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Contents

I *Acts whose publication is obligatory*

- ★ Council Regulation (EEC) No 3735/81 of 7 December 1981 establishing indicative ceilings and Community supervision for imports of certain products originating in Austria (1982) 1
- ★ Council Regulation (EEC) No 3736/81 of 7 December 1981 establishing indicative ceilings and Community supervision for imports of certain products originating in Finland (1982) 6
- ★ Council Regulation (EEC) No 3737/81 of 7 December 1981 establishing indicative ceilings and Community supervision for imports of certain products originating in Norway (1982) 11
- ★ Council Regulation (EEC) No 3738/81 of 7 December 1981 establishing indicative ceilings and Community supervision for imports of certain products originating in Sweden (1982) 15
- ★ Council Regulation (EEC) No 3739/81 of 7 December 1981 establishing ceilings and Community supervision for imports of certain products originating in Portugal (1982) 21
- ★ Council Regulation (EEC) No 3740/81 of 7 December 1981 opening, allocating and providing for the administration of a Community tariff quota for certain textile fibres, falling within heading No 56.04 of the Common Customs Tariff and originating in Cyprus (1982) 24
- ★ Council Regulation (EEC) No 3741/81 of 7 December 1981 opening, allocating and providing for the administration of a Community tariff quota for men's and boys' outer garments, falling within heading No 61.01 of the Common Customs Tariff and originating in Cyprus (1982) 27
- ★ Council Regulation (EEC) No 3742/81 of 7 December 1981 opening, allocating and providing for the administration of a Community tariff quota for certain petroleum products, falling within Chapter 27 of the Common Customs Tariff and refined in Spain (1982) 30

Contents (continued)

- ★ Council Regulation (EEC) No 3743/81 of 7 December 1981 opening, allocating and providing for the administration of a Community tariff quota for other woven fabrics of cotton, falling within heading No 55.09 of the Common Customs Tariff and originating in Spain (1982) 34
 - ★ Council Regulation (EEC) No 3744/81 of 7 December 1981 concerning Community projects in the field of microelectronic technology 38
-

II *Acts whose publication is not obligatory*

Council

81/1051/EEC:

- ★ Council Directive of 7 December 1981 amending Directive 79/113/EEC on the approximation of the laws of the Member States relating to the determination of the noise emission of construction plant and equipment 49

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3735/81**of 7 December 1981****establishing indicative ceilings and Community supervision for imports of certain products
originating in Austria (1982)**

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 proposal from the Commission,

Whereas an Agreement between the European
Economic Community and the Republic of Austria ⁽¹⁾
was signed on 22 July 1972; whereas an Additional
Protocol ⁽²⁾ was signed on 28 November 1980 as a
result of the accession of the Hellenic Republic to the
Community;

Whereas Articles 1, 2 and 3 of Protocol 1, annexed to
the Agreement, make provision for a specific
timetable for the progressive abolition of customs
duties in respect of the products to which the
Agreement applies; whereas the imports of these
products are limited to annual indicative ceilings
above which the customs duties applicable to third
countries may be reintroduced; whereas, however, the
Community has to suspend the application of certain
ceilings; whereas, therefore, the ceilings to be applied
in 1982 must be established; whereas, in this situation,
it is also necessary that the Commission be regularly
informed of the trend of the imports of the products
in question and, in consequence, it is necessary to
subject these imports to supervision;

Whereas this objective may be achieved by means of
an administrative procedure based on setting off
imports of the products in question against the
indicative ceilings at Community level, as and when
these products are entered with customs authorities

for free circulation; whereas this administrative
procedure must make provision for the reintroduction
of customs tariff duties as soon as the ceilings have
been reached at Community level;

Whereas this administrative procedure requires close
and particularly rapid cooperation between the
Member States and the Commission; whereas the
latter must, in particular, be able to follow the
progress of amounts set off against the indicative
ceilings and keep the Member States informed;
whereas this cooperation must be all the closer since
the Commission must be able to take adequate
measures to reintroduce customs tariff duties
whenever one of the ceilings has been reached;

Whereas the trend of imports should be followed for
certain products for which, under Article 3 of
Protocol 1, the Community has suspended the
application of ceilings; whereas it is therefore
desirable that imports of such products should be
subject to supervision,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1982, imports
of products originating in Austria and indicated in
Annex I shall be subject to indicative ceilings and to
Community supervision.

The description of the products referred to in the
preceding subparagraph, their tariff headings and
statistic numbers and the levels of the indicative
ceilings are given in Annex I.

2. Amounts shall be set off against the indicative
ceilings as and when the goods are entered with
customs authorities for free circulation and
accompanied by a movement certificate conforming
to the rules contained in Protocol 3 to the
Agreement.

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 1.

⁽²⁾ OJ No L 357, 30. 12. 1980, p. 1.

Goods shall be set off against the indicative ceiling only if the movement certificate has been submitted before the date on which customs duties are reimposed.

The reaching of a ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules; such information shall be supplied under the conditions laid down in paragraph 4.

3. As soon as the ceilings have been reached the Commission may issue a Regulation reimposing the customs duties provided for in Article 3 (f) of Protocol 1 to the Agreement until the end of the calendar year.

In the case of such reimposition, Greece shall introduce the levying of the duties which it applies to third countries at the date in question.

As soon as the amounts set off against the ceilings within its territory have reached the amounts indicated in Annex I, Greece may reintroduce, until the end of the calendar year, the levying of the customs duties which it applies to third countries at the date in question. It shall notify the Commission, which shall inform the other Member States of this fact. Paragraph 2 shall apply *mutatis mutandis*.

4. Member States shall forward to the Commission, not later than the 15th day of each month, statements of the amounts set off during the

preceding month. They shall, if the Commission so requests, make up such statements for periods of 10 days and forward them within five clear days of expiry of the preceding 10-day period.

Article 2

From 1 January to 31 December 1982, imports of the products referred to in Annex II which originate in Austria shall be subject to Community supervision.

Member States shall forward to the Commission, not later than the 15th day of each month, statements of imports of the products in question effected during the preceding month; to this end, only products submitted to the customs authorities under cover of an entry for free circulation and accompanied by a movement certificate conforming to the rules contained in Protocol 3 to the Agreement shall be taken into consideration.

Article 3

For the implementation of this Regulation the Commission shall take all necessary measures in close cooperation with the Member States.

Article 4

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels, 7 December 1981.

For the Council

The President

CARRINGTON

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATIVE CEILINGS UPON IMPORTATION IN
1982

Order No	CCT heading No	Description	NIMEXE code	Level of the a) Community ceiling b) amount concerning Greece (tonnes)
1	2	3	4	5
I A 1	48.01	Paper and paperboard (including cellulose wadding), in rolls or sheets: C. Kraft paper and kraft board: ex II. Other: — Excluding kraftliner paper (a) and kraft paper for large-capacity sacks (a)	48.01-40; 42; 44; 46; 48; 50; 51	Ceiling delayed
		ex F. Other: — Bible paper, manifold (thin typing) paper; printing paper and writing paper, containing not more than 5 % of mechanical wood pulp (a)		
		— Printing paper and writing paper, containing more than 5 % of mechanical wood pulp (a)		
I A 2	48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not constituting printed matter within Chapter 49), in rolls or sheets: ex C. Bleached paper and paperboard, coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 g or more per m ² : — Coated printing or writing paper	48.07-ex 41; ex 45	a) 76 910 b) 4 518
		ex D. Other: — Coated printing or writing paper		
I A 4	48.07	ex C. Bleached paper and paperboard, coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 g or more per m ² : — Other, excluding coated printing or writing paper	48.07-ex 41; ex 45	a) 51 632 b) 5 104
		ex D. Other: — Other, excluding coated printing or writing paper		
I A 5	48.07	ex C. Bleached paper and paperboard, coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 g or more per m ² : — Other, excluding coated printing or writing paper	48.07-ex 41; ex 45	a) 17 112 b) 1 692
		ex D. Other: — Other, excluding coated printing or writing paper		
I A 6	48.15	Other paper and paperboard, cut to size or shape: B. Other	48.15-10; 21; 29; 30; 40; 50; 61; 65; 95; 99	a) 22 932 b) 183

(a) Subject to compliance with the definitions given in Annex III.

ANNEX II

LIST OF PRODUCTS REFERRED TO IN ARTICLE 2

Order No	CCT heading No	Description	NIMEXE code
1	2	3	4
[II A 1]	48.01	Paper and paperboard (including cellulose wadding), in rolls or sheets:	
II A 2		ex F. Other: — Other, excluding cellulose wadding, webs of cellulose fibres (soft tissues), semi-chemical fluting paper (a) and sulphite wrapping and packaging paper (a)	48.01-60; 63; 68; 70; 71; 72; 74; 89; 90; 92; 94; 96; 98; 99

(a) Subject to compliance with the definitions given in Annex III.

*ANNEX III***DEFINITIONS**

- ex 48.01 C II **Kraftliner**
'Kraftliner' means machine-finished or machine-glazed paper or paperboard, in rolls, containing not less than 80 % of chemical sulphate softwood pulp calculated on total fibre content, weighing more than 115 g/m² and having a Mullen burst ratio of not less than 35.
- ex 48.01 C II **Kraft paper for large-capacity sacks**
'Kraft paper for large-capacity sacks' means machine-finished paper, in rolls, containing not less than 80 % of chemical sulphate softwood pulp calculated on total fibre content, weighing not less than 60 g/m² but not more than 115 g/m², having a Mullen burst ratio of not less than 38, and having a stretch factor of more than 4.5 % in the cross direction and of more than 2 % in the machine direction.
- ex 48.01 F **Printing paper and writing paper, containing not more than 5 % of mechanical wood pulp**
'Printing paper and writing paper, containing not more than 5 % of mechanical wood pulp' means paper other than machine-glazed, used for printing or writing, which contains not more than 5 % of mechanical wood pulp calculated on total fibre content.
- ex 48.01 F **Printing paper and writing paper, containing mechanical wood pulp**
'Printing paper and writing paper, containing mechanical wood pulp' means paper other than machine-glazed, used for printing and writing, containing more than 5 % of mechanical wood pulp calculated on total fibre content.
- ex 48.01 F **Semi-chemical fluting paper**
'Semi-chemical fluting paper' means paper, in rolls, containing not less than 65 % of unbleached semi-chemical hardwood pulp (pulp obtained from wood by light chemical treatment followed by mechanical treatment) calculated on total fibre content and having a CMT (Concora Medium Test) crush resistance exceeding 20 kp.
- ex 48.01 F **Sulphite wrapping and packaging paper**
'Sulphite wrapping and packaging paper' means machine-glazed paper, containing more than 40 % of chemical bisulphite wood pulp, calculated on total fibre content, having an ash content of not more than 8 % and having a Mullen burst ratio of not less than 15.
-

COUNCIL REGULATION (EEC) No 3736/81

of 7 December 1981

**establishing indicative ceilings and Community supervision for imports of certain products
originating in Finland (1982)**

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 proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Finland ⁽¹⁾ was signed on 5 October 1973; whereas an Additional Protocol ⁽²⁾ was signed on 6 November 1980 as a result of the accession of the Hellenic Republic to the Community;

Whereas Articles 1, 2 and 3 of Protocol 1, annexed to the Agreement, make provision for a specific timetable for the progressive abolition of customs duties in respect of the products to which the Agreement applies; whereas the imports of these products are limited to annual indicative ceilings above which the customs duties applicable to third countries may be reintroduced; whereas, however, the Community has to suspend the application of certain ceilings; whereas, therefore, the ceilings to be applied in 1982 must be established; whereas, in this situation, it is also necessary that the Commission be regularly informed of the trend of the imports of the products in question and, in consequence, it is necessary to subject these imports to supervision;

Whereas this objective may be achieved by means of an administrative procedure based on setting off imports of the products in question against the indicative ceilings at Community level, as and when these products are entered with customs authorities for free circulation; whereas this administrative procedure must make provision for the reintroduction of customs tariff duties as soon as the ceilings have been reached at Community level;

Whereas this administrative procedure requires close and particularly rapid cooperation between the

Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of amounts set off against the indicative ceilings and keep the Member States informed; whereas this cooperation must be all the closer since the Commission must be able to take adequate measures to reintroduce customs tariff duties whenever one of the ceilings has been reached;

Whereas the trend of imports should be followed for certain products for which, under Article 3 of Protocol 1, the Community has suspended the application of ceilings; whereas it is therefore desirable that imports of such products should be subject to supervision,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1982, imports of products originating in Finland and indicated in Annex I shall be subject to indicative ceilings and to Community supervision.

The description of the products referred to in the preceding subparagraph, their tariff headings and statistic numbers and the levels of the indicative ceilings are given in Annex I.

2. Amounts shall be set off against the indicative ceilings as and when products are entered with customs authorities for free circulation and accompanied by a movement certificate conforming to the rules contained in Protocol 3 to the Agreement.

Goods shall be set off against the indicative ceiling only if the movement certificate has been submitted before the date on which customs duties are reimposed.

The reaching of a ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules; such information shall be supplied under the conditions laid down in paragraph 4.

⁽¹⁾ OJ No L 328, 28. 11. 1973, p. 2.

⁽²⁾ OJ No L 357, 30. 12. 1980, p. 27.

3. As soon as the ceilings have been reached, the Commission may issue a Regulation reimposing the customs duties provided for in Article 3 (f) of Protocol 1 to the Agreement until the end of the calendar year.

In the case of such reintroduction, Greece shall introduce the levying of the duties which it applies to third countries at the date in question.

As soon as the amounts set off against the ceilings within its territory have reached the amounts indicated in Annex I, Greece may reintroduce, until the end of the calendar year, the levying of the duties which it applies to third countries at the date in question. It shall notify the Commission which shall inform the other Member States of this fact. Paragraph 2 shall apply *mutatis mutandis*.

4. Member States shall forward to the Commission, not later than the 15th day of each

month, statements of the amounts set off during the preceding month. They shall, if the Commission so requests, make up such statements for periods of 10 days and forward them within five clear days of expiry of the preceding 10-day period.

Article 2

For the implementation of this Regulation the Commission shall take all necessary measures in close cooperation with the Member States.

Article 3

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels, 7 December 1981.

For the Council

The President

CARRINGTON

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATIVE CEILINGS UPON IMPORTATION IN
1982

Order No	CCT heading No	Description	NIMEXE code	Level of the a) Community ceiling b) amount concerning Greece (tonnes)
1	2	3	4	5
	48.01	Paper and paperboard (including cellulose wadding), in rolls or sheets: C. Kraft paper and kraft board: II. Other:		
I SF 1		— Kraftliner paper and boards (a)	48.01-20; 22; 24; 30; 32; 34; 36; 38; 39	Ceiling delayed
I SF 2		— Kraft paper for large-capacity sacks (a)	48.01-07; 10	Ceiling delayed
I SF 3		— Other	48.01-40; 42; 44; 46; 48; 50; 51	Ceiling delayed
		ex F. Other:		
I SF 4		— Bible paper, manifold (thin typing) paper; printing paper and writing paper, containing not more than 5 % of mechanical wood pulp (a)	48.01-76; 78; 80	a) 42 762 b) 239
I SF 5		— Printing paper and writing paper, containing more than 5 % of mechanical wood pulp (a)	48.01-79; 81	Ceiling delayed
I SF 6		— Semi-chemical fluting paper (a)	48.01-87	Ceiling delayed
I SF 7		— Sulphite wrapping and packaging paper (a)	48.01-83; 85	Ceiling delayed
I SF 8		— Other, excluding cellulose wadding and webs of cellulose fibres (soft tissues)	48.01-60; 63; 68; 70; 71; 72; 74; 89; 90; 92; 94; 96; 98; 99	Ceiling delayed
I SF 9	48.03	Parchment or greaseproof paper and paperboard, and imitations thereof, and glazed transparent paper, in rolls or sheets	48.03 all Nos	Ceiling delayed
	48.05	Paper and paperboard, corrugated (with or without flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets:		
I SF 10		B. Other	48.05-21; 29; 30; 50; 80	Ceiling delayed
	48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not constituting printed matter within Chapter 49), in rolls or sheets:		

(a) Subject to compliance with the definitions given in Annex II.

Order No	CCT heading No	Description	NIMEXE code	Level of the a) Community ceiling b) amount concerning Greece (tonnes)
1	2	3	4	5
I SF 11	48.15	ex C. Bleached paper and paperboard, coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 g or more per m ² : — Coated printing or writing paper	48.07-ex 41; ex 45	a) 61 245 b) 2 852
		ex D. Other: — Coated printing or writing paper	48.07-57; 58; 59	
I SF 12		ex C. Bleached paper and paperboard, coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 g or more per m ² : — Other, excluding coated printing or writing paper	48.07-ex 41; ex 45	a) 233 672 b) 1 870
		ex D. Other: — Other, excluding coated printing or writing paper	48.07-55; 56; 64; 67; 71; 73; 75; 77; 85; 91; 97; 99	
I SF 13		Other paper and paperboard, cut to size or shape: B. Other	48.15-10; 21; 29; 30; 40; 50; 61; 65; 95; 99	Ceiling delayed

ANNEX II

DEFINITIONS

- ex 48.01 C II **Kraftliner**
'Kraftliner' means machine-finished or machine-glazed paper or paperboard, in rolls, containing not less than 80 % of chemical sulphate softwood pulp calculated on total fibre content, weighing more than 115 g/m² and having a Mullen burst ratio of not less than 35.
- ex 48.01 C II **Kraft paper for large-capacity sacks**
'Kraft paper for large-capacity sacks' means machine-finished paper, in rolls, containing not less than 80 % of chemical sulphate softwood pulp calculated on total fibre content, weighing not less than 60 g/m² but not more than 155 g/m², having a Mullen burst ratio of not less than 38, and having a stretch factor of more than 4.5 % in the cross direction and of more than 2 % in the machine direction.
- ex 48.01 F **Printing paper and writing paper, containing not more than 5 % of mechanical wood pulp**
'Printing paper and writing paper, containing not more than 5 % of mechanical wood pulp' means paper other than machine-glazed, used for printing or writing, which contains not more than 5 % of mechanical wood pulp calculated on total fibre content.
- ex 48.01 F **Printing paper and writing paper, containing mechanical wood pulp**
'Printing paper and writing paper containing mechanical wood pulp' means paper other than machine-glazed, used for printing and writing, containing more than 5 % of mechanical wood pulp calculated on total fibre content.
- ex 48.01 F **Semi-chemical fluting paper**
'Semi-chemical fluting paper' means paper, in rolls, containing not less than 65 % of unbleached semi-chemical hardwood pulp (pulp obtained from wood by light chemical treatment followed by mechanical treatment) calculated on total fibre content and having a CMT (Concora Medium Test) crush resistance exceeding 20 kp.
- ex 48.01 F **Sulphite wrapping and packaging paper**
'Sulphite wrapping and packaging paper' means machine-glazed paper, containing more than 40 % of chemical bisulphite wood pulp, calculated on total fibre content, having an ash content of not more than 8 % and having a Mullen burst ratio of not less than 15.
-

COUNCIL REGULATION (EEC) No 3737/81**of 7 December 1981****establishing indicative ceilings and Community supervision for imports of certain products
originating in Norway (1982)**

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 proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Norway ⁽¹⁾ was signed on 14 May 1973; whereas an Additional Protocol ⁽²⁾ was signed on 6 November 1980 as a result of the accession of the Hellenic Republic to the Community;

Whereas Articles 1 to 4 of Protocol 1, annexed to the Agreement, make provision for a specific timetable for the progressive abolition of customs duties in respect of the products to which the Agreement applies; whereas the imports of these products are limited to annual indicative ceilings above which the customs duties applicable to third countries may be reintroduced; whereas, however, the Community has to suspend the application of certain ceilings; whereas, therefore, the ceilings to be applied in 1982 must be established; whereas, in this situation, it is also necessary that the Commission be regularly informed of the trend of the imports of the products in question and, in consequence, it is necessary to subject these imports to supervision;

Whereas this objective may be achieved by means of an administrative procedure based on setting off imports of the products in question against the indicative ceilings at Community level, as and when these products are entered with customs authorities for free circulation; whereas this administrative procedure must make provision for the reintroduction of customs tariff duties as soon as the ceilings have been reached at Community level;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the

progress of amounts set off against the indicative ceilings and keep the Member States informed; whereas this cooperation must be all the closer since the Commission must be able to take adequate measures to reintroduce customs tariff duties whenever one of the ceilings has been reached;

Whereas the trend of imports should be followed for certain products for which, under Article 4 of Protocol 1, the Community has suspended the application of ceilings; whereas it is therefore desirable that imports of such products should be subject to supervision,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1982, imports of products originating in Norway and indicated in Annex I shall be subject to indicative ceilings and to Community supervision.

The description of the products referred to in the preceding subparagraph, their tariff headings and statistic numbers and the levels of the indicative ceilings are given in Annex I.

2. Amounts shall be set off against the indicative ceilings as and when the goods are entered with customs authorities for free circulation and accompanied by a movement certificate conforming to the rules contained in Protocol 3 to the Agreement.

Goods shall be set off against the indicative ceiling only if the movement certificate has been submitted before the date on which customs duties are reimposed.

The reaching of a ceiling shall be determined at Community level on the basis of imports set off against it in the manner defined in the preceding subparagraphs.

The Member States shall periodically inform the Commission of imports effected in accordance with the above rules; such information shall be supplied under the conditions laid down in paragraph 4.

3. As soon as the ceilings have been reached, the Commission may issue a Regulation reimposing the

⁽¹⁾ OJ No L 171, 27. 6. 1973, p. 2.

⁽²⁾ OJ No L 357, 30. 12. 1980, p. 78.

customs duties provided for in Article 4 (f) of Protocol 1 to the Agreement until the end of the calendar year.

In the case of such reimposition, Greece shall introduce the levying of the duties which it applies to third countries at the date in question.

As soon as the amounts set off against the ceilings within its territory have reached the amounts indicated in Annex I, Greece may reintroduce, until the end of the calendar year, the levying of the duties which it applies to third countries at the date in question. It shall notify the Commission which shall inform the other Member States of this fact. Paragraph 2 shall apply *mutatis mutandis*.

4. Member States shall forward to the Commission not later than the 15th day of each month statements

of the amounts set off during the preceding month. They shall, if the Commission so requests, make up such statements for periods of 10 days and forward them within five clear days of expiry of the preceding 10-day period.

Article 2

For the implementation of this Regulation the Commission shall take all necessary measures in close cooperation with the Member States.

Article 3

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels, 7 December 1981.

For the Council

The President

CARRINGTON

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATIVE CEILINGS UPON IMPORTATION IN
1982

Order No	CCT heading No	Description	NIMEXE code	Level of the a) Community ceiling b) amount concerning Greece (tonnes)
1	2	3	4	5
[IN 1]	48.01	Paper and paperboard (including cellulose wadding), in rolls or sheets: C. Kraft paper and kraft board: II. Other:		
IN 2		— Kraftliner paper and board (a)	48.01-20; 22; 24; 30; 32; 34; 36; 38; 39	Ceiling delayed
IN 3		— Kraft paper for large-capacity sacks (a)	48.01-07; 10	Ceiling delayed
IN 4		— Other	48.01-40; 42; 44; 46; 48; 50; 51	Ceiling delayed
		ex F. Other:		
IN 5		— Bible paper, manifold (thin typing paper; printing paper and writing paper, containing not more than 5 % of mechanical wood pulp (a)	48.01-76; 78; 80	Ceiling delayed
IN 6		— Printing paper and writing paper, containing more than 5 % of mechanical wood pulp (a)	48.01-79; 81	Ceiling delayed
IN 7		— Semi-chemical fluting paper (a)	48.01-87	Ceiling delayed
IN 8		— Sulphite wrapping and packaging paper (a)	48.01-83; 85	Ceiling delayed
IN 9		— Other, excluding cellulose wadding and webs of cellulose fibres (soft tissues)	48.01-60; 63; 68; 70; 71; 72; 74; 89; 90; 92; 94; 96; 98; 99	Ceiling delayed
IN 10	48.03	Parchment of greaseproof paper and paperboard, and imitations thereof, and glazed transparent paper, in rolls or sheets	48.03 all Nos	Ceiling delayed
	48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not constituting printed matter within Chapter 49), in rolls or sheets: ex C. Bleached paper and paperboard, coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 g or more per m ² : — Other, excluding coated printing or writing paper	48.07-ex 41; ex 45	
IN 11		ex D. Other: — Other, excluding coated printing or writing paper	48.07-55; 56; 64; 67; 71; 73; 75; 77; 85; 91; 97; 99	a) 32 726 b) 223

(a) Subject to compliance with the definitions given in Annex II.

*ANNEX II***DEFINITIONS**

- ex 48.01 C II **Kraftliner**
- 'Kraftliner' means machine-finished or machine-glazed paper or paperboard, in rolls, containing not less than 80 % of chemical sulphate softwood pulp calculated on total fibre content, weighing more than 115 g/m² and having a Mullen burst ratio of not less than 35.
- ex 48.01 C II **Kraft paper for large-capacity sacks**
- 'Kraft paper for large-capacity sacks' means machine-finished paper, in rolls, containing not less than 80 % of chemical sulphate softwood pulp calculated on total fibre content, weighing not less than 60 g/m² but not more than 115 g/m², having a Mullen burst ratio of not less than 38, and having a stretch factor of more than 4.5 % in the cross direction and of more than 2 % in the machine direction.
- ex 48.01 F **Printing paper and writing paper, containing not more than 5 % of mechanical wood pulp**
- 'Printing paper and writing paper, containing not more than 5 % of mechanical wood pulp' means paper other than machine-glazed, used for printing or writing, which contains not more than 5 % of mechanical wood pulp calculated on total fibre content.
- ex 48.01 F **Printing paper and writing paper, containing mechanical wood pulp**
- 'Printing paper and writing paper containing mechanical wood pulp' means paper other than machine-glazed, used for printing and writing, containing more than 5 % of mechanical wood pulp calculated on total fibre content.
- ex 48.01 F **Semi-chemical fluting paper**
- 'Semi-chemical fluting paper' means paper, in rolls, containing not less than 65 % of unbleached semi-chemical hardwood pulp (pulp obtained from wood by light chemical treatment followed by mechanical treatment) calculated on total fibre content and having a CMT (Concora Medium Test) crush resistance exceeding 20 kp.
- ex 48.01 F **Sulphite wrapping and packaging paper**
- 'Sulphite wrapping and packaging paper' means machine-glazed paper, containing more than 40 % of chemical bisulphite wood pulp, calculated on total fibre content, having an ash content of not more than 8 % and having a Mullen burst ratio of not less than 15.
-

COUNCIL REGULATION (EEC) No 3738/81

of 7 December 1981

establishing indicative ceilings and Community supervision for imports of certain products
originating in Sweden (1982)

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 proposal from the Commission,

Whereas an Agreement between the European
Economic Community and the Kingdom of Sweden ⁽¹⁾
was signed on 22 July 1972; whereas an Additional
Protocol ⁽²⁾ was signed on 6 November 1980 as a
result of the accession of the Hellenic Republic to the
Community;

Whereas Articles 1, 2 and 3 of Protocol 1, annexed to
the Agreement, make provision for a specific
timetable for the progressive abolition of customs
duties in respect of the products to which the
Agreement applies; whereas the imports of these
products are limited to annual indicative ceilings
above which the customs duties applicable to third
countries may be reintroduced; whereas, however, the
Community has to suspend the application of certain
ceilings; whereas, therefore, the ceilings to be applied
in 1982 must be established; whereas, in this situation,
it is also necessary that the Commission be regularly
informed of the trend of the imports of the products
in question and, in consequence, it is necessary to
subject these imports to supervision;

Whereas this objective may be achieved by means of
an administrative procedure based on setting off
imports of the products in question against the
indicative ceilings at Community level, as and when
these products are entered with customs authorities
for free circulation; whereas this administrative
procedure must make provision for the reintroduction
of customs tariff duties as soon as the ceilings have
been reached at Community level;

Whereas this administrative procedure requires close
and particularly rapid cooperation between the

Member States and the Commission; whereas the
latter must, in particular, be able to follow the
progress of amounts set off against the indicative
ceilings and keep the Member States informed;
whereas this cooperation must be all the closer since
the Commission must be able to take adequate
measures to reintroduce customs tariff duties
whenever one of the ceilings has been reached;

Whereas the trend of imports should be followed for
certain products for which, under Article 3 of
Protocol 1, the Community has suspended the
application of ceilings; whereas it is therefore
desirable that imports of such products should be
subject to supervision,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1982, imports
of products originating in Sweden and indicated in
Annex I shall be subject to indicative ceilings and to
Community supervision.

The description of the products referred to in the
preceding subparagraph, their tariff headings and
statistic numbers and the levels of the indicative
ceilings are given in Annex I.

2. Amounts shall be set off against the indicative
ceilings as and when products are entered with
customs authorities for free circulation and
accompanied by a movement certificate conforming
to the rules contained in Protocol 3 to the
Agreement.

Goods shall be set off against the indicative ceiling
only if the movement certificate has been submitted
before the date on which customs duties are
reimposed.

The reaching of a ceiling shall be determined at
Community level on the basis of imports set off
against it in the manner defined in the preceding
subparagraphs.

The Member States shall periodically inform the
Commission of imports effected in accordance with

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 96.

⁽²⁾ OJ No L 357, 30. 12. 1980, p. 104.

the above rules; such information shall be supplied under the conditions laid down in paragraph 4.

3. As soon as the ceilings have been reached, the Commission may issue a Regulation reimposing the customs duties provided for in Article 3 (f) of Protocol 1 to the Agreement until the end of the calendar year.

In the case of such reimposition, Greece shall introduce the levying of the duties which it applies to third countries at the date in question.

As soon as the amounts set off against the ceilings within its territory have reached the amounts indicated in Annex I, Greece may reintroduce, until the end of the calendar year, the levying of the duties which it applies to third countries at the date in question. It shall notify the Commission which shall inform the other Member States of this fact. Paragraph 2 shall apply *mutatis mutandis*.

4. Member States shall forward to the Commission not later than the 15th day of each month statements of the amounts set off during the preceding month. They shall, if the Commission so requests, make up such statements for periods of 10 days and forward them within five clear days of expiry of the preceding 10-day period.

Article 2

From 1 January to 31 December 1982, imports of the products referred to in Annex II which originate in Sweden shall be subject to Community supervision.

Member States shall forward to the Commission not later than the 15th day of each month statements of imports of the products in question effected during the preceding month; to this end, only products submitted to the customs authorities under cover of an entry for free circulation and accompanied by a movement certificate conforming to the rules contained in Protocol 3 to the Agreement shall be taken into consideration.

Article 3

For the implementation of this Regulation the Commission shall take all necessary measures in close cooperation with the Member States.

Article 4

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels, 7 December 1981.

For the Council

The President

CARRINGTON

ANNEX I

LIST OF PRODUCTS SUBJECT TO INDICATIVE CEILINGS UPON IMPORTATION IN
1982

Order No	CCT heading No	Description	NIMEXE code	Level of the a) Community ceiling b) amount concerning Greece (tonnes)
1	2	3	4	5
	48.01	Paper and paperboard (including cellulose wadding), in rolls or sheets: C. Kraft paper and kraft board: II. Other:		
IS 1		— Kraftliner paper and board (a)	48.01-20; 22; 24; 30; 32; 34; 36; 38; 39	a) 545 818 b) 8 579
IS 2		— Kraft paper for large-capacity sacks (a)	48.01-07; 10	Ceiling delayed
IS 3		— Other	48.01-40; 42; 44; 46; 48; 50; 51	Ceiling delayed
		ex F. Other:		
IS 4		— Bible paper, manifold (thin typing) paper; printing paper and writing paper, containing not more than 5 % of mechanical wood pulp (a)	48.01-76; 78; 80	a) 39 404 b) 130
IS 5		— Printing paper and writing paper, containing more than 5 % of mechanical wood pulp (a)	48.01-79; 81	a) 173 525 b) 6 586
IS 6		— Semi-chemical fluting paper for corrugated paperboard (a)	48.01-87	Ceiling delayed
IS 7		— Other, excluding cellulose wadding and webs of cellulose fibres (soft tissues)	48.01-60; 63; 68; 70; 71; 72; 74; 89; 90; 92; 94; 96; 98; 99	Ceiling delayed
IS 8	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	48.04 all Nos	Ceiling delayed
	48.05	Paper and paperboard, corrugated (with or without flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets:		
IS 9		B. Other	48.05-21; 29; 30; 50; 80	a) 62 400 b) 10
	48.07	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not constituting printed matter within Chapter 49), in rolls or sheets:		

(a) Subject to compliance with the definitions given in Annex III.

Order No	CCT heading No	Description	NIMEXE code	Level of the a) Community ceiling b) amount concerning Greece (tonnes)
1	2	3	4	5
I S 10		ex C. Bleached paper and paperboard, coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 g or more per m ² : — Coated printing or writing paper	48.07-ex 41; ex 45	a) 53 102 b) 952
		ex D. Other: — Coated printing or writing paper	48.07-57; 58; 59	
I S 11		ex C. Bleached paper and paperboard, coated with kaolin or coated or impregnated with artificial plastic materials, weighing 160 g or more per m ² : — Other, excluding coated printing or writing paper	48.07-ex 41; ex 45	a) 142 654 b) 260
		ex D. Other: — Other, excluding coated printing or writing paper	48.07-55; 56; 64; 67; 71; 73; 75; 77; 85; 91; 97; 99	
I S 12	48.15	Other paper and paperboard, cut to size or shape: B. Other	48.15-10; 21; 29; 30; 40; 50; 61; 65; 95; 99	a) 16 108 b) 10
	48.16	Boxes, bags and other packing containers, of paper or paperboard; box files, letter trays and similar articles, of paper or paperboard, of a kind commonly used in offices, shops and the like:		
I S 13		A. Boxes, bags and other packing containers	48.16-10; 91; 95; 96; 98	Ceiling delayed
I S 14	48.21	Other articles of paper pulp, paper, paperboard or cellulose wadding:		
		B. Napkins and napkinliners, for babies D. Bed linen, table linen, toilet linen (including handkerchiefs and cleansing tissues) and kitchen linen; garments E. Sanitary towels and tampons F. Other	48.07-05; 11; 25; 27; 33; 39; 41; 45; 47; 50; 60; 70; 90	a) 17 667 b) 5

ANNEX II

LIST OF PRODUCTS REFERRED TO IN ARTICLE 2

Order No	CCT heading No	Description	NIMEXE code
1	2	3	4
[II S 1] [II S 2]	48.01	Paper and paperboard (including cellulose wadding), in rolls or sheets: ex F. Other:	
II S 3		— Sulphite wrapping and packaging paper (a)	48.01-83; 85
II S 4	48.03	Parchment or greaseproof paper and paperboard, and imitations thereof, and glazed transparent paper, in rolls or sheets	48.03 all Nos

(a) Subject to compliance with the definitions given in Annex III.

*ANNEX III***DEFINITIONS**

- ex 48.01 C II **Kraftliner**
'Kraftliner' means machine-finished or machine-glazed paper or paperboard, in rolls, containing not less than 80 % of chemical sulphate softwood pulp calculated on total fibre content, weighing more than 115 g/m² and having a Mullen burst ratio of not less than 35.
- ex 48.01 C II **Kraft paper for large-capacity sacks**
'Kraft paper for large-capacity sacks' means machine-finished paper, in rolls, containing not less than 80 % of chemical sulphate softwood pulp calculated on total fibre content, weighing not less than 60 g/m² but not more than 115 g/m², having a Mullen burst ratio of not less than 38, and having a stretch factor of more than 4.5 % in the cross direction and of more than 2 % in the machine direction.
- ex 48.01 F **Printing paper and writing paper, containing not more than 5 % of mechanical wood pulp**
'Printing paper and writing paper, containing not more than 5 % of mechanical wood pulp' means paper other than machine-glazed, used for printing or writing, which contains not more than 5 % of mechanical wood pulp calculated on total fibre content.
- ex 48.01 F **Printing paper and writing paper, containing mechanical wood pulp**
'Printing paper and writing paper containing mechanical wood pulp' means paper other than machine-glazed, used for printing and writing, containing more than 5 % of mechanical wood pulp calculated on total fibre content.
- ex 48.01 F **Semi-chemical fluting paper**
'Semi-chemical fluting paper' means paper, in rolls, containing not less than 65 % of unbleached semi-chemical hardwood pulp (pulp obtained from wood by light chemical treatment followed by mechanical treatment) calculated on total fibre content and having a CMT (Concora Medium Test) crush resistance exceeding 20 kp.
- ex 48.01 F **Sulphite wrapping and packaging paper**
'Sulphite wrapping and packaging paper' means machine-glazed paper, containing more than 40 % of chemical bisulphite wood pulp, calculated on total fibre content, having an ash content of not more than 8 % and having a Mullen burst ratio of not less than 15.
-

COUNCIL REGULATION (EEC) No 3739/81**of 7 December 1981****establishing ceilings and Community supervision for imports of certain products
originating in Portugal (1982)**

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 proposal from the Commission,

Whereas the Supplementary Protocol ⁽¹⁾ to the Agreement between the European Economic Community and the Portuguese Republic ⁽²⁾, as supplemented by Council Regulation (EEC) No 2370/81 of 27 July 1981 laying down the arrangements applicable to trade between Greece and Portugal ⁽³⁾, provides for the exemption from duties of kraftliner and of other paper and paperboard falling within subheadings ex 48.01 C II and 48.01 F of the Common Customs Tariff, originating in Portugal, when imported into the Community, with the exception of the United Kingdom and Denmark; whereas, nevertheless, the benefit of duty exemption is limited to annual ceilings of 62 000 and 2 000 tonnes respectively, above which the residual customs duties for each product may be reintroduced until the end of the calendar year; whereas the application of ceilings requires that the Community be regularly informed on imports of the products in question originating in Portugal; whereas it is, therefore, desirable that imports of these products be subjected to a system of surveillance;

Whereas this objective may be achieved by means of an administrative procedure based on charging imports of the products in question against the ceilings at Community level as and when the products are entered for free circulation; whereas this administrative procedure must provide for the possible reintroduction of residual customs tariff duties once the ceilings are reached;

Whereas this administrative procedure requires close and particularly prompt cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of quantities charged against the ceilings and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take the appropriate measures to reintroduce customs tariff duties if one of the ceilings is reached,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1982, imports into the Community with the exception of the United Kingdom and Denmark of the products listed in the Annex hereto and originating in Portugal shall be subject to annual ceilings and Community surveillance.

The description of the products referred to in the first subparagraph, their tariff headings and statistical numbers and the ceilings shall be set out in the Annex hereto.

2. Quantities shall be charged against the ceilings as and when products are entered for free circulation and accompanied by a movement certificate which shall comply with the rules set out in Protocol 3 to the Agreement.

Good may be charged against the ceiling only if the movement certificate is submitted before the date on which customs duties are reintroduced.

The extent to which a ceiling is used up shall be determined at Community level on the basis of the imports charged against it in the manner defined in the preceding subparagraphs.

The Member States concerned shall, at the intervals and within the time limits specified in paragraph 4, inform the Commission of imports effected in accordance with the above procedures.

⁽¹⁾ OJ No L 348, 31. 12. 1979, p. 44.

⁽²⁾ OJ No L 301, 31. 12. 1972, p. 165.

⁽³⁾ OJ No L 236, 21. 8. 1981, p. 1.

3. As soon as the ceilings have been reached, the Commission may adopt a Regulation reintroducing residual customs duties until the end of the calendar year.

In the case of such reimposition, Greece shall introduce the levying of the duties calculated in accordance with Regulation (EEC) No 2370/81.

As soon as the amounts set off against the ceilings within its territory have reached the amounts indicated in the Annex, Greece may reintroduce, until the end of the calendar year, the levying of the customs duties calculated in accordance with Regulation (EEC) No 2370/81. It shall notify the Commission, which shall inform the other Member States of this fact. Paragraph 2 shall apply *mutatis mutandis*.

4. Member States concerned shall, not later than the 15th day of each month, forward to the Commission statements of the quantities charged during the preceding month. If the Commission so requests, they shall provide such statements for periods of 10 days and forward them within five clear days of the end of each 10-day period.

Article 2

The Commission shall, in close cooperation with the Member States, take all appropriate steps to apply this Regulation.

Article 3

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels, 7 December 1981.

For the Council

The President

CARRINGTON

ANNEX

LIST OF PRODUCTS SUBJECT TO IMPORT CEILINGS IN 1982

Serial No	CCT heading No	Description	NIMEXE code	Level of the a) Community ceiling b) Amount concerning Greece (tonnes)
1	2	3	4	5
P 1	48.01	Paper and paperboard (including cellulose wadding), in rolls or sheets: C. Kraft paper and kraft board: ex II. Other: — Kraftliner paper and board (a)	48.01-20; 22; 24; 30; 32; 34; 36; 38; 39	a) 62 000 b) 2 000
P 2		F. Other	48.01-60 to 99	a) 2 000 b) 2 000

(a) 'Kraftliner' means machine-finished or machine-glazed paper or paperboard, in rolls, containing not less than 80 % of chemical sulphate softwood pulp calculated on total fibre content, weighing more than 115 g/m² and having a Mullen burst ratio of not less than 35.

COUNCIL REGULATION (EEC) No 3740/81

of 7 December 1981

opening, allocating and providing for the administration of a Community tariff quota for certain textile fibres, falling within heading No 56.04 of the Common Customs Tariff and originating in Cyprus (1982)

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 proposal from the Commission,

Whereas Article 1 of the Protocol concerning the arrangements to be applied during 1981 in the framework of the Decision adopted by the Association Council on 24 November 1980 establishing the process into the second stage of the Association Agreement between the European Economic Community and the Republic of Cyprus ⁽¹⁾, as supplemented by the Protocol to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus consequent on the accession of the Hellenic Republic to the Community ⁽²⁾, hereinafter called 'the Protocol of Adaptation', lays down, on the one hand, that the provisions of the Additional Protocol to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus ⁽³⁾ shall be applicable for 1981 and, on the other hand, that the Contracting Parties shall enter into negotiations early in 1981 for the purpose of establishing the trade arrangements to be applied in 1982 and 1983;

Whereas, pending the establishment of such arrangements, it is advisable to extend provisionally for 1982 the trade arrangements applicable in 1981;

Whereas the abovementioned Additional Protocol provides for the opening of an annual duty-free Community tariff quota of 100 tonnes of man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning, falling within heading No 56.04 of the Common Customs Tariff and originating in Cyprus; whereas the Community tariff quota should be opened for the period 1 January to 31 December 1982;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, having regard to the above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market of the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics of imports of the goods in question from Cyprus over a representative reference period and also to the economic outlook for the quota period concerned;

Whereas, however, during the past three years no such products originating in Cyprus have been imported into the Community; whereas no forecast can be made for 1982; whereas, to ensure fair distribution of the quota amount between the Member States, each Member State should make a significant contribution to the quota amount; whereas such contributions may approximately correspond to the following percentages:

Benelux	12
Denmark	9
Germany	19
Greece	7
France	19
Ireland	7
Italy	16
United Kingdom	11

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared among the Member

⁽¹⁾ OJ No L 174, 30. 6. 1981, p. 28.

⁽²⁾ OJ No L 174, 30. 6. 1981, p. 2.

⁽³⁾ OJ No L 339, 28. 12. 1977, p. 2.

States and the second constituting a reserve to cover at a later date the requirements of the Member States which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should, under the present circumstances, be fixed at 60 % of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve, to prevent a part of any tariff quota from remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united in and represented by the Benelux Economic Union, any operation relating to the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1982, the Common Customs Tariff duties in respect of man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning, falling within heading No 56.04 of the Common Customs Tariff and originating in Cyprus, shall be entirely suspended within the limits of a Community tariff quota of 100 tonnes.

Within the limits of this tariff quota, Greece shall apply duties calculated in accordance with the

relevant provisions in the 1979 Act of Accession and the Protocol of Adaptation.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two instalments.
2. A first instalment amounting to 60 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1982, shall be as follows:

	(tonnes)
Benelux	7.2
Denmark	5.4
Germany	11.4
Greece	4.2
France	11.4
Ireland	4.2
Italy	9.6
United Kingdom	6.6

3. The second instalment of 40 tonnes shall constitute the reserve.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (2), or 90 % of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then to the extent permitted by the amount of the reserve, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 15 % of its initial share, rounded up where necessary to the next unit.

2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, then that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 7.5 % of its initial share, rounded up where necessary to the next unit.

3. If, after its second share has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions laid down in paragraph 1 draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1982.

Article 5

The Member States shall return to the reserve, not later than 1 October 1982, such unused portion of their initial shares as, on 15 September 1982, is in excess of 20 % of the initial volume. They may return a larger quantity if there are grounds for believing that it may not be used.

The Member States shall, not later than 1 October 1982, notify the Commission of the total quantities of the products in question imported up to 15 September 1982 and charged against the tariff quota, and of any quantity of the initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it is notified, inform each Member State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1982, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

The Commission shall ensure that any drawing which exhausts the reserve does not exceed the balance

available and, to this end, shall notify the amount of the balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated share of the Community quota.

2. The Member States shall ensure that importers of the products in question established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the products in question against their share as and when the goods are entered with customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the request of the Commission, Member States shall inform it of imports actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels, 7 December 1981.

For the Council

The President

CARRINGTON

COUNCIL REGULATION (EEC) No 3741/81

of 7 December 1981

opening, allocating and providing for the administration of a Community tariff quota for men's and boys' outer garments, falling within heading No 61.01 of the Common Customs Tariff and originating in Cyprus (1982)

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 proposal from the Commission,

Whereas Article 1 of the Protocol concerning the arrangements to be applied during 1981 in the framework of the Decision adopted by the Association Council on 24 November 1980 establishing the process into the second stage of the Association Agreement between the European Economic Community and the Republic of Cyprus ⁽¹⁾, as supplemented by the Protocol to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus consequent on the accession of the Hellenic Republic to the Community ⁽²⁾, hereinafter called 'the Protocol of Adaptation', lays down, on the one hand, that the provisions of the Supplementary Protocol to the Agreement establishing an association between the European Economic Community and the Republic of Cyprus ⁽³⁾ shall be applicable for 1981 and, on the other hand, that the Contracting Parties shall enter into negotiations early in 1981 for the purpose of establishing the trade arrangements to be applied in 1982 and 1983;

Whereas, pending the establishment of such arrangements, it is advisable to extend provisionally for 1982 the trade arrangements applicable in 1981;

Whereas in the Protocol of Adaptation provision is made for the opening of an annual duty-free Community tariff quota of 525 tonnes of men's and boys' outer garments, falling within heading No 61.01 of the Common Customs Tariff and originating in Cyprus; whereas the Community tariff quota should be opened for the period 1 January to 31 December 1982;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rates laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, having regard to the above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market of the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics of imports of the said goods from Cyprus over a representative reference period and the economic outlook for the quota period concerned;

Whereas, however, over the past three years imports have been irregular and insignificant; whereas no forecast can be made for 1982; whereas, to ensure fair distribution of the quota amount between the Member States, each Member State should make a significant contribution to the quota amount; whereas such contributions may approximately correspond to the following percentages:

Benelux	7
Denmark	7
Germany	15
Greece	2
France	10
Ireland	2
Italy	9
United Kingdom	48

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of the Member States

⁽¹⁾ OJ No L 174, 30. 6. 1981, p. 28.

⁽²⁾ OJ No L 174, 30. 6. 1981, p. 2.

⁽³⁾ OJ No L 172, 28. 6. 1978, p. 2.

which have used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should, under the present circumstances, be fixed at 50 % of the quota volume;

Whereas the Member States' initial shares may be used up at different times; whereas in order to take this fact into account and avoid any break in continuity any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between Member States and the Commission and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the reserve, to prevent a part of any tariff quota from remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation relating to the administration of the quota shares granted to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1982, the Common Customs Tariff duty in respect of men's and boys' outer garments, falling within heading No 61.01 of the Common Customs Tariff and originating in Cyprus, shall be entirely suspended within the limits of a Community tariff quota of 525 tonnes.

Within the limits of this tariff quota, Greece shall apply duties calculated in accordance with the relevant provisions in the 1979 Act of Accession and the Protocol of Adaptation.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment amounting to 260 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1982, shall be as follows:

	(tonnes)
Benelux	18
Denmark	18
Germany	40
Greece	5
France	26
Ireland	5
Italy	23
United Kingdom	125

3. The second instalment of 265 tonnes shall constitute the reserve.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (2), or 90 % of that share minus the portion returned to the reserve where Article 5 has been applied, has been used up, then to the extent permitted by the amount of the reserve, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 15 % of its initial share, rounded up where necessary to the next unit.

2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, then that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 7.5 % of its initial share, rounded up where necessary to the next unit.

3. If, after its second share has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to

believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1982.

Article 5

The Member States shall return to the reserve, not later than 1 October 1982, such unused portion of their initial share as, on 15 September 1982, is in excess of 20 % of the initial volume. They may return a larger quantity if there are grounds for believing that it may not be used.

The Member States shall, not later than 1 October 1982, notify the Commission of the total quantities of the products in question imported up to 15 September 1982 and charged against the Community quota, and of any quantity of the initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it is notified, inform each Member State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1982, of the amount in the reserve after quantities have been returned thereto pursuant to Article 5.

The Commission shall ensure that any drawing which exhausts the reserve does not exceed the balance

available and, to this end, shall notify the amount of the balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all measures necessary to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated share of the Community quota.

2. The Member States shall ensure that importers of the products in question established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the products in question against their share as and when the goods are entered with customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the request of the Commission, Member States shall inform it of imports actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels, 7 December 1981.

For the Council

The President

CARRINGTON

COUNCIL REGULATION (EEC) No 3742/81

of 7 December 1981

opening, allocating and providing for the administration of a Community tariff quota for certain petroleum products, falling within Chapter 27 of the Common Customs Tariff and refined in Spain (1982)

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 proposal from the Commission,

Whereas an Agreement between the European Economic Community and Spain ⁽¹⁾ was concluded on 29 June 1970 and supplemented, pending the entry into force of the Adjustments Protocol consequent on the accession of the Hellenic Republic to the Community ⁽²⁾, by Council Regulation (EEC) No 3559/80 of 16 December 1980 establishing the arrangements applicable to trade between Greece and Spain ⁽³⁾;

Whereas the Community committed itself, under this Agreement, to opening an annual total Community tariff quota of 1 424 000 tonnes of certain petroleum products, falling within Chapter 27 of the Common Customs Tariff and refined in Spain; whereas the quota duty is equal to 40% of the Common Customs Tariff duties; whereas this Community tariff quota should be opened for 1982;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the product concerned into all Member States until the quota has been used up; whereas, having regard to the above principles, the Community nature of the quota can be respected by allocating the Community tariff quota among the Member States; whereas, to reflect as accurately as possible the true trend of the market of the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Spain over a representative period and also to the economic outlook for the quota period concerned;

Whereas, in respect of the last three years for which statistics are available, the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from Spain of the products concerned:

Member State	1978	1979	1980
Benelux	10.6	50.1	4.5
Denmark	—	—	—
Germany	13.9	3.9	2.0
Greece	—	—	—
France	28.4	8.8	23.0
Ireland	—	0.7	—
Italy	31.4	9.8	17.9
United Kingdom	15.7	26.7	52.6

Whereas, in view of these factors, and of market forecasts for the products concerned and in particular of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Benelux	22.38
Denmark	7.00
Germany	42.10
Greece	0.17
France	5.96
Ireland	0.45
Italy	6.14
United Kingdom	15.80

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared between the Member States and the second constituting a reserve to cover at a later date the requirements of Member States which have used up their initial quota shares;

⁽¹⁾ OJ No L 182, 16. 8. 1970, p. 2.

⁽²⁾ OJ No L 326, 13. 11. 1981, p. 2.

⁽³⁾ OJ No L 382, 31. 12. 1980, p. 71.

whereas to give importers in each Member State a certain degree of security, the first instalment of the Community quota might under the present circumstances be fixed at about 50 % of the quota;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota share should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity of an initial share remains unused in any Member State, it is essential that that Member State should return a significant proportion to the

reserve, to prevent a part of any Community tariff quota from remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation relating to the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1982, and subject to the measures which might be taken pursuant to Article 3 (2) and (4) of Annex I to the Agreement between the European Economic Community and Spain, the Common Customs Tariff duties in respect of the products refined in Spain and listed below shall be suspended partially at the levels indicated for each of them, within the limits of a global Community tariff quota of 1 424 000 tonnes;

CCT heading No	Description	Rate of duty (%)
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 of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations:	
	A. Light oils:	
	III. For other purposes	2.4
	B. Medium oils:	
	III. For other purposes	2.4
	C. Heavy oils:	
	I. Gas oil:	
	c) For other purposes	1.4
	II. Fuel oil:	
	c) For other purposes	1.4
	III. Lubricating oils; other oils:	
	c) To be mixed in accordance with the terms of Additional Note 7 to this Chapter (a)	1.6
	d) For other purposes	2.4
27.11	Petroleum gases and other gaseous hydrocarbons:	
	B. Other:	
	I. Commercial propane and commercial butane:	
	c) For other purposes:	0.6

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

CCT heading No	Description	Rate of duty (%)
27.12	Petroleum jelly: A. Crude: III. For other purposes B. Other	0.7 2.4
27.13	Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured: B. Other: I. Crude: c) For other purposes II. Other	0.7 2.1
27.14	Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals: C. Other: II. Other	0.7

Within the limits of this tariff quota, Greece shall apply duties calculated in accordance with the relevant provisions in the 1979 Act of Accession and Regulation (EEC) No 3559/80.

Article 2

1. A first instalment amounting to 712 000 tonnes of the Community tariff quota referred to in Article 1 shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1982, shall be as follows:

	(tonnes)
Benelux	160 000
Denmark	50 000
Germany	299 400
Greece	1 200
France	42 500
Ireland	3 200
Italy	43 700
United Kingdom	112 000

2. The second instalment of 712 000 tonnes shall constitute the reserve.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), or 90 % of that

share minus the portion returned to the reserve where Article 5 is applied, has been used up, then, to the extent permitted by the amount of the reserve, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 15 % of its initial share, rounded up where necessary to the next unit.

2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 7.5 % of its initial share, rounded up where necessary to the next unit.

3. If, after its second share has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that these might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1982.

Article 5

The Member States shall return to the reserve, not later than 1 October 1982, such unused portion of their initial share as, on 15 September 1982, is in excess of 20 % of the initial volume. They may return a greater quantity if there are grounds for believing that it may not be used.

Member States shall, not later than 1 October 1982, notify the Commission of the total quantities of the products in question imported up to 15 September 1982 and charged against the Community tariff quota and of any quantities of the initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it is notified, inform each Member State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1982, of the amounts still in the reserve after quantities have been returned thereto pursuant to Article 5.

The Commission shall ensure that the drawing which uses up a reserve does not exceed the balance available and, to this end, shall notify the amount of

that balance to the Member State which makes such last drawing.

Article 7

1. Member States shall take all measures necessary to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares in the Community tariff quotas.

2. Member States shall ensure that importers of the products in question established in their territory have free access to the shares allocated to them.

3. Member States shall charge imports of the goods in question against their shares as and when such goods are entered with the customs authorities for free circulation.

Article 8

At the request of the Commission, Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely in order to ensure compliance with this Regulation.

Article 10

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels, 7 December 1981.

For the Council

The President

CARRINGTON

COUNCIL REGULATION (EEC) No 3743/81

of 7 December 1981

opening, allocating and providing for the administration of a Community tariff quota for other woven fabrics of cotton, falling within heading No 55.09 of the Common Customs Tariff and originating in Spain (1982)

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 proposal from the Commission,

Whereas an Agreement between the European Economic Community and Spain ⁽¹⁾ was concluded on 29 June 1970 and supplemented, pending the entry into force of the Adjustments Protocol consequent on the accession of the Hellenic Republic to the Community ⁽²⁾, by Council Regulation (EEC) No 3559/80 of 16 December 1980 establishing the arrangements applicable to trade between Greece and Spain ⁽³⁾;

Whereas the Community committed itself, under this Agreement, to opening an annual total Community tariff quota of 2 013 tonnes of other woven fabrics of cotton, falling within heading No 55.09 of the Common Customs Tariff and originating in Spain; whereas, the quota duty is equal to 40 % of the Common Customs Tariff duty in respect of the products concerned; whereas the Community tariff quota contains quota duties of 5.0, 5.3, 5.3 and 5.6 % for the products falling within subheadings 55.09 A I, A II, B I and B II respectively; whereas this Community tariff quota should be opened for 1982;

Whereas it is in particular necessary to ensure to all Community importers equal and uninterrupted access to the abovementioned quota and uninterrupted application of the rate laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, having regard to the principles mentioned above, the Community nature of the quota can be respected by

allocating the Community tariff quota among the Member States; whereas to reflect as accurately as possible the true trend of the market of the products in question, such allocation should be in proportion to the requirements of the Member States calculated by reference to the statistics of imports from Spain over a representative period and also to the economic outlook for the quota period concerned;

Whereas, during the last three years for which statistics are available, the corresponding imports by each of the Member States represent the following percentages of the imports into the Community from Spain of the products concerned:

Member State	1978	1979	1980
Benelux	3.5	13.5	12.3
Denmark	0.8	0.2	0.2
Germany	3.3	0.2	4.5
Greece	9.6	8.0	—
France	60.3	64.6	75.4
Ireland	0.3	0.3	1.5
Italy	7.4	4.7	2.9
United Kingdom	14.8	8.5	3.2

Whereas, in view of these factors, of market forecasts for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages:

Benelux	5.8
Denmark	0.4
Germany	5.8
Greece	5.8
France	66.7
Ireland	1.4
Italy	12.3
United Kingdom	1.8

⁽¹⁾ OJ No L 182, 16. 8. 1970, p. 1.

⁽²⁾ OJ No L 326, 13. 11. 1981, p. 2.

⁽³⁾ OJ No L 382, 31. 12. 1980, p. 71.

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared among the Member States and the second constituting a reserve to cover at a later date the requirements of those Member States having used up their initial quota shares; whereas, in order to give importers in each Member State a certain degree of security, the first instalment of the Community quota should under present circumstances be fixed at 69 % of the quota;

Whereas the Member States' initial shares may be used up at different times; whereas, in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission, and the latter must be in a position to monitor the extent to which the quota volume has been used up and to inform the Member States thereof;

Whereas if, at a given date in the quota period, a substantial quantity of an initial share remains unused in a Member State, it is essential that that Member State should return a significant proportion to the reserve, to prevent a part of any Community quota from remaining unused in one Member State when it could be used in others;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January until 31 December 1982, the Common Customs Tariff duties in respect of the products originating in Spain and listed below shall be partially suspended at the levels indicated for each of them within the limits of a global Community tariff quota of 2 013 tonnes:

CCT heading No	Description	Rate of duty (%)
55.09	Other woven fabrics of cotton:	
	A. Containing 85 % or more by weight of cotton:	
	I. Of a width of less than 85 cm	5.0
	II. Other	5.3
	B. Other:	
	I. Of a width of less than 85 cm	5.3
	II. Other	5.6

Within the limits of this tariff quota, Greece shall apply duties calculated in accordance with the relevant provisions in the 1979 Act of Accession and Regulation (EEC) No 3559/80.

Article 2

1. A first instalment amounting to 1 380 tonnes of the Community tariff quota referred to in Article 1 shall be allocated among the Member States; the respective shares, which subject to Article 5 shall be valid until 31 December 1982, shall be as follows:

	(tonnes)
Benelux	80
Denmark	5
Germany	80
Greece	80
France	920
Ireland	20
Italy	170
United Kingdom	25

2. The second instalment of 633 tonnes shall constitute the reserve.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), or 90 % of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, then, to the extent permitted by the amount of the reserve, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 15 % of its initial share, rounded up where necessary to the next unit.

2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 7.5 % of its initial share, rounded up where necessary to the next unit.

3. If, after its second share has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall, in accordance with the same conditions, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that these might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 31 December 1982.

Article 5

The Member States shall return to the reserve, not later than 1 October 1982, such unused portion of their initial share which, on 15 September 1982, is in excess of 20 % of the initial volume. They may return a larger quantity if there are grounds for believing, that it may not be used.

The Member States shall, not later than 1 October 1982, notify the Commission of the total quantities of the products in question imported up to 15 September 1982 and charged against the tariff quota and of any quantities of the initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by Member States in accordance with Articles 2 and 3 and shall, as soon as it is notified, inform each Member State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1982, of the amount in the reserve after quantities have been returned pursuant to Article 5.

The Commission shall ensure that any drawing which exhausts the reserve does not exceed the balance available and, to this end, shall notify the amount of that balance to the Member State which makes such last drawing.

Article 7

1. The Member States shall take all measures necessary to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the products in question established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the said goods against their shares as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the request of the Commission, Member States shall inform it of imports of the products concerned actually charged against their shares.

*Article 9**Article 10*

The Member States and the Commission shall cooperate closely in order to ensure compliance with this Regulation.

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels, 7 December 1981.

For the Council

The President

CARRINGTON

COUNCIL REGULATION (EEC) No 3744/81**of 7 December 1981****concerning Community projects in the field of microelectronic technology**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Article 1

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

In order to attain the Community objectives concerning microelectronic technology, coordination at Community level of the activities undertaken in the Member States in this domain and implementation of joint projects to supplement and reinforce these activities shall be carried out under the conditions set out in this Regulation.

Having regard to the proposal from the Commission,

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

For the purposes of granting national financial support to projects in the fields defined in Article 3, the Member States will in particular encourage projects the execution of which requires major participation on the part of organizations from two or more Community countries, other conditions being equal.

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

Whereas microelectronic technology is essential to the development and competitiveness of Community industry as a whole at a time when the European economy must increasingly provide high added value goods and services; whereas, however, the scale and nature of the effort needed to match that of its competitors by 1985 require a Community approach which must include public financial support for collaborative research and development by industry; whereas the Council resolution of 11 September 1979 ⁽³⁾ invites the Commission to examine the possibilities and methods of coordinating national projects in this sector and to submit to the Council specific projects at Community level with a view to promoting microelectronic technology;

TITLE I**Information and consultation***Article 2*

A system for information and consultation concerning initiatives aimed at promoting the diffusion and the development of microelectronic technology and its applications is hereby established between the Member States and the Commission.

Article 3

Whereas the aid granted should aim at furthering a balanced market and competition situation in Europe and take into consideration the principles expressed in the four-year programme for the development of informatics in the Community, and in particular principles of the ownership of and access to results of supported projects, with particular stress on the importance of an adequate dissemination of goods and other results of supported projects,

1. In order to ensure that the consultations provided for in this Regulation are effective, Member States shall, independently of their obligations under the rules of competition, supply the Commission without delay on their own initiative, or at the Commission's request, with all up-to-date relevant advance information of a scientific, economic and financial nature concerning any activities under their authority, both in progress on the date this Regulation enters into force and contemplated after that date, aimed at:

(a) the promotion of applied industrial research and development on equipment, processes, instru-

⁽¹⁾ OJ No C 144, 15. 6. 1981, p. 69.

⁽²⁾ OJ No C 353, 31. 12. 1980, p. 4.

⁽³⁾ OJ No C 231, 13. 9. 1979, p. 1.

ments and techniques, both hardware and software, for use in the design, industrial manufacture and testing of advanced integrated circuits;

- (b) the dissemination of basic knowledge and the training and education of management and staff specializing in the design, utilization and testing of advanced integrated circuits;
- (c) the encouragement of the establishment within the Community of an industry capable of designing and producing the equipment, materials and techniques used in the manufacture of advanced integrated circuits.

They shall also supply the Commission with an appraisal of the result of all these activities.

Confidential company information concerning specific points shall not be covered by this Article.

2. The Commission will ensure that the information concerning the activities referred to in paragraph 1 above is communicated to the Member States.

3. The level of detail of information to be made available to the Commission confidentially, to government agencies of the Member States, or to the public, as well as procedures and measures for making that information available, shall be specified according to the procedure laid down in Article 8.

TITLE II

Joint projects

Article 4

1. The following key research and development projects, coming directly within sectors defined in Article 3 and regarded as having highest priority, shall benefit from Community support under the terms laid down in Article 5.

- (I) step and repeat on wafer,
- (II) electron beam for direct-writing on wafer,
- (III) plasma etching and deposition,
- (IV) test equipment,
- (V) computer aided design (CAD) for very large scale integration circuitry (VLSI) in the domains of:
 - 1. architecture;
 - 2. language and data structure;

- 3. testing;
- 4. device modelling.

2. The technical specifications for the projects specified in paragraph 1 above are set out in the Annex.

3. The Commission shall update the technical specifications as may be required in accordance with the procedure laid down in Article 8.

4. From the beginning of the second year after the entry into force of this Regulation the list reproduced in paragraph 1 may be revised in accordance with the procedure laid down in Article 8 within the limits of the resources available. The Commission may also submit to the Council a proposal for the revision of the Regulation if that is necessary.

TITLE III

Financing procedures

Article 5

1. The European Communities shall provide financial support to the projects specified in Article 4 in the form of subsidies normally covering 30 % of the costs of their execution, but possibly as much as 50 % on the basis of a decision taken in accordance with the procedure laid down in Article 8.

2. The commitment appropriations for the financial support referred to in paragraph 1 above are 40 million ECU. This amount will be included in the budget of the European Communities for 1982.

3. Projects eligible for aid shall meet the following conditions:

- their purpose must be in line with the technical specifications set out in the Annex,
- the projects must be carried out within the Community.

Furthermore:

- (a) for projects falling under I to IV of Article 4 (1):
 - the applicants must be manufacturers or industrial users established in the Community,
 - a sufficient number of sufficiently qualified industrial users not all established in the same Member State and not having financial links with the manufacturer or manufacturers

taking part in the same project must have provided evidence of their interest in participating in the project and in contributing their own resources thereto. This number shall be decided by the Commission, for each project, in accordance with the procedure laid down in Article 8;

(b) for projects falling under V of Article 4 (1):

- the applicants must be universities, research centres or firms established in the Community,
- a sufficient number of sufficiently qualified user firms not all established in the same Member State and not having financial links with each other must have provided evidence of their interest in participating in the project and in contributing their own resources thereto. This number shall be decided by the Commission, for each project, in accordance with the procedure laid down in Article 8.

In applying criteria (a) and (b) above, in cases where resources do not permit two or more otherwise eligible projects of the same nature to be supported, priority shall be given, all other conditions being equal, to the project involving organizations from the largest number of Member States.

4. Once the eligibility of the project has been established under the terms of paragraph 3 (a) or (b) above, all suitably qualified firms established in the Community may take part in the project and apply for the relevant financial support irrespective of their possible financial links with other participants in the same project.

5. Applications shall be addressed to the Commission by those concerned in response to calls for proposals published in the *Official Journal of the European Communities*. These applications shall show evidence that they are justified under the terms of paragraph 3 above and shall provide any other relevant information. The Commission may request any other documents and additional information required for appraisal of the application.

6. The Commission shall act on applications submitted to it within four months.

7. Without prejudice to the powers of the Court of Auditors pursuant to Article 206a (3) of the Treaty, the Commission may carry out investigations on the

spot or inquiries into the operations financed, according to the conditions specified in the contracts regulating the financing of the projects.

TITLE IV

General provisions

Article 6

1. A Consultative Committee, hereinafter called 'the Committee', is hereby set up for projects promoting microelectronic technology. It shall consist of representatives of the Member States, who may be assisted by experts or advisers depending on the nature of the projects under consideration, with a Commission representative as chairman.

2. The proceedings of the Committee shall be confidential.

3. The Committee shall adopt its own rules of procedure.

4. Secretarial services for the Committee shall be provided by the Commission.

Article 7

The Commission may consult the Committee on any matter falling within the scope of this Regulation and must in particular consult it on:

- the level of detail of the information concerning national activities to be supplied confidentially to the Commission in accordance with Article 3,

- the level of detail of the information to be published or notified to the government agencies of Member States,

- the procedures for making the information collected available to the Member States,

- the updating of the technical specifications for projects potentially eligible for financial support,

- the minimum number of firms required to make a project eligible for financial support,

- the appraisal of applications and the granting of financial support.

Article 8

1. Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Committee by its chairman, either on his own initiative or at the request of the representative of a Member State.

2. The Commission representative shall submit a draft of the measures to be taken. The Committee shall give its opinion on the draft Decision within two months. Its decisions shall be taken by a majority of 45 votes. Within the Committee the votes of the Member States shall be weighted in accordance with Article 148 (2) of the Treaty. The chairman shall not vote.

3. The Commission shall adopt the draft where it is in accordance with the opinion of the Committee. Where the draft Decision is not in accordance with

that opinion or where no such opinion is issued, the Commission shall without delay make a proposal to the Council in the form of a draft Decision. The Council shall act by a qualified majority.

Article 9

Each year the Commission shall forward to the European Parliament and to the Council a report on the development of the activities in the Community falling within the scope of this Regulation.

Article 10

This Regulation shall enter into force on 1 January 1982.

It shall apply until 31 December 1985.

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

Done at Brussels, 7 December 1981

For the Council

The President

CARRINGTON

ANNEX

OUTLINE TECHNICAL SPECIFICATION OF PROJECTS AND ACTIVITIES FOR WHICH
FINANCIAL SUPPORT IS BEING PROPOSED UNDER THE TERMS OF THE
REGULATION

I. STEP AND REPEAT ON WAFER

Direct optical stepping technology

Direct optical stepping machines should be available in production with the characteristics listed below by the end of 1982:

- wafer size: up to six inches,
- die size: 1 cm²,
- minimum line widths: 1.25 μ m on the wafer (1.1 μ m on the resist),
- automatic registration: 0.1 μ m,
- throughput 50 $\times$ four-inch wafers per hour at 1 cm² field with insertion of five test patterns and auto-registration at each chip; addition of a reticle magazine.

Individual times should be given in the description of the equipment including the time to insert test patterns. Registration should be programmable (per individual exposure — per block — per wafer). Minimum allowable size of alignment marks should be given.

It is considered desirable that machines could be supplied in 1983 with an improved throughput of 50 $\times$ six-inch wafers per hour and improved resolution of 1.0 μ m minimum line width on wafer.

II. ELECTRON BEAM FOR DIRECT-WRITING ON WAFER

Electron beam direct-writing equipment

E-beam machines capable of:

- wafer size: six inches,
- throughput: 15 to 20 layers per hour at 1 μ m,
- die size: no limitation,
- minimum feature size: 0.5 μ m,
- spot size: variable,
- registration accuracy: 0.1 μ m.

This equipment should also be suitable for reticle and mask making. Prototype machines meeting all these requirements apart from speed must be available within 1983.

III. PLASMA ETCHING

A. Minimum performances of the equipment

- *Materials to be etched*
 - SiO₂, doped and undoped.

- Si_3N_4 .
- Polysilicon, doped and undoped.
- Silicides and polycides.
- Aluminium and aluminium alloys.
- Other metals for contacts and interconnections.
- Organic polymers for multilevel resists and multilevel metallization.
- *Structures to be etched in production*
 - Pitch (line plus spacing): 3 μm .
 - Minimum linewidth: 1 to 1.5 μm .
 - Precision: + or - 10 % of linewidth for the critical structures.
- *Selectivity and anisotropy*

The selectivity has to be adequate and for each layer it should be possible to etch completely anisotropically.
- *Throughput*

The minimum throughput should be 50 wafers per hour for the slowest process. The slowest process will probably be the etching through 0.8 μm of thermal SiO_2 with a selectivity of 10 : 1 over Si and with a pitch of 3 μm . The etching of other layers (e.g. 0.4 μm undoped polysilicon over SiO_2) should be much faster.

B. Design of the equipment

We consider a parallel plate reactor with the following features:

- *Design concept*

Most important is the use of a modular design concept so that the equipment can be optimally adapted for each application.
- *Load lock*

Undesired species (e.g. water vapour) should be blocked from the reaction chamber and post-etching effects must be avoided. This can be reached with a vacuum lock containing the cassettes. Stripping of the photoresist in the unload-lock should be considered as an option.
- *Electrode and chamber construction*
 - Individually driven thermostats for upper and lower electrode and for the reaction chamber. The range for temperature control is 15 to 100 °C standard and up to 150 °C as an option.
 - Electrode distance adjustable between: 5 to 70 mm (batch oriented system),
5 to 70 mm (single wafer system).
 - The electrode assembly must be suited for operation at high frequencies (until 27.12 MHz), e.g. avoid parasitic plasma anywhere in the reactor.
 - Both parallel plasma etching (PE) and reactive ion etching (RIE) must be possible in the system (anode and cathode coupling).
- *Vacuum design*
 - The region of interest is between 10 mTorr and 10 Torr.

- Adjustable pumping speed.
- Automatic and manual pressure control with simple switching between the two modes.
- Use of non-corrosive materials for seals (fittings, O-rings) and tubing.
- *Gas cabinet*

Flexible handling of one to three gasses with one to three mass flow controllers, preferentially extendable to five gases (number of gases is an option).
- *Controls*
 - The following parameters must be controllable:
 - gasline(s) in use,
 - flowrate,
 - process time,
 - time to stabilize,
 - time to overetch,
 - RF power,
 - temperature of both electrodes,
 - voltage on electrode.
 - The electrical signal from the sensors (pressure sensor, etc.) must be easily accessible (e.g. on a standard plug) for process monitoring.
 - At least one window to look into the plasma and additional flange(s) to hook up some analytical tools for process monitoring should be available.
- *Automatic etching control system*
 - A keyboard and necessary memory for the step by step command of the process or the maintenance sequence.
 - A plug-in PROM, user programmed, for automatic etching.
- *Wafer handling*

Automatic wafer handling, cassette to cassette load and unload without wafer damage or contamination.

The system should handle three inch wafers of up to 150 mm diameter.
- *Maintenance and safety*
 - Easy dismantling for cleaning and repair.
 - Standardization of flanges, seals, plugs, etc., and spare parts.

IV. TESTING EQUIPMENT

European testers for integrated circuits should be developed with the following characteristics:

- of the integral analog/digital type,
- of modular design, in order to be adaptable to both development and production testing tasks,
- development in two phases, as far as the digital part is concerned. The first step should be a tester for clock-rates of 10 to 20 MHz, the second step aiming at 50 to 100 MHz. This stepwise development has the advantage that the technological know-how built up in the first phase can be used to tackle the problems that have to be faced in the second

development round. Moreover, the high speed test development can thus be adapted to the developing requirements of the European IC industry in the high speed bipolar circuits,

- testing of devices with an increasing number of pins (from 64 to 128),
- substantial parts of the test system have to be 'ECL-specific',
- testing of memory devices alone has been excluded, however 'on-the-chip' memories are becoming increasingly important and therefore their testing has to be covered,
- one single high level test language concept should be supplied for the different tester configurations.

V. CAD FOR VLSI

1. Architecture

The problems to be tackled are the disciplines of specification, simulation and testing at the architectural design phase and the architectural strategies like error management and structured logic. The following activities appear to be required:

- Improvement in knowledge of computer techniques by VLSI designers through:
 - (a) transfer of know-how from computer manufacturers;
 - (b) better integration of computer science and electronic engineering training in universities.
- Research on:
 - (a) linking of behavioural and structural design by development of suitable languages and simulators;
 - (b) synthesis of logic from RTL description;
 - (c) error management including fault-tolerant aspects of VLSI architecture;
 - (d) structured logic including minimization for PLAs (programmable logic arrays) and automatic programming of PLAs and ROMs (read only memories);
 - (e) firmware generation and simulation aids;
 - (f) parallel processing machines for signal processing.

2. Language and data structure

2.1. Design data management

Conventional graphic IC design systems are based upon a bottom up representation of the circuit being designed. This is considered inadequate for coping with the problems of VLSI design, and instead, a specification of a file management or design management system must be formulated with respect to the following purposes:

- (a) to aid the management of a large number of files representing alternative representations of many modules of a system;
- (b) to protect the integrity of a design involving a team effort;
- (c) to manage design modifications;
- (d) to aid re-partitioning of a design;
- (e) to manage the provision of design documentation.

Research projects must be initiated which will enhance the normal filing system or operating system to provide the above facilities. The smallest unit of data in a transaction will be a complete file, and so conventional data bases are not appropriate. The implementation must be carried out with portability in mind. A standard language must be used with well-defined interfaces to standard filing systems. This project should be a joint project between IC designers, CAD tool specialists, and computer scientists.

2.2. *User interface*

Some design activities are highly interactive and demand a guaranteed fast response from the computer while not demanding a very powerful computer. An example is design specification using graphical techniques. Such activities can be supported on a small computer dedicated to a single user. Other activities are not primarily interactive, but do require very powerful computing facilities. An example is simulation. Such activities need powerful time-shared systems.

It is important that the computers supporting these related activities should be intimately connected. Techniques for controlling tasks split between two or more computers, and for allowing flexible movement of data between these tasks, should be investigated. General principles applicable to a wide range of hardware should be established.

The present trend in hardware design specification is to use text based language descriptions which are convenient for expressing the hierarchical structure, modularity, and repetitivity which is inevitable with VLSI. However, designers still tend to think in terms of diagrams, and graphical aids will continue to be valuable in the design process. A project ought to be launched to investigate methods of combining textual and graphical representations allowing each to be converted automatically into the other, so that the most appropriate interface can be freely chosen at each part of the design process.

2.3. *Simulation*

Software tools for simulation, test and verification have to span the design spectrum from RTLs down to transistor level. Activity should be directed towards the development of a flexible multilevel structural description language for NMOS and CMOS VLSI. Automatic compiler generation into the syntax of presently used single level tools and, more importantly, directly into the data structure of mixed mode simulators needs investigation. Mixed mode simulation techniques need considerable attention in the area of data structures, algorithms, and models.

It is strongly recommended to pay special attention to VLSI network analysis rather than pure simulation in order to reduce design time and ensure design correctness. This is a completely new research domain which looks entirely feasible based on the data structures and algorithms of presently existing mixed mode simulators.

2.4. *Verification*

Instead of intensive verification of manually performed or interactive design steps, the goal should be to automate as much as possible (silicon compilation, standard cell technique, etc.) to make verification unnecessary. To find a solid basis for the use or creation of such tools, a study should be initiated which compares the different approaches as well as different handcrafted layouts to find objective criteria for the fundamental principles of efficiency in layout.

The hierarchical design of VLSI is obvious. The verification between the different levels of hierarchy is a problem but cannot be avoided. In spite of the hierarchy, the complexity and amount of data is enormous and with today's tools leads to uneconomic computer times. Therefore, further candidates for research and development are dedicated hardware modules (e.g. design rule checkers, pattern memory plus counters and shift registers, or hardware language processors which produce the appropriate data structures).

2.5. *Influence of new computer architectures*

On the basis of the assumption that:

- software is now expensive and should be optimized while hardware is cheaper and can be used more freely,
- in the past few years a lot of high performance parallel processors have been developed and implemented,

— the architecture of a machine should fit the problem it is to solve,

investigation in the following two areas is proposed:

- (a) development of new parallel algorithms and new data structures in any CAD branch, to exploit and implement the maximum parallelism;
- (b) study of new special purpose hardware processor to be interfaced with currently existing computer systems to improve part of their performance by at least one order of magnitude.

3. Testing: summary of recommendations

The team on testing recommend organizing future work in accordance with three main areas and the related topics listed below.

Main area of activities

	Research	Specification and evaluation	Development
1. TEST DATA GENERATION			
— Functional level testing (methods and strategies)	*		
— Element level ATPG	*		
— ATPG for LSI cells, regular logic, etc.	*		
— Fault types and models	*		
— Fault simulation strategies	*		
— Modular ATPG system		*	*
— Language for MTPG		*	*
— Integrated ATDG system		*	*
2. DESIGN FOR TESTABILITY			
— Partitioning	*		
— RAM design for testability	*		
— Microprogrammed units	*		
— Design for testability general techniques	*		
— Hardware implemented self-testing	*		
— Software/firmware self-testing	*		
3. DATA ACQUISITION AND DATA MANAGEMANT			
— DADM system		*	*
— Program development tools		*	*

4. Device modelling: summary of recommendations

The present report on device modelling covers three main areas:

- numerical device simulation,
- analytical models,
- table models.

For each of them, the main recommendations are summarized below.

4.1. Numerical device simulation

The main target of this subproject is that of stimulating European research centres and laboratories to develop advanced device-simulation packages, and make them available to European IC manufacturers. This should allow reaching an independence with respect to American and Japanese counterparts. The need for such an activity stems from the fact that, due to the importance of two-, and even three-dimensional effects, numerical device simulation represents the only predictive tool which can practically be used for device design. It is therefore recommended that at least four simulation packages be developed, namely:

- 2-D MOSFET simulator,
- 2-D simulator for bipolar devices,
- 3-D MOSFET simulator,
- 3-D simulator for bipolar devices.

For each of them, detailed specifications have been defined concerning the physical phenomena to be incorporated in the program, the physical and geometrical device structure, and I/O graphical capabilities.

4.2. Analytical models (MOSFETs only)

An activity in this area is essential for two main reasons: from the one hand analytical models trading off accuracy and simplicity are mostly suited for circuit designers in CAD circuit simulation programs; on the other hand, the functional dependence of relevant electrical parameters on geometrical and physical device structure is most easily identified in analytical models, which can, therefore, provide some insight in the physical phenomena occurring within a device.

The following analytical models should be developed:

Surface channel MOSFETs	{	long channel, low voltage (level 1)
		long channel, high voltage (level 2)
		short channel, low voltage (level 3)
		short channel, high voltage (level 4)
Buried channel MOSFETs	{	long channel (level 1)
		short channel (level 2)

4.3. Physical model

Again, detailed specifications are provided for each of the above models. In addition to the development of the models, the problem of parameter identification should be tackled and solved, especially as far as charges (or capacitances) are concerned.

4.4. Table models

The need for table models has been recognized for timing simulation purposes. In such simulators, the capacitances are rather poorly handled, being assumed as constants; therefore, the activity in this area should aim at developing tables for both currents and capacitances. The most important problem to be solved is that of providing the scaling rules, while maintaining the computational simplicity which is needed in order to strongly reduce the CPU time, with respect to that needed with analytical models.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 7 December 1981

amending Directive 79/113/EEC on the approximation of the laws of the Member States relating to the determination of the noise emission of construction plant and equipment

(81/1051/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission,

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

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

Whereas provisions, the purpose of which is to limit noise at operators' positions of work, and methods of measuring noise differ from one Member State to another, which means that, when applied to construction plant, they constitute a barrier to trade in such plant; whereas such provisions should therefore be approximated;

Whereas Directive 79/113/EEC ⁽³⁾ seeks to harmonize methods of measuring the sound levels of construction plant and equipment;

Whereas, on the occasion of the Council meeting held on 18 and 19 December 1978, the Ministers for the Environment stated that the technical provisions for the measurement of noise at the operator's

position should appear in the Annexes to the separate Directives for each machine in question;

Whereas all the general technical provisions required to determine the noise emission of construction plant and equipment should be consolidated in one Directive,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 79/113/EEC is hereby amended as follows:

1. Article 1 (3) shall be replaced by the following:

'3. Agricultural and forestry tractors are excluded from the scope of this Directive.'

2. Article 2 is hereby repealed and shall be replaced by the following:

Article 2

1. Where a separate Directive provides for the determination of the noise emission of the construction plant and equipment referred to in Article 1, such emission shall be determined in accordance with the requirements of Annex I.

2. Where a separate Directive provides for the determination of the noise emission at the operator's position(s) of the construction plant and equipment referred to in Article 1, such emission shall be determined in accordance with the requirements of Annex II.'

⁽¹⁾ OJ No C 147, 16. 6. 1980, p. 129.

⁽²⁾ OJ No C 182, 21. 7. 1980, p. 7.

⁽³⁾ OJ No L 33, 8. 2. 1979, p. 15.

3. Article 4 (1) shall be replaced by the following:

'1. A Committee on the Adaptation to Technical Progress of the Directives on the determination of the noise emissions of construction plant and equipment, hereinafter called "the Committee", is hereby set up; it shall consist of representatives of the Member States and be chaired by a Commission representative.'

4. The Annex is hereby amended as follows:

(a) the heading 'Annex' shall be replaced by 'Annex I';

(b) Sections 4.2 and 6.5 shall be deleted.

5. An Annex II shall be added, the text of which is annexed to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to

comply with this Directive within 18 months of its notification and shall forthwith inform the Commission thereof.

2. Member States shall communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 7 December 1981.

For the Council

The President

CARRINGTON

ANNEX

ANNEX II

METHOD OF DETERMINING AIRBORNE NOISE EMITTED TO THE OPERATOR'S POSITION(S) BY MACHINES USED OUTDOORS

1. AIM

The aim of this method is to determine the noise emitted to the operator's position(s) by all categories of machines, parts of machines or installations used outdoors, hereinafter called 'machine', and defined in Article 1 of the Directive.

It is not applicable for measurements to determine directly the level of an operator's exposure at his post.

The values obtained by this method represent the data that make it possible to determine the equivalent continuous sound pressure level emitted by machines to the operator's position(s). Save as otherwise indicated, these values include all tolerances.

The operator's position(s) of the various machines is (are) specified in the separate Directives.

This method is applicable unless separate Directives lay down different or supplementary provisions taking into account the special characteristics of certain types of machine.

2. SCOPE

2.1. Type of noise

This method is applicable to all types of noise emitted to the operator's position(s) by machines.

2.2. Type of machine

This method is applicable to all machines with one or more operator's positions.

3. DEFINITIONS

3.1. Sound pressure level L_{pA}

See Section 3.1 in Annex I.

3.2. Equivalent continuous sound pressure level $L_{Aeq}(t_1, t_2)$

The equivalent continuous sound pressure level $L_{Aeq}(t_1, t_2)$ is obtained by applying the A-weighting as defined in IEC publication 179, 1973, second edition, to the equivalent continuous sound pressure level $L_{eq}(t_1, t_2)$ defined below. This weighting is obtained *inter alia* by using the A-weighting filter in the measuring system.

The equivalent continuous sound pressure level for a limited period between intervals t_1 and t_2 , $L_{eq}(t_1, t_2)$, expressed in decibels, of a noise at a given point is defined by:

$$L_{eq}(t_1, t_2) = 10 \log_{10} \left(\frac{1}{t_2 - t_1} \int_{t_1}^{t_2} \frac{p^2(t)}{p_0^2} dt \right)$$

$$= 10 \log_{10} \left(\frac{1}{t_2 - t_1} \int_{t_1}^{t_2} \frac{L_p(t)}{10} dt \right)$$

where:

- $p(t)$ is the instantaneous value of the sound pressure at this point, expressed in Pa;
- p_0 is the reference sound pressure, equivalent to 20 μPa ;
- $L_p(t)$ is the sound pressure level at a given time at that point, expressed in dB;
- t_1 and t_2 are the points indicating respectively the beginning and end of the reference period determining the L_{eq} ;
- $t_2 - t_1$ is the measurement interval.

4. CRITERION TO BE USED TO EXPRESS RESULTS

The acoustic criterion for the operator's position(s) of machines is expressed by the equivalent continuous A-weighted sound pressure level $L_{Aeq}(t_1, t_2)$.

5. MEASURING INSTRUMENTS

The specifications laid down in Section 5 of Annex I are to be used, with the extra requirement added to point 5.3 that the external diameter of the microphone must not exceed 13 mm.

6. PRESENCE OF THE OPERATOR

The separate Directives specify whether the operator should be present or not during the tests.

6.1. Clothing specifications

When he is present during the measurements, the operator must wear normal working clothes and all the equipment (e.g. safety helmet) normally prescribed for the post in question.

6.2. Height specifications of the operator(s)

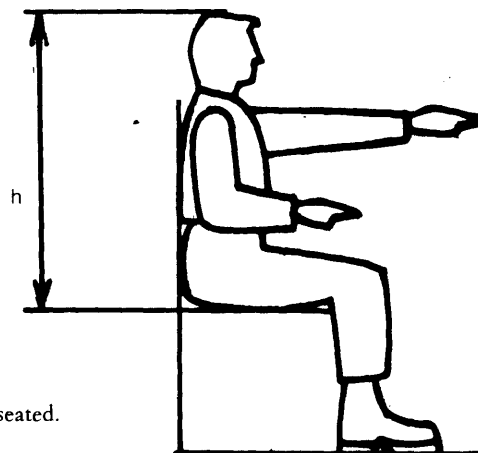
6.2.1. Standing operator

The height of the operator (wearing shoes) must be 1.75 ± 0.05 m.

6.2.2. Seated operator

The height of the operator(s) when seated (h) must be 0.93 ± 0.05 m, as shown in Figure 1:

Figure 1



h = height of operator when seated.

7. MICROPHONE LOCATIONS

7.1. General

The microphone locations are determined by the separate Directives. General guidance for their positioning is given in Sections 7.2 and 7.3.

7.2. Microphone location with no operator present

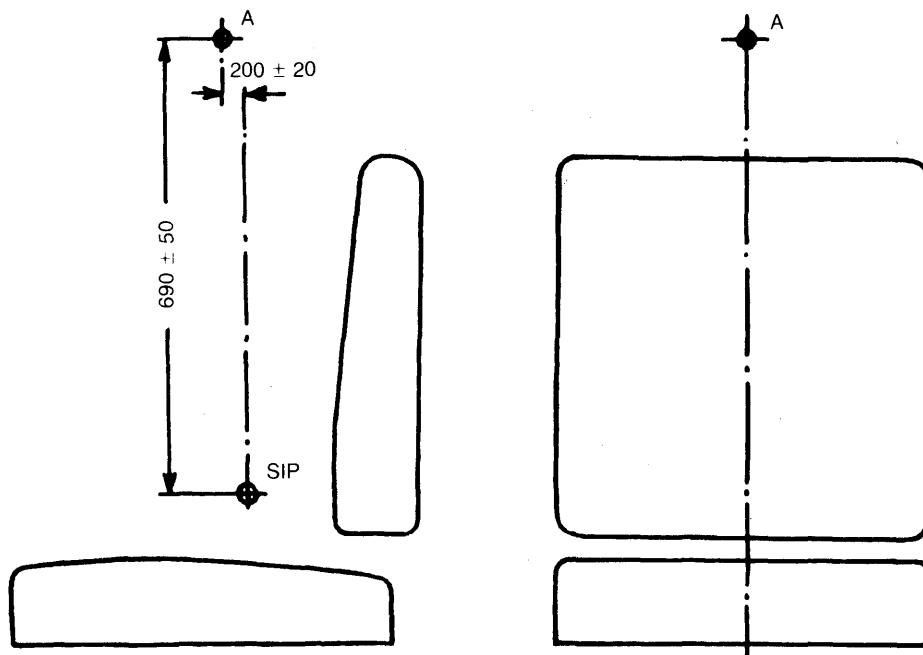
7.2.1. At the operator's position where he is usually in a standing position

The microphone is placed at the position normally occupied by the operator(s), at a height of 1.60 ± 0.25 m above the level on which the operator(s) stand(s).

7.2.2. At the operator's position where he is usually in a seated position

The microphone is placed at point A as shown in Figure 2.

Figure 2



A is the microphone position.

SIP is the seat reference point as defined by ISO 5353, 1978. This point is to be determined with the seat placed as near as possible to the mid-point of its horizontal and vertical adjustment range, the suspension being depressed until the seat reaches the mid-point of its dynamic range.

7.3. Microphone locations with operator present

The microphone is placed at 200 ± 20 mm from the median plane of the head and in line with the eyes and to the side of the head where the $L_{Aeq}(t_1, t_2)$ is highest.

Note:

To facilitate the placing of the microphone, it can conveniently be mounted on a frame or the helmet or a shoulder harness worn by the operator.

For measurements when the operator is seated, the seat must be adjusted to allow the operator to reach the machine controls comfortably.

8. ENVIRONMENTAL CONDITIONS

8.1. Measuring site

The machine must, as far as possible, be installed in conditions identical to those specified in Section 6.3 of Annex I.

8.2. Background noise

Background noise at each measuring point must be at least 10 dB (A) lower than the noise emitted by the machine.

9. INSTALLATION AND OPERATING CONDITIONS

9.1. General

The precise conditions required for installing and operating the machines are laid down in the Annexes to the corresponding separate Directives.

These conditions must, as far as possible, be the same as those laid down in the Annexes to the separate Directives on determination of the sound power level of the machine.

9.2. Operation of machines with adjustable features (such as windows that may be opened)

9.2.1. If the machine has any adjustable features which, although not directly associated with its operation, may affect the value of $L_{Aeq}(t_1, t_2)$ separate sound tests must be carried out and covered in the report referred to in Section 12.

Details of the adjustable features to be taken into consideration are given in the Annexes to the separate Directives.

9.2.2. In the case of a machine with an operator's cab, the following rules should in principle be observed:

- (a) if the cab is fitted with an air-conditioning and/or ventilating device, the measurements are carried out with the doors and windows closed and the air-conditioning and/or ventilating devices operating at maximum speed;
- (b) if the cab is so designed that it may also be used with the doors and windows open and it has no air-conditioning and/or ventilating system, the measurements are carried out first with the doors and windows closed, then open; the higher of the two figures obtained is the one to be used.

10. MEASUREMENTS AND CALCULATION OF RESULTS

10.1. Measurement interval $T (= t_2 - t_1)$

The measurement interval T at each measuring point is to be specified in the separate Directives. It must in principle be at least 15 seconds; in the case of a work cycle, it must be equal to the duration of a whole number of work cycles.

10.2. Determination of the equivalent continuous A-weighted sound pressure level ($L_{Aeq}(t_1, t_2)$)

This level is obtained either directly by integrating $p^2(t)$ or by sampling of the pressure level L_{pA} .

10.2.1. *By integrating $p(t)^2$*

$L_{Aeq}(t_1, t_2)$ may be directly obtained by integrating the square of the A-weighted sound pressure during a period equal to $t_2 - t_1$ in accordance with the formula given in Section 3.2.

Digital or analogue integration may be used, e.g. with an integrating sound-level meter.

10.2.2. *By using the A-weighted sound pressure levels L_{pA}*

The sound pressure level L_{pA} is measured by means of an instrument defined in Section 5.2 of Annex I.

The number of measurements and the measurement interval will be determined for each type of machine in the separate Directives.

10.3. **Measurement of disturbances**

The requirements are laid down in Section 7.1.3 of Annex I.

10.4. **Corrections to be made to measurements**10.4.1. *Disturbances (temperature, humidity, altitude, etc.)*

The requirements are laid down in Section 8.6.3 of Annex I.

10.4.2. *Background noise*

No correction is to be made for background noise.

11. **NOISE OF AN IMPULSIVE CHARACTER**

(Section 11 is being revised to take account of technical progress, the final text will be introduced by the Committee on Adaptation to Technical Progress.)

12. **DATA TO BE RECORDED**

The report must contain the necessary data relating to the measurement of noise at operator's positions in accordance with Section 10 of Annex I.

Additional information must be given on the layout of the operator's position during the measurements.

The report must also confirm that the equivalent continuous A-weighted sound pressure levels $L_{Aeq}(t_1, t_2)$ were obtained strictly according to this method of measurement and the separate Directives.

Note:

If the measurements at the operator's position are carried out when the sound pressure level of the machine is determined, the data must be recorded in a single report.'
