

Official Journal

of the European Communities

ISSN 0378-6978

L 119

Volume 30

7 May 1987

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1254/87

of 6 May 1987

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1579/86⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as amended by Regulation (EEC) No 910/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 135/87⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

— in the case of currencies which are maintained in relation to each other at any given moment within a band

of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 5 May 1987;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 135/87 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 May 1987.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 88, 31. 3. 1987, p. 42.

⁽⁵⁾ OJ No L 17, 20. 1. 1987, p. 1.

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

Done at Brussels, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 6 May 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	16,66	202,16
10.01 B II	Durum wheat	52,48	262,78 ⁽¹⁾ ⁽²⁾
10.02	Rye	45,73	182,83 ⁽⁶⁾
10.03	Barley	44,00	196,88
10.04	Oats	102,29	156,89
10.05 B	Maize, other than hybrid maize for sowing	4,93	182,76 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	44,00	132,79
10.07 B	Millet	44,00	150,24 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	29,91	187,85 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	(7)	(7)
10.07 D II	Canary seed; other cereals	44,00	70,31 ⁽⁵⁾
11.01 A	Wheat or meslin flour	39,02	299,60
11.01 B	Rye flour	79,72	271,66
11.02 A I a)	Durum wheat groats and meal	95,18	421,14
11.02 A I b)	Common wheat groats and meal	39,18	320,61

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 486/85 the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

⁽⁸⁾ The levy referred to in Article 1 of Council Regulation (EEC) No 2913/86 shall be fixed on the basis of an invitation to tender in accordance with Commission Regulation (EEC) No 3140/86.

COMMISSION REGULATION (EEC) No 1255/87

of 6 May 1987

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1579/86 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as amended by Regulation (EEC) No 910/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2011/86 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 5 May 1987;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt originating in Portugal shall be zero.

2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 May 1987.

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

Done at Brussels, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 88, 31. 3. 1987, p. 42.

⁽⁵⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 6 May 1987 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 5	1st period 6	2nd period 7	3rd period 8
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1256/87

of 6 May 1987

re-establishing the levying of the customs duties applicable to other receivers, whether or not combined with a sound recorder or reproducer and other parts falling under subheadings 85.15 A III ex b) and C II c) of the Common Customs Tariff, originating in Malaysia, benefiting from the tariff preferences provided for by Council Regulation (EEC) No 3924/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3924/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of other receivers, whether or not combined with a sound recorder or reproducer and other parts falling under subheadings 85.15 A III ex b) and C II c) of the Common Customs Tariff, the individual ceiling was fixed at 4 000 000 ECU; whereas, on 9 April 1987, imports of these products into the Community originating in Malaysia reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Malaysia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 10 May 1987, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3924/86 shall be re-established on imports into the Community of the following products originating in Malaysia:

Order No	CCT heading No and NIMEXE code	Description
(1)	(2)	(3)
10.1060	85.15 (NIMEXE codes 85.15-12, 13, 14, 15, 19, 20, 22, 23, 25, 31, 33, 35, 44, 45, 52, 53, 55, 57, 58, 59, 82, 83, 85, 86, 88, 99)	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers, incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus: A. Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras: III. Receivers, whether or not combined with a sound recorder or reproducer: ex b) Other, excluding colour television receivers with integral tube C. Parts: II. Other: c) Other

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 1.

Article 2

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

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

Done at Brussels, 6 May 1987.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 1257/87

of 6 May 1987

amending Regulation (EEC) No 1726/84 as regards the time limit for the entry into storage of butter sold under Regulations (EEC) No 262/79 and (EEC) No 3143/85

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

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

Whereas under Article 1 of Commission Regulation (EEC) No 262/79 of 12 February 1979 on the sale of butter at reduced prices for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EEC) No 665/86 ⁽⁴⁾, the butter put up for sale must have entered into storage before a date to be determined; whereas the same procedure is to be followed for the sale of butter under the regime laid down by Commission Regulation (EEC) No 3143/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 1096/87 ⁽⁶⁾; whereas, in view of the level of butter stocks, the dates specified in Article 1 of Commission Regulation (EEC) No 1726/84 ⁽⁷⁾, as last amended by Regulation (EEC) No

2741/86 ⁽⁸⁾, determining the time limit for the entry into storage of butter sold pursuant to Regulations (EEC) No 262/79 and (EEC) No 3143/85, should be altered,

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

HAS ADOPTED THIS REGULATION:

Article 1

In the first and second paragraphs of Article 1 of Regulation (EEC) No 1726/84, '1 July 1984' is hereby replaced by '1 January 1985'.

Article 2

This Regulation shall enter into force on the day of 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, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 78, 20. 3. 1987, p. 1.

⁽³⁾ OJ No L 41, 16. 2. 1979, p. 1.

⁽⁴⁾ OJ No L 66, 8. 3. 1986, p. 38.

⁽⁵⁾ OJ No L 298, 12. 11. 1985, p. 9.

⁽⁶⁾ OJ No L 106, 22. 4. 1987, p. 20.

⁽⁷⁾ OJ No L 163, 21. 6. 1984, p. 28.

⁽⁸⁾ OJ No L 252, 4. 9. 1986, p. 22.

COMMISSION REGULATION (EEC) No 1258/87

of 6 May 1987

derogating from Regulation (EEC) No 1729/78 laying down detailed rules of application in respect of the production refund for sugar used in the chemical industry

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

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

Whereas Commission Regulation (EEC) No 1729/78 ⁽³⁾, as last amended by Regulation (EEC) No 3834/86 ⁽⁴⁾, makes the issue of the production refund certificate conditional upon certain administrative procedures; whereas, by reason in particular of the time necessary for the Member States to implement the new arrangements applicable as from 1 July 1986, those procedures have not always been completed in good time, particularly the possible approval of processors, the verification of information to be provided in the application for the refund certificate and the lodging of the security; whereas the competent Member State authorities have found themselves for this reason sometimes unable to issue the refund certificate without a period of delay; whereas the processors cannot for this reason be held responsible for non-compliance with some of the provisions of Regulation (EEC) No 1729/78; whereas a transitional period should consequently be established enabling the processors, in so far as the administrative controls can be completed in a satisfactory manner, to benefit from the refund in those cases where the basic product has been processed before the application for the certificate; whereas it is appropriate to provide for a period covering the first six months of the 1986/87 marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. At the request of the processor to be submitted until 29 May 1987, by way of derogation from Regulation (EEC) No 1729/78, the competent authorities of the Member States may issue refund certificates in respect of basic products which were processed into the chemical products referred to in the Annex to Council Regulation (EEC) No 1010/86 ⁽⁵⁾ between 1 July 1986 and 31 December 1986, where the application for the certificate and/or the lodging of the guarantee took place after the processing of the basic product, on condition that the processor provides sufficient evidence to enable the said competent authorities to carry out the necessary administrative controls and to establish that the processor complies with the conditions referred to in paragraphs 2 and 3.

2. At the time of making the request referred to in paragraph 1, the processor in question must provide evidence, in the form of a declaration made by him, certifying that the chemical products to which the request for the refund certificate refers have not benefited from the export refund applicable to certain products in the sugar sector which are exported in the form of goods not covered by Annex II to the Treaty.

3. The derogation referred to in paragraph 1 shall apply only to processors who were not able to comply, because of reasons beyond their control, with the provisions of Articles 2 and 6 of Regulation (EEC) No 1729/78 before the processing of the basic product in question.

Article 2

This Regulation shall enter into force on the day of 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, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 201, 25. 7. 1978, p. 26.

⁽⁴⁾ OJ No L 356, 17. 12. 1986, p. 13.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 9.

COMMISSION REGULATION (EEC) No 1259/87

of 6 May 1987

amending Regulation (EEC) No 107/87 by any of the introduction of exceptional support measures for the market in pigmeat in Italy

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1475/86⁽²⁾, and in particular Article 20 thereof,Whereas, because of the outbreak of foot-and mouth disease in certain production regions in Italy, the introduction of live pigs and certain fresh pigmeat products from Italy into the other Member States has been temporarily prohibited pursuant to Commission Decision 86/448/EEC of 4 September 1986 on certain protective measures against foot-and-mouth disease in Italy⁽³⁾, as last amended by Decision 86/625/EEC⁽⁴⁾;

Whereas because of numerous recent outbreaks of foot-and-mouth disease, the infection zone has been widened significantly;

Whereas, in order to take account of the limitations upon the free movement of goods resulting from the situation, exceptional measures to support the market must be taken; whereas Commission Regulation (EEC) No 107/87 of 15 January 1987 on special conditions for the granting of private storage aid for pigmeat⁽⁵⁾ already applies, *inter alia*, in the infection zone; whereas this Community measure should be widened by allowing Italy to grant a supplementary aid to be borne by the national budget, the amount of which should be fixed with a view to covering the additional costs of the operators concerned;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 1a is hereby inserted in Regulation (EEC) No 107/87:

Article 1a

1. Where the aid provided for in Article 1 is granted, Italy may grant supplementary national aid, the amount of which may not exceed 50 % of the said aid.

Only products coming from pigs reared in local health units in which foot-and-mouth disease has been detected and which have not been declared free of the disease, as well as from local health units which share a boundary with such local health units, may be subject to this national aid.

Products coming from pigs reared in local health units in which no cases of foot-and-mouth disease have been recorded for three months and in local health units which share a boundary with such local health units shall not be subject to this national aid.

Modifications to the boundary of the infection zone shall be notified to the Commission immediately by the Italian authorities.

2. The quantities of meat in respect of which national aid is granted, together with the overall volume of national aid granted, shall be notified to the Commission by the Italian authorities.'

Article 2

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

It shall apply to storage effected pursuant to contracts concluded on or after 4 May 1987.

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

Done at Brussels, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 133, 21. 5. 1986, p. 39.
⁽³⁾ OJ No L 259, 11. 9. 1986, p. 34.
⁽⁴⁾ OJ No L 364, 23. 12. 1986, p. 55.
⁽⁵⁾ OJ No L 14, 16. 1. 1987, p. 8.

COMMISSION REGULATION (EEC) No 1260/87

of 6 May 1987

adopting protective measures with regard to the import of strawberries
originating in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular the third subparagraph of Article 379 (2) thereof,

Whereas on 30 April 1987 France requested the Commission to take protective action with regard to imports of strawberries originating in Spain for sale on the French market; whereas that request was supplemented on 5 May 1987 by additional information;

Whereas, despite almost stable production, production prices on the French strawberry market, in particular during April 1987, have been markedly lower than the levels which they reached in the same month in 1985 and 1986;

Whereas this situation is due to the very marked increase in imports of strawberries originating in Spain; whereas such imports, which have increased by more than 50 % by comparison with the average for the two previous years, are being sold at prices which are generally lower than in previous years and which have led to a decline in French market prices;

Whereas, in view of supplies of the Spanish product, a further marked decrease in the prices on the French market is to be feared, along with increased difficulties of disposing of the French product;

Whereas the brief assessment of the market situation set out above leads to the conclusion that the French strawberry market is experiencing, owing to the imports originating in Spain, serious disturbances which may endanger the objectives set out in Article 39 of the Treaty; whereas in these circumstances protective measures should be adopted;

Whereas, to that end, imports into France of strawberries originating in Spain should be limited for as long as is strictly necessary to eliminate the aforesaid disturbances;

whereas, however, provision should be made to discontinue such measures where a system is applied for voluntary restraint on exports of Spanish strawberries to the French market;

Whereas it appears that the markets in other regions of the Community have until now not experienced any disturbances by reason of those imports; whereas the protective measure should therefore be limited in its application to imports into France,

HAS ADOPTED THIS REGULATION:

Article 1

1. Subject to the provisions of paragraph 2, the release for consumption in France of fresh or chilled strawberries falling within subheading 08.08 A I of the Common Customs Tariff and originating in Spain is hereby limited to:

- 800 tonnes/day for the period from 7 to 9 May 1987,
- 400 tonnes/day for the period from 11 to 16 May 1987.

2. The provisions of paragraph 1 shall apply only in so far as the Spanish authorities have not taken suitable measures to ensure that the quantities originating in Spain released for consumption on the French market do not exceed the quantities set out above.

3. The Spanish authorities shall notify the Commission and the French Republic of the measures adopted in compliance with paragraph 2. The Commission shall assess the effectiveness of those measures having regard to the objectives and shall notify France of the discontinuation of the measures provided for in paragraph 1.

Article 2

This Regulation shall enter into force on the day of 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, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1261/87

of 6 May 1987

fixing for the 1986/87 marketing year the average world market price, and the indicative yield for linseed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 569/76 of 15 March 1976 laying down special measures for linseed⁽¹⁾, as amended by Regulation (EEC) 1071/77⁽²⁾, and in particular Article 2 (4) thereof,

Whereas an average world market price for linseed must be determined each year according to the criteria laid down in Council Regulation (EEC) No 1774/76 of 20 July 1976 on special measures for linseed⁽³⁾;

Whereas Article 4 of Commission Regulation (EEC) No 1799/76 of 22 July 1976 laying down detailed rules for the application of special measures in respect of linseed⁽⁴⁾, as last amended by Regulation (EEC) No 2888/86⁽⁵⁾, provides that this average price is to be the arithmetic mean of the world market prices as referred to in that Article and recorded each week over a representative period;

Whereas the most representative period for the marketing of Community linseed may be taken to be that from 1 September 1986 to 6 March 1987; whereas this is therefore the period to be taken into account;

Whereas the application of all these provisions produces the average world market price for linseed specified below;

Whereas Article 2 (2) of Regulation (EEC) No 569/76 provides that the subsidy is to be granted for a production figure obtained by applying an indicative yield to the areas sown and harvested; whereas that yield must be

determined by applying the criteria laid down in Regulation (EEC) No 569/76 and (EEC) No 1774/76;

Whereas, in accordance with Article 17 (1) of Regulation (EEC) No 1799/76, the producer Member States have supplied the Commission with the results of the sampling, carried out pursuant to Article 2a (2) of that Regulation, regarding the yields per hectare of seed harvested from each of the types of flax referred to in Articles 7a and 10a of the said Regulation in the homogeneous production areas; whereas, on the basis of those results, the indicative yield for linseed should be that specified below;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1986/87 marketing year, the average world market price for linseed shall be 14,194 ECU per 100 kilograms.

Article 2

For the 1986/87 marketing year, the indicative yields for linseed and the relevant production zones shall be as specified in the Annex.

Article 3

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

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

Done at Brussels, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 67, 15. 3. 1976, p. 29.

⁽²⁾ OJ No L 129, 25. 5. 1977, p. 7.

⁽³⁾ OJ No L 199, 24. 7. 1976, p. 1.

⁽⁴⁾ OJ No L 201, 27. 7. 1976, p. 14.

⁽⁵⁾ OJ No L 267, 19. 9. 1986, p. 12.

ANNEX

Indicative yields (kilograms per hectare) and relevant production areas

I. FIBRE FLAX

	Retted but not de-seeded	Other
Area I:	1 451	1 705
1. The following Dutch areas : IJsselmeerpolders, Droogmakerijen Noord-Holland and Noordelijk Kleigebied		
2. Spain		
Area II:	1 247	1 573
1. Other areas of the Netherlands		
2. The following Belgian communes : Assenede, Beveren-Waas, Blankenberge, Bredene, Brugge, Damme, De Haan, De Panne, Diksmuide (with the exception of Vladslo and Woumen), Gistel, Jabbeke, Knokke-Heist, Koksijde, Lo-Reninge, Middelkerke, Nieuwpoort, Oostende, Oudenburg, Sint-Gillis-Waas (only Meerdonk), Sint-Laureins, Veurne and Zuienkerke		
Area III:		
1. Other areas of Belgium		
2. The following French areas :	985	1 201
— the departement of Nord,	985	1 201
— the arrondissements of Béthune, Lens, Calais, St Omer and the canton of Marquise in the departement of Pas-de-Calais,		
— the arrondissements of Saint-Quentin and Vervins in the departement of Aisne,		
— the arrondissement of Charleville-Mézières in the departement of Ardennes		
3. The United Kingdom	985	1 201
4. The Federal Republic of Germany	—	1 201
Area IV:	758	973
The following French areas :		
— the arrondissements of Arras, Boulogne-sur-Mer with the exception of the canton of Marquise, Montreuil in the departement of Pas-de-Calais,		
— the departement of Somme,		
— the arrondissements of Beauvais, Clermont and Compiègne in the departement of Oise		
Area V:	819	958
The following French areas :		
— the arrondissements of Rethel, Sedan, Vouziers, in the departement of Ardennes,		
— the arrondissements of Laon, Soissons, Château-Thierry in the departement of Aisne,		
— the departement of Marne,		
— the arrondissement of Senlis in the departement of Oise,		
— the departements of Seine-et-Marne, Essonne, Yvelines, Val-d'Oise, Hauts-de-Seine, Seine-St-Denis, Val-de-Marne, Eure-et-Loir, Loir-et-Cher, Sarthe,		
— the arrondissements of Alençon and Mortagne-au-Perche in the departement of Orne		
Area VI:	720	996
Other areas of France		
Area VII:		
1. The Federal Republic of Germany	488	—
2. Other areas of the Community	488	759

II. SEED FLAX

Area I:	2 041
The Netherlands	
The following areas of England:	
— Eastern,	
— South Eastern,	
— Northern	
Area II:	1 681
1. The Federal Republic of Germany	
2. The following areas of the United Kingdom:	
— South West,	
— Midlands and West	
3. Wales	
Area III:	1 434
1. Other areas of the United Kingdom	
2. France	
3. Denmark	
4. The following areas of Italy:	
— Tuscany	
— Sicily	
Area IV:	695
Other areas of the Community	

COMMISSION REGULATION (EEC) No 1262/87

of 6 May 1987

amending for the third time Regulation (EEC) No 1082/87 introducing a countervailing charge on aubergines originating in Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 1082/87⁽³⁾, as last amended by Regulation (EEC) No 1188/87⁽⁴⁾, introduced a countervailing charge on aubergines originating in Spain (except the Canary Islands);

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration the countervailing charge on the import of aubergines originating in Spain (except the Canary Islands) must be altered;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁵⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985 must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 4 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the second year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1082/87, '48,43 ECU' is hereby replaced by '25,94 ECU'.

Article 2

This Regulation shall enter into force on 7 May 1987.

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

Done at Brussels, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.
⁽³⁾ OJ No L 104, 16. 4. 1987, p. 40.
⁽⁴⁾ OJ No L 113, 30. 4. 1987, p. 47.

⁽⁵⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 1263/87

of 6 May 1987

introducing a countervailing charge on lemons originating in Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1661/86 of 29 May 1986 fixing for the 1986/87 marketing year the reference prices for lemons⁽³⁾ fixed the reference price for products of class I for the month of May 1987 at 45,58 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for lemons originating in Spain (except the Canary Islands) the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these lemons;

Whereas, if the system is to operate normally, the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85⁽⁶⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁷⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 4 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the second year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 2,03 ECU per 100 kilograms net is applied to lemons (subheading 08.02 C of the Common Customs Tariff) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 8 May 1987.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.⁽³⁾ OJ No L 145, 30. 5. 1986, p. 39.⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁷⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1264/87**of 6 May 1987****introducing a countervailing charge on cucumbers originating in Poland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1136/87⁽³⁾ introduced a countervailing charge on cucumbers originating in Poland;

Whereas for cucumbers originating in Poland there were no prices for six consecutive working days; whereas the

conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of cucumbers originating in Poland can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1136/87 is hereby repealed.

Article 2

This Regulation shall enter into force on 7 May 1987.

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

Done at Brussels, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 110, 25. 4. 1987, p. 21.

COMMISSION REGULATION (EEC) No 1265/87
of 6 May 1987
fixing the import levies on white sugar and raw sugar

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

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 229/87 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2051/86 ⁽³⁾, as last amended by Regulation (EEC) No 1253/87 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2051/86 to the infor-

mation known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 May 1987.

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

Done at Brussels, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.
⁽³⁾ OJ No L 173 1. 7. 1986, p. 91.
⁽⁴⁾ OJ No L 118, 6. 5. 1987, p. 11.

ANNEX

to the Commission Regulation of 6 May 1987 fixing the import levies on white sugar and raw sugar

CCT heading No	Description	Levy (ECU/100 kg)
17.01	Beet sugar and cane sugar, in solid form : A. White sugar : flavoured or coloured sugar B. Raw sugar	52,39 44,10 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 1266/87**of 6 May 1987****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 229/87 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1177/87 ⁽³⁾, as amended by Regulation (EEC) No 1218/87 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1177/87 to the infor-

mation known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 1177/87 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 May 1987.

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

Done at Brussels, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 113, 30. 4. 1987, p. 21.

⁽⁴⁾ OJ No L 115, 1. 5. 1987, p. 47.

ANNEX

to the Commission Regulation of 6 May 1987 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	45,04	
	(b) Other	45,13	
	(II) Flavoured or coloured sugar		0,4504
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	41,43 ⁽¹⁾	0,4504
	(b) Sugar with added anti-caking agent		
(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	39,16 ⁽¹⁾		
(d) Other raw sugar	⁽²⁾		

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 1267/87
of 6 May 1987

fixing the maximum export refund for white sugar for the 47th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1659/86

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

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 229/87⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1659/86 of 29 May 1986 on a standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾, as amended by Regulation (EEC) No 1002/87⁽⁴⁾; requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1659/86, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 47th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 47th partial invitation to tender for white sugar issued under amended Regulation (EEC) No 1659/86 is hereby fixed at 47,200 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 7 May 1987.

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

Done at Brussels, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 29.

⁽⁴⁾ OJ No L 94, 8. 4. 1987, p. 16.

COMMISSION REGULATION (EEC) No 1268/87

of 6 May 1987

fixing the maximum export refund for white sugar for the first partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1092/87

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 229/87⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1092/87 of 15 April 1987 on a standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1092/87, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the first partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas the Management Committee for Sugar has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the first partial invitation to tender for white sugar issued under Regulation (EEC) No 1092/87 is hereby fixed at 47,167 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 7 May 1987.

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

Done at Brussels, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 106, 22. 4. 1987, p. 9.

COMMISSION REGULATION (EEC) No 1269/87
of 6 May 1987
fixing the import levy on molasses

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

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 229/87 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Regulation (EEC) No 1113/87 ⁽³⁾, as amended by Regulation (EEC) No 1190/87 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1113/87 to

the information at present available to the Commission that the levy at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 May 1987.

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

Done at Brussels, 6 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.
⁽³⁾ OJ No L 108, 23. 4. 1987, p. 12.
⁽⁴⁾ OJ No L 113, 30. 4. 1987, p. 49.

ANNEX

to the Commission Regulation of 6 May 1987 fixing the import levy on molasses

CCT heading No	Description	Levy (ECU/100 kg)
17.03	Molasses, whether or not decolorized	0,52

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 28 April 1987

concerning the conclusion of an Agreement in the form of an Exchange of Letters concerning the provisional application of the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles

(87/255/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 167 (3) thereof,

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

Whereas the Agreement between the Government of the Republic of Seychelles and the European Economic Community on fishing off Seychelles, signed at Brussels on 23 May 1985 ⁽²⁾, has been denounced by the Republic of Seychelles, at the end of its first three-year period of application ;

Whereas, pursuant to Article 13 of the Agreement, the Community and the Republic of Seychelles have conducted negotiations in order to determine the necessary amendments to the Agreement ;

Whereas, as a result of those negotiations, a new Agreement was initialled on 3 December 1986 under which the fishermen of the enlarged Community retain the fishing opportunities open to them in the waters under the sovereignty or jurisdiction of the Seychelles ;

Whereas, in order to maintain without interruption the fishing activities of the vessels of the enlarged Community, the two parties also initialled an Exchange of Letters providing for the provisional application of the new Agreement from 18 January 1987 ; whereas it is therefore

imperative to approve this Exchange of Letters as soon as possible pending the conclusion of the Agreement 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 Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an Exchange of Letters and Agreement 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 Luxembourg, 28 April 1987.

For the Council

The President

P. DE KEERSMAEKER

⁽¹⁾ OJ No C 81, 28. 3. 1987, p. 7.

⁽²⁾ OJ No L 149, 8. 6. 1985, p. 1.

AGREEMENT**in the form of an Exchange of Letters concerning the provisional application of the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles***A. Letter from the Government of the Republic of Seychelles*

Brussels,

Sir,

With reference to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles, initialled on 3 December 1986, I have the honour to inform you that the Government of the Republic of Seychelles is prepared to apply this Agreement provisionally from 18 January 1987 until it enters into force in accordance with Article 13 of the said Agreement, provided that the European Economic Community is prepared to do likewise.

It is understood that, in this case, a first annual instalment of the financial compensation laid down in Article 3 of the Protocol attached to the said Agreement must be paid before 31 May 1987.

I should be obliged if you would confirm that the European Economic Community agrees to provisional application as indicated above.

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

*For the
Government of the Republic of Seychelles*

B. Letter from the European Economic Community

Brussels,

Sir,

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

'With reference to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles, initialled on 3 December 1986, I have the honour to inform you that the Government of the Republic of Seychelles is prepared to apply this Agreement provisionally from 18 January 1987 until it enters into force in accordance with Article 13 of the said Agreement, provided that the European Economic Community is prepared to do likewise.

It is understood that, in this case, a first annual instalment of the financial compensation laid down in Article 3 of the Protocol attached to the said Agreement must be paid before 31 May 1987.

I should be obliged if you would confirm that the European Economic Community agrees to provisional application as indicated above.'

I have the honour to confirm that the European Economic Community agrees to provisional application as indicated above.

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

*For the
Council of the European Communities*

AGREEMENT**between the European Economic Community and the Republic of Seychelles on fishing off Seychelles**

THE EUROPEAN ECONOMIC COMMUNITY,

hereinafter referred to as the 'Community', and

THE REPUBLIC OF SEYCHELLES,

hereinafter referred to as 'Seychelles',

CONSIDERING the spirit of cooperation resulting from the ACP-EEC Convention and the good cooperation relations which exist between the Community and Seychelles;

CONSIDERING the wish of Seychelles to promote the rational exploitation of its fishery resources by means of intensified cooperation;

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

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

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

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

HAVE AGREED AS FOLLOWS:

Article 1

The purpose of this Agreement is to establish the principles and rules which will in future govern, in all respects, the fishing activities of vessels flying the flags of Member States of the Community, hereinafter referred to as 'Community vessels', in the waters over which the Seychelles has sovereignty or jurisdiction in respect of fisheries in accordance with the provisions of the United Nations Convention on the Law of the Sea and other rules of international law and practice, hereinafter referred to as 'Seychelles' waters'.

Article 2

1. The Seychelles shall permit fishing by Community vessels in Seychelles' waters in accordance with this Agreement.
2. The fishing activities under this Agreement shall be subject to the laws of Seychelles.

Article 3

1. The Community undertakes to take all necessary steps to ensure that Community vessels observe the provisions of this Agreement and the laws relating to fishing in Seychelles' waters consistent with the provisions of the

United Nations Convention on the Law of the Sea and other rules of international law and practice.

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

Article 4

1. Fishing activities in Seychelles' waters may be carried out by Community vessels only pursuant to a licence issued by the authorities of Seychelles at the Community's request.
2. The issue of a licence shall be subject to payment of the licence fees by the shipowners concerned.
3. The formalities for making applications for licences, the amount of the fee and the methods of payment shall be as specified in Annex I.

Article 5

The Parties undertake to coordinate action, either directly or within international organizations, to ensure the management and conservation of the living resources in the Indian Ocean, and particularly in respect of highly migratory species, and to facilitate the relevant scientific research.

Article 6

In return for the fishing opportunities accorded under Article 2, the Community shall pay a financial contribution to Seychelles in accordance with the provisions for the payment and compensation referred to in Articles 2 and 3 of the Protocol attached to this Agreement, without prejudice to the financing for which Seychelles is eligible under the ACP-EEC Convention.

Article 7

1. Without prejudice to the exercise by Seychelles of sovereignty or jurisdiction over Seychelles' waters, the Parties agree to consult on questions relating to the implementation and proper functioning of this Agreement. To this effect a Joint Committee is hereby established. The Committee shall meet at the request of either Contracting Party.

2. In the event of a dispute concerning the interpretation or application of this Agreement, such dispute shall be the subject of consultation between the Parties.

3. If no settlement is reached following such consultations, and where it is claimed that a Party has manifestly failed to comply with specific provisions or conditions established by this Agreement, the dispute shall be the subject of arbitration under the conditions laid down in Annex II.

Article 8

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

Article 9

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

Article 10

The Annexes and the Protocol attached to this Agreement form an integral part of this Agreement and, unless otherwise specified, a reference to this Agreement shall constitute a reference to them.

Article 11

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

Article 12

This Agreement shall be concluded for an initial period of three years from the date of its entry into force. Unless one of the Parties terminates it by giving notice to that effect six months before the date of expiry of the three-year period, it shall remain in force for further periods of two years unless denounced by notice given at least three months before the date of expiry of each such two-year period. At the end of the three-year period, and thereafter at the end of each two-year period, the Contracting Parties shall enter into negotiations to determine by common agreement what amendments or additions to the Annexes or Protocol are required. Should a Contracting Party give notice denouncing the Agreement, the Contracting Parties shall enter into negotiations.

Article 13

This Agreement shall enter into force on the date of signature.

Article 14

This Agreement, drawn up in duplicate in the Danish, Dutch, English, French, Greek, German, Italian, Portuguese and Spanish languages, each of these being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities, which shall transmit a certified copy of each to the Contracting Parties.

ANNEX I

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

1. Licence application and issuing formalities

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

- (a) The Commission of the European Communities shall present to the Seychelles Fishing Authority, via the representative of the Commission of the European Communities in the Seychelles, an application for each vessel, made by the shipowner, that wishes to fish under this Agreement, at least 20 days before the date of commencement of the period of validity requested. The application shall be made on the forms provided for that purpose by the Seychelles, a specimen of which is annexed hereto.
- (b) Every licence is issued to the shipowner for one designated vessel. At the request of the Commission of the European Communities the licence for a vessel may, and, in cases of *force majeure*, will be, replaced by a licence for another Community vessel.
- (c) The licences are delivered by the authorities of the Seychelles to the shipowner, or their representatives or agents. The representative of the Commission of the European Communities in the Seychelles shall be notified of the licences delivered by the Seychelles Fishing Authority.
- (d) The licence document must be held on board at all times.
- (e) The authorities of the Seychelles shall communicate, before the date of entry into force of the agreement, the arrangements for payment of the licence fees, and in particular the details of the bank accounts and the currencies to be used.

2. Validity of licences and payment

- (a) The licence shall be valid for a period of one year. Licences are renewable.
- (b) As far as tuna vessels are concerned, the fees shall be set at 20 ECU per tonne caught within Seychelles' waters. Applications for licences for tuna vessels shall be issued following advance payment to Seychelles of a lump sum of 5 000 ECU a year for each tuna seiner, equivalent to the fees for 250 tonnes of tuna caught within the Seychelles' waters per year. A provisional statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by the shipowners and forwarded simultaneously to the Seychelles authorities and the Commission of the European Communities. The corresponding amount shall be paid by the shipowners to the Seychelles' Treasury no later than 31 March of the following year. The final statement of the fees due in respect of a fishing year shall be drawn up by the Commission of the European Communities, taking into account available scientific opinion, particularly of the FAO, ORSTOM and the Spanish Institute of Oceanography (IEO) experts established in Seychelles, and any statistical data which can be gathered by an international fishing organization in the Indian Ocean. The shipowners shall be notified by the Commission of the European Communities of the statement and shall have 30 days in which to meet their financial obligations. If the amount of the sum due for actual fishing operations does not equal the advance payment, the corresponding outstanding sum shall not be recoverable by the shipowner.
- (c) As far as vessels other than tuna vessels are concerned, the fees shall be fixed in relation to the GRT of the vessel.

3. Observers

Tuna vessels shall, at the request of the Seychelles' authorities, take on board an observer designated by such authorities in order to check catches made in Seychelles' waters. Observers shall have all facilities necessary for the performance of these duties, including access to places and documents. An observer must not be present for longer than the time required to fulfil his duties. Observers shall be provided with suitable food and accommodation while on board. Should a tuna boat with a Seychellois observer on board leave Seychelles' waters, every step will be taken to ensure that the observer returns to Seychelles as soon as possible, at the shipowner's expense.

4. Employment of fishermen

Each tuna vessel shall take on board at least two Seychellois fishermen designated by the Seychelles' authorities, in agreement with the shipowners, during its fishing campaign. The employment contracts of the fishermen shall be drawn up in Victoria between the shipowner's representatives and the fishermen in agreement with the Seychelles Fishing Authority. This contract shall cover the social security arrangements applicable to the fishermen, including life, accident and sickness insurance.

5. Landing

Tuna vessels landing in the port of Victoria will endeavour to make their by-catches available to the Seychellois authorities at the local market prices. Moreover, Community tuna vessels shall participate in securing the need of the Seychellois tuna canning industry at a price to be fixed in common agreement between the Community shipowners and the Seychelles Fishing Authority on the bases of current international prices. The amount must be paid in convertible currency. The programme of landings shall be determined in common agreement between the Community shipowners and the Seychelles Fishing Authority. In case of landings or transshipments, the shipowners will deliver to the Seychelles Fishing Authority fish they do not retain on board.

6. Radio communications

While they are engaged in fishing activities in the Seychelles' waters, vessels shall communicate to the Seychelles' authorities via Victoria radio station every three days their position and catches and, at the end of each trip, the result of their catches.

7. Fishing zones

To avoid any adverse effects on small scale fisheries in Seychelles' waters, fishing by Community tuna vessels shall not be authorized in the zones defined in Annex III, nor within three miles around any fish-aggregating devices placed by Seychelles authorities, the geographical positions of which have been communicated to the shipowners' representative or agent.

8. Port equipment and use of supplies and services

Community vessels shall endeavour to procure in Seychelles all supplies and services required for their operations. The Seychelles' authorities will lay down, in agreement with the shipowners, the conditions for using port equipment and, if necessary, supplies and services.

APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE

Name of applicant :

Address of applicant :

Name and address of charterer of vessel if different from above :

Name and address of other legal representative in Seychelles :

Name and address of master of vessel :

Name of vessel :

Type of vessel :

Length and registered net tonnage of vessel :

Engine type, horse power and gross registered tonnage :

Port and country of registry :

Registration number :

Fishing vessel external identification :

Radio call sign/signal letters :

Frequency :

Particulars of equipment :

Number and nationality of crew :

Proposed fishing area and species of fish :

Description of fishing operations, joint ventures and other contractual arrangements :

I certify that the above particulars are correct.

Date : Signature :

ANNEX II

1. Within two months of the date on which either Party has formally requested that a dispute be submitted to arbitration in accordance with Article 7 (3) of the Agreement, each Party shall appoint one member of the arbitral tribunal and these two members shall, within three months of the same date, agree upon a national of a third State, not being a national of either Party, as third member to be appointed by the two Parties.
 2. The Party requesting arbitration shall, at the time of treating the request, submit a statement of its claim and the grounds on which such claim is based.
 3. If the periods specified in paragraph 1 have not been observed, or if the parties fail to agree upon a national of a third State as provided in paragraph 1, either Party may, in the absence of any other relevant arrangement, invite the Secretary General of the United Nations to make the necessary appointments.
 4. The arbitral tribunal shall, on the basis of the present Agreement and of other rules of international law, reach its decisions by a majority of votes. Such decisions shall be binding. Although the cost of the arbitral tribunal shall normally be borne in equal parts by both Parties, the arbitral tribunal is empowered to rule otherwise concerning costs. In all other respects, the arbitral tribunal shall determine its own procedures.
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ANNEX III

ZONES WHERE FISING BY FOREIGN VESSELS IS PROHIBITED

Zone 1 : Comprising an area around Mahé Island and Seychelles Bank with the boundary running as follows :

from point 1 (latitude $5^{\circ} 22'0''S$ and longitude $57^{\circ} 23'0''E$) to point 2 (latitude $3^{\circ} 40'0''S$ and longitude $56^{\circ} 06'9''E$) to point 3 (latitude $3^{\circ} 30'0''S$ and longitude $55^{\circ} 11'0''E$) to point 4 (latitude $3^{\circ} 55'0''S$ and longitude $54^{\circ} 23'0''E$) to point 5 (latitude $4^{\circ} 44'0''S$ and longitude $53^{\circ} 47'0''E$) to point 6 (latitude $5^{\circ} 38'0''S$ and longitude $56^{\circ} 08'0''E$) to point 7 (latitude $6^{\circ} 34'04''S$ and longitude $56^{\circ} 02'0''E$) to point 8 (latitude $6^{\circ} 34'0''S$ and longitude $56^{\circ} 23'0''E$) and back to point 1, the point of commencement.

Zone 2 : Comprising an area around Platte Island with the boundary running as follows :

from point 1 (latitude $6^{\circ} 06'3''S$ and longitude $55^{\circ} 35'6''E$) to point 2 (latitude $5^{\circ} 39'0''S$ and longitude $55^{\circ} 35'6''E$) to Point 3 (latitude $5^{\circ} 39'0''S$ and longitude $55^{\circ} 10'0''E$) to point 4 (latitude $6^{\circ} 06'3''S$ and longitude $55^{\circ} 10'0''E$) and back to point 1, the point of commencement.

Zone 3 : Comprising an area around Coetivy Island with the boundary running as follows :

from point 1 (latitude $7^{\circ} 23'0''S$ and longitude $56^{\circ} 25'0''E$) to point 2 (latitude $6^{\circ} 53'0''S$ and longitude $56^{\circ} 35'0''E$) to point 3 (latitude $6^{\circ} 53'0''S$ and longitude $56^{\circ} 06'0''E$) to point 4 (latitude $7^{\circ} 23'0''S$ and longitude $55^{\circ} 56'0''E$) and back to point 1, the point of commencement.

Zone 4 : Comprising an area around the Fortune Bank with the boundary running as follows :

from point 1 (latitude $7^{\circ} 35'0''S$ and longitude $57^{\circ} 13'0''E$) to point 2 (latitude $7^{\circ} 01'0''S$ and longitude $56^{\circ} 56'0''E$) to point 3 (latitude $7^{\circ} 01'0''S$ and longitude $56^{\circ} 45'0''E$) to point 4 (latitude $7^{\circ} 16'0''S$ and longitude $56^{\circ} 40'0''E$) to point 5 (latitude $7^{\circ} 35'0''S$ and longitude $56^{\circ} 49'0''E$) and back to point 1, the point of commencement.

Zone 5 : Comprising of an area around the Amirantes Islands, with the boundary running as follows :

from point 1 (latitude $5^{\circ} 45'0''S$ and longitude $53^{\circ} 55'0''E$) to point 2 (latitude $4^{\circ} 41'0''S$ and longitude $53^{\circ} 35'6''E$) to point 3 (latitude $4^{\circ} 41'0''S$ and longitude $53^{\circ} 13'0''E$) to point 4 (latitude $6^{\circ} 09'0''S$ and longitude $52^{\circ} 36'0''E$) to point 5 (latitude $6^{\circ} 33'0''S$ and longitude $53^{\circ} 06'0''E$) and back to point 1, the point of commencement.

Zone 6 : Comprising of an area around Alphonse Island with the boundary running as follows :

from point 1 (latitude $7^{\circ} 21'5''S$ and longitude $52^{\circ} 56'5''E$) to point 2 (latitude $6^{\circ} 48'0''S$ and longitude $52^{\circ} 56'5''E$) to point 3 (latitude $6^{\circ} 48'0''S$ and longitude $52^{\circ} 32'0''E$) to point 4 (latitude $7^{\circ} 21'5''S$ and longitude $52^{\circ} 32'0''E$) and back to point 1, the point of commencement.

Zone 7 : Comprising of an area around the Islands of Providence, Farquhar, Saint Pierre and Wizard Reef with the boundary running as follows :

from point 1 (latitude $10^{\circ} 20'0''S$ and longitude $51^{\circ} 29'0''E$) to point 2 (latitude $8^{\circ} 39'0''S$ and longitude $51^{\circ} 12'0''E$) to point 3 (latitude $9^{\circ} 04'0''S$ and longitude $50^{\circ} 28'0''E$) to point 4 (latitude $10^{\circ} 30'0''S$ and longitude $50^{\circ} 46'0''E$) and back to point 1, the point of commencement.

Zone 8 : Comprising of an area around Cosmoledo and Astove Islands with the boundary running as follows :

from point 1 (latitude $10^{\circ} 18'0''S$ and longitude $48^{\circ} 02'0''E$) to point 2 (latitude $9^{\circ} 34'0''S$ and longitude $47^{\circ} 49'0''E$) to point 3 (latitude $9^{\circ} 23'0''S$ and longitude $47^{\circ} 34'0''E$) to point 4 (latitude $9^{\circ} 39'0''S$ and longitude $47^{\circ} 14'0''E$) to point 5 (latitude $10^{\circ} 18'0''S$ and longitude $47^{\circ} 36'0''E$) and back to point 1, the point of commencement.

Zone 9: Comprising of an area around Aldabra and Assumption Islands with the boundary running as follows :

from point 1 (latitude $9^{\circ} 54'0''S$ and longitude $46^{\circ} 44'0''E$) to point 2 (latitude $9^{\circ} 10'0''S$ and longitude $46^{\circ} 44'0''E$) to point 3 (latitude $9^{\circ} 10'0''S$ and longitude $46^{\circ} 01'0''E$) to point 4 (latitude $9^{\circ} 59'0''S$ and longitude $46^{\circ} 01'0''E$) and back to point 1, the point of commencement.

The areas of the zones described in this schedule are shown delineated by red lines on charts ML/ADN/73A and ML/ADN/73B deposited in the office of the Chief Surveyor.

PROTOCOL**on the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles***Article 1*

1. Pursuant to Article 2 of the Agreement and for the period 18 January 1987 to 17 January 1990, licences to fish simultaneously in Seychelles waters shall be granted to 40 ocean-going tuna vessels.
2. In addition, and at the request of the Community, certain authorizations may be granted for other categories of fishing vessels on terms to be established within the Joint Committee referred to in Article 7 of the Agreement.

Article 2

1. The Community shall pay a contribution towards the financing of a scientific and technical programme in Seychelles to gain greater knowledge of fish stocks in the region of the Indian Ocean surrounding the Seychelles Islands, particularly in respect of highly migratory species.
2. This payment shall be fixed at 750 000 ECU for the duration of this Protocol and at least 50 percent of it shall be paid before 31 December 1987.

Article 3

Pending the availability of more extensive knowledge in respect of the fishery resources of the Seychelles waters and without prejudice to future arrangements, the financial compensation referred to in Article 6 of the Agreement shall be subject to the following rules :

The amount of the financial compensation referred to in Article 6 of the Agreement shall be fixed at a flat rate of at least six million (6 000 000) ECU for the duration of this Protocol, payable in three equal annual instalments. This quantity shall cover the fishing activities referred to in Article 1. In the case of tuna fishing, the amount shall cover a catch weight in Seychelles' waters of 40 000 tonnes of tuna fished per year. If the quantity of tuna caught by Community vessels in Seychelles' waters exceeds this quantity, the abovementioned amount shall be increased accordingly ; however, irrespective of the amount actually caught, the ceiling for financial compensation in any one year shall be fixed at two million two hundred thousand (2 200 000) ECU.

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