

Official Journal

of the European Communities

ISSN 0378 - 6978

L 239

Volume 32

16 August 1989

English edition

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COUNCIL

COUNCIL DECISION

of 28 July 1989

on the conclusion of the Agreement in the form of an exchange of letters concerning the provisional application of the Protocol defining, for the period 21 May 1989 to 20 May 1992, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar

(89/485/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar ⁽¹⁾ signed in Antananarivo on 28 January 1986 and amended by the Agreement signed in Brussels on 12 November 1987 ⁽²⁾,

Having regard to the proposal from the Commission,

Whereas the Community and the Democratic Republic of Madagascar held negotiations to determine the amendments or additions to be made to the Agreement on fishing off Madagascar at the end of the period of application of the first Protocols;

Whereas, as a result of these negotiations, a new Protocol was initialled on 28 April 1989;

Whereas, under this Protocol, Community fishermen enjoy fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Democratic Republic of Madagascar for the period 21 May 1989 to 20 May 1992;

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 Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled Protocol from the day following the date of expiry of the Protocols previously in force;

whereas the Agreement in the form of an Exchange of Letters should be concluded, subject to a definitive decision under Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol defining for the period 21 May 1989 to 20 May 1992 the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar is hereby approved on behalf of the Community.

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

Article 2

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

Done at Brussels, 28 July 1989.

For the Council
The President
M. CHARASSE

⁽¹⁾ OJ No L 73, 18. 3. 1986, p. 26.

⁽²⁾ OJ No L 98, 10. 4. 1987, p. 9.

AGREEMENT

in the form of an Exchange of Letters concerning the provisional application of the Protocol defining, for the period 21 May 1989 to 20 May 1992, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar

A. Letter from the Government of Madagascar

Sir,

With reference to the Protocol initialled on 28 April 1989 defining the fishing opportunities and the financial contribution for the period 21 May 1989 to 20 May 1992, I have the honour to inform you that the Government of Madagascar is prepared to apply the Protocol provisionally from 21 May 1989 pending its entry into force in accordance with Article 7, provided that the European Economic Community is prepared to do the same.

It is understood that in this case a first instalment equal to one-third of the financial compensation stipulated in Article 2 of the Protocol must be paid before 30 September 1989.

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

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

*On behalf of the Government of
the Democratic Republic of Madagascar*

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 28 April 1989 defining the fishing opportunities and the financial contribution for the period 21 May 1989 to 20 May 1992, I have the honour to inform you that the Government of Madagascar is prepared to apply the Protocol provisionally from 21 May 1989 pending its entry into force in accordance with Article 7, provided that the European Economic Community is prepared to do the same.

It is understood that in this case a first instalment equal to one-third of the financial compensation stipulated in Article 2 of the Protocol must be paid before 30 September 1989.

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

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

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

*On behalf
of the Council of the European Communities*

PROTOCOL

defining, for the period 21 May 1989 to 20 May 1992, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar

THE PARTIES TO THIS PROTOCOL,

Having regard to the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off Madagascar, signed on 28 January 1986 and amended by the Agreement signed on 12 November 1987,

HAVE AGREED AS FOLLOWS:

Article 1

Pursuant to Article 2 of the Agreement, licences authorizing simultaneous fishing in Madagascar's fishing zone shall be granted to 45 ocean-going freezer tuna vessels for a period of three years beginning on 21 May 1989.

Article 2

The amount of the contribution referred to in Article 7 of the Agreement shall be fixed at a flat rate of a least ECU 1 800 000 for the duration of the Protocol, payable in three equal annual instalments. This amount is to cover the fishing activities referred to in Article 1 up to a total annual catch of 12 000 tonnes of tuna in Madagascar's fishing zone; if the tuna caught by Community vessels in Madagascar's fishing zone exceeds this weight, the amount referred to above shall be proportionately increased; however, irrespective of the amount actually caught, financial compensation shall not exceed ECU 1 million per year.

Article 3

Each year for three successive years, a reconnaissance campaign to find crustaceans in water deeper than 50 metres shall be carried out jointly by Community shipowners to be chosen by the Malagasy authorities, research institutes in Madagascar and the Member States of the Community, and the Malagasy Ministry with responsibility for fisheries.

The Community shall also contribute up to ECU 900 000 over the duration of the Protocol to finance the campaigns.

This contribution may be used to cover shipowners' economic losses and the emoluments of Malagasy and Community scientists. Catches by the vessel concerned shall be the property of the shipowner.

The results of each campaign must be sent to the Malagasy Ministry with responsibility for Fisheries and the Commission Delegation to Madagascar before the beginning of the following campaign. In the light of these results, starting from the second reconnaissance campaign, licences may be granted to Community vessels to fish in Madagascar's deep-water zones under conditions to be defined at a meeting of the Joint Committee referred to in Article 9 of the Agreement.

The terms of reference for these reconnaissance campaigns shall be agreed between the two parties before 31 July 1989.

Article 4

The Community shall also, during the period referred to in Article 1, contribute ECU 600 000 to finance a Malagasy scientific programme to improve knowledge of the highly migratory species existing in the Indian Ocean around Madagascar.

At the request of the Government of Madagascar, this contribution may take the form of assistance with the costs of international meetings to improve knowledge of these species and the management of fishery resources.

Article 5

The contracting parties hereby agree that increasing the skills and knowledge of those concerned with sea fishing is essential to the success of their cooperation. The Community shall therefore facilitate the entry of Malagasy nationals to educational establishments in its Member States, and for this purpose shall make available to them study or practical training awards lasting a maximum of five years in the various scientific, technical and economic fields linked to fishing. The total cost of these grants may not exceed ECU 500 000, equivalent to approximately 500 grant/months.

The grants may also be used in any country linked to the Community by a Cooperation Agreement.

Article 6

Protocols 1 and 2 and the Annex to the Agreement between the European Economic Community and the Government of the Democratic Republic of Madagascar on fishing off

Madagascar are hereby repealed and replaced by this Protocol and the Annex thereto.

Article 7

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

It shall be applicable from 21 May 1989.

ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES BY COMMUNITY VESSELS IN MADAGASCAR'S FISHING ZONE

1. Formalities concerning application for, and issue, of licences

After payment of the fees by shipowners, the competent Community authorities shall present to the competent Malagasy authorities an application in respect of each vessel wishing to fish under the Agreement. The application must be made on the form provided by Madagascar for this purpose, according to the attached model.

The Malagasy authorities shall then send the licence provided for in Article 4 of the Agreement to the Delegation of the Commission of the European Communities in Antananarivo within 15 working days.

Owners of tuna vessels shall be obliged to be represented by an agent in Madagascar.

2. Validity of licences

The licences shall be valid for one year. They shall be renewable.

Each licence shall be issued for a specific vessel, and shall not be transferable. However, in the event of *force majeure*, a licence for one vessel may be replaced by a licence for another vessel of similar characteristics should the European Economic Community so request. The owner of the vessel being replaced shall return the cancelled licence to the Malagasy Ministry with responsibility for Fisheries via the Delegation of the Commission of the European Communities.

The new licence shall indicate:

- the date of issue,
- the fact that it cancels and replaces the licence of the previous vessel.

3. Payment for licences**(a) Freezer tuna vessels**

For ocean-going freezer tuna vessels, the fee provided for by Article 5 of the Agreement shall be set at ECU 20 per tonne of tuna caught in Madagascar's fishing zone.

Licences shall be issued on advance payment to the Malagasy Treasury of a fixed annual sum of ECU 1 000 per freezer tuna vessel.

(b) Other Vessels

The licence fee for vessels other than tuna vessels shall be set according to gross registered tonnage.

4. Declaration of catches

After the end of each calendar year, the Commission of the European Communities shall inform the Malagasy authorities no later than 31 March each year of the provisional catch figures for the preceding calendar year, on the basis of the fishing forms drawn up by the shipowners and referred to in paragraph 6.

5. Breakdown of fees due

A breakdown of the fees due in respect of a fishing year shall be drawn up by the Commission of the European Communities and the Malagasy authorities, taking account of available scientific opinion and any statistical information gathered in the Indian Ocean by an international fisheries organization.

Shipowners shall be notified by the Commission of the European Communities of this breakdown by the end of April and shall have 30 days in which to meet their financial obligations. The shipowner cannot recover the balance in cases where the amount payable in respect of actual fishing operations is less than the advance payment.

6. Radio communications and fishing forms

The captain shall notify either by radio the coastal radio station at Antsiranana or by telex at least 24 hours in advance of his intention of bringing his vessel into Madagascar's fishing zone.

Vessels shall indicate their position and catches every three days, and at the end of each period spent fishing in Madagascar's fishing zone, either by radio to the coastal radio station at Antsiranana or by telex. This information must also be indicated on entering or leaving Madagascar's fishing zone, either by radio to the Antsiranana station or by telex.

The radio frequency to be used and the telex number will be indicated on the licence.

The captain must also fill in a fishing form corresponding to the attached model for each period spent fishing in Madagascar's fishing zone.

The sheet, which must be legible and signed by the captain of the ship, must reach the Malagasy Ministry with responsibility for Fisheries via the shipowner's agent as soon as possible and preferably within 30 days of the period spent fishing in Madagascar's fishing zone. A copy must also be sent to the Delegation of the Commission of the European Communities.

In the event of failure to comply with these provisions, the Malagasy authorities reserve the right to suspend the licence of the offending vessel until the formalities have been completed.

7. Observers

At the request of the Malagasy authorities, tuna vessels shall take an observer on board. The time spent by the observer on board shall be fixed by the Malagasy authorities, but, as a general rule, an observer must not be present for longer than the time required to carry out his duties.

The shipowner shall, via his agent, make a payment of ECU 10 to the Malagasy Government for each day spent by an observer aboard a tuna boat.

Should a tuna boat with a Malagasy observer on board leave Madagascar's fishing zone, every step shall be taken to ensure that the observer returns to Madagascar as soon as possible, at the shipowner's expense.

8. Employment of seamen

For the ocean-going tuna fleet, two Malagasy seamen shall be signed on permanently for the duration of the fishing season.

Should Madagascar not put forward any candidates, this commitment shall be replaced by a flat-rate sum equivalent to 50 % of the seamen's wages, in proportion to the duration of the season; this sum will be used for the training of Malagasy fishermen.

9. Fishing zones

Community vessels shall have access to all waters under Madagascar's jurisdiction outside the two-mile zone.

Should the Malagasy authorities decide to install experimental fish concentration devices (FCDs), they shall inform the Commission of the European Communities and the agents of the shipowners concerned, indicating the geographical position of the devices.

From the 30th day after such notification, it shall be forbidden to approach within 1,5 nautical miles of the devices. The dismantling of any device must be immediately notified to the same parties.

10. Use of port facilities

The authorities of Madagascar and the beneficiaries of the Agreement shall lay down the conditions for using port facilities.

11. Inspection and monitoring of fishing activities

Vessels holding a licence shall permit and assist any Malagasy official responsible for the inspection and monitoring of fishing activities to board the ship and carry out his duties.

12. Trans-shipment

When fish are transhipped, ocean-going freezer tuna vessels shall hand over the fish which they do not intend to keep to a company or organization nominated by the Malagasy authorities in charge of fisheries.

APPLICATION FORM FOR A FISHING LICENCE

- 1. Period of validity: from to
- 2. Name and flag of vessel:
- 3. Name of shipowner:
- 4. Port of registration and registration number:
- 5. Type of fishing:
- 6. Authorized mesh size:
- 7. Length of vessel:
- 8. Breadth of vessel:
- 9. Gross registered tonnage:
- 10. Hold capacity:
- 11. Power of engine:
- 12. Type of construction:
- 13. Number of crew normally carried:
- 14. Radio equipment:
- 15. Radio call sign:
- 16. Name of captain:

The shipowner, or his representative, is entirely responsible for the accuracy of this information.

ICCAT LOGBOOK for TUNA FISHERY

- Longline
- Beltboat
- Purse seine
- Trolling
- Others

Page of pages

Vessel name	Gross tons
Flag country	Capacity (M. T.)
Registration No.	Captain
Company or Owner	No. of crew
Address	Reporting date
	Reported by

month	day	year	port
		197	
Boat LEFT			
Boat RETURNED			
Number of days at sea		Number of fishing days or number of sets made	

Date	Area		Effort (Number of Hooks used)	Surl. Water Temp. (in °C)	E or W	Latitude	Longitude	Bluefin tuna <i>Thunnus thynnus</i> or <i>maccoyi</i>		Yellowfin tuna <i>Thunnus albacares</i>		Bigeye tuna <i>Thunnus obesus</i>		Albacore <i>Thunnus alalunga</i>		Swordfish <i>Xiphias gladius</i>		Striped marlin White marlin <i>Tetrapturus audax</i> or <i>albidus</i>		Black marlin Makaira indica		Sailfin <i>Istiophanes albidus</i> or <i>platypterus</i>		Skipjack <i>Katsuwonus pelamis</i>		Miscellaneous fishes		Daily total (in weight Kg. only)		Bait used	
	Day	Month						No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.	No.	Kg.
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Remarks

Landing weight (in Kg.)

4. Fishing area refers to the noon position of the boat. Round off minutes, and record degrees of latitude and longitude. Be sure to record N/S and E/W.

5. The bottom line ("landing weight") should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.

6. All information reported herein will be kept strictly confidential.

1. Use one sheet per month, and one line per day.
 2. At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, General Mola 17, Madrid 1, Spain.
 3. "Day" refers to the day you set the line.

COUNCIL DECISION

of 28 July 1989

on the conclusion of the Agreement in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period 3 May 1989 to 2 May 1990, the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola

(89/486/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola ⁽¹⁾, signed in Luanda on 1 February 1989,

Having regard to the proposal from the Commission,

Whereas the Community and the People's Republic of Angola held negotiations to determine the amendments or additions to be made to the Agreement on fishing off Angola on the expiry of the application period of the first Protocol;

Whereas, as a result of those negotiations, a new Protocol was initialled on 10 May 1989;

Whereas that Protocol provides Community fishermen with fishing opportunities in waters over which the People's Republic of Angola has sovereignty or jurisdiction from 3 May 1989 to 2 May 1990;

Whereas, in order to avoid a prolonged interruption in the fishing activities of Community vessels, the Protocol in question should be approved as soon as possible; whereas, for this reason, the two parties have initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the initialled Protocol from the day following that on which the Protocol currently in force

expires; whereas the Agreement in the form of an Exchange of Letters should be concluded, pending a final decision to be taken on the basis of Article 43 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period 3 May 1989 to 2 May 1990, the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby approved on behalf of the Community.

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

Article 2

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

Done at Brussels, 28 July 1989.

For the Council
The President
M. CHARASSE

(¹) OJ No L 341, 3. 12. 1987, p. 2.

AGREEMENT

in the form of an Exchange of Letters on the provisional application of the Protocol defining, for the period 3 May 1989 to 2 May 1990, the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the People's Republic of Angola on fishing off Angola

A. *Letter from the Government of Angola*

Sir,

With reference to the Protocol initialled on 10 May 1989 defining, for the period 3 May 1989 to 2 May 1990, the fishing opportunities and financial compensation, I have the honour to inform you that the Government of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 May 1989 pending its entry into force in accordance with Article 7 thereof, provided that the European Economic Community is disposed to do the same.

This is on the understanding that the financial compensation fixed in Article 2 of the Protocol must be paid before 30 September 1989.

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

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

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

B. *Letter from the Community*

Sir,

I am in receipt of your letter of today's date, which reads as follows:

'With reference to the Protocol initialled on 10 May 1989 defining, for the period 3 May 1989 to 2 May 1990, the fishing opportunities and financial compensation, I have the honour to inform you that the Government of Angola is prepared to apply the Protocol on a provisional basis with effect from 3 May 1989 pending its entry into force in accordance with Article 7 thereof, provided that the European Economic Community is disposed to do the same.

This is on the understanding that the financial compensation fixed in Article 2 of the Protocol must be paid before 30 September 1989.

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

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

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

*For the Council of
the European Communities*

PROTOCOL

defining, for the period 3 May 1989 to 2 May 1990, the fishing opportunities and financial compensation provided for in the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola

THE PARTIES TO THIS PROTOCOL

Having regard to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola, signed on 1 February 1989,

HAVE AGREED AS FOLLOWS:

Article 1

From 3 May 1989, for a period of one year, the limits referred to in Article 2 of the Agreement shall be as follows:

1. Shrimp vessels:
 - during May 1989: 39 vessels (approximately 12 000 grt),
 - from 1 June to 31 December 1989: 29 vessels (approximately 8 950 grt),
 - from 1 January to 2 May 1990: 22 vessels (approximately 6 800 grt).

However, the quantities to be fished by Community vessels may not exceed 5 000 tonnes of shrimps and prawns per year, of which 30% shall be prawns and 70% shrimps;

2. Ocean-going tuna freezer boats: 28 vessels;
3. On an experimental basis:
 - (a) demersal trawlers: 1 200 grt a month, not exceeding three vessels;
 - (b) surface longliners: two vessels with a maximum of 400 grt a month.

Article 2

1. The financial compensation provided for in Article 7 of the Agreement for the period referred to in Article 1 of this Protocol is hereby fixed at ECU 7 925 000.
2. The use to which this compensation is put shall be the responsibility solely of Angola.
3. Compensation of ECU 6 945 000 shall be paid into an account opened at a financial institution or any other body designated by Angola. The remaining ECU 980 000 shall be paid into the account of the Ministry of Fisheries.

Article 3

During the period referred to in Article 1, the Community shall also contribute ECU 400 000 towards the financing of

Angolan scientific and technical programmes (equipment, infrastructure, seminars, studies, etc.). This amount shall be made available to the Research Centre of the Ministry of Fisheries no later than 30 September 1989.

Article 4

1. During the period referred to in Article 1, the Community shall contribute up to ECU 270 000 for staff training in Angola. This amount is intended to pay the salaries of foreign teachers working at the Helder Neto naval school in the province of Namibe.

2. A further ECU 390 000 shall be used by the Community to provide Angola with study or practical training awards in scientific, technical and economic subjects connected with fisheries in institutions of the Member States of the Community or of the ACP countries; at the request of the Angolan authorities, 15% of this amount may be used to cover the fees for attending international meetings or training periods connected with fisheries. These funds shall be disbursed as and when they are used.

3. Within three months of the date on which this Protocol is signed, the Community shall send Angola a list of fisheries-related secondary and higher training institutions in its Member States, together with their entry requirements.

Article 5

Should the Community fail to make the payments provided for in Articles 2 and 3 within the time limits laid down, application of the Agreement may be suspended.

Article 6

The Annex to the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby repealed and replaced by the Annex to this Protocol.

Article 7

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

It shall apply from 3 May 1989.

ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES IN ANGOLAN WATERS BY COMMUNITY VESSELS

A. Licence application and issuing formalities

The procedure for application for, and issue of, licences enabling Community vessels to fish in Angolan waters shall be as follows:

- (a) The Commission of the European Communities shall present to Angola's fishing authority, via the representative of the Commission of the European Communities in Angola, an application made by the shipowner for each vessel wishing to fish under the Agreement, at least 15 days before the date of commencement of the period of validity requested. Applications shall be made on forms provided for that purpose by Angola, specimens of which are contained in Appendix 1 and Appendix 2. Each licence application shall be accompanied by documentary proof of payment.
- (b) Each licence shall be issued to the shipowner for one designated vessel. At the request of the Commission of the European Communities the licence for a vessel shall, in case of proven *force majeure*, be replaced by a licence for another Community vessel.
- (c) Licences shall be issued by the authorities of Angola to the captain of the vessel in the port of Luanda after inspection of the vessel by the competent authority. However, in the case of tuna vessels and longliners, licences shall be issued to the shipowners or their representatives or agents.
- (d) The representative of the Commission of the European Communities in Angola shall be notified of the licences issued by Angola's fishing authority.
- (e) The licence document must be held on board at all times.
- (f) Licences shall be valid for periods of one year, with the exception of the seven licences for shrimp vessels, which shall be valid for eight months.
- (g) Each vessel shall be represented by an agent approved by the Ministry of Fisheries.
- (h) The Angolan authorities shall communicate, before the date of entry into force of the Agreement, the arrangements for payment of licence fees, including particulars of the bank accounts and currencies to be used.

B. Licence fees

I. Provisions applicable to shrimp vessels

The fees for monthly licences shall be ECU 24 per gross registered tonne.

II. Provisions applicable to tuna vessels and surface longliners

The fees shall be ECU 20 per tonne caught within Angola's fishing zone.

Licences shall be issued following advance payment to Angola at a flat rate of ECU 4 000 a year for each ocean-going tuna freezer vessel, equivalent to the fees for 200 tonnes of tuna caught within Angolan waters per year, and at a flat rate of ECU 2 000 a year for each surface longliner, equivalent to the fees for 100 tonnes of swordfish caught within Angolan 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 catch statements made by the shipowners and forwarded simultaneously to the Angolan authorities and the Commission of the European Communities. The corresponding amount shall be paid by the shipowners to Angola no later than 31 March of the following year.

The final statement of the fees due shall be drawn up by the Commission following verification of the volume of each catch by a specialized scientific body in the region. The final statement shall be communicated to the Angolan authorities and notified to the shipowners, who shall have 30 days to meet their financial obligations.

However, if the amount of the final statement is lower than the advance referred to above, the balance shall not be reimbursable.

III. Provisions applicable to demersal trawlers

The fees for annual licences shall be ECU 165 per gross registered tonne.

C. By-catches

The ownership of the by-catches of shrimp vessels has been transferred from the Angolan authorities to the shipowners in return for an increase in the financial compensation.

Shrimp vessels shall be authorized to catch up to 500 tonnes of crab.

Longliners shall be prohibited from throwing catches back into the sea; captains of vessels shall take care to enter all by-catches in the statement of catch.

D. Transhipments

All transhipments shall be notified to the relevant Angolan fishing authorities eight days in advance in order to enable those authorities to monitor the operations.

Transhipments shall take place in one of the bays of Luanda or Lobito in the presence of the Angolan tax authorities.

A copy of the documentation relating to transhipments shall be forwarded to the Inspection and Monitoring Department of the Ministry of Fisheries 15 days before the end of each month for the preceding month.

E. Statement of catches

1. *Shrimp vessels and demersal trawlers*

- (a) At the end of each fishing year these vessels must forward to the Inspection and Monitoring Department of the Ministry of Fisheries, via the delegation of the European Communities in Luanda, a daily catch report drawn up by the captain in accordance with the specimen contained in Appendix 3.

Furthermore, each vessel shall present a monthly report to the Ministry of Fisheries listing the quantities caught during the month and the quantities on board on the last day of the month. This report shall be presented no later than the 45th day following the end of the month concerned. Should this provision not be adhered to, Angola reserves the right to apply the penalties provided for in Article 12 of Decree No 12-A/80 of 6 February 1980.

- (b) These vessels must inform the radio station of the Department of Inspection and Monitoring of the Ministry of Fisheries or, if this is not possible, Luanda radio, on a daily basis of their geographical position and the previous day's catches.

Shipowners shall be notified of the call sign when the fishing licence is issued.

Before leaving Angola's fishing zone, these vessels must obtain authorization from the Department of Inspection and Monitoring of the Ministry of Fisheries and have the catches on board checked.

2. *Tuna vessels and surface longliners*

Every three days during the fishing period in Angola's fishing zone, vessels shall inform the radio station of the Department of Inspection and Monitoring of the Ministry of Fisheries or, if this is not possible, Luanda radio, of their position and their catch. On entering and leaving Angola's fishing zone, tuna vessels shall inform the radio station of the Department of Inspection and Monitoring or, if this is not possible, Luanda radio, of their position and the volume of the catches on board.

In addition, the captain shall complete a fishing log-book, in accordance with Appendix 4, for each fishing period spent in Angola's fishing zone.

This form must be completed legibly and be signed by the captain of the vessel and sent to the Department of Inspection and Monitoring of the Ministry of Fisheries via the Delegation of the European Communities in Luanda within 45 days of the end of the fishing period spent in Angola's fishing zone. Should this provision not be adhered to, Angola reserves the right to apply the penalties provided for in Article 12 of Decree No 12-A/80 of 6 February 1980.

F. Fishing zones

- (a) The fishing zones accessible to shrimp vessels shall comprise all waters under the sovereignty or the jurisdiction of the People's Republic of Angola north of 12°20' and beyond the first 12 nautical miles measured from the base lines.
- (b) The fishing zones accessible to tuna vessels and demersal trawlers shall comprise all waters under the sovereignty or the jurisdiction of the People's Republic of Angola beyond the first 12 nautical miles measured from the base lines.
- (c) The fishing zones accessible to surface longliners shall comprise all waters under the sovereignty or the jurisdiction of the People's Republic of Angola beyond the first 50 nautical miles measured from the base lines.

G. Signing of crews

Owners of all vessels, except ocean-going tuna freezer vessels, to whom fishing licences have been issued under this Agreement shall contribute to the on-the-job vocational training of two Angolan seamen on board each vessel.

The seamen's wages, set in accordance with Angolan scales, and other forms of remuneration shall be borne by the shipowners and shall be paid into an account opened with a financial institution designated by the Ministry of Fisheries.

Should shipowners wish to take on further Angolan crew members, they can do so by applying to the Ministry of Fisheries.

H. Scientific observers

Any vessel may be asked to take on board a scientist designated and employed by the Ministry of Fisheries.

The scientific observer shall receive the same treatment as the ship's officers; this applies also, as far as possible, to his quarters. The observer shall be given all facilities necessary for him to carry out his duties. The observer's presence and work shall neither interrupt nor hinder the fishing activities.

An amount of ECU 4 per gross registered tonne a year is included in the fee paid by shipowners for each vessel fishing in Angolan waters to cover the cost to Angola of placing observers on vessels.

I. Inspection and monitoring

At the request of the Angolan authorities, Community fishing vessels operating under the Agreement shall allow on board any Angolan officials responsible for the inspection and monitoring of fishing activities and facilitate the accomplishment of their duties.

These officials shall remain on board no longer than is necessary for the accomplishment of their duties.

J. Fuel supplies, repairs and other services

All vessels, except tuna vessels, operating in Angola's fishing zone under the Agreement must obtain their fuel and water supplies and have shipyard repairs and maintenance carried out in Angola wherever possible, provided that Angola has the capacity to offer these services.

Subject to these same conditions, the transport of crews shall be undertaken by the Angolan national airline.

Fuel shall not be taken on board outside the roads of Luanda or Lobito without authorization from the Department of Inspection and Monitoring of the Ministry of Fisheries.

K. Mesh size

The minimum size of the mesh used shall be:

- (a) 40 mm for shrimp fishing; and
- (b) 60 mm for demersal fishing.

The introduction of new mesh sizes shall apply to Community vessels from the sixth month following notification of the Commission of the European Communities.

L. Boarding procedure

The delegation of the Commission in Luanda shall be informed within 48 hours of the boarding of any fishing vessel flying the flag of a Member State of the Community within Angola's exclusive economic zone, and shall at the same time receive a concise report of the circumstances and reasons for the boarding of the vessel.

Appendix 1

APPLICATION FOR A LICENCE TO FISH FOR SHRIMP AND DEMERSAL SPECIES IN THE WATERS OF ANGOLA

PART A

- 1. Name of owner:
- 2. Nationality of owner:
- 3. Business address of owner:
.....
.....
- 4. Chemical additives which may be used (brand name and composition):
.....

PART B

To be completed for each vessel

- 1. Period of validity:
- 2. Name of vessel:
- 3. Year of construction:
- 4. Original flag country:
- 5. Currently flying the flag of:
- 6. Date of acquisition of current flag:
- 7. Year of acquisition:
- 8. Port and registration number:
- 9. Fishing method:
- 10. Gross registered tonnage:
- 11. Radio call sign:
- 12. Overall length (m):
- 13. Bow (m):
- 14. Depth (m):
- 15. Construction material of the hull:
- 16. Engine power (bhp):
- 17. Speed (knots):
- 18. Capacity of refrigeration chamber:
- 19. Capacity of fuel tanks (m³):
- 20. Capacity of fish holds (m³):
- 21. Colour of the hull:
- 22. Colour of the superstructure:

23. Communication equipment on board:

Type	Brand	Power (Watt)	Year of construction	Frequencies	
				Reception	Transmission

24. Navigation and detection equipment installed

Type	Brand	Model	Range

25. Name of captain:

26. Nationality of captain:

To be annexed:

- three colour photographs of the vessel (side view),
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....
(Date of application)

.....
(Signature of owner's representative)

*Appendix 2***APPLICATION FOR A LICENCE TO FISH FOR TUNA AND SWORDFISH IN THE WATERS OF ANGOLA****PART A**

1. Name of owner:
2. Nationality of owner:
3. Business address of owner:
.....
.....

PART B*To be completed for each vessel*

1. Period of validity:
2. Name of vessel:
3. Year of construction:
4. Original flag country:
5. Currently flying the flag of:
6. Date of acquisition of current flag:
7. Year of acquisition:
8. Port and registration number:
9. Fishing method:
10. Gross registered tonnage:
11. Radio call sign:
12. Overall length (m):
13. Bow (m):
14. Depth (m):
15. Construction material of the hull:
16. Engine power (bhp):
17. Speed (knots):
18. Cabin capacity:
19. Capacity of fuel tanks (m³):
20. Capacity of fish holds (m³):
21. Freezing capacity (tonnes/24 hours) and freezing system used:
.....
22. Colour of the hull:
23. Colour of the superstructure:

24. Communication equipment on board:

Type	Brand	Model	Power (Watt)	Year of construction	Frequencies	
					Reception	Transmission

25. Navigation and detection equipment installed

Type	Brand	Model

26. Auxiliary vessels used (for each vessel):

26.1. Gross registered tonnage:

26.2. Overall length (m):

26.3. Bow (m):

26.4. Depth (m):

26.5. Construction material of the hull:

26.6. Engine power (bhp):

26.7. Speed (knots):

27. Auxiliary aerial fish detection equipment (even if not based on board):

28. Home port:

29. Name of captain:

30. Nationality of captain:

To be annexed:

- three colour photographs of the vessel (side view) and of auxiliary fishing vessels and of auxiliary aerial equipment for fish detection,
- diagram and detailed description of fishing gear used,
- document giving proof of authority for the owner's representative to sign this application.

.....
(Date of application)

.....
(Signature of owner's representative)

Appendix 3

MINISTRY FOR FISHERIES STATISTICS ON CATCH AND ACTIVITY

Month: Year:

Name of vessel:	
Nationality (flag):	

Engine rating:	
Gross registered tonnage:	

Fishing method:	
Port of landing:	

Date	Fishing zone		Number of hauls	Number of fishing hours	Species (kg)				Total	
	Longitude	Latitude			Shrimp and Crab		Crab	Fish		
					Shrimp					
1/										
2/										
3/										
4/										
5/										
6/										
7/										
8/										
9/										
10/										
11/										
12/										
13/										
14/										
15/										
16/										
17/										
18/										
19/										
20/										
21/										
22/										
23/										
24/										
25/										
26/										
27/										
28/										
29/										
30/										
31/										
TOTAL:										

COUNCIL DECISION

of 28 July 1989

authorizing the French Republic to apply a measure derogating from the second subparagraph of Article 17 (6) of the Sixth Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes

(89/487/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

having regard to the Treaty establishing the European Economic Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽¹⁾, hereafter referred to as the 'Sixth Directive', as last amended by the 1985 Act of Accession, and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 27 (1) of the Sixth Directive, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce special measures for derogation from that Directive, in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance;

Whereas, by letter, receipt of which was recorded by the Commission on 17 April 1989, the French Republic requested authorization to introduce a special measure derogating from the second subparagraph of Article 17 (6) of the Sixth Directive;

Whereas certain supplies made to a taxable person concerning in particular his representational expenditure are excluded in France from the right of deduction, in accordance with Article 17 (6), second subparagraph, of the Sixth Directive; whereas this measure is aimed at excluding other expenditure in respect of accommodation, restaurants, hospitality and entertainment from the right to deduct VAT previously charged, in order to prevent tax evasion and avoidance; whereas the exclusion does not concern expenditure incurred by a taxable person in respect of the supply by him of accommodation, meals, food or drink for consideration, expenditure on accommodation provided free of charge for security, caretaking or supervisory staff on works, sites or business premises, or expenditure incurred by a taxable person in carrying out his contractual or legal responsibility towards his customers;

Whereas the authorization requested by the French Republic can be granted only on a temporary basis and until such time

as Community rules determining expenditure not eligible for a deduction of value added tax pursuant to the first subparagraph of Article 17 (6) of the Sixth Directive come into force;

Whereas the said derogation does not have a negative effect on the European Communities' own resources accruing from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

1. By way of derogation from the second subparagraph of Article 17 (6) of the Sixth Directive, the French Republic is hereby authorized, on a temporary basis and until such time as Community rules determining the treatment of expenditure referred to in the first subparagraph of that paragraph come into force, to exclude expenditure in respect of accommodation, food, hospitality and entertainment from the right to deduct value added tax previously charged.

2. The exclusion referred to in paragraph 1 shall not apply to:

- expenditure incurred by a taxable person in respect of the supply by him of accommodation, meals, food or drink for consideration,
- expenditure on accommodation provided free of charge for security caretaking or supervisory staff on works, sites or business premises,
- expenditure incurred by a taxable person in carrying out his contractual or legal responsibility towards customers.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 28 July 1989.

For the Council

The President

M. CHARASSE

⁽¹⁾ OJ No L 145, 13. 6. 1977, p. 1.

COUNCIL DECISION

of 28 July 1989

authorizing the French Republic to apply a measure derogating from Article 17 (2) of the Sixth Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes

(89/488/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽¹⁾, hereafter referred to as the 'Sixth Directive', as last amended by the 1985 Act of Accession, and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 27 (1) of the Sixth Directive, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce special measures for derogation from that Directive, in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance;

Whereas, by letter, receipt of which was recorded by the Commission on 17 April 1989, the French Republic requested authorization to introduce a special measure derogating from Article 17 (2) of the Sixth Directive;

Whereas the French Republic intends to introduce an arrangement permitting deduction of the entire amount of tax charged on goods and services used for both business and private purpose while, at the same time, providing for taxation of the private use of such goods and services, in accordance with Articles 5 (6) and 6 (2) of the Sixth Directive;

Whereas, the French Republic would like to retain the right to exclude altogether the deduction of input VAT while refraining from taxing self-supplies in cases where private use accounts for more than 90 % of the use to which a particular good or service is put;

Whereas such a measure is necessary and appropriate to avoid certain tax evasion and fraud and whereas it contributes to the simplification of collecting value added tax;

Whereas the said measure constitutes a derogation from Article 17 (2) of the Sixth Directive, whereby a taxable person is entitled to deduct the tax charged on goods and services used by him in so far as those goods and services are used for the purposes of his taxable transactions;

Whereas the said request can be accepted subject to certain conditions;

Whereas the measure in question should be temporary in order to allow an evaluation after a certain period of application;

Whereas the authorization will run until 31 December 1992, with the Commission presenting before that date, a report to the Council on the application of this authorization.

Whereas the Council will determine, on the basis of a proposal for a Decision submitted if appropriate by the Commission and accompanying the abovementioned report, whether to extend the authorization beyond that date;

Whereas the derogation will not affect, except to a negligible degree, the amount of tax due at the final consumption stage; whereas it does not have a negative effect on the European Communities' own resources accruing from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from the provisions of Article 17 (2) of the Sixth Directive, the French Republic is hereby authorized until 31 December 1992 to exclude expenditure in respect of goods and services in cases, where private use of those goods and services accounts for more than 90 % of their total use,

⁽¹⁾ OJ No L 145, 13. 6. 1977, p. 1.

from the right to deduct value added tax previously charged.

Article 2

On the basis of a report by the Commission on the application of the authorization cited in Article 1, accompanied if appropriate by a proposal for a Decision, the Council shall determine on the basis of that proposal before 31 December 1992 whether the said authorization shall be extended.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 28 July 1989.

For the Council
The President
M. CHARASSE

COUNCIL DECISION

of 28 July 1989

establishing an action programme to promote foreign language competence in the European Community (Lingua)

(89/489/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 128 and 235 thereof,

Having regard to Council Decision 63/266/EEC of 2 April 1963 laying down general principles for implementing a common vocational training policy ⁽¹⁾, and in particular the seventh principle thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas the seventh principle of Decision 63/266/EEC provides that the suitable training of teachers and instructors, whose numbers should be increased and whose technical and teaching skills should be developed, shall be one of the basic factors of any effective vocational training policy; and whereas its 10th principle provides that special measures may be taken in respect of special problems concerning specific sectors of activity or specific categories of persons;

Whereas the Treaty provides in Article 52 for the abolition of restrictions on the freedom of establishment, and in Article 59 for the abolition of restrictions on the freedom to provide services;

Whereas the Treaty provides in Article 48 for the securing of freedom of movement of workers and requires the Council to adopt the measures necessary for its securing; whereas an increase in the capacity to communicate in foreign languages will further facilitate the achievement of these objectives;

Whereas Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement of workers within the Community ⁽⁵⁾, as last amended by Regulation (EEC) No 312/76 ⁽⁶⁾, has provided for workers and the employed persons who exercise the right of free movement to another Member State to be accompanied by their dependent family;

Whereas the European Council has, in the Solemn Declaration on European Union adopted at its meeting in Stuttgart on 19 June 1983, and at its meeting at Fontainebleau on 23 and 24 June 1984 and Milan on 28 and 29 June 1985, where it adopted the Adonnino report on measures required to achieve a 'Peoples' Europe', stressed the importance which must be attached to foreign language teaching and learning within the Community;

Whereas the Council and Ministers of Education meeting within the Council, in adopting on 9 February 1976 a resolution ⁽⁷⁾ comprising an action programme in the field of education, selected the teaching of foreign languages as an appropriate area for Community activity and whereas they adopted conclusions on this subject at their meeting on 4 June 1984;

Whereas the establishment of the internal market should be facilitated by the quantitative and qualitative improvement of foreign language teaching and learning within the Community to enable the Community's citizens to communicate with each other and to overcome linguistic difficulties which impede the free movement of persons, goods, services and capital;

Whereas greater foreign language competence will enable the Community's citizens to reap the benefits of completion of the internal market and will enhance understanding and solidarity between the peoples which go to make up the Community, while preserving the linguistic diversity and cultural wealth of Europe;

Whereas, in promoting the diversification of the teaching and learning of foreign languages within the framework of the implementation of the Lingua programme, consideration will also be given to the role of the different languages of the Community in the world at large in terms of their economic, commercial and cultural significance;

Whereas it is appropriate to help to promote the implementation of the national policies of the Member States concerning foreign language training without affecting the characteristics of their education and training systems;

Whereas there is a specific need to encourage the teaching as foreign languages of all official languages of the Communities, together with Irish, one of the languages in

⁽¹⁾ OJ No 63, 20. 4. 1963, p. 1338/63.

⁽²⁾ OJ No C 51, 28. 2. 1989, p. 7.

⁽³⁾ OJ No C 120, 16. 5. 1989.

⁽⁴⁾ OJ No C 139, 5. 6. 1989, p. 12.

⁽⁵⁾ OJ No L 257, 19. 10. 1968, p. 2.

⁽⁶⁾ OJ No L 39, 14. 2. 1976, p. 2.

⁽⁷⁾ OJ No C 38, 19. 2. 1976, p. 1.

which the Treaties establishing the European Communities are drafted, and Letzeburgesch, a language spoken throughout the territory of Luxembourg;

Whereas the different Community programmes, notably Erasmus ⁽¹⁾, Comett ⁽²⁾, 'Youth for Europe' ⁽³⁾, and the third joint programme to encourage the exchange of young workers within the Community ⁽⁴⁾, will not fully achieve their stated objectives without accompanying measures to promote training in foreign languages and need to be complemented by measures in the field of vocational training;

Whereas this action programme includes aspects relating to education and training policy which may be regarded as falling outside the establishment of general principles for implementing a common vocational training policy as provided for in Article 128 of the Treaty; whereas these aspects of the programme can, together with the vocational training objectives to which they are closely linked, contribute to the harmonious development of economic activities throughout the Community; whereas to this extent the Treaty has not provided the necessary powers, and action for this purpose appears necessary to attain, in the course of the operation of the common market, one of the objectives of the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The European Community action programme to promote foreign language competence is hereby adopted.

The programme, hereinafter referred to as the 'Lingua programme', shall be implemented with effect from 1 January 1990 for a period of five years.

Article 2

The Lingua programme shall comprise:

- (a) a framework of common guidelines to promote foreign language competence in the Community, as set out in Article 5;
- (b) a series of measures to be implemented at Community level, as provided for in Article 8 and set out in the Annex, and designed to provide added value to measures taken by Member States.

⁽¹⁾ OJ No L 166, 25. 6. 1987, p. 20.

⁽²⁾ OJ No L 222, 8. 8. 1986, p. 17.

⁽³⁾ OJ No L 158, 25. 6. 1988, p. 42.

⁽⁴⁾ OJ No L 331, 19. 12. 1984, p. 36.

Article 3

In the context of the Lingua programme, the term 'university' shall be used to cover all types of post-secondary education and training establishments which offer, where appropriate within the framework of advanced training, qualifications or diplomas of that level, whatever such establishments may be called in the Member States.

In the context of the Lingua programme, teaching and training establishments shall be understood as covering all categories of teaching and training establishments (not included in the abovementioned definition of 'university') supported by the Member States or by the public authorities of the Member States.

Foreign language teaching in the context of the Lingua programme shall refer only to the teaching as foreign languages of Danish, Dutch, English, French, German, Greek, Irish, Italian, Letzeburgesch, Portuguese and Spanish.

Article 4

The principal objective of the Lingua programme shall be to promote a quantitative and qualitative improvement in foreign language competence with a view to developing communication skills within the Community. To that end, it shall, by means of Community-wide measures, provide opportunities for supporting and complementing Member States' policies and schemes aimed at achieving that objective.

Article 5

The Lingua programme shall help to promote the implementation of those of the policies which the Member States adopt, which they apply in the context of their internal structures and the characteristics and possibilities of their education and training systems and which are aimed at:

- encouraging all citizens to acquire a working knowledge of foreign languages,
- increasing opportunities for teaching and learning foreign languages in the Community and, in particular, encouraging competence in the least widely used and least taught foreign languages,
- promoting the provision of opportunities for university students to combine foreign language studies with the pursuit of their main disciplines, as a recognized component of their degree, diploma or other qualification,
- raising the standard of foreign language teaching by improving the initial and in-service training of foreign-language teachers and trainers, by increasing the opportunities for them to reap the benefits of appropriate preparation abroad,

- encouraging employers and professional organizations to promote training in foreign languages for the workforce in order to take full advantage of the internal market, with particular reference to the needs of the small and medium-sized enterprises and of the peripheral and least-developed regions of the Community,
- promoting innovation in methods of foreign language training and in the exploitation of the communications technologies used.

Article 6

The Community measures provided for in Article 8 shall help to promote the implementation of those of the policies which the Member States adopt, which they apply in the context of their internal structures and the characteristics and possibilities of their education and training systems and which are aimed at:

- enabling practising foreign-language teachers to improve their professional competence, notably through periods of in-service training or professional experience in a Member State in which the language they teach is spoken,
- enabling students studying foreign languages and, where the education and training system of a Member State allows, intending teachers of foreign languages in particular, to spend a recognized period of their initial training, of at least three months' duration, in a Member State in which the language they are studying is spoken,
- encouraging both sides of industry, professional organizations and in-service training establishments to set up facilities to develop the linguistic skills of the workforce; likewise, developing foreign language knowledge within the framework of initial and in-service vocational training,
- encouraging young people undergoing professional, vocational and technical education to participate in exchange programmes which are based on pedagogical projects,
- promoting innovation in methods of foreign language teaching.

The Member States shall provide a report on the situation in the above fields by 31 December 1992 at the latest.

Article 7

The Member States shall designate one or more competent structures responsible for coordinating at national level the implementation of the measures as described in the Annex.

Article 8

To give a significant Community impetus to the efforts of Member States to raise the level of foreign language competence among workers and future workers, the Commission shall implement various supporting measures as set out in the Annex, account being taken of the differing needs and situations in Member States, with particular regard to the least widely used and least taught languages in the Community.

Article 9

1. The Commission shall implement the Lingua programme in accordance with the provisions of the Annex.

2. In the performance of that task, the Commission shall be assisted by a committee composed of two representatives appointed by each Member State and chaired by the Commission representative. The members of the committee may be assisted by experts or advisers.

The committee shall coordinate its work with the Erasmus Committee in regard to Action II of the Annex to this Decision.

3. The Commission representative shall submit to the committee drafts of measures concerning:

- (a) the general guidelines governing the Lingua programme;
- (b) the general guidelines on the financial assistance to be provided by the Community (amounts, duration and recipients of assistance);
- (c) questions relating to the overall balance of the Lingua programme, including the breakdown between the various actions and the encouragement of the use of all foreign languages.

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

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith.

In that event, the Commission may defer application of the measures which it has decided upon for a period of two months.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous subparagraph.

5. In addition, the Commission may consult the committee on any other matter concerning the implementation of the Lingua programme.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on this draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 10

The funds estimated as necessary for the execution of the Lingua programme during the five-year period 1990 to 1994 amount to ECU 200 million.

The annual appropriations necessary to cover the Community contribution to the measures provided for in the programme shall be established in the annual budgetary procedure in accordance with the financial outlook decided on jointly by the European Parliament, the Council and the Commission and the way it develops.

Article 11

The Commission shall ensure that there is consistency and complementarity between the Community actions to be developed under the Lingua programme and other Community programmes involving vocational training and the mobility and exchange of persons, in particular the Erasmus, Comett, Delta and 'Youth for Europe' programmes and the third joint programme to encourage the exchange of young workers within the Community. The Commission shall maintain contact as appropriate with international organizations active in this field, particularly the Council of Europe.

Article 12

An annual report on the functioning of the Lingua programme shall be submitted by the Commission to the European Parliament, the Council and the Economic and Social Committee, as well as the Education Committee.

Article 13

The Council will evaluate the experience in implementing the Lingua programme at the end of the second year of operation on the basis of a report to be presented by the Commission, accompanied if appropriate by a proposal to adapt it.

Done at Brussels, 28 July 1989.

For the Council
The President
M. CHARASSE

ANNEX

ACTION I

MEASURES TO PROMOTE IN-SERVICE TRAINING OF FOREIGN LANGUAGE TEACHERS

1. In the context of this action, teachers of foreign languages are considered to be those whose regular activity is to teach as a foreign language one or more languages at any level of education or training other than university level.
2. Financial aid will be provided through the structure(s) in each Member State designated in accordance with Article 7, to support the expansion and qualitative improvement of in-service training for language teachers and for those involved in teacher training or the organization of foreign language teaching within the Community. The aim shall be to enable an increasing number of foreign-language teachers and teacher-trainers within the Community to participate in in-service training projects, particularly in other Member States. Detailed arrangements will be laid down in general guidelines for implementing the programme to be adopted in accordance with Article 9.
3. In calculating the annual block grant to be allocated to each Member State for this purpose, the total number of teachers, the number of young people between the ages of 10 and 21, per capita gross domestic product in relation to the Community average and the geographical distance between Member States will be taken into account. The maximum grant per beneficiary will be ECU 1 500.
4. In the allocation of these grants, priority will be given to in-service training activities for foreign language teachers and trainers intended:
 - to improve the skills of communication of such teachers and trainers in the language concerned and their knowledge of the culture of the host Member State,
 - to encourage diversification in foreign language teaching,
 - to encourage competence in the least widely used and least taught languages,
 - to help them establish and develop the framework needed to organize educational exchanges, on behalf of their educational and vocational training institutions.
5. Financial aid will be granted to programmes of European cooperation between in-service training establishments for foreign-language teachers where such programmes are designed to offer the teachers concerned the opportunity of taking part in in-service training schemes, either in their own Member State or in another one.

In support of each programme, the establishments taking part will each be able to receive aid amounting annually to a maximum of ECU 25 000, usually for an estimated period of three years.
6. This aid can also be used to complement Member States' measures designed to promote the retraining of foreign-language teachers.

ACTION II

MEASURES TO PROMOTE THE LEARNING OF FOREIGN LANGUAGES IN UNIVERSITIES AND IN PARTICULAR TO DEVELOP THE INITIAL TRAINING OF FOREIGN-LANGUAGE TEACHERS

1. The Community will promote the development of the European network for university cooperation, established under the terms of the Erasmus programme, so as to stimulate Community-wide mobility and exchange of students specializing in foreign language studies or who study foreign languages in conjunction with another discipline and in particular to promote the initial training of foreign-language teachers in accordance with Article 6 of the Decision. This action, which will be administered in accordance with the same procedure as that used for the Erasmus programme, will consist of the following measures:
 - (a) inter-university cooperation programmes;
 - (b) student grants;
 - (c) grants for mobility and exchange of teaching staff and administrators in higher education.

Inter-university cooperation programmes

2. Each inter-university cooperation programme to be financed under the Lingua programme will be designed to give the students concerned the opportunity to undertake a recognized period of study in at least one Member State whose language they are studying as an integral part of a course leading to a diploma or university qualification. In support of each programme, the participating institutions will each be able to receive support up to an annual maximum of ECU 25 000, usually for an estimated period of three years; the amount granted will be calculated on the basis of an assessment of the detailed estimates submitted by the institutions concerned. Detailed arrangements will be laid down in general guidelines for implementing the programme to be adopted in accordance with Article 9.

Student grants

3. The Community shall provide funds for the direct financial support of students specializing in foreign language studies at universities, and (where the education system of a Member State enables them to be identified) intending teachers of foreign languages in particular, to enable them to carry out a period of study in another Member State within the framework of the European network as defined above.

These grants may also be made to students who study a foreign language in conjunction with another discipline and within the framework of the European network as defined above. This should permit pilot projects encouraging the teaching of foreign languages at universities to be undertaken.

However, in exceptional circumstances, grants may also be awarded to students following courses outside the framework of the university network described above.

4. In determining a fair balance of grants, the Community will have regard to the number of students to be exchanged within the European university network as it develops and will assume an average grant of ECU 2 000 per year. A minimum of 75 grants will be given during the first year to each Member State, this number rising progressively to 150 per year. Remaining funds will be allocated to Member States on the basis of the following criteria: total number of students at universities as defined in Article 3 as well as the total number of 18- to 25-year-olds in each Member State.
5. The Community grants to students will be administered through the competent authorities designated by Member States in the framework of the Erasmus programme. These authorities will issue grants up to a maximum of ECU 5 000 to each student, on the basis of a stay abroad of one academic year, subject to the following conditions:
 - (a) the grants will contribute to the additional costs of mobility (including travel costs, the cost of language learning undertaken in the host country and the extra costs of living away from the student's home country);
 - (b) priority will be given to students of foreign languages on courses which are part of the European network and (where the education system of a Member State enables them to be identified) intending teachers of foreign languages;
 - (c) priority will be given to students on courses in the least widely used and least taught languages;
 - (d) grants will be awarded only in cases where the period of study to be spent in another Member State will be granted full recognition by the student's home university;
 - (e) no tuition fees will be charged by the host university and, where appropriate, grant holders will continue to pay tuition fees at their home university;
 - (f) grants will normally be awarded for periods of study in another Member State of not less than three months' and not more than one year's duration. They will not normally be awarded for the first year of university study;
 - (g) grants and loans to which students would have been entitled in their home Member State will continue to be paid in full to students during their period of study abroad at the host university.
6. Any modification to the Erasmus programme with regard to the criteria for establishing the amount granted to the Member States or with regard to the amount to be allocated to grants will be applied to this action of the Lingua programme.

Grants for mobility and exchange of teaching staff and administrators in higher education

7. The Community will provide support for teaching staff and administrators in higher education concerned with the teaching of foreign languages to visit other Member States in order to:
 - enable them to plan and prepare inter-university cooperation programmes with their opposite numbers in other Member States,

- prepare in particular the conditions necessary for the exchange of students and for the mutual recognition of periods of study completed abroad,
 - exchange experience on the latest developments in methods of foreign language teaching,
 - gain European experience in the organization of the initial training of foreign-language teachers,
 - plan the monitoring of and evaluate pilot projects to promote foreign language teaching in higher education establishments for students who are studying foreign languages in conjunction with another subject.
8. Support will also be provided by the Community to encourage greater mobility of staff concerned with the teaching of foreign languages in universities so as to assist in the development of integrated courses and to enable teaching staff to teach for a period in the universities of the different Member States, within the framework of the European network.

ACTION III

MEASURES TO PROMOTE KNOWLEDGE OF FOREIGN LANGUAGES USED IN WORK RELATIONS AND IN ECONOMIC LIFE

This action does not aim to replace activities undertaken by enterprises or other bodies in the field of linguistic training directed towards the economic world. Its aim is to contribute, through several strategic measures, to the development of teaching and learning of foreign languages as an essential component of vocational training of workers and trainers, particularly in small and medium-sized enterprises. This action consists of the measures set out below.

A. Diagnosis of needs

The Community will aid the development and dissemination of techniques for the diagnosis and analysis of needs for foreign languages and for training for foreign languages of professional or workers' organizations and of enterprises, particularly small and medium-sized enterprises. This support will be accompanied by a study of techniques of this kind used in the Member States and in enterprises; the study will be followed by development activities covering a reasonable sample of enterprises.

B. Development of teaching materials and self-learning methods

B.1. *Pilot projects for the development of materials*

The Community will, on the basis of pilot projects, aid in the development of teaching materials for the teaching of foreign languages, adapted to the specific needs of each branch of economic life in the different languages of the Community. Priority will be given to projects concerning the least widely used and least taught languages of the Community.

Experience from other programmes (Eurotra for example) will be taken into account.

B.2. *Aid to self-learning methods in languages in professional and technological fields*

The Commission will aid projects bringing together enterprises and professional organizations from at least two Member States and using self-learning methods for foreign languages (including all the range of multi-media), so as to increase the opportunities for individual training on an intensive basis.

B.3. Joint submissions for aid for the activities referred to in paragraphs B.1 and B.2 will be made either directly to the Commission or via the structure or structures mentioned in Article 7.

The projects to be aided by the Commission should:

- (a) make clear the participation of the users;
- (b) demonstrate the added value of the actions presented, whether it be their innovative potential or their multiplier effect.

The projects will receive further preference in relation to Community aid if they have an impact on several Member States.

The Commission will take into account the views expressed on the projects by those in charge of the structure of each Member State concerned.

Community aid shall not normally exceed 50 % of the cost of the approved projects.

The Commission will take account of potential linkages with other programmes such as Delta, Media and Comett, as well as similar programmes of other international organizations, such as the Council of Europe.

C. Development of mobility and linguistic exchanges

The Commission will aid the application of a system of exchange and mobility directed towards the representatives of small and medium-sized enterprises and professional organizations dealing with foreign language training for the needs of economic life.

Exchanges between trainers in foreign languages, specialized in different professional and technological fields, may also benefit from the aid of the Commission. These exchanges will be made with a view to preparing the measures provided for under point B.

D. Introduction of certificates

In cooperation with representatives of the profession concerned or of the sector of the economy concerned, aid will be granted to establishments in the Member States responsible for designing curricula and issuing diplomas with a view to introducing foreign-language qualifications intended for these professions or sectors of the economy and with a view to designing the curricula and teaching material involved. Experiments already carried out are to be used and to be converted for use with other languages.

Establishments in at least two Member States will be asked to make joint submissions for aid for these measures via the structure or structures mentioned in Article 7. The Community will cover up to 50 % of the costs of the approved project.

The activities to be supported within the framework of this action will be carried out in conjunction with the structures mentioned in Article 7. Detailed arrangements will be laid down under the general guidelines mentioned in Article 9.

ACTION IV

MEASURES TO PROMOTE THE DEVELOPMENT OF EXCHANGES FOR YOUNG PEOPLE UNDERGOING PROFESSIONAL, VOCATIONAL AND TECHNICAL EDUCATION WITHIN THE COMMUNITY

1. Financial aid will be provided to a structure (or structures) in each Member State designated in accordance with Article 7, to support the development of educational exchanges for young people undergoing professional, vocational and technical education, of a minimum duration of 14 days organized as part of a project of an educational establishment.

It is up to each Member State to define this and to narrow the scope or widen it to, for instance, all those over 16 years of age or all in post-compulsory education.

2. This financial aid will be granted by the Commission to cover the expenses relating to the preparation, execution and follow-up of such projects of educational establishments normally intended for pupils aged between 16 and 25.
3. The calculation of aid to be allocated to each Member State will take account of:
 - the number of young people aged between 16 and 25 in its population,
 - the per capita gross domestic product of the Member State in relation to the Community average,
 - the geographical distance between Member States,
 - the establishment of a better balance in the flow of exchanges within the Community.

Aid for exchanges will not exceed 50 % of total costs (travel and programme) although in certain duly justified cases it may cover up to 75 % of the costs.

4. To obtain Community aid, educational exchanges for young people undergoing professional, vocational and technical education must be based on a project of an educational establishment; their aim must be the improvement of communication skills in foreign languages and they must help to make those taking part more motivated to acquire competence in foreign languages.

On this basis, priority in the granting of aid will be given to these projects of educational establishments which:

- develop innovatory experiments in the field of educational exchanges for young people undergoing professional, vocational and technical education or in the field of foreign language learning,
 - emphasize the European dimension in professional, vocational and technical education,
 - support the teaching of the least widely used and least taught languages in the Community.
5. Aid will also be provided through the structures mentioned in paragraph 1 above for the operation of a scheme of visits preparatory to these exchanges, to be carried out by those responsible for exchanges in the establishments concerned. The average contribution will be ECU 500 per visit.
 6. Detailed arrangements will be laid down in general guidelines for implementing the programme which have been adopted in accordance with Article 9.

ACTION V

COMPLEMENTARY MEASURES

- A. 1. The Community will provide complementary support to the structures designated by Member States under the terms of Article 7.

The Community support will be provided to underpin the creation of a network of communication between structures, facilitating cooperation between them so as to contribute to the achievement of the objectives of the Lingua programme.

2. The Community finance will support the development of transnational exchanges between structures. The aid will also contribute towards the promotion of the objectives and the dissemination of the results of the guidelines and measures implemented under the Lingua programme.
 3. In order to provide informational back-up for activities undertaken pursuant to the Lingua programme and to increase cooperation in this area within the Community, the programme will support associations at European level, in particular those concerned with foreign language teaching methods and with promoting the use of foreign languages in the media.
 4. The necessary technical assistance will be provided at Community level to underpin the activities undertaken in accordance with the Decision, taking into account the need to have a greater knowledge in the Community of innovatory initiatives in certain areas and to promote a balanced development which encourages the teaching and learning of all foreign languages. Furthermore, specific provision will be made by the Commission for the development and continuing evaluation of these activities, and for the dissemination in all the Community languages of experience arising from them.
- B. 1. Financial aid will be provided on an experimental basis during the initial phase of the Lingua programme, to support the diversification of foreign language teaching and learning through assistance in the development and exchange of teaching materials for the least widely used and least taught languages.
 2. Joint applications will be invited from institutions in more than one Member State submitting a three-year development plan for the elaboration of the teaching materials referred to above.

COUNCIL DECISION

of 28 July 1989

on the improvement of the business environment and the promotion of the development of enterprises, and in particular small and medium-sized enterprises, in the Community

(89/490/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission ⁽¹⁾

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

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

Whereas on 3 November 1986 the Council adopted a resolution concerning the action programme for small and medium-sized enterprises ⁽⁴⁾ and on 30 June 1988 a resolution on the improvement of the business environment and action to promote the development of enterprises, especially small and medium-sized enterprises, in the Community ⁽⁵⁾;

Whereas the Commission has submitted to the Council a communication on a enterprise policy for the Community; whereas the Community has already developed certain initiatives in this field;

Whereas this Decision applies, *inter alia*, to all forms of small and medium-sized enterprises, for example craft, cooperative and mutual enterprises;

Whereas the development of a European enterprise policy based upon the principle of effective competition is of great importance in increasing the competitiveness of the European economy, for employment growth and for economic and social cohesion in the Community;

Whereas it is necessary to strengthen this policy in the light of the completion of the internal market and the other means of action contained in the Single European Act and the Commission's White Paper of June 1986;

Whereas the opportunities for small and medium-sized enterprises (SMEs) under the Structural Funds, in the

Community's research and development programmes and in other Community programmes should be increased;

Whereas measures at Community level should not duplicate those at the level of the Member States; whereas they should as far as possible make use of existing structures rather than create new ones;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

Article 1

In order to improve the business environment and encourage the creation and development of enterprises, and in particular small and medium-sized enterprises (SMEs), measures shall be implemented at Community level.

Article 2

The measures referred to in Article 1 shall include:

- removal of undue administrative, financial and legal constraints which check the development and creation of enterprises, and in particular SMEs,
- information and assistance to enterprises, and in particular SMEs, on Community policies, regulations and activities and those of each Member State which concern or are likely to concern them,
- encouragement of cooperation and partnership between enterprises, and in particular SMEs, from different regions of the Community.

Article 3

In order to achieve the objectives and carry out the measures referred to in Articles 1 and 2, the Commission will propose the necessary action to the extent that it cannot be undertaken better at Member State level.

Article 4

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

⁽¹⁾ OJ No C 79, 30. 3. 1989, p. 5.

⁽²⁾ OJ No C 158, 26. 6. 1989.

⁽³⁾ OJ No C 159, 26. 6. 1989, p. 38.

⁽⁴⁾ OJ No C 287, 14. 11. 1986, p. 1.

⁽⁵⁾ OJ No C 197, 27. 7. 1988, p. 6.

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

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event the Commission shall defer application of the measures which it has decided for a period of three months from the date of communication.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous subparagraph.

2. For the implementation of this Decision, the procedure referred to in paragraph 1 shall apply in particular in the following cases:

- the adoption, experimental implementation or extension of any programme devised for application of this Decision,
- the content, timetable and estimated budget for action and calls for proposals,
- the evaluation of proposed projects, including those where no call for proposals is made,
- the periodical evaluation of the results obtained within each programme in accordance with the timetables laid down.

Article 5

The Commission shall ensure close coordination between the various programmes established outside this Decision and the initiatives taken in application of this Decision, in so far as the interest of SMEs and craft industries is manifest: Sprint, Comett, Structural Funds in particular. A report on this coordination shall be made to the committee.

Article 6

Each year the Commission shall submit an evaluation report on the implementation of this Decision to the European Parliament, the Council and the Economic and Social Committee.

Article 7

For the period 1990 to 1993, the initial amount deemed necessary is estimated at ECU 110 million. A further estimated amount, of ECU 25 million, may be deemed necessary for expenditure in the same period should the Council so decide following a review of the programme. This Council decision will then be taken on the same basis as this Decision. The principal activities to be financed are listed in the Annex.

Article 8

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 28 July 1989.

For the Council
The President
M. CHARASSE

ANNEX

ACTIVITIES TO BE FINANCED IN THE PERIOD 1990 TO 1993

1. *Removal of undue administrative, financial and legal constraints*

(assessment of the impact on business of existing and proposed legislation, consultation with Member States on national procedures)

2. *Information and assistance to enterprises:*— *Information:*

Tradition forms of information (publications, seminar, conferences) and development of the Euro-Info-Centres

— *Assistance:*

Management development in SMEs, promotion of access of SMEs to financial markets (including seed capital projects), promotion of access of SMEs to Community programmes and to Structural Funds

3. *Encouragement of business cooperation and partnership:*

Development of the Business Cooperation Network (BC-Net) and of Europartenariat; promotion of transnational subcontracting, pilot and demonstration projects to promote transnational cooperation and promotion of access of SMEs to third-country markets.

4. *Evaluation and policy development:*

(including improvement of statistics on SMEs, studies of the impact of the large common market on SMEs; policy development and preparation of new projects — including special conditions and measures for very small enterprises, e.g. craft industries — evaluation of existing projects)
