of processing and conservation plant:

.....

.....

.....

.....

.....

No of employees:

NB: Indicate affirmative answers by a tick in the appropriate box.

Technical remarks

Authorization of the Office of the Secretary of State

**OFFICE OF THE SECRETARY OF STATE
FOR FISHERIES**

Month:	Year:
Fishing method:	
Port of landing:	

[illegible]

Appendix 3

Remarks

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 ICCAT, General Mola 17, Madrid 1, Spain.

"Day" refers to the day you set the line.

4. Fishing area refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W.
5. The bottom 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 herein will be kept strictly confidential.

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 ICCAT, General Mola 17, Madrid 1, Spain.
3. "Day" refers to the day you set the line.
4. All information reported herein will be kept strictly confidential.
5. The bottom line ("landing weight") should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.

COUNCIL DECISION

of 30 March 1992

amending Seventh Decision 85/355/EEC on the equivalence of field inspections carried out in third countries on seed-producing crops and Seventh Decision 85/356/EEC on the equivalence of seed produced in third countries

(92/221/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, and in particular Article 16 (1) (b) thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽²⁾, and in particular Article 16 (1) (b) thereof,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed and oil and fibre plants ⁽³⁾, and in particular Article 15 (1) (b) thereof,

Having regard to the proposal from the Commission,

Whereas, in its Decision 85/355/EEC ⁽⁴⁾, the Council determined that field inspections carried out in certain third countries on seed-producing crops of certain species satisfied the conditions laid down in Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed ⁽⁵⁾ and in Directive 66/401/EEC, 66/402/EEC and 69/208/EEC;

Whereas, in its Decision 85/356/EEC ⁽⁶⁾, the Council determined that seed of certain species produced in certain third countries was equivalent to corresponding seed produced in the Community;

Whereas, in the case of Austria in respect of maize and Australia in respect of lucerne and sunflower, additional detailed information was requested; whereas the equivalence

granted in respect of those countries was limited to a period thought necessary to examine and assess that additional information, namely a period expiring, with regard to Austria, on 31 March 1992 and, with regard to Australia, on 30 June 1992;

Whereas, the examination and assessment of the information requested of the abovementioned third countries is still being carried out for the species concerned; whereas it is therefore appropriate to extend the abovementioned periods until 30 June 1995, the date on which Decisions 85/355/EEC and 85/356/EEC expire in respect of the majority of third countries;

Whereas it has since been established that in Morocco there are also rules on seed control for a range of plant species, which include provision for official field inspections to be carried out during the period of seed production;

Whereas an examination of the said rules and of the manner in which they are applied in Morocco has shown that, for certain species, the prescribed field inspections satisfied the conditions laid down in Annex I to Directives 66/401/EEC, 66/402/EEC or 69/208/EEC, as the case may be, and the conditions governing seed harvested and controlled there afforded, as regards the seed's characteristics, namely identity, examination, marking and control, the same assurance as do the conditions applicable to such seed harvested and controlled within the Community;

Whereas Morocco should therefore be granted equivalence in respect of certain species;

Whereas Decisions 85/355/EEC and 85/356/EEC should be amended as a result,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Decision 85/355/EEC shall be replaced by the following:

'Article 3

This Decision shall apply from 1 July 1990 to 30 June 1995.'

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66. Directive last amended by Directive 90/654/EEC (OJ No L 353, 17. 12. 1990, p. 48).

⁽²⁾ OJ No 125, 11. 7. 1966, p. 2309/66. Directive last amended by Directive 90/654/EEC.

⁽³⁾ OJ No L 169, 10. 7. 1969, p. 3. Directive last amended by Directive 90/654/EEC.

⁽⁴⁾ OJ No L 195, 26. 7. 1985, p. 1. Decision last amended by Commission Decision 91/554/EEC (OJ No L 298, 29. 10. 1991, p. 24).

⁽⁵⁾ OJ No 125, 11. 7. 1966, p. 2290/66. Directive last amended by Directive 90/654/EEC.

⁽⁶⁾ OJ No L 195, 26. 7. 1985, p. 20. Decision last amended by Decision 91/554/EEC.

Article 2

Article 5 of Decision 85/356/EEC shall be replaced by the following:

'Article 5

This Decision shall apply from 1 July 1990 to 30 June 1995.'

Article 3

The Annex to Decision 85/355/EEC shall be amended as follows:

1. In Part I, section 1, point 1.1, the entry 'MA = Morocco' shall be inserted after the entry 'IL = Israel'.
2. In the table in Part I, section 2, the following item shall be inserted after the item relating to Israel:

'1	2	3	4	5
MA	Ministère de l'agriculture et de la réforme agraire, direction de la protection des végétaux des contrôles techniques et de la répression des fraudes, service du contrôle des semences et des plantes — Rabat —	— 66/401 <i>Lupinus albus</i> <i>Lupinus angustifolius</i> <i>Lupinus luteus</i> <i>Pisum sativum (partim)</i> <i>Trifolium resupinatum</i> <i>Vicia faba (partim)</i> <i>Vicia sativa</i> — 66/402 <i>Avena sativa</i> <i>Hordeum vulgare</i> <i>Oryza sativa</i> X <i>Triticosecale</i> <i>Triticum aestivum</i> <i>Triticum durum</i> <i>Zea mays</i> — 69/208 <i>Brassica napus</i> <i>Carthamus tinctorius</i> <i>Glycine max</i> <i>Helianthus annuus</i> <i>Linum</i> <i>usitatissimum</i> ⁽¹⁾		

⁽¹⁾ Solely in the case of seed flax.'

Article 4

The Annex to Decision 85/356/EEC shall be amended as follows:

1. In Part I, section 1, point 1.1, the entry 'MA = Morocco' shall be inserted after the entry 'IL = Israel'.
2. In the table in Part I, section 2, the following item shall be inserted after the item relating to Israel:

1	2	3	4	5
MA	Ministère de l'agriculture et de la réforme agraire, direction de la protection des végétaux des contrôles techniques et de la répression des fraudes, service du contrôle des semences et des plantes — Rabat —	— 66/401 <i>Lupinus albus</i> <i>Lupinus angustifolius</i> <i>Lupinus luteus</i> <i>Pisum sativum</i> (partim) <i>Trifolium resupinatum</i> <i>Vicia faba</i> (partim) <i>Vicia sativa</i>	— Basic seed/Semences de base — Certified seed, first generation/Semences certifiées première génération — Certified seed, second generation/Semences certifiées deuxième génération	B CZ/1 CZ/2
		— 66/402 <i>Avena sativa</i> <i>Hordeum vulgare</i> <i>Oryza sativa</i> <i>X Triticosecale</i> <i>Triticum aestivum</i> <i>Triticum durum</i> <i>Zea mays</i>	— Basic seed/Semences de base — Certified seed, first generation/Semences certifiées première génération	B CZ/1
		— 69/208 <i>Brassica napus</i> <i>Carthamus tinctorius</i> <i>Glycine max</i> <i>Helianthus annuus</i> <i>Linum usitatissimum</i> ⁽¹⁾	— Basic seed/Semences de base — Certified seed, first generation/Semences certifiées première génération	B CZ/1

⁽¹⁾ Solely in the case of seed flax.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 30 March 1992.

For the Council
The President
Arlindo MARQUES CUNHA