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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3178/81**of 26 October 1981**

on the conclusion of the Protocol to the Agreement between the European Economic Community and Spain consequent on the accession of the Hellenic Republic to the Community

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 it is necessary to approve the Protocol to the Agreement between the European Economic Community and Spain ⁽¹⁾, signed at Luxembourg on 29 June 1970, to take account of the accession of the Hellenic Republic to the Community,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol to the Agreement between the European Economic Community and Spain consequent

on the accession of the Hellenic Republic to the Community is hereby approved on behalf of the Community.

The text of the Protocol is annexed to this Regulation.

Article 2

The President of the Council shall give the notification provided for in Article 13 of the Protocol ⁽²⁾.

Article 3

This Regulation shall enter into force on the 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 Luxembourg, 26 October 1981.

For the Council
The President
CARRINGTON

⁽¹⁾ OJ No L 182, 16. 8. 1970, p. 1.

⁽²⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Communities* through the good offices of the General Secretariat of the Council.

PROTOCOL**to the Agreement between the European Economic Community and Spain consequent on the accession of the Hellenic Republic to the Community**

THE EUROPEAN ECONOMIC COMMUNITY,

of the one part, and

SPAIN,

of the other part,

CONSIDERING the accession of the Hellenic Republic to the European Communities on 1 January 1981,

HAVING REGARD to the Agreement between the European Economic Community and Spain, signed in Luxembourg on 29 June 1970, hereinafter called 'the Agreement',

HAVE DECIDED to determine by common accord the adjustments and transitional measures to the Agreement consequent on the accession of the Hellenic Republic to the European Economic Community,

AND TO CONCLUDE THIS PROTOCOL:

TITLE I**Adjustments***Article 1*

The text of the Agreement, including the Annexes and Protocol which form an integral part thereto, and the text of the Final Act and of the declarations annexed thereto shall be drawn up in Greek and shall be authentic in the same way as the original texts. The Joint Commission shall approve the Greek text.

Article 2

1. The annual Community tariff quotas provided for in favour of Spain under Article 2 (1) of the Agreement and listed below shall be increased to:

CCT heading No	Description	Community tariff quota
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol: C. Other III. Of an actual alcoholic strength by volume exceeding 15 % vol. but not exceeding 18 % vol., in containers holding: a) 2 l or less: ex 1. Port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel: — Sherry	

CCT heading No	Description	Community tariff quota
22.05 (cont'd)	C. IV. Of an actual alcoholic strength by volume exceeding 18 % vol. but not exceeding 22 % vol., in containers holding: a) 2 l or less: ex 1. Port, Madeira, sherry, Tokay (Aszu and Szamorodni) and Setubal muscatel: — Sherry	108 120 hectolitres
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol: C. Other: I. Of an actual alcoholic strength by volume not exceeding 13 % vol., in containers holding: ex a) 2 l or less: — Jumilla, Priorato, Rioja and Valdepeñas II. Of an actual alcoholic strength by volume exceeding 13 % vol. but not exceeding 15 % vol. in containers holding: ex a) 2 l or less: — Jumilla, Priorato, Rioja and Valdepeñas III. Of an actual alcoholic strength by volume exceeding 13 % vol. but not exceeding 15 % vol., in containers holding: a) 2 l or less: ex 2. Other: — Jumilla, Priorato, Rioja and Valdepeñas	22 008 hectolitres
27.10	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than 70 % by weight of petroleum oils or oils obtained from bituminous minerals, these oils being the basic constituents of the preparations: A. Light oils: III. For other purposes B. Medium oils: III. For other purposes C. Heavy oils: I. Gas oils: c) For other purposes II. Fuel oils: c) For other purposes III. Lubricating oils; other oils: c) To be mixed in accordance with the terms of Additional Note 7 to Chapter 27 (a) d) For other purposes	

CCT heading No	Description	Community tariff quota
27.11	Petroleum gases and other gaseous hydrocarbons: B. Other: I. Commercial propane and commercial butane: c) For other purposes	1 424 000 tonnes
27.12	Petroleum jelly: A. Crude: III. For other purposes B. Other:	
27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other purposes II. Other	
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other: II. Other	
55.09	Other woven fabrics of cotton	2 013 tonnes

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

2. For the purposes of the Community tariff quotas laid down for the goods listed in Annex II to this Protocol or in Annex II to the EEC Treaty, the Hellenic Republic shall apply duties calculated in accordance with Articles 4 and 5 or Article 8 of this Protocol.

TITLE II

Transitional measures

Article 4

For the products listed in Annex II, the Hellenic Republic shall, until 31 December 1985, progressively align customs duties on imports resulting from the application of the Agreement in accordance with the following timetable:

- from 1 January 1981 the Hellenic Republic shall apply a duty reducing by 10 % the difference between the basic duty and the duty resulting from the application of the Agreement;
- from 1 January 1982:

Article 3

For the products in list D of Annex II to the Agreement, originating in the Community and listed in Annex I to this Protocol, Spain shall open annual quotas for the amounts indicated.

Any alteration on the quotas opened for products originating in the Community shall be made in conformity with the provisions of Annex II to the Agreement.

- (a) for tariff headings in respect of which the basic duties are not more than 15 % in either direction from the duties resulting from the application of the Agreement, these latter duties shall be applied;
- (b) in other cases, the Hellenic Republic shall apply a duty again reducing by 10 % the difference between the basic duty and the duty resulting from the application of the Agreement.

This difference shall be reduced by a further 20 % on 1 January 1983, by 20 % on 1 January 1984 and by 20 % on 1 January 1985.

From 1 January 1986 the Hellenic Republic shall apply in full the duties resulting from the application of the Agreement.

Article 5

1. For the products listed in Annex II, the basic duty to which the successive reductions as provided for in Article 4 are to be applied shall, for each product, be the duty actually applied by the Hellenic Republic in respect of Spain on 1 July 1980.

2. However, in respect of matches falling within heading No 36.06 of the Common Customs Tariff of the European Communities, the basic duty shall be 17.2 % *ad valorem*.

Article 6

1. For the products listed in Annex II, the Hellenic Republic shall progressively abolish charges having equivalent effect to customs duties on imports of products originating in Spain in accordance with the following timetable:

- on 1 January 1981, each charge shall be reduced to 90 % of the basic rate;
- on 1 January 1982, each charge shall be reduced to 80 % of the basic rate;
- the other four reductions each of 20 % of the basic rate shall be made on:
 - 1 January 1983,
 - 1 January 1984,
 - 1 January 1985,
 - 1 January 1986.

2. The basic rate to which the successive reductions as provided for in paragraph 1 are to be applied shall, for each product, be the rate applied

by the Hellenic Republic on 31 December 1980 in respect of the Community as at present constituted.

3. Any charge having equivalent effect to a customs duty on imports introduced as from 1 January 1979 in trade between the Hellenic Republic and Spain shall be abolished on 1 January 1981.

Article 7

If the Hellenic Republic suspends or reduces duties or charges of equivalent effect on products imported from the Community as at present constituted more quickly than foreseen in the established timetable the Hellenic Republic shall also suspend or reduce, by the same percentage, those duties or charges having equivalent effect on products originating in Spain.

Article 8

For the products listed in Annex II to the Treaty establishing the European Economic Community, the preferential rates provided for or calculated shall be applied to the duties actually levied by the Hellenic Republic on imports from third countries as laid down in Article 64 of the 1979 Act of Accession.

In no case shall imports into Greece of products originating in Spain benefit from rates of duty more favourable than those applied to products coming from the Community as at present constituted.

Article 9

1. The Hellenic Republic may retain quantitative restrictions until 31 December 1985 on products listed in Annex III, originating in Spain.

2. The restrictions referred to in paragraph 1 shall take the form of quotas.

The quotas for 1981 are listed in Annex III.

3. The minimum rate of progressive increase for the quotas referred to in paragraph 2 shall be 25 % at the beginning of each year for quotas expressed in EUR units of account (EUA), and 20 % at the beginning of each year for quotas expressed in terms of volume. Such increases shall be added to each quota and the next increase calculated on the total thus obtained.

However, with regard to motor coaches and buses and other vehicles falling within subheading ex 87.02 A I of the Common Customs Tariff of the European Communities, the quota shall be raised by 20 % a year.

Where a quota is expressed in terms of both volume and value, the quota relating to the volume shall be raised by at least 20 % a year and the quota relating to value by at least 25 % a year, the succeeding quotas to be calculated each year on the basis of the previous quota plus the increase.

4. Where it is found that imports into Greece of a product listed in Annex III have for two consecutive years been less than 90 % of the quota, the Hellenic Republic shall liberalize imports of that product originating in Spain if the product in question is at that time liberalized *vis-à-vis* the Community as at present constituted.

5. If the Hellenic Republic liberalizes imports of a product listed in Annex III coming from the Community as at present constituted or increases a quota beyond the minimum rate laid down in paragraph 3 applicable to the Community as at present constituted, the Hellenic Republic shall also liberalize imports of that product originating in Spain or increase the quota proportionally.

6. Regarding licences for imports of products listed in Annex III and originating in Spain, the Hellenic Republic shall apply the same administrative rules and practices as applied to such imports originating in the Community as at present constituted, with the exception of the quota for fertilizers falling within heading Nos 31.02 and 31.03 and subheadings 31.05 A I, II and IV of the Common Customs Tariff of the European Communities, where the Hellenic Republic may apply the rules and practices relevant to exclusive market rights.

Article 10

1. The rates of import deposits and cash payments in force in Greece on 31 December 1980 with regard to imports of products originating in Spain shall be progressively eliminated over a period of three years from 1 January 1981.

The rate of import deposits and cash payments shall be reduced in accordance with the following timetable:

- 1 January 1981: 25 %,
- 1 January 1982: 25 %,
- 1 January 1983: 25 %,
- 1 January 1984: 25 %.

2. If, in respect of the Community as at present constituted, the Hellenic Republic reduces a rate of imports or cash payments more quickly than under the timetable set out in paragraph 1, the Hellenic Republic shall make the same reduction with regard to imports originating in Spain.

TITLE III

General and final provisions

Article 11

The Joint Commission shall make any amendments which may be necessary to the rules of origin consequent on the accession of the Hellenic Republic to the European Communities.

Article 12

The Annexes to this Protocol form an integral part thereof. This Protocol forms an integral part of the Agreement.

Article 13

This Protocol shall be approved by the Contracting Parties in accordance with their own procedures. It shall enter into force on 1 January 1981, provided that the Contracting Parties have notified each other before that date that the procedures necessary to this end have been completed. After this date the Protocol shall enter into force on the first day of the second month following such notification.

Article 14

This Protocol is drawn up in duplicate, in the Danish, Dutch, English, French, German, Greek, Italian and Spanish languages, each of these texts being equally authentic.

Udfærdiget i Bruxelles, den tolvte december nitten hundrede og firs.

Geschehen zu Brüssel am zwölften Dezember neunzehnhundertachtzig.

Έγινε στις Βρυξέλλες, στις δώδεκα Δεκεμβρίου χίλια έννιακόσια όγδόντα.

Done at Brussels on the twelfth day of December in the year one thousand nine hundred and eighty.

Fait à Bruxelles, le douze décembre mil neuf cent quatre-vingt.

Fatto a Bruxelles, addì dodici dicembre millenovecentottanta.

Gedaan te Brussel, de twaalfde december negentienhonderd tachtig.

Hecho en Bruselas, el doce de diciembre de mil novecientos ochenta.

For Rådet for De europæiske Fælleskaber

Für den Rat der Europäischen Gemeinschaften

Γιά τό Συμβούλιο τών Εύρωπαϊκών Κοινοτήτων

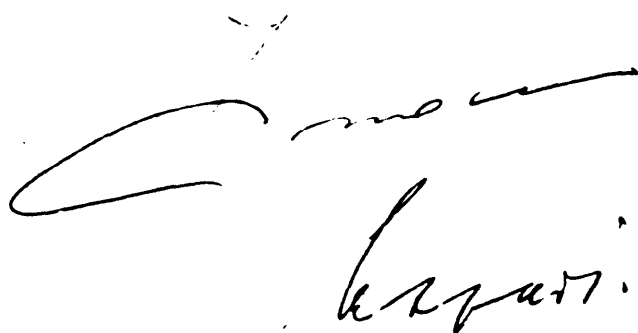
For the Council of the European Communities

Pour le Conseil des Communautés européennes

Per il Consiglio delle Comunità europee

Voor de Raad van de Europese Gemeenschappen

En nombre del Consejo de las Comunidades Europeas



For Spanien

Für Spanien

Γιά τήν Ίσπανία

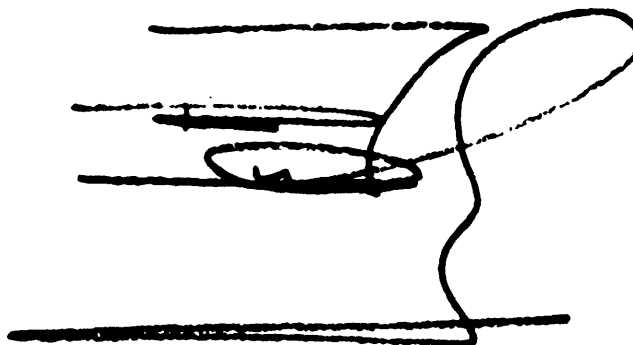
For Spain

Pour l'Espagne

Per la Spagna

Voor Spanje

Por España



ANNEX I
List of products referred to in Article 3

Quota No	Spanish Customs Tariff heading No	Description	Basic quotas (1 000 pesetas)
ex 2	19.02 B	<i>Food preparations</i> Preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary purposes, containing less than 50 % by weight of cocoa	24 191
3	21.05 A	<i>Soups and soup preparations</i> Soups and broths, in liquid, solid or powder form	18 132
ex 6	22.06 22.09 C I a) 1 ex 22.09 C V ex 22.09 C V ex 22.09 C V	<i>Alcoholic beverages</i> Vermouths, and other wines of fresh grapes flavoured with aromatic extracts Rum and tafia Cognac and armagnac Liqueurs Other alcoholic beverages, except 'tequila' and 'pisco'	108 540
6a	22.09 C III	Whisky	603 000
ex 7	25.03	<i>Sulphur</i> Sulphur of all kinds, other than sublimed sulphur, precipitated sulphur and colloidal sulphur	303 877
ex 16	32.09 A II a)	<i>Varnishes</i> Spirit varnish	20 919
ex 18	34.03 A II	<i>Lubricating preparations</i> Lubricating preparations, and preparations of a kind used for oil or grease treatment of textiles, leather or other materials, containing 50 % or more by weight of petroleum oils or of oils obtained from bituminous minerals	568 424
19	29.03 B I a) 36.01 36.02 36.04 A I 36.04 A II ex 36.04 B 36.05 36.06	<i>Explosives, pyrotechnic products and matches</i> Trinitrotoluene Propellant powders Prepared explosives, other than propellant powders Safety fuses Detonating fuses Percussion and detonating caps; igniters; detonators, excluding electric detonators Pyrotechnic articles (for example, fireworks, railway fog signals, amorces, rain rockets) Matches (excluding Bengal matches)	22 369

Quota No	Spanish Customs Tariff heading No	Description	Basic quotas (1 000 pesetas)
ex 26	39.02 C XIV b) 2	<i>Other polymerization and copolymerization products</i> Waste and scrap of polymerization and copolymerization products	75 375
ex 27	ex 39.07 B	<i>Articles of artificial resins, plastic materials and cellulose esters and ethers</i> Other articles of materials of the kinds described in heading Nos 39.01 to 39.06, other than of vulcanized fibre or of chemical derivatives of natural rubber, and excepting fans and the frames and handles therefor	243 031
ex 33	55.05 55.06	<i>Textile fibre yarn</i> Cotton yarn, not put up for retail sale Cotton yarn, put up for retail sale	17 729
ex 35	55.09	<i>Woven fabrics of cotton</i> Other woven fabrics of cotton	124 907
ex 36	58.04 C ex 58.09 B I 58.09 B II 60.01 C I	<i>Tulle, lace, pile fabrics, and knitted or crocheted fabric, in the piece</i> Woven pile fabrics and chenille fabrics, of cotton Hand-made lace, other than of cotton or man-made fabric Mechanically made lace Knitted or crocheted fabric, not elastic nor rubberized, of cotton	35 549
ex 38	58.01 58.02 A	<i>Carpets, mats and matting</i> Carpets, carpeting and rugs, knotted (made up or not) Other carpets, carpeting, rugs, mats and matting (made up or not)	104 015
ex 40	ex 60.04 ex 60.05	<i>Knitted and crocheted goods</i> Under garments, knitted or crocheted, not elastic nor rubberized, of cotton Outer garments and other articles, knitted or crocheted, not elastic nor rubberized, of cotton	8 756
ex 41	ex 61.01 ex 61.01 ex 61.02 ex 61.02	<i>Outer garments</i> Men's and boys' outer garments, of cotton Men's and boys' outer garments, of silk Women's, girls' and infants' outer garments, of cotton Women's, girls' and infants' outer garments, of silk	20 945

Quota No	Spanish Customs Tariff heading No	Description	Basic quotas (1 000 pesetas)
ex 42		<i>Under garments</i>	21 676
	ex 61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs, of cotton	
	ex 61.03	Men's and boys' under garments, including collars, shirt fronts and cuffs, of silk	
	ex 61.04	Women's, girls' and infants' under garments, of cotton	
	ex 61.04	Women's, girls' and infants' under garments, of silk	
ex 44		<i>Other made-up textile articles</i>	96 147
	ex 62.02	Bed linen, table linen, toilet linen and kitchen linen; curtains and other furnishing articles, of cotton	
	62.03	Sacks and bags, of a kind used for the packing of goods	
	ex 62.05	Other made-up textile articles, of cotton or of jute	
ex 48		<i>Precious metals and rolled precious metals, unwrought, unworked or semi-manufactured</i>	4 522 500
	71.11	Goldsmiths', silversmiths' and jewellers' sweepings, residues, lemls, and other waste and scrap, of precious metal	
49		<i>Gold and rolled gold</i>	318 585
	71.07	Gold, including platinum-plated gold, unwrought or semi-manufactured	
	71.08	Rolled gold on base metal or silver, unworked or semi-manufactured	
65		<i>Sewing machines, components and parts thereof</i>	7 558
	ex 84.41 A ex 84.41 A III	Domestic sewing machines and heads therefor Other parts for sewing machines, including furniture specially designed for sewing machines, and parts thereof, excluding replacement parts	
ex 66		<i>Television reception apparatus</i>	190 950
	ex 85.15 A III b) 2 aa)	Colour television reception apparatus	
ex 69		<i>Vehicles specially designed for the transport of earth, rock and mineral materials</i>	398 052
	ex 87.02 B	Special vehicles for the transport of earth, rocks and mineral materials, fitted with a tipping body designed for such work and equipped with unloading devices: dumpers	
ex 70		<i>Tractors</i>	844 080
	ex 87.01	Wheeled tractors with a cylinder capacity of 4 000 cc or less	

Quota No	Spanish Customs Tariff heading No	Description	Basic quotas (1 000 pesetas)
ex 71	ex 87.02 A I a)	<i>Motor vehicles for the transport of persons</i> Buses	50 250
ex 73	87.03	<i>Industrial motor vehicles</i> Special purpose motor lorries and vans (such as breakdown lorries, fire-engines, fire-escapes, road sweeper lorries, snow-ploughs, spraying lorries, crane lorries, searchlight lorries, mobile workshops and mobile radiological units), but not including the motor vehicles of heading No 87.02	603 000
ex 76	89.01 A ex 89.01 B ex 89.01 B 89.02 89.03	<i>Ships, boats, and other floating structures</i> Warships Tankers, including mixed cargo-vessels for the transport of dry goods and liquids Other Tugs Light-vessels, fire-floats, dredgers of all kinds, floating cranes, and other vessels the navigability of which is subsidiary to their main function; floating docks	3 618
79	93.01 93.02 93.03 93.04 93.05 93.06	<i>Arms</i> Side-arms (for example, swords, cutlasses and bayonets) and parts thereof and scabbards and sheaths therefor Revolvers and pistols, being firearms Artillery weapons, machine-guns, submachine-guns and other military firearms and projectors (other than revolvers and pistols) Other firearms, including Very pistols, pistols and revolvers for firing blank ammunition only, line-throwing guns and the like Arms of other descriptions, including air, spring and similar pistols, rifles and guns Components and parts of arms, including roughly shaped gun stock blocks and gun barrel blanks, but not including parts of side-arms	89 945
80	93.07	<i>Ammunition</i> Bombs, grenades, torpedoes, mines, guided weapons and missiles and similar munitions of war, components and parts thereof; ammunition and parts thereof, including cartridge wads; lead shot prepared for ammunition	47 482

*ANNEX II***List of products referred to in Article 4**

Brussels Nomenclature heading No (NCCC)	Description
Chapter 13	
ex 13.02	Incense
ex 13.03	Pectates
Chapter 14	
ex 14.05	Valonia, gall nuts
Chapter 15	
ex 15.05	Wool grease stearin
ex 15.06	Other animal oils and fats (including fats from bones and waste), excluding neat's foot oil
15.08	Animal and vegetable oils, boiled, oxidized, dehydrated, sulphurized, blown or polymerized by heat in vacuum or in inert gas, or otherwise modified
15.10	Fatty acids, acid oils from refining, fatty alcohols
15.11	Glycerol and glycerol lyes
ex 15.15	Beeswax and other insect waxes, whether or not coloured
15.16	Vegetable waxes, whether or not coloured
ex 15.17	Degras
Chapter 17	
ex 17.04	Liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances
Chapter 18	Cocoa and cocoa preparations, excluding heading Nos 18.01, 18.02 and 18.06
Chapter 21	
ex 21.02	Extracts, essences or concentrates of coffee, tea or maté and preparations with a basis of those extracts, essences or concentrates; roasted chicory; extracts, essences and concentrates of roasted chicory
21.03	Mustard flour and prepared mustard
21.04	Sauces; mixed condiments and mixed seasonings
ex 21.06	Natural yeasts (active or inactive) other than baker's yeast; prepared baking powders
Chapter 22	
22.01	Waters, including spa waters and aerated waters, ice and snow
ex 22.02	Lemonade, flavoured spa waters and flavoured aerated waters and other non-alcoholic beverages, not including fruit and vegetable juices falling within heading No 20.07, not containing milk or milkfats

Brussels Nomenclature heading No (NCCC)	Description
22.03	Beer made from malt
22.06	Vermouths, and other wines of fresh grapes flavoured with aromatic extracts
ex 22.08	Ethyl alcohol or neutral spirits, undenatured, of an alcoholic strength of 80 % vol or higher; denatured spirits (including ethyl alcohol and neutral spirits) of any strength excluding those derived from agricultural products listed in Annex II to the Treaty
ex 22.09	Ethyl alcohol or neutral spirits, undenatured, of an alcoholic strength of less than 80 % vol, excluding ethyl alcohol derived from agricultural products listed in Annex II to the Treaty; liqueurs and other spirituous beverages; compound alcoholic preparations (known as 'concentrated extracts' for the manufacture of beverages
Chapter 24	
24.02	Manufactured tobacco; tobacco extracts and essences
Chapter 25	
25.20	Gypsum; anhydrite; calcined gypsum, and plasters with a basis of calcium sulphate, whether or not coloured, but not including plasters specially prepared for use in dentistry.
25.22	Quicklime, slaked lime and hydraulic lime, other than calcium oxide and hydroxide
25.23	Portland cement, ciment fondu, slag cement, supersulphate cement and similar hydraulic cements, whether or not coloured or in the form of clinker
ex 25.30	Crude natural boric acid containing not more than 85 % of H_3BO_3 calculated on the dry weight
ex 25.32	Earth colours, whether or not calcined or mixed together; santorin, pozzolana, trass and similar earths, used in making hydraulic cements, whether or not powdered
Chapter 27	
27.05 bis	Coal gas, water gas, producer gas and similar gases
27.06	Tar distilled from coal, from lignite or from peat; and other mineral tars, including partially distilled tars and blends of pitch with creosote oils or with other coal tar distillation products
27.08	Pitch and pitch coke, obtained from coal tar or from other mineral tars
ex 27.10	Mineral oils and greases for lubricating purposes
ex 27.11	Petroleum gases and other gaseous hydrocarbons, excluding propane of a purity not less than 99 % for use other than as a power or heating fuel
27.12	Petroleum jelly
27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals

Brussels Nomenclature heading No (NCCC)	Description
27.15	Bitumen and asphalt, natural; bituminous shale, asphaltic rock and tar sands
27.16	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs)
Chapter 28	
ex 28.01	Chlorine
ex 28.04	Hydrogen, oxygen (including ozone) and nitrogen
ex 28.06	Hydrochloric acid
28.08	Sulphuric acid; oleum
28.09	Nitric acid; sulphonitric acids
28.10	Phosphorus pentoxide and phosphoric acids (meta-, ortho- and pyro-)
28.12	Boric oxide and boric acid
28.13	Other inorganic acids and oxygen compounds of non-metals (excluding water)
28.15	Sulphides or non-metals; phosphorus trisulphide
28.16	Ammonia, anhydrous or in aqueous solution
28.17	Sodium hydroxide (caustic soda); potassium hydroxide (caustic potash); peroxides of sodium or potassium
ex 28.19	Zinc oxide
ex 28.20	Artificial corundum
28.22	Manganese oxides
ex 28.23	Iron oxides, including earth colours containing 70 % or more by weight of combined iron evaluated as Fe_2O_3
ex 28.27	Red lead and litharge
28.29	Fluorides; fluorosilicates, fluoroborates and other complex fluorine salts
ex 28.30	Magnesium chloride, calcium chloride
ex 28.31	Hypochlorites: commercial calcium hypochlorite; chlorites
28.35	Sulphides; polysulphides
28.36	Dithionites, including those stabilized with organic substances; sulphonylates
28.37	Sulphites and thiosulphates
ex 28.38	Sodium, barium, iron, zinc, magnesium and aluminium sulphates; alums
ex 28.40	Phosphites, hypophosphites and phosphates, excluding bibasic lead phosphate
ex 28.42	Carbonates, including commercial ammonium carbonate containing ammonium carbamate, excluding lead hydrocarbonate (white lead)
ex 28.44	Mercury fulminate

Brussels Nomenclature heading No (NCCC)	Description
ex 28.45	Sodium silicate and potassium silicate, including commercial grades
ex 28.46	Refined borax
ex 28.48	Arsenites and arsenates
28.54	Hydrogen peroxide (including solid hydrogen peroxide)
ex 28.56	Silicon, boron and calcium carbides
ex 28.58	Distilled and conductivity water and water of similar purity
Chapter 29	
ex 29.01	Hydrocarbons for use as power or heating fuels; naphthalene and anthracene
ex 29.04	Amyl alcohols
29.06	Phenols and phenol-alcohols
ex 29.08	Dipentyl ether (diamyl ether), diethyl ether, anethole
ex 29.14	Palmitic, stearic and oleic acids and their water soluble salts; anhydrides
ex 29.16	Tartaric, citric and gallic acids; calcium tartrate
ex 29.21	Nitroglycerine
ex 29.42	Nicotine sulphate
29.43	Sugars, chemically pure, other than sucrose, glucose and lactose; sugar ethers and sugar esters, and their salts, other than products of heading Nos 29.39, 29.41 and 29.42
Chapter 30	
ex 30.02	Antisera
ex 30.03	Medicaments (including veterinary medicaments), excluding the following products: — Anti-asthmatic cigarettes — Quinine, cinchonine, quinidine and their salts, whether or not in the form of proprietary products — Morphine, cocaine and other narcotics, whether or not in the form of proprietary products — Antibiotics and preparations based on antibiotics — Vitamins and preparations based on vitamins — Sulphonamides, hormones and preparations based on hormones
30.04	Wadding, gauze, bandages and similar articles (for example, dressings, adhesive plasters, poultices), impregnated or coated with pharmaceutical substances or put up in retail packings for medical or surgical purposes, other than goods specified in Note 3 to this Chapter

Brussels Nomenclature heading No (NCCC)	Description
Chapter 31	
ex 31.03	Mineral or chemical fertilizers, phosphatic, excluding: — Basic-slag — Disintegrated (calcined) calcium phosphates (thermo-phosphates and fused phosphates) and calcined natural aluminium calcium phosphates — Calcium hydrogen phosphate containing not less than 0.2 % of fluorine
31.05	Other fertilizers; goods of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg
Chapter 32	
ex 32.01	Tanning extracts of vegetable origin; tannins (tannic acids), including water-extracted gall-nut tannin
ex 32.04	Colouring matter of vegetable origin (including dyewood extract and other vegetable dyeing extracts, but excluding indigo, henna and chlorophyll) or of animal origin, excluding cochineal extract and kermes
ex 32.05	Synthetic organic dyestuffs (including pigment dyestuffs and excluding artificial indigo); synthetic organic products of a kind used as luminophores; products of the kind known as optical bleaching agents, substantive to the fibre
32.06	Colour lakes
ex 32.07	Other colouring matter, excluding: (a) inorganic pigments or pigments of mineral origin, whether or not containing other substances facilitating dyeing, based on cadmium salts, (b) chrome colours and Prussian blue; inorganic products of a kind used as luminophores
32.08	Prepared pigments, prepared opacifiers and prepared colours, vitrifiable enamels and glazes, liquid lustres and similar products, of the kind used in the ceramic, enamelling and glass industries; engobes (slips); glass frit and other glass, in the form of powder, granules or flakes
32.09	Varnishes and lacquers; distempers; prepared water pigments of the kind used for finishing leather; paints and enamels; pigments dispersed in linseed oil, white spirit, spirits of turpentine, or other media of a kind used in the manufacture of paints or enamels; stamping foils; dyes or other colouring matter in forms or packings of a kind sold by retail; solutions as defined by Note 4 to this Chapter
32.11	Prepared driers
32.12	Glaziers' putty; grafting putty; painters' fillings; non-refractory surfacing preparations; stopping, sealing and similar mastics, including resin mastics and cements
32.13	Writing ink, printing ink and other inks
Chapter 33	
ex 33.01	Essential oils (terpeneless or not); concretes and absolutes, excluding essences of roses, rosemary, eucalyptus, sandalwood and cedar; resinoids; concentrates of essential oils in fats, in fixed oils, or in waxes or the like, obtained by cold absorption or by maceration

Brussels Nomenclature heading No (NCCC)	Description
ex 33.06	Eau de Cologne and other toilet waters; cosmetics and products for the care of the skin, hair and nails; toothpowders and toothpastes, products for oral hygiene; room deodorisers, prepared, whether or not perfumed
Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modelling pastes and 'dental waxes'
Chapter 35	
ex 35.01	Casein glues
ex 35.02	Albumins, albuminates and other albumin derivatives excluding ovalbumin and lactalbumin
35.03	Gelatin (including gelatin in rectangles, whether or not coloured or surface-worked) and gelatin derivatives; glues derived from bones, hides, nerves, tendons or from similar products, and fish glues; isinglass
35.04	Peptones and other protein substances (excluding enzymes of heading No 35.07) and their derivatives; hide powder, whether or not chromed
35.06	Prepared glues not elsewhere specified or included; products suitable for use as glues put up for sale by retail as glues in packages not exceeding a net weight of 1 kg
35.07	Enzymes; prepared enzymes not elsewhere specified or included
Chapter 36	Explosives, pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations
Chapter 37	
37.03	Sensitized paper; paperboard and cloth, unexposed or exposed but not developed
Chapter 38	
38.03	Activated carbon; activated natural mineral products; animal black, including spent animal black
38.09	Wood tar; wood tar oils (other than the composite solvents and thinners falling within heading No 38.18); wood creosote; wood naphtha; acetone oil; vegetable pitch of all kinds; brewers' pitch and similar compounds based on rosin or on vegetable pitch, foundry core binders based on natural resinous products
ex 38.11	Disinfectants, insecticides, rat poisons, pesticides and similar products, put up in the form of articles such as sulphur-treated bands, wicks and candles, fly-papers, sticks coated with hexachlorodicyclohexane (BHC) and the like; preparations consisting of an active product (such as DDT) mixed with other materials and put up in aerosol containers ready for use
38.18	Composite solvents and thinners for varnishes and similar products

Brussels Nomenclature heading No (NCCC)	Description
ex 38.19	Preparations known as 'liquids for hydraulic transmission' (in particular for hydraulic brakes) containing less than 70 % by weight of petroleum oils or of oils obtained from bituminous minerals
Chapter 39	
ex 39.02	Polyvinyl chloride
ex 39.01	Polystyrene in all its forms; other plastic materials, cellulose ethers and esters, artificial resins, excluding:
ex 39.02	
ex 39.03	
ex 39.04	
ex 39.05	
ex 39.06	(a) those in the form of granules, flakes, powders, waste and scrap to be used as raw materials for the manufacture of the products mentioned in this Chapter
ex 39.07	(b) ion exchangers
Chapter 40	Articles of materials of the kinds described in heading Nos 39.01 to 39.06, excluding fans and hand screens, non-mechanical, frames and handles therefor and parts of such frames and handles, and spools, reels and similar supports for photographic and cinematographic film or for tapes, films and the like falling within heading No 92.12
Chapter 41	Rubber, synthetic rubber, factice, and articles thereof, excluding heading Nos 40.01, 40.02, 40.03 and 40.04, latex (ex 40.06), solutions and dispersions (ex 40.06), protective clothing for surgeons and radiologists and divers' suits (ex 40.13), and bulk forms or blocks, scrap, waste and powder of hardened rubber (ebonite and vulcanite) (ex 40.15)
Chapter 42	Raw hides and skins (other than furskins) and leather, excluding parchment-dressed leather and articles falling within heading Nos 41.01 and 41.09
Chapter 43	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk worm gut)
Chapter 44	Furskins and artificial fur; manufactures thereof
Chapter 46	Wood and articles of wood; wood charcoal, excluding heading No 44.07, articles of fibre building board (ex 44.21, ex 44.23, ex 44.27, ex 44.28), spools, reels and similar supports for photographic and cinematographic film or for tapes, films and the like falling within heading No 92.12 (ex 44.26) and wood paving blocks (ex 44.28)
Chapter 48	Manufacture of scraw, of esparto and of other plaiting materials; basketware and wickerwork, excluding plaits and similar products of plaiting materials, for all uses, whether or not assembled into strips (ex 46.02)
ex 48.01	Paper and paperboard (including cellulose wadding), in rolls or sheets, excluding the following products: — Ordinary newsprint made from chemical and mechanical pulp, weighing not more than 60 g/m² — Magazine paper — Cigarette paper

Brussels Nomenclature heading No (NCCC)	Description
ex 48.01 (cont'd)	— Tissue paper — Filter paper — Cellulose wadding — Hand-made paper and paperboard
48.03	Parchment or greaseproof paper and paperboard, and imitations thereof, and glazed transparent paper, in rolls or sheets
48.04	Composite paper or paperboard (made by sticking flat layers together with an adhesive), not surface-coated or impregnated, whether or not internally reinforced, in rolls or sheets
ex 48.05	Paper and paperboard, corrugated (with or without flat surface sheets) embossed in rolls or sheets
ex 48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not constituting printed matter within Chapter 49) in rolls or sheets, excluding squared paper, gold paper or silver paper and imitations thereof, transfer paper, indicator paper and unsensitized photographic paper
ex 48.13	Carbon paper
48.14	Writing blocks, envelopes, letter cards, plain postcards, correspondence cards; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing only an assortment of paper stationery
ex 48.15	Other paper or paperboard, cut to size or shape, excluding cigarette paper, tapes for teletype machines, perforated tapes for monotype machines and calculating machines, filter papers and filter boards (including those for cigarette filter tips) and gummed strip
48.16	Boxes, bags and other packing containers, of paper or paperboard; box files, letter trays, storage boxes and similar articles, of paper or paperboard, of a kind commonly used in offices, shops and the like
48.18	Registers, exercise books, note books, memorandum blocks, order books, receipt books, diaries, blotting pads, binders (loose-leaf or other), file covers and other stationery of paper or paperboard; sample and other albums and book covers, of paper or paperboard
48.19	Paper or paperboard labels, whether or not printed or gummed
ex 48.21	Lamp shades; tablecloths and serviettes, handkerchiefs and towels; dishes, plates, cups, table-mats, bottle-mats, glass-mats
Chapter 49	
ex 49.01	Printed books, booklets, brochures and leaflets in the Greek language
ex 49.03	Children's picture books and painting books, printed wholly or partly in the Greek language
ex 49.07	Stamps not intended for public service
49.09	Picture postcards, Christmas and other picture greeting cards, printed by any process, with or without trimmings

Brussels Nomenclature heading No (NCCC)	Description
ex 49.10	Calendars of any kind, of paper or paperboard, including calendar blocks, but excluding calendars intended for publicity purposes, in other languages than Greek
ex 49.11	Other printed matter, including printed pictures and photographs, but excluding the following articles: — Theatrical and photographic studio scenery — Printed matter for publicity purposes (including travel publicity), printed in other languages than Greek
Chapter 50	Silk and waste silk
Chapter 51	Man-made fibres (continuous)
Chapter 52	Metallized textiles
Chapter 53	Wool and other animal hair, excluding raw, bleached and undyed products of heading Nos 53.01, 53.02, 53.03 and 53.04
Chapter 54	Flax and ramie, excluding heading No 54.01
Chapter 55	Cotton excluding heading No 55.05
Chapter 56	Man-made fibres (discontinuous) excluding heading No 56.05
Chapter 57	Other vegetable textile materials, excluding heading No. 57.01: paper yarn and woven fabrics of paper yarn
Chapter 58	Carpets, mats, matting and tapestries; pile and chenille fabrics; narrow fabrics; trimmings; tulle and other net fabrics; lace; embroidery, excluding heading No 58.04
Chapter 59	Wadding and felt; twine, cordage, ropes and cables; special fabrics; impregnated and coated fabrics; textile articles of a kind suitable for industrial use
Chapter 60	Knitted and crocheted goods
Chapter 61	Articles of apparel and clothing accessories of textile fabric, other than knitted or crocheted goods
Chapter 62	Other made up textile articles, excluding fans and hand screens (ex 62.05)
Chapter 63	Old clothing and other textile articles; rags
Chapter 64	Footwear, gaiters and the like, parts of such articles
Chapter 65	Headgear and parts thereof

Brussels Nomenclature heading No (NCCC)	Description
Chapter 66	
66.01	Umbrellas and sunshades (including walking-stick umbrellas, umbrella tents, and garden and similar umbrellas)
Chapter 67	
ex 67.01	Feather dusters
67.02	Artificial flowers, foliage or fruit and parts thereof; articles made of artificial flowers, foliage or fruit
Chapter 68	
68.04	Hand polishing stones, whetstones, oilstones, hones and the like, and millstones, grindstones, grinding wheels and the like (including grinding, sharpening, polishing, trueing and cutting wheels, heads, discs and points), of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery, with or without cores, shanks, sockets, axles and the like of other materials, but without frameworks; segments and other finished parts of such stones and wheels, of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery
68.06	Natural or artificial abrasive powder or grain, on a base of woven fabric, of paper, or paperboard or of other materials, whether or not cut to shape or sewn or otherwise made up
68.09	Panels, boards, tiles, blocks and similar articles of vegetable fibre, of wood fibre, of straw, of wood shavings or of wood waste (including sawdust), agglomerated with cement, plaster or with other mineral binding substances
68.10	Articles of plastering material
68.11	Articles of cement (including slag cement), of concrete or of artificial stone (including granulated marble agglomerated with cement), reinforced or not
68.12	Articles of asbestos-cement, of cellulose fibre-cement or the like
68.14	Friction material (segments, discs, washers, strips, sheets, plates, rolls and the like) of a kind suitable for brakes, for clutches or the like, with a basis of asbestos, other mineral substances or of cellulose, whether or not combined with textile or other materials
Chapter 69	Ceramic products excluding heading Nos 69.01, 69.02, other than bricks with a basis of magnesite and of magnesite-chromite, 69.03, 69.04 and 69.05, utensils and apparatus for laboratory and industrial use, containers for the transport of acids and other chemical products and articles of a kind used in agriculture, of heading No 69.09, and porcelain articles of heading Nos 69.10, 69.13 and 69.14
Chapter 70	
70.04	Unworked cast or rolled glass (including flashed or wired glass) whether figured or not, in rectangles
70.05	Unworked drawn or blown glass (including flashed glass) in rectangles
ex 70.06	Cast, rolled, drawn or blown glass (including flashed or wired glass) in rectangles, surface ground or polished, but not further worked, excluding non-wired glass for mirrors

Brussels Nomenclature heading No (NCCC)	Description
ex 70.07	Cast, rolled, drawn or blown glass (including flashed or wired glass) cut to shape other than rectangular shape, or bent or otherwise worked (for example, edge worked or engraved), whether or not surface ground or polished; leaded lights and the like
70.08	Safety glass consisting of toughened or laminated glass, shaped or not
70.09	Glass mirrors (including rear-view mirrors), unframed, framed or backed
70.10	Carboys, bottles, jars, pots, tubular containers and similar containers, of glass, of a kind commonly used for the conveyance or packing of goods; stoppers and other closures, of glass
ex 70.13	Glassware (other than articles falling within heading No 70.19) of a kind commonly used for table, kitchen, toilet or office purposes, for indoor decoration, or for similar uses, excluding fire-resisting glassware of a kind commonly used for table or kitchen purposes, with a low coefficient of expansion, similar to Pyrex or Durex
70.14	Illuminating glassware, signalling glassware and optical elements of glass, not optically worked nor of optical glass
ex 70.15	Glass of a kind used for sun glasses (but excluding glass suitable for corrective lenses), curved, bent, hollowed and the like
ex 70.16	Multi-cellular glass in blocks, slabs, plates, panels and similar forms
ex 70.17	Laboratory, hygienic and pharmaceutical glassware, whether or not graduated or calibrated, excluding glassware for chemical laboratories; glass ampoules
ex 70.21	Other articles of glass, excluding articles for industry
Chapter 71	
ex 71.12	Articles of jewellery, of silver (including silvergilt or platinum-plated silver), or rolled precious metal on base metal
71.13	Articles of goldsmiths' or silversmiths' wares and parts thereof, of precious metal or rolled precious metal, other than goods falling within heading No 71.12
ex 71.14	Other articles of precious metal or rolled precious metal, excluding articles and utensils for workshops and laboratories
71.16	Imitation jewellery
Chapter 73	Iron and steel and articles thereof, excluding: (a) Products within the jurisdiction of the European Coal and Steel Community, falling within heading Nos 73.01, 73.02, 73.03, 73.05, 73.06, 73.07, 73.08, 73.09, 73.10, 73.11, 73.12, 73.13, 73.15 and 73.16 (b) Products falling within heading Nos 73.02, 73.05, 73.07 and 73.16 which are not within the jurisdiction of the European Coal and Steel Community (c) Heading Nos 73.04, 73.17, 73.19, 73.30, 73.33 and 73.34 and springs and leaves for springs, of iron or steel, for railway coaches, of heading No 73.35
Chapter 74	Copper and articles thereof, excluding copper alloys containing more than 10 % by weight of nickel and articles falling within heading Nos 74.01, 74.02, 74.06 and 74.11

Brussels Nomenclature heading No (NCCC)	Description
Chapter 76	Aluminium and articles thereof, excluding heading Nos 76.01 and 76.05 and spools, reels and similar supports for photographic and cinematographic film or for tapes, films and the like falling within heading No 92.12 (ex 76.16)
Chapter 78	Lead and articles thereof
Chapter 79	Zinc and articles thereof, excluding heading Nos 79.01, 79.02 and 79.03
Chapter 82	
ex 82.01	Hand tools, the following: spades, shovels, picks, hoes, forks and rakes; axes, bill hooks and similar hewing tools; hay knives, grass shears, timber wedges and other tools of a kind used in agriculture, horticulture or forestry
82.02	Saws (non-mechanical) and blades for hand or machine saws (including toothless saw blades)
ex 82.04	Portable forges; grinding wheels with frameworks (hand or pedal operated); articles for domestic use
82.09	Knives with cutting blades, serrated or not (including pruning knives), other than knives falling within heading No 82.06, and blades therefor
ex 82.11	Safety razor blades and blanks thereof
ex 82.13	Other articles of cutlery (for example, secateurs, hair clippers, butchers' cleavers, paper knives), excluding hand-operated clippers and parts thereof
82.14	Spoons, forks, fish-eaters, butter-knives, ladles, and similar kitchen or tableware
82.15	Handles of base metal for articles falling within heading Nos 82.09, 82.13 and 82.14
Chapter 83	Miscellaneous articles of base metal, excluding heading No 83.08, statuettes and other ornaments of a kind used indoors (ex 83.06) and beads and spangles (ex 83.09)
Chapter 84	
ex 84.06	Spark ignition engines, petrol-driven of a cylinder capacity of 220 cc or more; internal combustion engines, semi-diesel type; internal combustion engines, diesel type, of 37 kW or less; engines for motor-cycles and auto-cycles
ex 84.10	Pumps (including motor pumps and turbo pumps) for liquids, whether or not fitted with measuring devices
ex 84.11	Air pumps and vacuum pumps (including motor and turbo-pumps); fans, blower and the like, with integral motors, weighing less than 150 kg and fans or blowers without motor, weighing 100 kg or less
ex 84.12	Air-conditioning machines, self-contained, comprising a motor-driven fan and elements for changing the temperature and humidity of air, for domestic use
ex 84.14	Bakery ovens and parts thereof
ex 84.15	Refrigerating cabinets and other refrigerating plant, equipped with a refrigerating unit

Brussels Nomenclature heading No (NCCC)	Description
ex 84.17	Instantaneous or storage water heaters, non-electrical
84.20	Weighing machinery (excluding balances of a sensitivity of 5 cg or better), including weight-operated counting and checking machines; weighing-machine weights of all kinds
ex 84.21	Mechanical appliances (whether or not hand-operated) for projecting, dispersing or spraying liquids or powders, for domestic use; similar hand-operated appliances for agricultural use; similar appliances for agricultural use, truck mounted, weighing 60 kg or less
ex 84.24	Ploughs designed for tractor or animal draught, weighing 700 kg or less; ploughs designed for mounting on tractors, with two or three shares or discs; harrows designed for tractor or animal draught, with fixed framework and fixed teeth; disc harrows, weighing 700 kg or less
ex 84.25	Threshers; maize huskers and maize threshers; harvesting machinery, animal drawn; straw or fodder presses; fanning mills and similar machines for screening seeds and cereal graders
84.27	Presses, crushers and other machinery, of a kind used in wine making, cider making, fruit juice preparation or the like
ex 84.28	Seed crushing machines; farm-type milling machines
84.29	Machinery of a kind used in the bread grain milling industry, and other machinery (other than farm type machinery) for the working of cereals or dried leguminous vegetables
ex 84.34	Printing type
ex 84.38	Shuttles; reeds for looms
ex 84.40	Washing machines, whether or not electric, for domestic use
ex 84.47	Machine tools for sawing and planing wood, cork, bone, ebonite (vulcanite), hard artificial plastic materials or other hard carving materials, other than machines falling within heading No 84.49
ex 84.56	Machinery for agglomerating, moulding or shaping ceramic paste, unhardened cements, plastering materials or other mineral products
ex 84.59	Oil presses and mills; machines for stearin soap manufacture
84.61	Taps, cocks, valves and similar appliances, for pipes, boiler shells, tanks, vats and the like, including pressure reducing valves and thermostatically-controlled valves
ex 84.63	Speed reducers
Chapter 85	
ex 85.01	Generators of 20 kVA output or less; motors of 74 kW or less; rotary converters of 37 kW or less; transformers and static converters other than for radio-broadcasting, radiotelephonic, radiotelegraphic and television receivers
85.03	Primary cells and primary batteries
85.04	Electric accumulators
ex 85.06	Room fans
85.10	Portable electric battery and magneto lamps, other than lamps falling within heading No 85.09

Brussels Nomenclature heading No (NCCC)	Description
85.12	Electric instantaneous or storage water heaters and immersion heaters; electric soil heating apparatus and electric space heating apparatus; electric hair-dressing appliances (for example, hair dryers, hair curlers, curling tong heaters) and electric smoothing irons; electro-thermic domestic appliances; electric heating resistors, other than those of carbon
ex 85.17	Electric sound signalling apparatus
ex 85.19	Electrical apparatus for making and breaking electrical circuits, for the protection of electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, lightning arresters, surge suppressors, plugs, lamp holders and junction boxes)
ex 85.20	Electric filament lamps and electric discharge lamps, excluding infra-red and ultra-violet lamps
ex 85.21	Cathode-ray tubes for television sets
85.23	Insulated (including enamelled or anodized) electric wire, cable, bars, strip and the like (including co-axial cable), whether or not fitted with connectors
85.25	Insulators of any material
85.26	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating material apart from any minor components of metal incorporated during moulding solely for purposes of assembly, but not including insulators falling within heading No 85.25
85.27	Electrical conduit tubing and joints therefor, of base metal lined with insulating material
Chapter 87	
ex 87.02	Motor vehicles for the public transport of persons and motor vehicles for the transport of goods or materials (excluding chassis mentioned in Note 2 to Chapter 87)
87.05	Bodies (including cabs), for the motor vehicles falling within heading No 87.01, 87.02 or 87.03
ex 87.06	Chassis without engines, and parts thereof
ex 87.11	Invalid carriages (other than motorized or otherwise mechanically propelled)
ex 87.12	Parts and accessories of invalid carriages (other than motorized or otherwise mechanically propelled)
87.13	Baby carriages and parts thereof
Chapter 89	
ex 89.01	Lighters and barges; tankers designed to be towed; sailing vessels; inflatable boats of artificial plastic materials
Chapter 90	
ex 90.01	Ophthalmic lenses
90.03	Frames and mountings, and parts thereof, for spectacles, pince-nez, lorgnettes, goggles and the like
90.04	Spectacles, pince-nez, lorgnettes, goggles and the like, corrective, protective or other

Brussels Nomenclature heading No (NCCC)	Description
ex 90.26	Meters for hand-operated petrol pumps and water meters (volumetric and tachometric)
Chapter 92	
92.12	Gramophone records and other sound or similar recordings; matrices for the production of records, prepared record blanks, film for mechanical sound recording, prepared tapes, wires, strips and like articles of a kind commonly used for sound or similar recording
Chapter 93	
ex 93.04	Sporting guns and rifles
ex 93.07	Wads for shotguns; sporting cartridges, cartridges for revolvers, pistols and walking stick guns, ball or shot cartridges for target shooting guns of calibres up to 9 mm; cartridge cases for sporting guns and sporting rifles, of metal and paperboard; bullets, shot and buckshot for sporting guns and sporting rifles
Chapter 94	
Chapter 96	Brooms, brushes, powder puffs and sieves, excluding prepared knots and tufts for broom or brush making of heading No 96.01 and articles falling within heading Nos 96.05 and 96.06
Chapter 97	
97.01	Wheeled toys designed to be ridden by children (for example, toy bicycles and tricycles, and pedal motor cars); dolls' prams and dolls' push chairs
97.02	Dolls
97.03	Other toys; working models of a kind used for recreational purposes
ex 97.05	Streamers and confetti
Chapter 98	Miscellaneous manufactured articles, excluding stylograph pens falling within heading No 98.03 and excluding heading Nos 98.04, 98.10, 98.11, 98.14 and 98.15

ANNEX III

List of products referred to in Article 9

CCT heading No	Description	Quotas for the period 1 January to 31 December 1981
31.02	Mineral or chemical fertilizers, nitrogenous	} 2 960 tonnes
31.03	Mineral or chemical fertilizers, phosphatic	
31.05	Other fertilizers; goods of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding 10 kg:	
	A. Other fertilizers: I. Containing the three fertilizing substances: nitrogen, phosphorus and potassium II. Containing the two fertilizing substances: nitrogen and phosphorus IV. Other	
ex 73.37	Boilers (excluding boilers of heading No 84.01) and radiators, for central heating, not electrically heated, and parts thereof, of iron or steel; air heaters and hot air distributors (including those which can also distribute cool or conditioned air), not electrically heated, incorporating a motor-driven fan or blower, and parts thereof, of iron or steel:	
	— Boilers for central heating	11 950 EUA
ex 84.01	Steam and other vapour generating boilers (excluding central heating hot water boilers capable also of producing low pressure steam); super-heated water boilers:	
	— Of a power of 32 MW or less	24 340 EUA
84.06	Internal combustion piston engines:	
	C. Other engines:	
	ex II. Compression ignition engines:	
	— Of a power of less than 37 kW	67 100 EUA
84.10	Pumps (including motor pumps and turbo pumps) for liquids, whether or not fitted with measuring devices; liquid elevators of bucket, chain, screw, band and similar kinds:	
	ex A. Delivery pumps fitted, or designed to be fitted, with a measuring device, other than pumps for dispensing fuel	} 274 610 EUA
	B. Other pumps	
	C. Liquid elevators of bucket, chain, screw, band and similar kinds	

CCT heading No	Description	Quotas for the period 1 January to 31 December 1981
84.14	Industrial and laboratory furnaces and ovens, non-electric: ex B. Other: — Parts of steel, for cement ovens	2 400 EUA
ex 84.20	Weighing machinery (excluding balances of a sensitivity of 5 cg or better) including weight-operated counting and checking machines; weighing machine weights of all kinds, other than: — Baby scales — Precision scales graduated in grams for domestic use — Weighing machine weights of all kinds	76 800 EUA
85.01	Electrical goods of the following descriptions; generators, motors, converters (rotary or static), transformers, rectifiers and rectifying apparatus, inductors: A. Generators, motors (whether or not equipped with speed reducing, changing or step-up gear) and rotary converters: ex II. Other: — Motors of an output of not less than 370 W and not more than 15 000 W ex C. Parts: — For motors of an output of not less than 370 and not more than 15 000 W	10 660 EUA
85.15	Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus: A. Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras: ex III. Receivers, whether or not incorporating sound recorders or reproducers: — Television	732 units 186 550 EUA ⁽¹⁾

⁽¹⁾ Additional limitation expressed in terms of value.

CCT heading No	Description	Quotas for the period 1 January to 31 December 1981
85.15 (<i>cont'd</i>)	C. Parts: I. Cabinets and cases: ex a) Of wood: — For television receivers ex b) Of other material: — For television receivers ex III. Other: — Chassis for television receivers and their parts, assembled or mounted — Printed circuit boards for television receivers	360 000 EUA
ex 85.23	Insulated (including enamelled or anodized) electric wire, cable, bars, strip and the like (including co-axial cable). whether or not fitted with connectors: — Cables for television aerials	15 980 EUA
87.02	Motor vehicles for the transport of persons, goods or materials (including sports motor vehicles, other than those of heading No 87.09): A. For the transport of persons, including vehicles designed for the transport of both passengers and goods: I. With either a spark ignition or a compression igni- tion engine: ex a) Motor vehicles and buses with either a spark ignition engine of a cylinder capacity of 2 800 cc or more or a compression ignition engine of a cylinder capacity of 2 500 cc or more: — Complete motor buses and coaches ex b) Other: — Complete, with a seating capacity of more than six	487 680 EUA
87.05	Bodies (including cabs), for the motor vehicles falling within heading No 87.01, 87.02 or 87.03: ex A. Bodies and cabs of metal for the industrial assem- bly of: — Agricultural walking tractors falling within sub- heading 87.01 A, — Motor vehicles for the transport of persons, including vehicles designed for the transport of both passengers and goods, with a seating capa- city of more than six and less than 15, — Motor vehicles for the transport of goods or materials, with either a spark ignition engine of a cylinder capacity of less than 2 800 cc or a compression ignition engine of a cylinder capa- city of less than 2 500 cc,	2 350 EUA

CCT heading No	Description	Quotas for the period 1 January to 31 December 1981
87.05 (cont'd)	— Special purpose motor lorries and vans of heading No 87.03 (a) - ex B. Other: — Bodies and cabs of metal, other than for motor vehicles for the transport of persons, with a seating capacity of six or less	

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 October 1981

on the application, in the Community, of revised amounts for the documentary requirements in Annex II concerning the definition of the concept of 'originating products' and methods of administrative cooperation to Decision 80/1186/EEC on the association of the overseas countries and territories within the European Economic Community

(81/880/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, and in particular Article 11 (2) thereof,

Having regard to the recommendation from the Commission,

Whereas Article 6 of Annex II to Decision 80/1186/EEC provides that the Community may, where necessary, revise the amounts for determining when forms EUR. 2 may be used instead of movement certificates EUR. 1 or when no documentary evidence of origin is required as laid down in Article 16;

Whereas on 1 October 1980 the equivalent value of the amounts concerned in some national currencies was lower than their value on 30 June 1978;

Whereas as a consequence of the automatic adaptation made every two years, on the base date provided for in Annex II, the effective value of the limits expressed in the national currencies concerned, which correspond to the amounts laid down in Article 6 and Article 16 of the said Annex, would be reduced; whereas in order to offset such a reduction it is necessary to increase the amounts in question;

Whereas account should be taken of Council Regulation (EEC, Euratom) No 3308/80 of 16 December 1980 on the replacement of the European unit of account by the ECU in Community legal instruments⁽²⁾,

HAS DECIDED AS FOLLOWS:

Article 1

Annex II to Decision 80/1186/EEC shall be amended as follows:

- in Article 6 (1) the expression 'European unit of account' shall be replaced by 'ECU' wherever it appears,
- the amount laid down in Article 6 (1) (b) shall be increased to 1 620 ECU,
- the amounts laid down in Article 16 (2) shall be increased to 105 and 325 ECU respectively.

Article 2

This Decision shall take effect on 1 May 1981.

Done at Luxembourg, 26 October 1981.

For the Council
The President
CARRINGTON

⁽¹⁾ OJ No L 361, 31. 12. 1980, p. 1.

⁽²⁾ OJ No L 345, 20. 12. 1980, p. 1.

COMMISSION

COMMISSION DECISION

of 28 September 1981

relating to a proceeding under Article 85 of the EEC Treaty

(IV.29.988 — Italian flat glass)

(Only the Italian text is authentic)

(81/881/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 85 thereof,

Having regard to Council Regulation No 17 of 6 February 1962⁽¹⁾, and in particular Articles 1, 3 and 4 thereof,

Having regard to the own-initiative proceedings taken by the Commission on 22 January 1980 against Fabbrica Pisana SpA, Pisa, Società Italiana Vetro SpA, San Salvo (Chieti), Vernante Pennitalia SpA, Cuneo, Istituto Sviluppo Vetro, Milan, Associazione Sviluppo Vetro Italia Centrale, Ancona and Associazione Meridionale del Vetro in Lastre, Catania, in respect of agreements and decisions by associations concerning the flat glass market in Italy,

Having heard the undertakings concerned in accordance with Article 19 (1) of Regulation No 17 and with Commission Regulation No 99/63/EEC of 25 July 1963⁽²⁾,

Having regard to the opinion of the Advisory Committee on Restrictive Practices and Dominant Positions delivered pursuant to Article 10 of Regulation No 17 on 16 June 1981,

Whereas:

I.

THE FACTS

The main facts of the case are the following:

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

A. THE UNDERTAKINGS

1. The associations

Istituto Sviluppo Vetro (ISVE) was established in Milan in 1975 by the major firms specializing in flat glass wholesaling, located in Northern Italy. It was wound up by decision of its annual meeting on 13 March 1979. Firms belonging to the association controlled over 50 % of the flat glass market in northern Italy.

Associazione Sviluppo Vetro Italia Centrale (ASVIC) was established in Ancona on 24 July 1976 by the leading wholesalers in the following regions: Umbria, the Marches, Emilia-Romagna and Tuscany. It was wound up by decision of its board of directors on 20 April 1979.

The proceedings initiated against these two associations were continued against the firms which belonged to them when the agreements were implemented.

Associazione Meridionale del Vetro in Lastre (AMVL) was established in Catania on 11 September 1976; its members are the major wholesalers in southern Italy and in particular in the Rome area. It accounts for over 50 % of the flat glass market in the regions covered.

The associations are non-profit making and adopted identical articles of association and rules relating to:

- the development of a purchasing policy with the aim of providing members with the best possible contract terms,
- the cheapest possible distribution and processing of flat glass.

The associations were established for a renewable period of five years. Firms wishing to join the association had to:

- be engaged in the business of distributing or processing flat glass,
- fulfil certain conditions relating to solvency and business conduct,
- receive the votes of two thirds of the members of the board of directors (consiglio direttivo).

II. The companies

1. Fabbrica pisana SpA (hereinafter referred to as 'Fabbrica pisana'), whose head office is in Pisa and whose capital amounts to Lit 11 934 500 000, is a wholly-owned subsidiary of Saint-Gobain Industries, a member of the Saint-Gobain/Pont-a-Mousson Group, which is among the largest industrial groups in the world, comprising 134 companies established in 17 different countries. It is divided into six industrial and commercial divisions, and each division comes under a holding company wholly controlled by Saint-Gobain/Pont-a-Mousson. In addition to Fabbrica pisana, the Group owns the following companies in Italy, all of which are in various ways connected with the glass market: Vetreria milanese Luchini-Perego, Vetreria italiana Balzaretti-Modigliani, Vetreria Luigi Fontana and Vetrerie riunite Bordoni-Miva; of these, Vetreria Luigi Fontana, Milan, together with its subsidiary Felice Quentin, Florence, is the country's largest processor/wholesaler.

The Saint-Gobain/Pont-a-Mousson Group employs some 110 000 persons, 69 000 of whom work in the 'buildings' division, which includes the glass-producing factories. Saint-Gobain Industries, which heads the 'buildings' division, controls 25 subsidiaries, including Fabbrica pisana in Italy, which employs some 3 000 persons. Fabbrica pisana has factories at Caserta, Pisa, Savigliano and Turin, producing the following types of glass:

- float glass, clear and coloured (blue, amber, bronze, green and grey),
- cast glass, clear and coloured, including U-section profiled glass,
- processed glass products for the building industry (BIVER).

2. Società italiana vetro SpA (hereinafter referred to as 'SIV'), whose head office is in Rome and

whose capital amounts to Lit 28 000 000 000, is a State-controlled company. It was set up in May 1962 by Ente finanziamento industria meccanica (hereinafter referred to as 'EFIM'), Rome, and Società finanziamenti idrocarburi SpA (hereinafter referred to as 'SOFID'), Milan. At present SOFID and Società mineraria carbonifera sarda (hereinafter referred to as 'MCS'), a subsidiary of the EFIM group, each hold 50 % of SIV's capital.

Up to May 1974 SIV had facilities for the production of window glass (drawn sheet glass) only. Its capacity for manufacturing this type of glass was gradually reduced to 38 000 tonnes a year and production ceased altogether in September 1975. In May 1974 a flat glass production line, with a capacity of 120 000 tonnes a year, was put into operation. In addition, in 1979, a flat glass production line belonging to Flovetto SpA, a joint subsidiary of SIV and Fabbrica pisana (each owning 50 %), came into operation; it has a capacity of 120 000 tonnes a year which the two parent companies share on equal terms.

SIV also controls two processing subsidiaries, ILVED SpA, San Salvo, specializing in mirror production and Vetroeuropa SpA, Turin, specializing in safety glass.

SIV, whose plant is located at San Salvo (Chieti) and which employs 3 500 persons, now produces float glass, cast glass and processed glass (safety and insulating glass).

SIV's sales organization in Europe comprises an eastern area subsidiary (SIV-Deutschland, Frankfurt) and a western area subsidiary (SIV-France, Paris).

3. Vernante Pennitalia SpA (hereinafter referred to as 'Vernante Pennitalia'), whose capital amounts to Lit 16 106 700 000, is based in Cuneo; it was formed on 30 November 1974 through the merger of 'Vernante' and 'Pennitalia', the Italian subsidiary of PPG Industries Inc., Pittsburgh (USA). The capital of Vernante Pennitalia is held by PPG Industries (80.5 %), Vernante's former shareholders (17.5 %) and Montedison (2 %). The company produces float glass, drawn glass and cast glass and also processes these types of glass into finished products. Vernante Pennitalia also controls Pennitalia Securglas SpA, whose head office and production facilities are at Roccasecca di Frosinone; this firm mainly produces special types of glass for the car industry.

B. THE PRODUCTS AND THE MARKET

1. In this proceeding, the relevant products are the various categories of flat glass.

Flat glass may be divided into three categories, depending on the manufacturing processes used:

- drawn glass, which is a colourless and transparent sheet used for manufacturing window glass,
- cast glass, which consists of a sheet with an uneven surface, translucent but not transparent, obtained by rolling,
- plate glass, which consists of a transparent sheet whose surfaces are almost perfectly parallel. It may be obtained by two processes: continuous casting and the float glass process; the float glass process is used by SIV, Fabbrica Pisana and Vernante Pennitalia.

All the various types of flat glass are manufactured in different thicknesses and may be clear or coloured, but for technical reasons the same furnace cannot be used to obtain two different types of glass.

2. Industrial production of float glass started in the early sixties. On account of its features and relatively low production costs in relation to quality, it rapidly took the place of most other types of flat glass. Moreover, since it can be used for numerous

applications, it is likely that consumption will increase further in the near future.

3. However, although float glass offers the best ratio of quality to price, substantial quantities of cast glass and drawn glass are still sold in Italy, the former on account of its structure, which is particularly suited to certain applications, and the latter on account of its relatively low manufacturing cost, due to the fact that investment has now been fully amortized.

4. Flat glass manufacturers' customers are mainly wholesalers and processing industries (with the exception of car manufacturers, who absorb 95 % of the glass produced for the car industry). Certain wholesalers, relatively few in number, merely resell the glass in the form in which they purchased it; others also have equipment for cutting and initial processing. Processors manufacture safety glass, insulating glass, mirrors, etc. for the building and furniture industries.

5. The table below shows Italian output, import and export statistics for the three types of flat glass (cast glass, drawn glass and float glass) during the period 1974 to 1978.

Flat glass statistics ⁽¹⁾

(in tonnes)

Product	Year	Output	Imports				Exports				Apparent consumption
			EEC	% AC	Outside EEC	% AC	EEC	% Output	Outside EEC	% Output	
Drawn glass	1974	282 695	58 230	19.5	32 159	10.8	53 102	17.9	23 652	7.9	296 330
	1975	164 311	15 990	11.1	28 041	19.4	52 040	31.6	12 250	7.4	144 052
	1976	103 626	46 528	28.1	55 507	33.5	32 819	31.6	7 523	7.2	165 319
	1977	100 035	50 952	29.3	56 544	32.5	33 150	33.1	5 935	5.9	173 788
	1978	92 615	38 607	24.9	46 672	30.1	17 759	19.1	5 380	5.8	154 755
Cast glass	1974	127 982	23 819	15.4	6 391	4.1	2 561	2.0	1 895	1.4	153 736
	1975	77 668	20 752	20.9	5 680	5.7	2 806	3.6	2 200	2.8	99 094
	1976	77 724	22 115	20.2	12 403	11.3	2 108	2.7	3 058	3.2	108 963
	1977	70 910	25 783	26.1	10 262	10.3	2 453	3.4	5 757	8.1	93 750
	1978	77 983	37 571	32.8	9 040	7.9	3 632	4.6	6 741	8.6	114 221
Float glass	1974	203 000	30 169	14.2	10 912	5.1	25 233	12.4	6 975	3.4	211 873
	1975	270 849	9 697	4.3	1 447	0.6	48 188	17.7	12 999	4.8	220 806
	1976	390 786	27 536	7.8	1 567	0.4	54 913	14.0	13 257	3.3	351 719
	1977	383 238	49 114	12.8	8 535	2.2	47 426	12.3	12 407	3.2	381 054
	1978	393 799	65 842	16.6	4 107	1.0	47 549	12.0	19 799	5.0	396 409
Total flat glass	1974	613 677	112 218	16.9	49 462	7.4	80 895	13.1	32 522	5.3	661 939
	1975	512 828	46 438	10.0	35 168	7.5	103 034	20.0	27 449	5.3	463 951
	1976	572 136	95 171	15.4	69 477	11.1	89 840	15.7	28 838	5.0	624 114
	1977	554 183	125 849	19.4	75 341	11.6	23 029	14.9	24 099	4.3	648 245
	1978	564 397	142 020	21.3	58 819	8.9	68 940	12.2	31 920	5.6	665 376

(¹) Based on the statistics of Istituto italiano di statistica and on NIMEXE prepared by the Statistical Office of the European Communities.

6. During the currency of the agreements the market shares of Italian producers in the Italian flat glass market as a whole were at least as follows: Fabbrica pisana 20 %, SIV 14 %, Vernante Pennitalia 14 %, Fabbbrica Sciarra 3 %, Vetro-Coke 3 %. The remainder was accounted for by imports, particularly of float glass. Some 50 % came from two major European producers Saint-Gobain and BSN, directly or via their Belgian and German subsidiaries; the other 50 % was made up of window glass

and cast glass, notably from the Eastern European State-trading countries and certain occasional supplies of float glass from the United States.

7. A significant proportion of the flat glass output of the companies concerned was exported, particularly by SIV and Vernante Pennitalia which, in 1976 and 1977, sold some 55 % of their output on the markets of other Member States. Fabbbrica pisana also exported substantial quantities of flat glass to

other Community countries, in accordance with the Saint-Gobain Group's general business strategy.

members with producers in accordance with a pre-established pattern.

C. THE AGREEMENTS

I. Agreements between wholesalers and processors themselves and decisions by their associations

1. The agreements were applied by means of the three associations' articles and rules, which were exactly the same, and by means of the decisions of the associations' boards of directors, as recorded in the minutes of their meetings. All members were deemed to be represented at the general meeting; its deliberations were mandatory and binding on all members, including those not in agreement.

2. The articles of the three associations imposed the following obligations on members:

- forwarding to the association copies of orders placed with producers,
- undertaking to agree to checks by the producers as laid down in the rules, while the producers undertook to forward to the association copy of invoices and of any credit notes drawn on or issued by members.

3. The rules of procedure of the three associations and the decisions adopted by their boards of directors specified the practical aims of the agreements, the obligations on members, the penalties in the event of infringements and the practical implementing provisions.

(a) The associations' practical aims included:

- a common business policy; to attain this each association had to promote a common approach to sales by issuing, applying and complying with selling prices for flat glass and processed products;
- cooperation with the producers with the aim of promoting 'a production policy to increase the consumption of glass and the value of processed products by means of an appropriate sales policy'. To this end the associations had to 'negotiate' with the producers a special rebate granted to members only by way of consideration for their obligations. At the same time they endeavoured to regulate the orders placed by their

(b) The obligations on members included:

- an undertaking only to purchase products from firms selected by the associations. For this purpose each member had to forward copies of its orders, including the following details:
 - quantity and quality of products,
 - prices and discounts granted,
 - name of supplier (no commitment was implied);
- an undertaking to refrain from making purchases from foreign producers without prior authorization from the board of directors, except in the event of imports:
 - (a) of products from countries subject to Italian Government quotas, up to these quotas;
 - (b) of special products, not manufactured by the producers selected by the association;
- an undertaking, imposed on members importing from Eastern European countries, to make 25 % of imports available to the association, which had to share them out equitably between members 'excluded' from this source of supply, but interested in obtaining such imports. If the importer refused to comply with this obligation, he had to transfer to the association the amount of the difference between his purchase price and the corresponding purchase price of the same domestic products. This obligation did not apply if the importer undertook to resell the product at the domestic market price;
- an obligation on the association to share out equitably between members quantities of products sold at special prices on the basis of purchases made during the previous 12 months at normal prices;
- the payment of a guarantee: Lit 3 million in cash or Lit 6 million in cheques;
- the submission of a detailed warehouse inventory not more than 30 days before becoming a member.

(c) The 'infringements' committed by members, which were likely to incur penalties from the associations, included:

- failure to send a copy of orders to the association;
- refusal to submit to the regular checks carried out by the association;
- the sale or offer for sale of products on terms less stringent or at prices lower than those fixed by the association;
- refusal to follow the purchasing policy laid down by the association's board of directors.

In the event of infringement the board of directors could impose fines of between Lit 250 000 and Lit 3 million and in certain 'serious' cases recommend that producers suspend supplies to the 'recalcitrant' members for a certain period or expel him.

II. Agreements between the associations of wholesalers and processors and the producers

1. Fabbbrica pisana, Vernante Pennitalia and SIV were involved from the outset in setting up the associations of wholesalers and processors. The first minutes of the ISVE board of directors meeting on 25 July 1975 record the three producers' willingness to agree to the association's demands concerning:

- prices charged and the special rebate granted to members only,
- guaranteed maintenance of price levels for goods supplied to dealers,
- compliance with scales of rebates and customer lists.

In consideration for the obligations which the producers later acknowledged, the wholesalers and processors undertook to work out a proper ordering schedule from September 1975.

The abovementioned minutes give details of ISVE's decision on sharing out total orders in hand (Lit 3 200 million):

- 56 % for Fabbbrica pisana,
- 27 % for Vernante Pennitalia,
- 17 % for SIV.

Since the 56 % allocated to Fabbbrica pisana also includes orders from Fontana, its sales subsidiary,

which amounted to 37 % of the total, the breakdown of the remainder was:

- 32 % for Fabbbrica pisana,
- 42 % for Vernante Pennitalia,
- 26 % for SIV.

2. The agreements relating to ISVE were formalized at a meeting held in Milan on 27 February 1976.

ISVE later requested an undertaking from Fabbbrica pisana, Vernante Pennitalia and SIV by three letters sent the same day (9 April 1976), summarizing the main points of the agreements, which were ratified by means of an exchange of letters. A similar undertaking was also requested on behalf of the two other associations which were then being set up:

- (a) Fabbbrica pisana replied to ISVE on 21 April 1976 and to ASVIC and AMVL on 29 September 1976;
- (b) Vernante Pennitalia's replies were sent to ISVE on 9 June 1976 and to ASVIC and AMVL on 15 November 1976.
- (c) SIV replied to ISVE on 5 May 1976 and to AMVL and ASVIC on 8 November 1976.

3. The content of the agreements between ISVE and the producers, as emerging from the abovementioned exchange of correspondence and the minutes of the association's general meetings, may be summarized as follows:

- (a) the producers granted a special rebate to dealers belonging to the association; the amount was initially set at 7 % (certain exceptions were envisaged for special glasses);
- (b) all members' orders had to be channelled through the associations and only orders forwarded in this way qualified for the special rebate;
- (c) the transaction relating to the special rebate was performed every six months;
- (d) each producer's list of customers had to be updated each year on the basis of objective criteria, taking into account volume of purchases (or sales), number of employees and investments (Vernante Pennitalia did not ratify this clause);
- (e) the wholesalers and processors undertook to comply with the price lists for processed products based on prices agreed with the producers;

- (f) the associations undertook to assign their members' purchasing quotas to the individual producers;
- (g) the processors and wholesalers belonging to the associations were obliged to agree to checks on their own accounts, performed by a committee appointed by the producers;
- (h) the members undertook to provide the producers with lists of orders in hand from non-Italian producers when the agreements were entered into;
- (i) members not satisfying the conditions laid down by the producers were barred from receiving the special rebate. This penalty supplemented those provided for by the associations (see C I 3 (c) above).
- (c) The associations could act as buying agencies and endeavoured to control flat glass imports into Italy, for example, in the case of imports from Germany (ISVE minutes No 6 of 18 November 1975), from Belgium (ISVE minutes No 2 of 6 October 1976) and from Spain (ISVE minutes No 25 of 13 January 1977).
- (d) By decision of 8 April 1976 ISVE obliged its members to send their orders direct to the association, which would be responsible for passing them on to the producers.
- (e) The associations gave their members the instructions necessary for enabling statistical data to be recorded; imports were also concerned.
- (f) The special rebate was regularly granted to firms belonging to the association and paid on the agreed dates.

4. The agreements between AMVL and ASVIC and the producers were less complex and did not include all the abovementioned clauses. However, they did include an undertaking on the part of the wholesalers and processors to share out their purchases equitably between Italian producers only and the undertaking on the part of the latter to grant members a special rebate which was the same as that reserved for ISVE members.

III. Application of the agreements

The documentation assembled, notably the minutes of general meetings, reveals that the above agreements were applied, although often only partially and intermittently.

- (a) ISVE and AMVL informed members, either by circulating price lists or by notifying 'production costs', of the prices that wholesalers and processors were to charge. ISVE minutes No 26 of 11 February 1977 reveal that they were the highest prices in the world. The associations could authorize percentage increases on these prices, differentiated according to glass qualities and delivery terms.
- (b) The rebates which members could grant to customers were also covered by agreements within the associations. Other discounts were authorized in accordance with market requirements and on the basis of the origin of the glass, its quality and delivery terms.

However, tension and differences developed between the interested parties throughout the entire currency of the agreements. The producers continued to supply a number of independent wholesalers on equal, or even better terms than association members, while the wholesalers and processors still made occasional purchases abroad. Nevertheless there were very few such cases; the number increased substantially only shortly before the agreements were terminated.

Further to the content of the agreements summarized at 3 above, the special rebate was 7 % up to 30 April 1976 and 5 % from 1 May 1976. ISVE minutes No 32 of 29 June 1977 refer to the association's proposal to Fabbrica pisana and SIV that the agreements should be given new impetus by increasing the special rebate from 5 to 10 %. The parties to the agreements initially agreed that the special rebate should be paid quarterly, but finally agreed on six-monthly payments.

IV. Duration of the agreements

The agreements between the associations and the producers were gradually abandoned during the second half of 1977; the producers no longer adhered to their undertaking to grant the special rebate only to members of the associations. Only Fabbrica pisana formally withdrew from the agreements on 21 November 1977.

The articles and rules of ISVE and ASVIC together with the decisions taken by the two associations continued to apply until they were wound up. AMVL retained its power to act as a buying agency and to fix prices and terms of sale for its members. However, within the associations, the agreements and decisions adopted were virtually no longer applied once the agreements with the producers were terminated. Even the links between members of AMVL lost much of their significance when the support of the other associations and producers disappeared.

II

ASSESSMENT

A. APPLICABILITY OF ARTICLE 85(1)

Article 85 (1) of the Treaty establishing the European Economic Community prohibits as incompatible with the common market all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market.

1. Fabbrica pisana, SIV and Vernante Pennitalia and the companies belonging to ISVE, ASVIC and AMVL are undertakings within the meaning of Article 85 (1) of the EEC Treaty.
2. The decision taken by the associations ISVE, ASVIC and AMVL and the agreements forming the object of this procedure, governing relations between the member undertakings, themselves and their relations with Fabbrica pisana, SIV and Vernante Pennitalia, are decisions by associations of undertakings and agreements between undertakings within the meaning of Article 85 (1).
3. The decisions and agreements have as their object and effect the prevention, restriction and distortion of competition between the undertakings concerned on the flat glass market.
 - (a) The agreements between the wholesalers and processors themselves and the decisions by the associations:
 - (a.1) the agreements between the wholesalers and processors themselves and the deci-

sions taken by the associations ISVE, ASVIC and AMVL may be assessed together since the three associations had the same objectives, means and effects. They were intended to restrict competition between the major Italian dealers in this product. It must be pointed out that, as regards quality, flat glass is a particularly homogeneous product despite the fact that there are various different types (float, drawn, cast). As a result the only areas in which suppliers can compete are prices and terms of sale. The powers of the three associations' management bodies to negotiate product prices and to select suppliers on behalf of their members restrict the freedom of the association's members to compete when purchasing and hence to compete when selling. Moreover, the ban on imports and the obligations to share out, at least in part, any imports from State-trading countries is intended to curtail competition between members. The associations' power to establish uniform prices and determine terms of sale for flat glass has as its object and effect a curbing of the members' interest in and capacity for competing with each other and consequently maintained flat glass prices at artificial levels;

- (a.2) the above agreements and decisions are likely to directly affect trade between Member States. The ban on purchasing the relevant products from foreign producers is above all directed at producers in other Community countries, notably in view of the substantial trade flows within the Community and the output of these producers, a major proportion of which is exported. In addition, the agreements and decisions also affected intra-Community trade indirectly on account of the obligation on members to share out, at least partially, among members quantities of flat glass imported from non-member States and to resell it at prices set by the associations' boards of directors. Such conduct is contrary to the principles of the common market in that it helps to create an artificial pricing system on the Italian market different from that on the other Community markets where unrestricted competition applies also to imported products.

- (b) The agreements between the producers and the associations:
 - (b.1) the agreements by which the wholesalers and processors undertook to make their purchases of flat glass in accordance with pre-established quotas assigned to the producers concerned, who in return granted them a special discount, constitute restrictions of competition of a kind explicitly referred to in Article 85 (1) (c). The clauses providing for the forwarding of commercial information and for the carrying out of checks on the implementation of the agreements are also caught by the prohibition in Article 85 (1), because they enabled the producers to ensure that the rules agreed were being respected by all the undertakings concerned;
 - (b.2) the agreements entered into between the producers and the associations were likely to affect trade between Member States for the following reasons:
 - (a) all the producers concerned did not restrict their business to the Italian market, but also had a stake in the markets of other member countries. Trade flows between Member States were inevitably altered since each producer, on account of the pre-established quotas for the Italian market, was no longer in a position to establish independently his own production and sales policies;
 - (b) the producers granted the special rebate to members of the associations in compensation for *inter alia* the export ban which the latter had imposed on themselves; trade flows between Italy and the other Member States were therefore appreciably affected by these agreements, since some 60 % of marketing opportunities on the Italian flat glass market were artificially withdrawn from producers in other Member States.
4. The agreements and decisions appreciably restricted competition on the Italian market in flat glass, not only by the nature of the restrictions envisaged, but also as a consequence of the

market position held by the undertakings concerned. The associations accounted for some 60 % of all flat glass sales on the Italian market, and comprised most of the major Italian dealers in this product, while the producers accounted for some 94 % of output and satisfied some 60 % of consumption of flat glass in Italy.

B. INAPPLICABILITY OF ARTICLE 85 (3)

Pursuant to Article 85 (3) of the EEC Treaty the provisions of Article 85 (1) may be declared inapplicable in the case of any agreement, any decision or any concerted practice which contributes to the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit and which does not impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives of afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

1. As provided for in Article 4 (1) of Regulation No 17, agreements in respect of which parties concerned seek application of Article 85 (3) must be notified to the Commission. Until they have been notified, no decision in application of Article 85 (3) may be taken. In this instance, no such notification was given. Consequently, it is not possible to examine whether the requirements under Article 85 (3) have been met by the agreements in question.

At all events, at least one of the requirements under Article 85 (3) has not been met. Through these agreements and decisions almost all flat glass production in Italy and some 60 % of the Italian consumption of flat glass could be shielded from the interplay of competition both between Italian producers and between, in consequence of the combined effects of uniform prices and sales quotas, Italian wholesalers; this eliminated competition in respect of a substantial part of the relevant products during the currency of the agreements.

The ban on purchasing abroad, the commitments to purchase from the Italian producers entered into by the associations, and the special rebate granted to wholesalers and processors

also made access to this same 60 % share of Italian consumption more difficult for flat glass producers and dealers in other Member States.

2. Furthermore, consideration must be given to whether the agreements in question may be regarded as being exempt from the obligation to notify pursuant to Article 4 (2) of Regulation No 17, which provides that the notification requirement does not apply to agreements where the only parties thereto are undertakings from one Member State and the agreements do not relate either to imports or to exports between Member States.

In this case the latter condition is not fulfilled since the members of the three associations agreed to prohibit dealers from importing flat glass, except on the express authorization of the associations' boards of directors, in consideration for the producers' undertaking to grant a special discount to wholesalers adhering to this undertaking. Article 4 (2) is therefore inapplicable.

C. APPLICABILITY OF ARTICLE 15 (2) OF REGULATION No 17

Pursuant to Article 15 (2) of Regulation No 17, the Commission may impose fines on undertakings participating in the infringement where, either intentionally or negligently, they infringe Article 85 (1).

In this instance, however, it is not necessary to impose fines, as the Commission has been able to establish that the agreements and decisions were applied for a relatively short period, given the nature and aims of the restrictions, and that even while they were in formal existence their restrictive clauses were implemented partially and to a limited extent,

HAS ADOPTED THIS DECISION:

Article 1

The agreements between the undertakings belonging to the associations ISVE, ASVIC and AMVL, the decisions of the associations, and the agreements

drawn up by the undertakings through the management bodies of the associations with the Italian flat glass producers Fabbrica Pisana SpA, Società italiana vetro SpA and Vernante Pennitalia SpA constitute infringements of Article 85 (1) of the Treaty establishing the European Economic Community, in their clauses concerning:

- (a) as regards the articles, implementing rules and decisions taken by these associations:
 - the obligation on members to make purchases through the associations,
 - the prohibition on members' importing, and the obligation to share out any goods imported following the association's prior authorization, from State-trading countries,
 - the adoption and observance of a common price list;
- (b) as regards the agreements between the associations and the producers:
 - the establishment of sales quotas,
 - the granting of a special rebate,
 - the forwarding of business information,
 - the supervision of the activities of the members of the associations.

Article 2

This Decision is addressed to:

Fabbrica pisana SpA, Pisa,
Società italiana vetro SpA, San Salvo (Chieti),
Vernante Pennitalia SpA, Cuneo,
Associazione meridionale vetro in lastre, Catania, in
the name and on behalf of its members,

and the undertakings belonging to Istituto Sviluppo Vetro, Milan, and Associazione Sviluppo Vetro Italia Centrale, Ancona, listed in Annexes A and B.

Done at Brussels, 28 September 1981.

For the Commission

Frans ANDRIESEN

Member of the Commission

ANNEX A

ISVE members

Bosisio F.lli Vetriere	Via S. Biagio, 15	20030 Paderno Dugnano (MI)
Checchin Vetri srl	Casella Postale, 24	30030 Favaro Veneto
Chierichetti	Via U. Foscolo, 4	21052 Busto Arsizio
Co. Vetro SpA	Via La Bruina	10400 Volvera
Climanord SpA	Via Pacinotti, 9	37100 Verona
Darglass SpA	Via Orzinuovi, 129	25100 Brescia
Emar di Arosio R. sas	Viale Regina Margherita	20050 Macherio
Ferrari Vetri sas	Via Gigli, 24	21052 Busto Arsizio
Fontana Luigi & C. SpA	Via Romagnoli, 6	20146 Milano
Giannobi Aurelio	Via I. Nievo, 28	20038 Seregno
Glass Fer di Pina Sergio sas	Via S. Maurizio, 66	22036 Erba
Isolar Glass SpA	Via S. Lorenzo (casella postale 72)	39031 Brunico
Mariani & Colnaghi	Via Como, 89	20035 Lissone
Meregalli & Radaelli	Via Grigna, 13	20031 Cesano Maderno
Mioni sas	Via Enrico Fermi, 13	36015 Schio
Multiglass SpA	Località Nuova Betosca	24050 Orio al Serio
Pandiani Giovanni	Via Pisacane, 49	20129 Milano
F.lli Ravera C e A	Strada Beinette Tetto Garetto	12100 Cuneo
Rotondi Daniele e C.	Via Bordighera, 32	20142 Milano
Arosio Carlo	Via Zanelli, 14	20035 Lissone
Socover SpA	Via G. Colombo, 81/A	20100 Milano
Soc. vetraria biancadese	Via Paris Bordone, 74	31030 Biancade
Standard Serramenti	Via Dalmazia, 3	20059 Vimercate
Veca di Cesana & C. SpA	Via Di Vona, 91	20062 Cassano d'Adda
Vetraria d'Adda SpA	Strada Statale Cremasca	24052 Azzano San Paolo
Vetraria d'Adda sas	Via F. Argellati, 1/A	20143 Milano
Vetraria Galimberti	Via Longoni, 104	20030 Barlassina
Vetraria Rima Desio	Via Tagliabue, 91	20033 Desio
Vetreria Longoni	Via San Carlo	20042 Albiate
Vetrobrianza SpA	Via Milano, 22	22063 Cantù
Vetromeccaniche italiane SpA	Casata Centurione, 32/R	16100 Genova
Vismara Elia snc	Via Cavour, 143	20034 Giussano
F.lli Zadra	Piazza Mercato, 2	32100 Belluno
Vetreria Muller	Via del Vigneto, 9	39100 Bolzano
Vetrobergamo SpA	Via Provinciale	24040 Lallio
VAM dei F.lli Restelli snc	Via Isonzo, 64	21042 Caronno Pertusella
La Vetreria snc	Via Botti, 12	28044 Intra
Vetrodomus di Pastore e C.	Via Altipiano di Asiago, 5	25100 Brescia
Società Cristalli Temperati	Regione Carpine, Via Alba, 13	10024 Moncalieri (Torino)
PELV	Via Lambertenghi, 14	20159 Milano
Giacomo Sangalli	Via Conegliano, 75	31058 Susegana
Vetraria Cogliati sns	Viale della Repubblica, 85	20035 Lissone

ANNEX B**ASVIC members**

Camaeti Amedeo Figli snc	Via P. D'Altri, Diegaro 1°	47023 Cesena
Revel Carlo sas	Passo Varano	60100 Ancona
Ilva Specchi di F.lli Molinelli	Via San Germano, 114	61010 Tavullia (PS)
Manifattura Specchi e Vetro Felice Quentin SpA	Via San Morese, 55-57	50019 Sesto Fiorentino
Cristal Luxor di Lupi Antonio	Via Maremmana, 7	50050 Stabbia-Sovana
Nova Vetro	Via M. Giuntini	56023 Navacchio
Vetreria Osimana di Mario Signori	Via Settenpedana, 88	60027 Osimo
Ives snc	Via Becci, Villa San Martino	61100 Pesaro
Vetreria Artistica snc	Via Archimede, 480, Case Castagnoli	47023 Cesena
Vetreria Fratelli Gori	Via Pratese, 103	51100 Pistoia
Giachetti Pilade snc	Via Arno Osmannoro	50019 Sesto Fiorentino
Vetreria Vitrum	Via dei Procacci, 107, Località Soriella	52046 Lucignano
Industria del Vetro di Morbidelli e C.	Zona Industriale del Porto	60100 Ancona
Vetreria Fratelli Mariani snc	Via XX Settembre, 48	06034 Foligno (PG)
Luigi Fontana e C. sp.	Via E. Romagnoli, 6	20100 Milano
