

Official Journal

of the European Communities

ISSN 0378-6978

L 21

Volume 41

28 January 1998

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 200/98

of 20 January 1998

on the conclusion of the Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde for the period from 6 September 1997 to 5 September 2000

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof in conjunction with the first sentence of Article 228(2) and the first subparagraph of Article 228(3),

Having regard to the proposal from the Commission,

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

Whereas, pursuant to the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde⁽²⁾, the two parties 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 thereto;

Whereas, as a result of those negotiations, a new Protocol establishing the fishing rights and financial compensation provided for in the abovementioned Agreement for the period 6 September 1997 to 5 September 2000 was initialled on 10 July 1997;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the Coast of Cape Verde for the period from 6 September 1997 to 5 September 2000 is hereby approved on behalf of the Community.

⁽¹⁾ OJ C 371, 8. 12. 1997.

⁽²⁾ OJ L 212, 9. 8. 1990, p. 1.

The text of the Protocol is attached to this Regulation⁽³⁾.

Article 2

The fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

— freezer tuna seiners:

France: 19 vessels

Spain: 18 vessels,

— pole-and-line tuna vessels:

France: eight vessels

Spain: two vessels,

— surface longliners:

Spain: 18 vessels

Portugal: eight vessels,

— bottom longliners:

Portugal: three vessels.

If licence applications from those Member States do not exhaust the fishing possibilities provided for in the Protocol, the Commission may consider licence applications from any other Member State.

Article 3

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

Article 4

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

⁽³⁾ See page 16 of this Official Journal.

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

Done at Brussels, 20 January 1998.

For the Council
The President
J. CUNNINGHAM

COMMISSION REGULATION (EC) No 201/98
of 26 January 1998
concerning the classification of certain goods in the Combined Nomenclature

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

Having regard to Council Regulation (EEC) No 2658/87 ⁽¹⁾ on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Commission Regulation (EC) No 2509/97 ⁽²⁾, and in particular Article 9,

Whereas in order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature and those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is acceptance that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which do not conform to the rights

established by this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾, for a period of three months by the holder;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Tariff and Statistical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the Combined Nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 26 January 1998.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ L 345, 16. 12. 1997, p. 44.

⁽³⁾ OJ L 302, 19. 10. 1992, p. 1.

ANNEX

Description	Classification (CN code)	Grounds
(1)	(2)	(3)
Microporous polytetrafluoroethylene foil in the form of rectangles. This product is put up in sterile packaging and used in surgical operations to repair local lesions or separate organs to prevent them from growing together. It must sometimes be cut to size before being used.	3921 19 90	Classification in accordance with General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 10 to Chapter 39 and the wording of CN codes 3921, 3921 19 and 3921 19 90.

COMMISSION REGULATION (EC) No 202/98

of 26 January 1998

amending Regulation (EEC) No 4056/87 laying down the methods of analysis and other technical provisions necessary for the application of the export procedure for goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 2509/97⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure that goods subject to Council Regulation (EC) No 3448/93⁽³⁾ receive uniform treatment on export throughout the Community, the provisions of Commission Regulation (EEC) No 4056/87⁽⁴⁾ concerning determination of milk fats should be amended;

Whereas studies and tests carried out by the laboratories responsible for such testing indicate that the most appropriate procedure is the one laid down in Article 1;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee, Tariff and Statistical Nomenclature Section,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(3) of Regulation (EEC) No 4056/87 is hereby replaced by the following text:

‘3. Milk fat content

For the purposes of determining the milk fat content, a method based on extraction with light petroleum, preceded by hydrolysis with hydrochloric acid and followed by gas chromatography of the methyl esters of the fatty acids, shall be used. If the presence of milk fats is detected, the percentage proportion thereof shall be calculated by multiplying the percentage concentration of methyl butyrate by 25, multiplying the product by the total percentage fat content by weight of the goods and dividing by 100.’

Article 2

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 26 January 1998.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ L 345, 16. 12. 1997, p. 44.

⁽³⁾ OJ L 318, 20. 12. 1993, p. 18.

⁽⁴⁾ OJ L 379, 31. 12. 1987, p. 29.

COMMISSION REGULATION (EC) No 203/98

of 26 January 1998

amending Regulation (EEC) No 4154/87 laying down the methods of analysis and other technical provisions necessary for the application of the import procedure for goods obtained by processing agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 2509/97⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure that goods subject to Council Regulation (EC) No 3448/93⁽³⁾ receive uniform treatment on import throughout the Community, the provisions of Commission Regulation (EEC) No 4154/87⁽⁴⁾ concerning determination of milk fats should be amended;

Whereas studies and tests carried out by the laboratories responsible for such testing indicate that the most appropriate procedure is the one laid down in Article 1;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee, Tariff and Statistical Nomenclature Section,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(3) of Regulation (EEC) No 4154/87 is hereby replaced by the following text:

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

Done at Brussels, 26 January 1998.

‘3. Milk fat content

- (a) Save as otherwise provided in paragraph (b), the milk fat content by weight shall be determined by extraction with light petroleum after hydrolysis with hydrochloric acid.
- (b) Where fats other than milk fats are also declared in the composition of the goods, the following procedure shall be applied:
 - the percentage of weight of the total fats in the goods shall be determined as mentioned in paragraph (a),
 - for the purposes of determining the milk fat content, a method based on extraction with light petroleum, preceded by hydrolysis with hydrochloric acid and followed by gas chromatography of the methyl esters of the fatty acids, shall be used. If the presence of milk fats is detected, the percentage proportion thereof shall be calculated by multiplying the percentage concentration of methyl butyrate by 25, multiplying the product by the total percentage fat content by weight of the goods and dividing by 100.’

Article 2

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ L 345, 16. 12. 1997, p. 44.

⁽³⁾ OJ L 318, 20. 12. 1993, p. 18.

⁽⁴⁾ OJ L 392, 31. 12. 1987, p. 19.

COMMISSION REGULATION (EC) No 204/98**of 27 January 1998****establishing the standard import values for determining the entry price of
certain fruit and vegetables**

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 2375/96 ⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EC) No 150/95 ⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 January 1998.

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

Done at Brussels, 27 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 27 January 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	44,5
	212	106,4
	624	159,7
	999	103,5
0707 00 05	052	159,1
	068	132,9
	204	85,9
	999	126,0
0709 10 00	220	72,2
	999	72,2
0709 90 70	052	137,3
	204	159,1
	999	148,2
0805 10 10, 0805 10 30, 0805 10 50	052	41,8
	204	36,5
	212	31,2
	220	48,3
	448	27,7
	508	41,1
	600	61,2
	624	58,1
	625	32,0
	999	42,0
0805 20 10	204	65,3
	624	78,8
	999	72,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	55,2
	204	93,7
	464	140,5
	624	78,9
	662	51,1
	999	83,9
	999	83,9
0805 30 10	052	56,7
	600	82,4
	999	69,6
0808 10 20, 0808 10 50, 0808 10 90	060	53,3
	400	90,2
	404	102,0
	720	102,7
	728	58,0
	999	81,2
	999	81,2
0808 20 50	052	113,1
	064	88,4
	388	105,3
	400	102,9
	999	102,4

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 205/98

of 27 January 1998

fixing Community producer and import prices for carnations and roses with a view to the application of the arrangements governing imports of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip

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

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽¹⁾, as last amended by Regulation (EC) No 1300/97 ⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas, pursuant to Article 2 (2) and Article 3 of above-mentioned Regulation (EEC) No 4088/87, Community import and producer prices are fixed each fortnight for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses and apply for two-weekly periods; whereas, pursuant to Article 1b of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ⁽³⁾, as last amended by Regulation (EC) No

2062/97 ⁽⁴⁾, those prices are determined for fortnightly periods on the basis of weighted prices provided by the Member States; whereas those prices should be fixed immediately so the customs duties applicable can be determined; whereas, to that end, provision should be made for this Regulation to enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer and import prices for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses as referred to in Article 1b of Regulation (EEC) No 700/88 for a fortnightly period shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 28 January 1998.

It shall apply from 28 January to 10 February 1998.

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

Done at Brussels, 27 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁴⁾ OJ L 289, 22. 10. 1997, p. 1.

ANNEX

(ECU/100 pieces)

Period from 28 January to 10 February 1998				
Community producer price	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
	13,20	11,68	47,65	21,90
Community import prices	Uniflorous (bloom) carnations	Multiflorous (spray) carnations	Large-flowered roses	Small-flowered roses
Israel	15,11	12,46	20,31	19,69
Morocco	15,85	14,86	—	—
Cyprus	—	—	—	—
Jordan	—	—	—	—
West Bank and Gaza Strip	—	—	—	—

COMMISSION REGULATION (EC) No 206/98**of 27 January 1998****on the issuing of export licences for products processed from fruit and vegetables**

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

Having regard to Commission Regulation (EC) No 1429/95 of 23 June 1995 on implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugars ⁽¹⁾, as last amended by Regulation (EC) No 1007/97 ⁽²⁾, and in particular Article 4 (1) thereof,

Whereas Commission Regulation (EC) No 1998/97 ⁽³⁾ specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid;

Whereas Article 4 of Regulation (EC) No 1429/95 lays down the conditions under which special measures may be taken by the Commission to prevent an overrun in the quantities for which export licence applications may be submitted;

Whereas, in view of the information available to the Commission as of today, the quantity of 354 tonnes of orange juice with a sugar content of not less than 55° Brix in the Annex to Regulation (EC) No 1998/97, reduced or increased by the quantities referred to in Article 4 (1) of Regulation (EC) No 1429/95, would be

exceeded if licences were issued with advanced fixing of refunds without restriction in response to applications submitted since 23 January 1998; whereas a reducing factor should accordingly be applied to the quantities applied for on 23 January 1998, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences with advance fixing of the refund for orange juice with a sugar content of not less than 55° Brix for which applications were submitted on 23 January 1998 pursuant to Article 1 of Regulation (EC) No 1998/97 shall be issued for 81,7 % of the quantities applied for.

Applications for export licences with advance fixing of refunds for the above product submitted after 23 January 1998 and before 24 February 1998 shall be rejected.

Article 2

This Regulation shall enter into force on 28 January 1998.

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

Done at Brussels, 27 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 141, 24. 6. 1995, p. 28.

⁽²⁾ OJ L 145, 5. 6. 1997, p. 16.

⁽³⁾ OJ L 282, 15. 10. 1997, p. 22.

COMMISSION REGULATION (EC) No 207/98

of 27 January 1998

determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

and quotations; whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Having regard to the Treaty establishing the European Community,

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95⁽¹⁾,Whereas Article 5 (3) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1670/97⁽⁶⁾ determined estimated production for the 1997/98 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as amended by Regulation (EC) No 1584/96⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

HAS ADOPTED THIS REGULATION:

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton⁽⁴⁾, as last amended by Regulation (EC) No 1740/97⁽⁵⁾; whereas if it cannot be determined in this way it is to be based on the last price determined;

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at ECU 34,550 per 100 kilograms.

2. Advance payment of the aid as indicated in Article 5 (3) of Regulation (EC) No 1554/95 shall be at the rate of:

- ECU 32,844 per 100 kilograms in Spain,
- ECU 38,903 per 100 kilograms in Greece,
- ECU 71,750 per 100 kilograms in other Member States.

Article 2

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect differences in product quality and the nature of offers

This Regulation shall enter into force on 28 January 1998.

⁽¹⁾ OJ L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ L 206, 16. 8. 1996, p. 16.

⁽⁴⁾ OJ L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ L 244, 6. 9. 1997, p. 1.

⁽⁶⁾ OJ L 237, 28. 8. 1997, p. 1.

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

Done at Brussels, 27 January 1998.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 208/98**of 27 January 1998****amending representative prices and additional duties for the import of certain products in the sugar sector**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 1143/97 ⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1222/97 ⁽⁵⁾, as last amended by Regulation (EC) No 127/98 ⁽⁶⁾;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 January 1998.

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

Done at Brussels, 27 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ L 165, 24. 6. 1997, p. 11.

⁽⁵⁾ OJ L 173, 1. 7. 1997, p. 3.

⁽⁶⁾ OJ L 11, 17. 1. 1998, p. 27.

ANNEX

to the Commission Regulation of 27 January 1998 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	24,41	4,09
1701 11 90 ⁽¹⁾	24,41	9,33
1701 12 10 ⁽¹⁾	24,41	3,90
1701 12 90 ⁽¹⁾	24,41	8,90
1701 91 00 ⁽²⁾	26,16	12,15
1701 99 10 ⁽²⁾	26,16	7,63
1701 99 90 ⁽²⁾	26,16	7,63
1702 90 99 ⁽³⁾	0,26	0,39

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10. 4. 1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 20 January 1998

on the conclusion of an Agreement in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period 6 September 1997 to 5 September 2000, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde

(98/97/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde⁽¹⁾, and in particular Article 13 thereof,

Having regard to the proposal from the Commission,

Whereas the Community and the Republic of Cape Verde held negotiations to determine the amendments or additions to be made to the Agreement on fishing off Cape Verde at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a new Protocol was initialled on 10 July 1997;

Whereas, under this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of Cape Verde for the period 6 September 1997 to 5 September 2000;

Whereas, in order to avoid interruption of fishing activities by Community vessels, it is essential that the Protocol in question be approved as quickly as possible; whereas both Parties have therefore initialled an Agree-

ment 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 Protocol previously in force; whereas the Agreement in the form of an Exchange of Letters should be concluded, subject to a definitive decision pursuant to Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period 6 September 1997 to 5 September 2000, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde 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 fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

— freezer tuna seiners:

France: 19 vessels

Spain: 18 vessels,

⁽¹⁾ OJ L 212, 9. 8. 1990, p. 1.

— pole-and-line tuna vessels:

France: eight vessels

Spain: two vessels,

— surface longliners:

Spain: 18 vessels

Portugal: eight vessels,

— bottom longliners:

Portugal: three vessels.

Article 3

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

Done at Brussels, 20 January 1998.

If licence applications from those Member States do not exhaust the fishing possibilities provided for in the Protocol, the Commission may consider licence applications from any other Member State.

For the Council

The President

J. CUNNINGHAM

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

on the provisional application of the Protocol establishing, for the period 6 September 1997 to 5 September 2000, the fishing rights and the financial compensation provided for by the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde

A. Letter from the Government of the Republic of Cape Verde

Sir,

With reference to the Protocol initialled on 10 July 1997 establishing the fishing rights and financial compensation for the period 6 September 1997 to 5 September 2000, I have the honour to inform you that the Republic of Cape Verde is willing to apply the Protocol provisionally from 6 September 1997 pending its entry into force in accordance with Article 7 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one-third of the financial compensation laid down by Article 2 of the Protocol, must be paid before 31 January 1998.

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

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

For the Government of the Republic of Cape Verde

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 10 July 1997 establishing the fishing rights and financial compensation for the period 6 September 1997 to 5 September 2000, I have the honour to inform you that the Republic of Cape Verde is willing to apply the Protocol provisionally from 6 September 1997 pending its entry into force in accordance with Article 7 thereof, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment, equal to one-third of the financial compensation laid down by Article 2 of the Protocol, must be paid before 31 January 1998.

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

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

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

*For the Council
of the European Union*

PROTOCOL

establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off the coast of Cape Verde

Article 1

Pursuant to Article 2 of the Agreement, and for a period of three years from 6 September 1997, the following fishing possibilities shall be accorded:

(a) highly migratory species:

- freezer tuna seiners: 37 vessels,
- pole-and-line tuna vessels: 10 vessels,
- surface longliners: 26 vessels;

(b) other species:

- bottom longliners: three vessels, each with a tonnage of less than 210 GRT.

Article 2

1. For the period referred to in Article 1, the financial compensation referred to in Article 7 of the Agreement shall be ECU 1 086 000, payable in three equal annual instalments.

In the case of tuna fishing, this compensation shall cover a catch weight in waters of Cape Verde of 5 000 tonnes of tuna fished per year. If the annual amount of tuna caught by Community vessels in the waters of Cape Verde exceeds this quantity, the abovementioned compensation shall be increased by ECU 50 for each additional tonne caught.

2. The use to which this compensation is put shall be the sole responsibility of the Cape Verdean authorities.

3. The compensation shall be paid into an account opened with a financial institution or any other body designated by the Cape Verdean authorities.

Article 3

The Community shall also contribute during the period referred to in Article 1 the sum of ECU 267 440 towards the financing of a Cape Verde scientific or technical programme (equipment, infrastructure, seminars, studies, etc.) to improve information on the fishery resources within the exclusive economic zone of Cape Verde.

This sum shall be made available to the Ministry for Fisheries of Cape Verde and paid into the bank account indicated by the Office.

The authorities of Cape Verde shall send to the Commission a brief report on the utilization of the funds.

Article 4

1. 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 Cape Verde 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.

2. The total cost of the awards may not exceed ECU 178 300. At the request of the Cape Verdean authorities, part of this sum may be used to cover the costs of participation in international meetings or training courses concerning fisheries. The sum shall be payable as and when it is used.

Article 5

Should the Community fail to make the payments provided for in Articles 2 and 3, the application of this Protocol may be suspended.

Article 6

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

Article 7

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

It shall apply from 6 September 1997.

ANNEX

**CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY COMMUNITY VESSELS
IN THE CAPE VERDE FISHING ZONE****A. Licence application and issuing formalities**

1. The Community authorities shall present to the Office of the Ministry for Fisheries of Cape Verde, via the Delegation of the European Commission in Cape Verde, an application for each vessel that is to be used for fishing under the Agreement, at least 15 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 Office of the Ministry for Fisheries of Cape Verde, a specimen of which is attached hereto (Appendix 1).

2. 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 an account opened with a financial institution or any other body designated by the Cape Verdean authorities.

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

3. Licences for all vessels shall be issued by the Office of the Ministry for Fisheries, of Cape Verde, within 15 days following receipt of proof of payment as laid down in point 2, to the shipowners or their representatives via the Delegation of the European Commission in Cape Verde.
4. Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the European Commission, a vessel's licence may, and in the case of *force majeure* shall be replaced by a new licence for another vessel with features similar to those of the first vessel. The owner of the first vessel shall return the cancelled licence to the Office of the Ministry for Fisheries of Cape Verde via the Delegation of the European Commission in Cape Verde.

The new licence shall indicate:

- the date of issue,
- the fact that it replaces the licence of the previous vessel for the remaining period of validity.

In this case, no fee as laid down in Article 4(2) of the Agreement shall be due for unexpired period of validity.

5. The licence must be held on board at all times; however, on reception of notification of payment of the advance sent to the Cape Verdean authorities by the European Commission, the vessel shall be entered on a list of vessels authorized to fish, which shall be sent to the Cape Verdean authorities responsible for fisheries inspection. A copy of the said licence may be obtained by fax pending arrival of the licence itself; that copy shall be kept on board.
6. The Ministry for Fisheries of Cape Verde shall give notice, before the Agreement enters into force, of the arrangements for payment of the fee, including information on bank accounts and the currencies to be used.

B. Provisions applicable to tuna vessels and surface longliners

1. Licences shall be valid for one year. They shall be renewable.
2. The fee shall be ECU 20 per tonne caught within the Cape Verde fishing zone.
3. Licences shall be issued after payment to the Ministry for Fisheries of Cape Verde of a lump sum of ECU 1 800 for the first year and ECU 2 000 for the following years for each tuna seiner, ECU 300 a year for each pole-and-line tuna vessel and ECU 1 000 a year for each surface longliner, equivalent to the fees payable for a catch of:

- 90 tonnes of tuna for the first year and 100 tonnes per year for each following year in the case of seiners,
 - 15 tonnes of tuna per year in the case of pole-and-line vessels,
 - 50 tonnes of fish per year for surface longliners.
4. The master must keep a fishing log as shown in Appendix 2 for each fishing period spent in the Cape Verde fishing zone.

Logs shall be sent for processing to the Institut Français de Recherche Scientifique et Technique d'Outre-Mer (ORSTOM), the Instituto Español de Oceanografía (IEO) and the Instituto Nacional de Desenvolvimento das Pescas (INDP) of Cape Verde within a month of the end of each calendar quarter.

The Member States shall notify the European Commission by 15 April of catches, in tonnes, during the previous year, as confirmed by the scientific institutes. On the basis of this information, the Commission shall draw up a statement of fees due for the fishing period and send it to the Ministry for Fisheries of Cape Verde for comments.

Shipowners shall receive notification by the end of April of the statement drawn up by the Commission, and shall have 30 days to make any payment due. If the amount of the final statement is lower than the amount of the lump sum advance payment, the balance shall not be reimbursable to the shipowner.

C. Provisions applicable to licences for other vessels

In the case of bottom longliners, licences shall be valid for three, six or 12 months. The annual fee shall be fixed according to GRT, at the rate of ECU 130 per GRT, in proportion to the duration of the licence.

D. Statement of catch

1. For tuna seiners, pole-and-line tuna vessels and surface longliners, a fishing log shall be kept in accordance with paragraph 4 of point B.
2. Bottom longliners shall be obliged to notify the Ministry for Fisheries of Cape Verde of their catches using the standard form set out in Appendix 3 via the Delegation of the European Commission in Cape Verde. These statements shall be monthly and must be communicated at least once every three months.
3. Forms must be completed legibly and signed by the master of the vessel.
4. Should these provisions not be adhered to, the Cape Verdean authorities reserve the right to apply, *inter alia*, one or both of the following penalties:
 - suspension of the licence of the offending vessel,
 - imposition of a fine.

In this case, the Delegation of the European Commission in Cape Verde shall be informed.

E. Landing of catch

Community tuna vessels shall, wherever possible, contribute towards supplying the Cape Verde tuna canning factories in accordance with their catches in the zone at a price fixed by mutual agreement between the Community shipowners and the Cape Verdean authorities on the basis of current prices on the international markets. Payment shall be made in convertible currency.

Moreover, tuna vessels landing their catches in a Cape Verdean port shall, wherever possible, make part of their by-catch available to the authorities of Cape Verde at local market prices.

F. Signing on of seamen

1. Tuna vessel and surface longliner owners shall employ Cape Verdean nationals, subject to the following conditions and limits:

- for the fleet of tuna seiners, six Cape Verdean seamen shall be signed on during the tuna period in the Cape Verde fishing zone,
 - for the fleet of pole-and-line tuna vessels, three Cape Verdean seamen shall be signed on during the tuna fishing period in the Cape Verde fishing zone, all of them to be assigned to different vessels,
 - for the fleet of surface longliners, four Cape Verdean seamen shall be signed on during the fishing period in the Cape Verde fishing zone, each of them to be assigned to different vessels.
2. The wages of these seamen shall be fixed, before licences are issued, by mutual agreement between the shipowners or their representatives and the Cape Verdean authorities; 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). The shipowner or his representative shall send a copy of the labour contract to the Directorate-General of Fisheries of Cape Verde.
3. Should the seamen not be signed on, shipowners shall be obliged to pay a lump sum equivalent to the wages of seamen not signed on.
- This sum will be used for the training of seamen in Cape Verde and is to be paid into the account specified by the Cape Verdean authorities.
4. The shipowner or his representative shall notify the Ministry for Fisheries of the list of Cape Verdean sailors taken on board Community ships during the fishing season, with details of their registration as crew members and the ships they have boarded.

G. Taking on board of observers

1. Before issuing licences, the Ministry for Fisheries of Cape Verde shall notify shipowners or their representatives of the vessels on board which they must take an observer.

The observer may not remain on board longer than is necessary for the accomplishment of his duties.

The salary and social contributions of the observer shall be borne by the Cape Verdean authorities.

2. The work of the observer and the conditions on which he is taken on board must not interrupt or hinder fishing activities. The observer shall be taken on board at a port chosen by the shipowner at the beginning of the first voyage after notification of the list of designated ships.

Within two weeks, the shipowners concerned shall make known at which ports and on what dates, giving 10 days' notice, they intend to take observers on board.

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

H. Fishing zones

Community vessels may carry out fishing activities in the following zones, determined by reference to the base lines:

- beyond 12 miles for tuna seiners and surface longliners,
- beyond six miles for pole-and-line tuna vessels,
- from the base lines for live bait fishing and for bottom longliners.

I. Meshes authorized

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

- 16 mm for live bait fishing.

In the case of tuna, the international standards recommended by ICCAT shall apply.

J. Entering and leaving the zone

Within three hours of entering or leaving the zone and every week during their fishing activities in Cape Verde's waters, vessels shall be obliged to communicate their position and the volume of the catch on board direct to the Cape Verdean authorities preferably by fax or, failing that, by radio in the case of vessels not equipped with fax.

The Cape Verdean authorities shall notify the fax number and radio frequency on issue of the licence.

A copy of the fax messages or of the record of radio communications shall be kept by the Cape Verdean authorities and the shipowners until both parties have approved the final statement of fees referred to in point B.

A vessel caught fishing without having notified the Cape Verdean authorities of its presence shall be considered an unlicensed vessel.

K. Port equipment and use of supplies and services

Community vessels shall, where possible, procure in Cape Verde all supplies and services necessary for their activities. The Cape Verdean authorities shall, in agreement with the shipowners or their representatives, establish the conditions for using port equipment and, if necessary, supplies and services.

L. Procedure in case of boarding

1. The Delegation of the European Commission in Cape Verde shall be notified within 48 hours of any boarding within the Cape Verde fishing zone of a fishing vessel flying the flag of a Member State of the Community and operating under this Agreement. A brief report of the circumstances and reasons leading to the boarding shall be provided within 72 hours.
 2. A meeting shall be held, within 24 hours of receipt of the abovementioned information, between the Delegation of the European Commission in Cape Verde, the Office of the Ministry for Fisheries of Cape Verde and the inspection authorities, possibly attended by a representative of the Member State concerned, at which the parties shall exchange any relevant documentation of information 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. A vessel boarded following a fisheries infringement shall be released upon payment of a security, to be fixed in the light of the costs occasioned by the boarding and the amount of fines and compensation to which those responsible for the infringement are liable.
-

Appendix 1

MINISTRY FOR FISHERIES

LICENCE APPLICATION FOR FOREIGN INDUSTRIAL FISHING VESSELS

1. Name of shipowner:
2. Address of shipowner:
3. Name of representative or local agent of shipowner:
4. Address of representative or local agent of shipowner:
5. Name of master:
6. Registration of vessel:
7. Registration number:
8. Date and place of construction:
9. Flying the flag of:
10. Port of registration:
11. Port of rigging:
12. Overall length:
13. Width:
14. Gross tonnage:
15. Net tonnage:
16. Hold capacity:
17. Chilling or freezing capacity:
18. Engine type and horse power:
19. Type of fishing:
20. Crew complement:
21. Communication equipment:
22. Call sign:
23. Dialling signals:
24. Fishing operations to be carried out:
25. Place for landing catch:
26. Fishing zones:
27. Species to be caught:
28. Period of validity:
29. Special conditions:
30. Other activities of the applicant in Cape Verde:

Opinion of the Directorate-General for Fisheries:

.....
.....

Remarks of the Ministry for Fisheries, Agriculture and Rural Life:

.....
.....

ICCAT LOGBOOK for TUNA FISHERY

Vessel name

Flag country

Registration No

Company or owner

Address

Gross tons

Capacity (M. T.)

Captain

No of crew

Reporting date

Reported by

Boat LEFT

Boat RETURNED

month

day

year

port

Number of days at sea

Number of fishing days or number of sets made

Trip number

19...

Dates

Area

Effort
(Number of hooks used)

Surf. Water Temp.
(in °C)

Latitude N/S

Longitude E/W

Day

Month

Bluefin tuna
Thunnus thynnus
or *maccoyi*

number fish

weight in kg

Yellowfin tuna
Thunnus albacares

No

kg

Bigeye tuna
Thunnus obesus

No

kg

Albacore
Thunnus alalunga

No

kg

Swordfish
Xiphias gladius

No

kg

Striped marlin
White marlin
Tetrapturus audax
or *albidus*

No

kg

Black marlin
Makaira indica

No

kg

Salfish
Istiophorus albigans
or *platypterus*

No

kg

Skipjack
Katsuwonus pelamis

No

kg

Miscellaneous fishes

Sp

kg

Daily total
(in weight)
kg only)

Bait used

Saury

Squid

Livebait

Others

01

02

03

04

05

06

07

08

09

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

Landing weight (in kg)

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 Mula 17, Madrid 1, Spain.

3. '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 EW.

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.

Appendix 3

INFORMATION ON CATCHES RESULTING FROM INDUSTRIAL FISHING

- 1. Name and registration number of vessel:
- 2. Nationality:
- 3. Type of vessel:
(for fresh fish, tuna, etc.)
- 4. Master's name:
- 5. Fishing licence issued by:
Valid for the period:
- 6. Type of fishing:
- 7. Date of leaving port:
Date of entering port:
- 8. Catches:

Date	Fishing zone	Species caught	Tonnage	Port of landing
.....				

I the undersigned, Master of the vessel cited above, or his representative, hereby declare that the information given above is correct, as witnessed by the observer of the Government.

Witnessed by the Observer of the Government

Signed The Master

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