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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1989/76**of 22 July 1976****concluding the Agreement between the European Economic Community and the Government of Japan on trade in textiles and the exchange of letters relating thereto**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas the Agreement negotiated between the European Economic Community and the Government of Japan on trade in textiles and the exchange of letters relating thereto should be concluded,

HAS ADOPTED THIS REGULATION :

Article 1

The Agreement between the European Economic Community and the Government of Japan on trade

in textiles and the exchange of letters relating thereto are hereby concluded on behalf of the Community.

The texts of the Agreement and of the exchange of letters are annexed to this Regulation.

Article 2

The President of the Council shall notify the other Contracting Party of the completion by the Community of the procedures necessary for the entry into force of the Agreement and of the exchange of letters.

Article 3

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

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

Done at Brussels, 22 July 1976.

For the Council

The President

L. J. BRINKHORST

AGREEMENT**between the European Economic Community and the Government of Japan on
trade in textiles**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

of the one part,

THE GOVERNMENT OF JAPAN,

of the other part,

DESIRING to ensure, in accordance with the provisions of the Arrangement regarding international trade in textiles done in Geneva on 20 December 1973 (hereinafter referred to as 'the Geneva Arrangement'), the orderly and equitable development of trade in textiles between the European Economic Community (hereinafter referred to as 'the Community') and Japan,

DESIRING to solve any problem regarding their trade in textiles through consultations and in a spirit of mutual cooperation,

HAVE AGREED AS FOLLOWS:

Article 1

This Agreement shall apply to the trade between the parties in those categories of textiles originating in and dispatched from either party which are referred to in Article 12 (1) of the Geneva Arrangement.

notified by either party to the Textiles Surveillance Body under Article 2 (1) of the Geneva Arrangement, shall, unless justified under the provisions of the General Agreement on tariffs and trade, be terminated as soon as possible after the conclusion of this Agreement and in any case by 31 March 1977.

Article 2

1. The provisions of this Agreement shall not affect the respective rights and obligations of the parties under the Geneva Arrangement or under the General Agreement on tariffs and trade.

2. The parties recognize and confirm that this Agreement shall not affect the respective rights and obligations of the parties under Article 3 of the Geneva Arrangement, except as may be agreed otherwise between them under the provisions of this Agreement.

Article 3

All existing unilateral quantitative restrictions, bilateral agreements and any other quantitative measures in force having a restrictive effect, which have been

Article 4

1. The parties shall enter promptly into consultations with each other at the request of either party on any problem concerning their trade in textiles and in particular on any problem arising from the application of this Agreement. Such consultations shall be held in conformity with the provisions of the Geneva Arrangement in a spirit of mutual confidence and cooperation and with a view to the conciliation of differences existing between them.

2. (i) In view of the desire of the parties to avoid, on the one hand, real risks of market disruption (as defined in Annex A to the Geneva Arrangement) in the Community and in Japan and, on the other hand, disruption to their export trade in textiles, specific procedures for consultations are set out below.

- (ii) Consultations shall be held at the request of either party in any case in which, in the opinion of that party, conditions prevailing in its market (in the case of the Community, in the markets in any or all of its regions) are such as to demonstrate the existence of real risks of market disruption. Any request for such consultations shall be accompanied by a statement of the market conditions which shall include data designed to demonstrate the existence of real risks of market disruption.
- (iii) In such consultations, the parties shall examine the case on the basis of relevant data with a view to clarifying the situation and to arriving at mutually acceptable solutions which realise the objectives set out in subparagraph (i) above.
- (iv) Until such time as a mutually satisfactory conclusion is reached in such consultations, each party shall accord sympathetic consideration to any proposal for short-term interim measures considered by the other party requesting consultations as urgently necessary to avoid a deterioration of the situation pending the conclusion of consultations.
- (v) The consultations referred to in this paragraph shall be held as soon as possible and normally within 60 days of the request for such consultations. In the event that the parties are unable to reach agreement during such consultations either party may bring the matter before the Textiles Surveillance Body in accordance with Article 11 (4) of the Geneva Arrangement. The party choosing to adopt such course of action shall immediately notify the other party of its intention.
3. If, having regard to the provisions of the Geneva Arrangement, either party considers that, as a result of the application of the provisions of this Agreement, it is being placed in an inequitable position as

compared with a third country, that party may request consultations with the other party under the conditions set out in paragraph 1 above.

Article 5

1. The parties will exchange all useful information concerning their trade in textiles for the successful implementation of this Agreement.
2. Representatives of the parties will meet at the request of either party and at least once a year for a general overall review of this Agreement, its implementation and developments in their trade in textiles, with a view to ensuring progressive liberalization and orderly expansion of such trade.

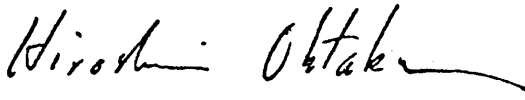
Article 6

1. This Agreement shall enter into force on the first day of the month following the date on which the parties have notified each other of the completion of the procedures necessary for the purpose⁽¹⁾. It shall remain in force until 31 December 1977.
2. This Agreement shall enter into force in the manner defined in paragraph 1 of this Article with effect from 1 January 1975.
3. (i) Either party may at any time propose modifications to this Agreement.
(ii) Either party may, by giving at least 120 days' notice to the other party, terminate the Agreement at the end of any calendar year.
4. This Agreement shall apply, in the case of the Community, to the territories to which the Treaty establishing the European Economic Community applies on the conditions established in the said Treaty.

Done at Brussels, on 9 July 1976 in duplicate, in the Danish, Dutch, English, French, German, Italian and Japanese languages, each of these texts being equally authentic.

*For the Council
of the European Communities*

For the Government of Japan



⁽¹⁾ This Agreement entered into force on 1 August 1976.

Exchange of letters

Sir,

I have the honour to confirm on behalf of the Government of Japan that as a result of consultations held under Article 4 of the Agreement between the Government of Japan and the European Economic Community on trade in textiles (hereinafter referred to as 'the Agreement'), the following provisions are agreed upon between the Government of Japan and the European Economic Community :

1. As temporary measures, the Government of Japan will :
 - (a) limit its exports to the European Economic Community (hereinafter referred to as 'the Community') of the textiles listed in Part A of Annex I as provided for therein ; and
 - (b) undertake further consultations, in accordance with Article 4 of the Agreement, should a consultation level as shown in Part B of Annex I be exceeded or be likely to be exceeded, it being understood that, as a result of such consultations, the Government of Japan would, if so requested by the Community, limit its exports of the textiles listed in Part B of Annex I in such manner as to eliminate real risks of market disruption in the Community or its regions.
2. The quantitative limits established in paragraph 1 above shall be managed under a control system administered by the Government of Japan as set out in Annex II.
3. Imports of the textiles listed in Annex I which are for immediate re-export or for inward processing and subsequent re-export shall not be subject to quantitative limits, provided that they are entered as such under an administrative system of control in force for this purpose in the Community.
4. The Government of Japan will endeavour to ensure that exports of the textiles for which quantitative limits are established are spaced out as evenly as possible over each calendar year, due account being taken, in particular, of seasonal factors.
5. The Government of Japan and the Community shall take all possible measures to ensure that traditional channels and methods of trade between Japan and the Community are maintained.
6. In respect of the products for which quantitative limits are established as shown in Annex I, the Community shall refrain from invoking the provisions of Article 3 of the Arrangement regarding international trade in textiles done in Geneva on 20 December 1973, provided that the quantitative limits as established in Annex I in respect of the regions of the Community concerned are respected.
7. Within any calendar year, unused portions of quantitative limits established may be transferred to other quantitative limits established under the conditions set out below.
 - (a) The quantitative limit for any specific category established may be increased in any calendar year by the transfer from any other quantitative limit or limits of a maximum of 7 % of the quantitative limit to which the transfer is made.
 - (b) Portions of any quantitative limit established which are not used during any calendar year may be carried over and added to the quantitative limit established for the same product in the following calendar year within a limit of 10 %.

- (c) Advance delivery may be authorized from the quantitative limit established for the same product for the following calendar year within a limit of 10 %. Amounts delivered in advance shall be deducted from the quantitative limit for the product in question for the following calendar year.
 - (d) The preceding flexibility provisions for transfer, carry over and advance delivery shall not in any calendar year result in a quantitative limit for any category being exceeded by more than 15 % of the quantitative limit for that category for that year.
 - (e) If the Government of Japan or the Community wishes to utilize the provisions for transfer, carry over and advance delivery set out above, it shall notify the other in writing in advance.
8. (i) It is recognized that the implementation of quantitative restraints depends in large part upon mutual cooperation on statistical questions. Accordingly, the Government of Japan and the Community shall promptly supply to each other available statistical data if so requested.
- (ii) In particular the Government of Japan shall furnish the Community with precise statistical information on a quarterly basis (or other intervals as may be agreed) of all licensed shipments for export from Japan to the Community of the textiles listed in Part A of Annex I.
- (iii) The Community shall likewise forward to the Government of Japan precise statistical information on a quarterly basis for imports of such textiles into the Community.
9. The Government of Japan and the Community shall consult with each other at the request of either in order to review the need for the maintenance or modification of the quantitative limits established. They shall also consult with each other, at the request of either, in respect of any matter concerning the implementation of the quantitative restraints.
10. The preceding provisions will be implemented by the Government of Japan and the Community in accordance with their respective laws and regulations.

I should be grateful if you would confirm the foregoing on behalf of the Council of the European Communities.

I avail myself of this opportunity to extend to you, Sir, the assurance of my high consideration.

ANNEX I

PART A

Community ceilings

Category No	CCT heading No	Description	Control unit	Member State	Quantitative limit		
					1975 (1)	1976 (1)	1977 (2)
1	51.04	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02 : ex A. Of synthetic textile fibres (see footnotes)	1 000 kg	D	886	1 280	1 400
				F	254	381	493
				I	212	318	412
				BNL	384	490	536
				UK	844	1 075	1 175
				IRL	856	860	863
				DK	64	96	121
				EEC	3 500	4 500	5 000
2	55.09 56.07	Woven fabrics of cotton Woven fabrics of man-made fibres : A. Of synthetic textile fibres	1 000 kg	D	3 761	4 100	4 500
				F	2 665	2 900	3 200
				I	1 573	1 700	1 900
				BNL	1 003	1 500	1 700
				UK	998	1 300	1 500
				IRL	759	1 000	1 300
				DK	901	950	1 000
				EEC	11 660	13 450	15 100

(1) For the years 1975 and 1976, the coverage for Category 1 is Nimex Nos 05, 07, 13, 15, 21, 23, ex 25 (polyamid, heavier than 70 g/m² and polyester, heavier than 100 g/m² but lighter than 200 g/m²) 27, 28, 32, 34, 36, 42, 46, 48.

(2) For the year 1977, the coverage for Category 1 is Nimex Nos 05, 07, 21, 23, ex 25 (polyamid, heavier than 70 g/m² and polyester, heavier than 100 g/m² but lighter than 200 g/m²) 27, 32, 34.

Regional ceilings

Category No	CCT heading No	Description	Control unit	Member State	Quantitative limit		
					1975	1976	1977
3	53.07 (Nimex .11, .19)	Yarn of combed sheep's or lambs' wool (worsted yarn) not put up for retail sale	1 000 kg	D	500	750	1 000
4	58.04	Woven pile fabrics and chenille fabrics	1 000 kg	F I	300 200	310 212	450 225
5a	58.05 (Nimex .51, .59, .61, .69)	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No 58.06	1 000 kg	BNL	120	140	160
5b	58.05 (All Nimex Nos other than 16)	idem	1 000 kg	UK	120	150	180
Temporary regional ceilings for Italy (termination : 31 March 1977)							
6	ex 61.01 ex 61.02	Raincoats of the overcoat type	pieces	I	15-month period 1 January 1976 to 31 March 1977 600 000		

PART B

Consultation level

CCT heading No	Description	Control unit	Member State	Quantity (calendar year)
56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale : A. Of synthetic textile fibres	1 000 kg	D	3 358
			F	1 200
			I	500
			BNL	1 522
			UK	360
			DK	712
			IRL	22
			EEC	7 674

ANNEX II

Details of control system

1. The Government of Japan establishes the following system of export restraints :
 - (1) The Ministry of International Trade and Industry issues export licences to exporters who have firm sales contracts of the products concerned up to the quantitative limits determined on a yearly basis.
 - (2) Without such export licences exporters are not permitted to export the products concerned to the Community.
2. The Government of Japan is prepared to furnish the Community with statistical information, on a quarterly basis, showing the amount of licensed shipments for export from Japan to the Community of the products concerned.
3. Furthermore, provided that no documentation other than that required for normal customs documents and health and sanitary or consumers' protection purposes is made mandatory at the importing end, the Government of Japan will issue a 'certificate of export' in English which certifies that the shipment forms part of the quantitative limit for the relevant Member State of the Community and which is to accompany each consignment. This provision shall not preclude any requirement for import documentation for statistical purposes which is accorded freely and without delay, provided that the requirement is applicable *erga omnes*.
4. The 'certificate of export', an example of which is attached hereto, shall specify and contain :
 - (1) destination,
 - (2) serial number,
 - (3) name of exporter,
 - (4) name of importer,
 - (5) description of products,
 - (6) quantity (in terms of the relevant control unit).
5. Should the inflow of the products concerned to the Community via one or more third countries and not accompanied by a 'certificate of export' undermine the objectives of the export restraints, the Government of Japan is prepared to enter into consultations with the Community with a view to remedying the situation effectively and promptly.

*Attachment to Annex II***Certificate of export from Japan**

Date

Certificate No of export to European Economic Community (Name of Member State) No

.....

Export licence No

1. Name of exporter

2. Name of importer

3. Item No and description

4. Quantity

I hereby certify that the abovementioned cargo of Japanese origin forms part of and has been debited from the export quota to the European Economic Community (Name of Member State).

Signature :

Title :

Ref.

Name of vessel

Date of shipment

Sir,

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

'I have the honour to confirm on behalf of the Government of Japan that as a result of consultations held under Article 4 of the Agreement between the Government of Japan and the European Economic Community on trade in textiles (hereinafter referred to as "the Agreement"), the following provisions are agreed upon between the Government of Japan and the European Economic Community :

1. As temporary measures, the Government of Japan will
 - (a) limit its exports to the European Economic Community (hereinafter referred to as "the Community") of the textiles listed in Part A of Annex I as provided for therein ; and
 - (b) undertake further consultations, in accordance with Article 4 of the Agreement, should a consultation level as shown in Part B of Annex I be exceeded or be likely to be exceeded, it being understood that, as a result of such consultations, the Government of Japan would, if so requested by the Community, limit its exports of the textiles listed in Part B of Annex I in such manner as to eliminate real risks of market disruption in the Community or its regions.
2. The quantitative limits established in paragraph 1 above shall be managed under a control system administered by the Government of Japan as set out in Annex II.
3. Imports of the textiles listed in Annex I which are for immediate re-export or for inward processing and subsequent re-export shall not be subject to quantitative limits, provided that they are entered as such under an administrative system of control in force for this purpose in the Community.
4. The Government of Japan will endeavour to ensure that exports of the textiles for which quantitative limits are established are spaced out as evenly as possible over each calendar year, due account being taken, in particular, of seasonal factors.
5. The Government of Japan and the Community shall take all possible measures to ensure that traditional channels and methods of trade between Japan and the Community are maintained.
6. In respect of the products for which quantitative limits are established as shown in Annex I, the Community shall refrain from invoking the provisions of Article 3 of the Arrangement regarding international trade in textiles done in Geneva on 20 December 1973, provided that the quantitative limits as established in Annex I in respect of the regions of the Community concerned are respected.
7. Within any calendar year, unused portions of quantitative limits established may be transferred to other quantitative limits established under the conditions set out below.
 - (a) The quantitative limit for any specific category established may be increased in any calendar year by the transfer from any other quantitative limit or limits of a maximum of 7 % of the quantitative limit to which the transfer is made.
 - (b) Portions of any quantitative limit established which are not used during any calendar year may be carried over and added to the quantitative limit established for the same product in the following calendar year within a limit of 10 %.

- (c) Advance delivery may be authorized from the quantitative limit established for the same product for the following calendar year within a limit of 10 %. Amounts delivered in advance shall be deducted from the quantitative limit for the product in question for the following calendar year.
 - (d) The preceding flexibility provisions for transfer, carry over and advance delivery shall not in any calendar year result in a quantitative limit for any category being exceeded by more than 15 % of the quantitative limit for that category for that year.
 - (e) If the Government of Japan or the Community wishes to utilize the provisions for transfer, carry over and advance delivery set out above, it shall notify the other in writing in advance.
8. (i) It is recognized that the implementation of quantitative restraints depends in large part upon mutual cooperation on statistical questions. Accordingly, the Government of Japan and the Community shall promptly supply to each other available statistical data if so requested.
- (ii) In particular the Government of Japan shall furnish the Community with precise statistical information on a quarterly basis (or other intervals as may be agreed) of all licensed shipments for export from Japan to the Community of the textiles listed in Part A of Annex I.
- (iii) The Community shall likewise forward to the Government of Japan precise statistical information on a quarterly basis for imports of such textiles into the Community.
9. The Government of Japan and the Community shall consult with each other at the request of either in order to review the need for the maintenance or modification of the quantitative limits established. They shall also consult with each other, at the request of either, in respect of any matter concerning the implementation of the quantitative restraints.
10. The preceding provisions will be implemented by the Government of Japan and the Community in accordance with their respective laws and regulations.

I should be grateful if you would confirm the foregoing on behalf of the Council of the European Communities.

I have further the honour to confirm the foregoing on behalf of the Council of the European Communities.

I avail myself of this opportunity to extend to you, Sir, the assurance of my high consideration.

*For the Council
of the European Communities*

ANNEX I

PART A

Community ceilings

Category No	CCT heading No	Description	Control unit	Member State	Quantitative limit		
					1975 ⁽¹⁾	1976 ⁽¹⁾	1977 ⁽²⁾
1	51.04	Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No 51.01 or 51.02 : ex A. Of synthetic textile fibres (see footnotes)	1 000 kg	D	886	1 280	1 400
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⁽¹⁾ For the years 1975 and 1976, the coverage for Category 1 is Nimex Nos 05, 07, 13, 15, 21, 23, ex 25 (polyamid, heavier than 70 g/m² and polyester, heavier than 100 g/m² but lighter than 200 g/m²) 27, 28, 32, 34, 36, 42, 46, 48.

⁽²⁾ For the year 1977, the coverage for Category 1 is Nimex Nos 05, 07, 21, 23, ex 25 (polyamid, heavier than 70 g/m² and polyester, heavier than 100 g/m² but lighter than 200 g/m²), 27, 32, 34.

Regional ceilings

Category No	CCT heading No	Description	Control unit	Member State	Quantitative limit		
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4	58.04	Woven pile fabrics and chenille fabrics	1 000 kg	F I	300 200	310 212	450 225
5a	58.05 (Nimex .51, .59, .61, .69)	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No 58.06	1 000 kg	BNL	120	140	160
5b	58.05 (All Nimex Nos other than 16)	idem	1 000 kg	UK	120	150	180
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6	ex 61.01 ex 61.02	Raincoats of the overcoat type	pieces	I	15-month period 1 January 1976 to 31 March 1977 600 000		

PART B

Consultation level

CCT heading No	Description	Control unit	Member State	Quantity (calendar year)
56.05	Yarn of man-made fibres (discontinuous or waste), not put up for retail sale : A. Of synthetic textile fibres	1 000 kg	D	3 358
			F	1 200
			I	500
			BNL	1 522
			UK	360
			DK	712
			IRL	22
			EEC	7 674

ANNEX II

Details of control system

1. The Government of Japan establishes the following system of export restraints :
 - (1) The Ministry of International Trade and Industry issues export licences to exporters who have firm sales contracts of the products concerned up to the quantitative limits determined on a yearly basis.
 - (2) Without such export licences exporters are not permitted to export the products concerned to the Community.
2. The Government of Japan is prepared to furnish the Community with statistical information, on a quarterly basis, showing the amount of licensed shipments for export from Japan to the Community of the products concerned.
3. Furthermore, provided that no documentation other than that required for normal customs documents and health and sanitary or consumers' protection purposes is made mandatory at the importing end, the Government of Japan will issue a 'certificate of export' in English which certifies that the shipment forms part of the quantitative limit for the relevant Member State of the Community and which is to accompany each consignment. This provision shall not preclude any requirement for import documentation for statistical purposes which is accorded freely and without delay, provided that the requirement is applicable *erga omnes*.
4. The 'certificate of export', an example of which is attached hereto, shall specify and contain :
 - (1) destination,
 - (2) serial number,
 - (3) name of exporter,
 - (4) name of importer,
 - (5) description of products,
 - (6) quantity (in terms of the relevant control unit).
5. Should the inflow of the products concerned to the Community via one or more third countries and not accompanied by a 'certificate of export' undermine the objectives of the export restraints, the Government of Japan is prepared to enter into consultations with the Community with a view to remedying the situation effectively and promptly.

*Attachment to Annex II***Certificate of export from Japan**

Date

Certificate No of export to European Economic Community (Name of Member State)

No

.....

Export licence No

1. Name of exporter

2. Name of importer

3. Item No and description

4. Quantity

I hereby certify that the abovementioned cargo of Japanese origin forms part of and has been debited from the export quota to the European Economic Community (Name of Member State).

Signature :

Title :

Ref.

Name of vessel

Date of shipment

COUNCIL REGULATION (EEC) No 1990/76

of 22 July 1976

on the customs treatment applicable to goods imported for testing

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 28, 43 and 235 thereof,

Having regard to the proposal from the Commission,

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

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

Whereas, in order to ascertain the composition, quality or other technical characteristics of goods which may be introduced into the Community, it may be useful and at times necessary to carry out tests on samples of such goods beforehand; whereas these tests may result in the samples being completely or partially expended or destroyed;

Whereas, because of the special nature of importations made for the purposes of testing, there appears to be no economic justification for subjecting goods for testing to import duties; whereas different customs treatment should nonetheless be applied according to whether the samples are completely expended or destroyed during testing or whether they can still be used in the condition in which they emerge from testing; whereas, with the agreement and under the supervision of the competent authorities, it should be possible for the products remaining to be reduced to waste or scrap or to be used for purposes enabling them to be totally or partially exempted from the import duties to which they would normally be liable;

Whereas the benefit of this customs treatment should not, however, be extended to testing which in itself constitutes sales promotion;

Whereas on 5 June 1972 the Customs Cooperation Council adopted a recommendation on this subject,

HAS ADOPTED THIS REGULATION:

Article 1

1. Goods admitted to free circulation upon importation into the Community with a view to being either:

- completely or partially expended or destroyed in the course of testing carried out to determine their composition, quality or other technical characteristics, or
- used in tests to ascertain whether Community equipment is capable of working or processing them in the required manner,

shall benefit from the customs treatment laid down in this Regulation.

2. For the purpose of this Regulation 'import duties' means customs duties and charges having equivalent effect as well as agricultural levies and other import charges provided for under the common agricultural policy or under the specific arrangements applicable, pursuant to Article 235 of the Treaty, to certain goods obtained by processing agricultural products.

Article 2

Where the goods referred to in Article 1 (1) are completely expended or destroyed during testing, the import duties to which they would normally be liable shall not be payable.

Article 3

1. Where the goods referred to in Article 1 (1) are neither completely expended or destroyed during testing, import duties shall be payable on the products remaining according to their nature, quantity and value at the time of the completion of the testing.

2. The products remaining may, with the agreement and under the supervision of the competent authorities, be reduced to waste or scrap.

In this case the import duties to be levied shall be those applicable to the waste or scrap in question.

3. The products remaining may, with the agreement and under the supervision of the competent authorities, be either:

- completely destroyed or rendered commercially valueless on completion of testing, or

⁽¹⁾ OJ No C 140, 13. 11. 1974, p. 66.

⁽²⁾ OJ No C 16, 23. 1. 1975, p. 23.

- abandoned to the State without causing it any expense where this is provided for in the national legislation, or
- in exceptional circumstances for which there is proper justification, exported outside the customs territory of the Community.

In these cases no import duties shall be payable.

Article 4

The quantities of goods entitled to benefit from the provisions of this Regulation must not exceed those which are strictly necessary for the proposed testing.

Article 5

The competent authorities shall lay down in each instance, taking into account the nature of the testing involved, the quantities of goods necessary for such testing, the time limit within which the latter must be

carried out and the administrative formalities which must be complied with in order to ensure that the goods in question are used for the purposes specified.

Article 6

Goods used in testing which in itself constitutes sales promotion shall not benefit under the provisions of this Regulation.

Article 7

For as long as customs duties of a fiscal nature are retained in certain Member States, this Regulation shall not apply in those Member States to goods liable to such duties.

Article 8

This Regulation shall enter into force on 1 January 1977.

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

Done at Brussels, 22 July 1976.

For the Council

The President

L. J. BRINKHORST

COMMISSION REGULATION (EEC) No 1991/76**of 11 August 1976****fixing the import levies on cereals and on wheat or rye flour groats and meal**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organiza-
tion of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1143/76 ⁽²⁾, and in particular
Article 13 (5) thereof,

Whereas the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 1882/76 ⁽³⁾ and subsequent amending
Regulations ;

Whereas it follows from applying the provisions
contained in Regulation (EEC) No 1882/76, to the

offer prices and today's quotations known to the
Commission that the levies at present in force should
be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on products listed in
Article 1 (a), (b) and (c) of Regulation (EEC) No
2727/75 are hereby fixed as shown in the table
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 12 August
1976.

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

Done at Brussels, 11 August 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 130, 19. 5. 1976, p. 1.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 62.

ANNEX

to the Commission Regulation of 11 August 1976 fixing the import levies on cereals and on wheat or rye flour groats and meal

(u.a./metric ton)

CCT heading No	Description of goods	Levies
10.01 A	Common wheat and meslin	50.62
10.01 B	Durum wheat	89.90 ⁽¹⁾ ⁽²⁾
10.02	Rye	38.38 ⁽⁶⁾
10.03	Barley	21.54
10.04	Oats	15.48
10.05 B	Maize other than hybrid maize for sowing	33.99 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	32.99 ⁽⁴⁾
10.07 C	Grain sorghum	38.64 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	81.62
11.01 B	Rye flour	64.46
11.02 A I a	Durum wheat groats and meal	150.10
11.02 A I b	Common wheat groats and meal	88.16

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

⁽²⁾ Where maize originated in the ACP or OCT is imported into the French overseas departments, the levy is reduced by 6 u.a./metric tons as provided for in Regulation (EEC) No 706/76.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.50 u.a./metric ton.

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

⁽⁵⁾ Where wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.50 u.a./metric ton.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 2754/75 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 1992/76

of 11 August 1976

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1143/76⁽²⁾, and in particular
Article 15(6) thereof,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
1883/76⁽³⁾ and subsequent amending Regulations ;

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

altered as shown in the tables annexed to this Regula-
tion,

HAS ADOPTED THIS REGULATION :

Article 1

The scale of the premiums to be added, pursuant to
Article 15 of Regulation (EEC) No 2727/75, to the
import levies fixed in advance in respect of cereals
and malt is hereby fixed as shown in the tables
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 12 August
1976.

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

Done at Brussels, 11 August 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 130, 19. 5. 1976, p. 1.

⁽³⁾ OJ No L 206, 31. 7. 1976, p. 64.

ANNEX

to the Commission Regulation of 11 August 1976 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(u.a./metric ton)

CCT heading No	Description of goods	Current 8	1st period 9	2nd period 10	3rd period 11
10.01 A	Common wheat and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	2.82	2.82	2.82
10.03	Barley	0	0	0	2.02
10.04	Oats	0	0	0	0.20
10.05 B	Maize other than hybrid maize for sowing	0	2.22	2.22	5.44
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0.56	0.56	0.40
10.07 D	Other	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(u.a./metric ton)

CCT heading No	Description of goods	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	3.60	3.60
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	2.69	2.69
11.07 B	Roasted malt	0	0	0	3.13	3.13

COMMISSION REGULATION (EEC) No 1993/76
of 11 August 1976
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organiza-
tion of the market in rice ⁽¹⁾, and in particular Article
11 (2) thereof,

Whereas the import levies on rice and broken rice
were fixed by Regulation (EEC) No 1557/76 ⁽²⁾, as last
amended by Regulation (EEC) No 1938/76 ⁽³⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 1557/76
to the offer prices and today's quotations known to

the Commission that the levies at present in force
should be altered as shown in the table annexed to
this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed
in Article 1 (1) (a) and (b) of Regulation (EEC) No
1418/76 are hereby fixed as shown in the table
annexed to this Regulation.

Article 2

This Regulation shall enter into force on 12 August
1976.

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

Done at Brussels, 11 August 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 172, 1. 7. 1976, p. 9.

⁽³⁾ OJ No L 211, 5. 8. 1976, p. 18.

ANNEX

to the Commission Regulation of 11 August 1976 fixing the import levies on rice and broken rice

(t.u.c. / metric ton)

CCT heading No	Description of goods	Third countries	ACP and OCT ⁽¹⁾ ⁽²⁾
10.06	Rice :		
	A. Paddy rice ; husked rice :		
	I. Paddy rice :		
	a) Round grain	104.25	49.13
	b) Long grain	101.25	47.63
	II. Husked rice :		
	a) Round grain	130.31	62.16
	b) Long grain	126.56	60.28
	B. Semi-milled or wholly milled rice :		
	I. Semi-milled rice :		
	a) Round grain	149.85	65.03
	b) Long grain	226.77	103.52
	II. Wholly milled rice :		
	a) Round grain	159.59	69.55
	b) Long grain	243.10	111.30
	C. Broken rice :	40.76	17.88

⁽¹⁾ Subject to the application of the provisions of Article 9 of Regulation (EEC) No 706/76.

⁽²⁾ In accordance with Regulation (EEC) No 706/76 provides that the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

COMMISSION REGULATION (EEC) No 1994/76**of 11 August 1976****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organiza-
tion of the market in rice ⁽¹⁾, and in particular Article
13 (6) thereof,

Whereas the premiums to be added to the levies on
rice and broken rice were fixed by Regulation (EEC)
No 1755/76 ⁽²⁾, as last amended by Regulation (EEC)
No 1939/76 ⁽³⁾;

cif forward delivery prices, the premiums at present in
force, which are to be added to the levies, should be

altered as shown in the table annexed to this Regula-
tion,

HAS ADOPTED THIS REGULATION :

Article 1

The premiums to be added to the import levies fixed
in advance in respect of rice and broken rice are
hereby fixed as shown in the table annexed to this
Regulation.

Article 2

This Regulation shall enter into force on 12 August
1976.

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

Done at Brussels, 11 August 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 197, 23. 7. 1976, p. 7.

⁽³⁾ OJ No L 211, 5. 8. 1976, p. 20.

ANNEX

to the Commission Regulation of 11 August 1976 fixing the premiums to be added to the import levies on rice and broken rice

(u.a. / metric ton)					
CCT heading No	Description of goods	Current 8	1st period 9	2nd period 10	3rd period 11
10.06	Rice :				
	A. Paddy rice ; husked rice :				
	I. Paddy rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	0
	II. Husked rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	0
	B. Semi-milled or wholly milled rice :				
	I. Semi-milled rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	0
	II. Wholly milled rice :				
	a) Round grain	0	0	0	—
	b) Long grain	0	0	0	0
	C. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 1995/76

of 11 August 1976

fixing the refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EEC) No 1487/76⁽²⁾, and in particular the first sentence of the last subparagraph of Article 19 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 3330/74 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in the natural state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾;

Whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as amended by Regulation (EEC) No 1499/76⁽⁷⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal means;

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

- in the case of currencies which are maintained in relation to each other, at any given moment, within a band of 2.25 %, a rate of exchange based on their effective parity;
- for other currencies an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period, in relation to the Community currencies referred to in the previous subparagraph;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying these rules to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be fixed at the amounts shown in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 3330/74, undenatured and exported in the natural state, are hereby fixed at the amounts shown in the Annex.

Article 2

This Regulation shall enter into force on 12 August 1976.

(1) OJ No L 359, 31. 12. 1974, p. 1.

(2) OJ No L 167, 26. 6. 1976, p. 9.

(3) OJ No L 143, 25. 6. 1968, p. 6.

(4) OJ No L 167, 26. 6. 1976, p. 13.

(5) OJ No L 89, 10. 4. 1968, p. 3.

(6) OJ No L 50, 4. 3. 1970, p. 1.

(7) OJ No L 167, 26. 6. 1976, p. 29.

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

Done at Brussels, 11 August 1976.

For the Commission

P. J. LARDINÔIS

Member of the Commission

ANNEX

to the Commission Regulation of 11 August 1976 fixing the refunds on white sugar and raw sugar exported in the natural state

(unit/100 kg)		
CCT heading No	Description of goods	Refund
17.01	Beet sugar and cane sugar, solid :	
	A. White sugar	0
	B. Raw sugar :	
	(a) Candy sugar	5.61 ⁽¹⁾
	(b) Other raw sugar	0 ⁽¹⁾

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

COMMISSION REGULATION (EEC) No 1996/76
of 11 August 1976
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3330/74 of 19 December 1974 on the common organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 1487/76 ⁽²⁾, and in particular Article 15 (7) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1564/76 ⁽³⁾, as last amended by Regulation (EEC) No 1988/76 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1564/76 to the information at present available to the Commis-

sion that the levies at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The levies referred to in Article 15 (1) of Regulation (EEC) No 3330/74 are, in respect of white sugar and standard quality raw sugar, hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 12 August 1976.

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

Done at Brussels, 11 August 1976.

For the Commission

P. J. LARDINOIS

Member of the Commission

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1976, p. 9.

⁽³⁾ OJ No L 172, 1. 7. 1976, p. 31.

⁽⁴⁾ OJ No L 218, 11. 8. 1976, p. 9.

ANNEX

to the Commission Regulation of 11 August 1976 fixing the import levies on white sugar and raw sugar

(unit/100 kg)		
CCT heading No	Description of goods	Levy
17.01	Beet sugar and cane sugar, solid :	
	A. White sugar	13.08
	B. Raw sugar	13.23 ⁽¹⁾

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