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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 280/82 of 5 February 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal 1

Commission Regulation (EEC) No 281/82 of 5 February 1982 fixing the premiums to be added to the import levies on cereals, flour and malt 3

Commission Regulation (EEC) No 282/82 of 5 February 1982 fixing the world market price for colza and rape seed 5

Commission Regulation (EEC) No 283/82 of 5 February 1982 laying down conditions for invitations to tender for colza and rape seed held by the Danish intervention agency 7

***Commission Regulation (EEC) No 284/82 of 5 February 1982 amending Regulation (EEC) No 3730/81 fixing reference prices for fishery products applicable until 31 December 1982 9**

Commission Regulation (EEC) No 285/82 of 5 February 1982 altering the basic amount of the import levy on syrups and certain other sugar products 10

Commission Regulation (EEC) No 286/82 of 5 February 1982 fixing the import levies on white sugar and raw sugar 12

II *Acts whose publication is not obligatory*

Council

82/61/EEC:

***Council Directive of 26 January 1982 amending Directive 64/432/EEC as regards the period of validity of the derogations relating to brucellosis guarantees in trade in certain bovine animals as provided for in point E of Article 7 (1) thereof 13**

(Continued overleaf)

Commission

82/62/EEC :

- *Commission Decision of 18 December 1981 authorizing the United Kingdom to grant exemptions from Council Regulation (EEC) No 543/69 on the harmonization of certain social legislation relating to road transport 15

82/63/EEC :

- *Commission Decision of 21 December 1981 establishing that the apparatus described as 'SHE variable temperature superconducting susceptometer, model VTS-50' may be imported free of Common Customs Tariff duties 18

82/64/EEC :

- *Commission Decision of 21 December 1981 establishing that the apparatus described as 'Varian-Leed/Auger optics, model 981-0127, with Leed/Auger electron gun, model 981-2125, power module, model 981/2145 and Leed module, model 981-2148' may be imported free of Common Customs Tariff duties 19

82/65/EEC :

- *Commission Decision of 21 December 1981 establishing that the apparatus described as 'Becton Dickinson — fluorescence-activated cell sorter, FACS IV' may be imported free of Common Customs Tariff duties 20

82/66/EEC :

- *Commission Decision of 21 December 1981 establishing that the apparatus described as 'Baird-Fluorocomp-TLS system, model TLS-1000' may be imported free of Common Customs Tariff duties 21

82/67/EEC :

- *Commission Decision of 21 December 1981 establishing that the apparatus described as 'TSI-laser anemometer system, consisting of: base for argon ion laser; mirror system; risers, model 9177; rotating mount, model 9178, model 9179; beam splitter, model 9115-1; ring mount, model 9176; beam spacer, model 9113-9; model 9113-22; receiving assembly, model 9140; photomultiplier system, model 9160; counter, model 1990A; interface for mini-computer, model 1998D' may be imported free of Common Customs Tariff duties 22

82/68/EEC :

- *Commission Decision of 21 December 1981 establishing that the apparatus described as 'PGT-energy dispersive X-ray analysis system, model XCEL' may be imported free of Common Customs Tariff duties 24

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 280/82
of 5 February 1982
fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3808/81⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 2196/81⁽⁵⁾ and subsequent amending Regulations;

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

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

a band of 2.25 %, a rate of exchange based on their central rate,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 4 February 1982;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2196/81 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 6 February 1982.

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

Done at Brussels, 5 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 7.

ANNEX

to the Commission Regulation of 5 February 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	80.29
10.01 B II	Durum wheat	114.58 ⁽¹⁾ ⁽²⁾
10.02	Rye	38.70 ⁽⁴⁾
10.03	Barley	62.99
10.04	Oats	55.19
10.05 B	Maize, other than hybrid maize for sowing	94.89 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	93.52 ⁽⁴⁾
10.07 C	Grain sorghum	78.25 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	127.68
11.01 B	Rye flour	68.07
11.02 A I a)	Durum wheat groats and meal	190.29
11.02 A I b)	Common wheat groats and meal	136.27

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.81 ECU/tonne.

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

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

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

COMMISSION REGULATION (EEC) No 281/82**of 5 February 1982****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 3808/81⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 2197/81⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2.25 % a rate of exchange based on their central rate,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 4 February 1982;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 6 February 1982.

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

Done at Brussels, 5 February 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 10.

ANNEX

to the Commission Regulation of 5 February 1982 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	18.36
10.02	Rye	0	0	0	4.86
10.03	Barley	0	3.37	3.38	1.94
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	3.87
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	6.00	6.02	3.45	3.45
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	4.48	4.50	2.58	2.58
11.07 B	Roasted malt	0	5.22	5.24	3.01	3.01

COMMISSION REGULATION (EEC) No 282/82
of 5 February 1982
fixing the world market price for colza and rape seed

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the markets in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 3454/80 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza and rape seed ⁽³⁾, as last amended by Regulation (EEC) No 852/78 ⁽⁴⁾,

Having regard to Commission Regulation (EEC) No 2300/73 of 23 August 1973 laying down detailed rules for applying differential amounts for colza and rape seed and repealing Regulation (EEC) No 1464/73 ⁽⁵⁾, as last amended by Regulation (EEC) No 3476/80 ⁽⁶⁾, and in particular Article 9 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, pursuant to Article 9 (4) of Regulation (EEC) No 2300/73, the Commission must determine the world market price for colza and rape seed;

Whereas the world market price should be determined in accordance with the rules and the criteria set out in Commission Regulation (EEC) No 3701/81 of 23 December 1981 fixing the amount of the subsidy on

oil seeds ⁽⁷⁾, as last amended by Regulation (EEC) No 227/82 ⁽⁸⁾;

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

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

Whereas it follows from applying these provisions that the world market price for colza and rape seed should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The world market price referred to in Article 9 (4) of Regulation (EEC) No 2300/73 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 February 1982.

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

Done at Brussels, 5 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁴⁾ OJ No L 116, 28. 4. 1978, p. 6.

⁽⁵⁾ OJ No L 236, 24. 8. 1973, p. 28.

⁽⁶⁾ OJ No L 363, 31. 12. 1980, p. 71.

⁽⁷⁾ OJ No L 369, 24. 12. 1981, p. 36.

⁽⁸⁾ OJ No L 22, 30. 1. 1982, p. 46.

ANNEX

to the Commission Regulation of 5 February 1982 fixing the world market price for colza and rape seed

(ECU/100 kg) ⁽¹⁾

CCT heading No	Description	World market price
ex 12.01	Colza and rape seed	23·649

(ECU/100 kg) ⁽¹⁾

CCT heading No	Description	World market price where the subsidy is fixed in advance for the month of					
		February 1982	March 1982	April 1982	May 1982	June 1982	July 1982
ex 12.01	Colza and rape seed	24·986	24·986	25·711	26·186	26·186	26·186

⁽¹⁾ The conversion rates from ECU into currency as foreseen by Article 9 (5) (a) of Regulation (EEC) No 2300/73 are the following :

1 ECU = DM	2·40989
1 ECU = Fl	2·66382
1 ECU = Bfr/Lfr	40·7572
1 ECU = FF	6·17443
1 ECU = Dkr	7·91117
1 ECU = £ Irl	0·684452
1 ECU = £	0·553823
1 ECU = Lit	1 300·00

COMMISSION REGULATION (EEC) No 283/82

of 5 February 1982

laying down conditions for invitations to tender for colza and rape seed held by the Danish intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 3454/80 ⁽²⁾, and in particular Article 26 (3) thereof,

Whereas during the 1981/82 marketing year the Danish intervention agency bought in certain quantities of colza and rape seed pursuant to Article 26 of Regulation No 136/66/EEC;

Whereas Commission Regulation (EEC) No 189/68 ⁽³⁾, as last amended by Regulation (EEC) No 1528/81 ⁽⁴⁾, laid down the conditions for sale by tender on the Community market of oil seeds held by intervention agencies; whereas, in view of the present situation on the Community oils seeds market, it is unlikely that the quantities held by the Danish intervention agency can be sold in accordance with the price conditions laid down in Article 5 of Regulation (EEC) No 189/68; whereas, therefore, special measures must be taken to dispose of these oils seeds;

Whereas colza and rape seed can at present be marketed in the Community at a price which accords more closely with the actual market situation than that fixed in accordance with the said Article 5;

Whereas a security should be required in order to ensure compliance with the obligations involved in the submission of a tender; whereas, moreover, that security should be such as to prevent the seeds sold by tender from being offered for intervention a second time; whereas the security should therefore be forfeited unless the successful tenderer provides proof that the seeds have been placed under control at an oil mill pursuant to Article 2 of Council Regulation (EEC)

No 2114/71 ⁽⁵⁾, as last amended by Regulation (EEC) No 851/78 ⁽⁶⁾, or have been exported;

Whereas the minimum selling price that most closely corresponds to the actual market situation may be determined on the basis of the tenders received;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. There shall be put up for sale by tender 15 lots of a total quantity of approximately 20 371 tonnes of colza and rape seed held by the Danish intervention agency and bought in during the 1981/82 marketing year.
2. The provisions of Regulation (EEC) No 189/68 shall apply, subject to those of this Regulation.

Article 2

The notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than 10 days before the final date for the submission of tenders. This date shall be 24 February 1982 at 2 p.m. (local time).

Article 3

1. No tender shall be accepted unless it states a price per lot, delivery ex storage depot.

The costs of weighing, sampling and analysis shall be borne by the intervention agency. Any other exist costs arising shall be borne by the purchaser.

2. Tenders shall be valid only if accompanied by a security of 5 ECU per 100 kilograms.

The security may be provided in cash or in the form of a guarantee satisfying the criteria laid down in Denmark.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 43, 17. 2. 1968, p. 7.

⁽⁴⁾ OJ No L 149, 6. 6. 1981, p. 24.

⁽⁵⁾ OJ No L 222, 2. 10. 1971, p. 2.

⁽⁶⁾ OJ No L 116, 28. 4. 1978, p. 4.

Article 4

The security referred to in Article 3 (2) shall be released where :

- (a) the tenderer has not withdrawn his tender before the award of the contract and the tender has been unsuccessful ;
- (b) the successful tenderer, save in case of *force majeure*, has paid to the intervention agency the amount corresponding to his tender, has taken over the oil seeds awarded to him under the tender and has given proof that the oil seeds have been placed under control at an oil mill pursuant to Article 2 of Regulation (EEC) No 2114/71 or have been exported.

Article 5

In the light of the tender submitted, a minimum price for the seeds shall be fixed in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC.

The price shall be fixed, ex storage depot, for oil seeds of the standard quality for which intervention prices are fixed. Where the oil seeds offered for sale are not of the said standard quality, their weight shall be determined by the method described in the Annex to

Commission Regulation (EEC) No 1204/72 ⁽¹⁾, as last amended by Regulation (EEC) No 3699/81 ⁽²⁾, and the selling price shall be increased or reduced as specified in the Annex to Commission Regulation No 282/67/EEC ⁽³⁾, as last amended by Regulation (EEC) No 1983/81 ⁽⁴⁾.

Article 6

If no sale takes place a new notice of invitation to tender shall be published in the *Official Journal of the European Communities* not less than 10 days before the second expiry date for the submission of tenders. The latter shall be 17 March 1982, at 2 p.m. (local time).

Article 7

Subject to the minimum price referred to in Article 5, the contract shall be awarded to the highest bidder.

If two or more tenderers tender at the same price, the successful tenderer shall be chosen by lot.

Article 8

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

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

Done at Brussels, 5 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 133, 10. 6. 1972, p. 1.

⁽²⁾ OJ No L 369, 24. 12. 1981, p. 32.

⁽³⁾ OJ No 151, 13. 7. 1967, p. 1.

⁽⁴⁾ OJ No L 193, 16. 7. 1981, p. 21.

COMMISSION REGULATION (EEC) No 284/82
of 5 February 1982
amending Regulation (EEC) No 3730/81 fixing reference prices for fishery
products applicable until 31 December 1982

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 100/76
of 19 January 1976 on the common organization of
the market in fishery products ⁽¹⁾, as last amended by
Regulation (EEC) No 3443/80 ⁽²⁾, and in particular the
first subparagraph of Article 19 (6) thereof,

Whereas the reference prices for the products listed in
Annex I (A) and (C) to Regulation (EEC) No 100/76
where fixed for 1982 by Commission Regulation
(EEC) No 3730/81 ⁽³⁾;

Whereas, as the result of a technical error, the
reference price for herring was not given correctly;
whereas the appropriate adjustment should therefore
be made;

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

HAS ADOPTED THIS REGULATION :

Article 1

In the Annex to Regulation (EEC) No 3730/81, under
I, point 1, the figure '243' appearing in the column
headed 'Reference price' is hereby replaced by '242'.

Article 2

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

It shall apply with effect from 1 January 1982.

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

Done at Brussels, 5 February 1982.

For the Commission
Giorgios CONTOGEOGIS
Member of the Commission

⁽¹⁾ OJ No L 20, 28. 1. 1976, p. 1.

⁽²⁾ OJ No L 359, 31. 12. 1980, p. 13.

⁽³⁾ OJ No L 373, 29. 12. 1981, p. 30.

COMMISSION REGULATION (EEC) No 285/82
of 5 February 1982
altering the basic amount of the import levy on syrups and certain other sugar
products

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1785/81 of 30 June 1981 on the common organization
of the markets in the sugar sector ⁽¹⁾, as amended by
Regulation (EEC) No 192/82 ⁽²⁾, and in particular
Article 16 (8) thereof,

Whereas the import levies on syrups and certain other
sugar products were fixed by Regulation (EEC) No
213/82 ⁽³⁾, as amended by Regulation (EEC) No
245/82 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 213/82 to the infor-
mation known to the Commission that the basic

amount of the levy on syrups and certain other sugar
products at present in force should be altered,

HAS ADOPTED THIS REGULATION :

Article 1

The basic amounts of the import levy on the products
listed in Article 1 (1) (d) of Regulation (EEC) No
1785/81, as fixed in the Annex to amended Regulation
(EEC) No 213/82 are hereby altered to the amounts
shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 6 February
1982.

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

Done at Brussels, 5 February 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 21, 29. 1. 1982, p. 1.

⁽³⁾ OJ No L 22, 30. 1. 1982, p. 17.

⁽⁴⁾ OJ No L 25, 2. 2. 1982, p. 20.

ANNEX

to the Commission Regulation of 5 February 1982 altering the basic amount of the import
levy on syrups and certain other sugar products

(ECU)

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
	C. Maple sugar and other syrup	0.2530	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	35.12
	ex II. Other	0.2530	—
	E. Artificial honey, whether or not mixed with natural honey	0.2530	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0.2530	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	35.12
	IV. Other	0.2530	—

COMMISSION REGULATION (EEC) No 286/82
of 5 February 1982
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as amended by Regulation (EEC) No 192/82⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1808/81⁽³⁾, as last amended by Regulation (EEC) No 276/82⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1808/81 to the information known to the Commission that the levies

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 6 February 1982.

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

Done at Brussels, 5 February 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 21, 29. 1. 1982, p. 1.

⁽³⁾ OJ No L 181, 2. 7. 1981, p. 24.

⁽⁴⁾ OJ No L 28, 5. 2. 1982, p. 31.

ANNEX

to the Commission Regulation of 5 February 1982 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	25.30
	B. Raw sugar	19.15 ⁽¹⁾

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 26 January 1982

amending Directive 64/432/EEC as regards the period of validity of the derogations relating to brucellosis guarantees in trade in certain bovine animals as provided for in point E of Article 7 (1) thereof

(82/61/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 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 Council Directive 64/432/EEC ⁽³⁾, as last amended by Directive 81/476/EEC ⁽⁴⁾, adopted, in respect of intra-Community trade in bovine animals, health guarantees relating to brucellosis; whereas, however, point E of Article 7 (1) of that Directive allows Member States to grant specific derogations concerning trade in bovine animals which are intended for meat production and which are under 42 days of age or have been castrated before the age of four months; whereas trade in bovine animals should be facilitated whilst at the same time taking account of

the current brucellosis situation in certain Member States; whereas these derogations may also be applied to bovine animals intended for slaughter;

Whereas the Community is successfully applying an accelerated scheme for brucellosis eradication;

Whereas, however, in certain Member States the total elimination of brucellosis has not yet been achieved, although it is expected that this objective will be realized within the next two years;

Whereas it is therefore necessary to extend, until 31 December 1983, the period during which the derogation referred to in point E of Article 7 (1) may be granted,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Point E of Article 7 (1) of Directive 64/432/EEC shall be replaced by the following:

'E. These provisions shall apply until 31 December 1983 unless a derogation is decided upon by the Council acting by a qualified majority on a proposal from the Commission.'

Article 2

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

⁽¹⁾ Opinion delivered on 22 January 1982 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 15 December 1981 (not yet published in the Official Journal).

⁽³⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽⁴⁾ OJ No L 186, 8. 7. 1981, p. 20.

comply with this Directive as from 1 January 1982.
They shall forthwith inform the Commission thereof.

Done at Brussels, 26 January 1982.

Article 3

This Directive is addressed to the Member States.

For the Council

The President

L. TINDEMANS

COMMISSION

COMMISSION DECISION

of 18 December 1981

authorizing the United Kingdom to grant exemptions from Council Regulation (EEC) No 543/69 on the harmonization of certain social legislation relating to road transport

(Only the English text is authentic)

(82/62/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport⁽¹⁾, as last amended by Regulation (EEC) No 2829/77⁽²⁾, and in particular Article 14a (3) (b) thereof, hereinafter referred to as 'the Regulation',

Whereas Commission Decision 78/638/EEC⁽³⁾, as amended by Decision 80/1284/EEC⁽⁴⁾, authorized the United Kingdom to exempt the transport of milk between farms and dairies from the Regulation until 31 December 1981, as long as certain conditions imposed by the Commission were respected;

Whereas the United Kingdom lodged an application, on 1 February 1980, requesting the Commission to authorize a permanent exemption from the Regulation in respect of the transport of milk from the farm to the dairy within national frontiers;

Whereas the United Kingdom, pursuant to Decision 80/1284/EEC, has submitted to the Commission a study which describes the structure of the milk market and milk supply and marketing arrangements in the United Kingdom, and sets out the grounds for the requested permanent derogation from the Regulation;

Whereas supplementary information was obtained in meetings with representatives of the United Kingdom Government on 3 and 24 July 1981, of the United Kingdom milk industry on 3 July 1981 and of the Transport and General Workers' Union on 7 July 1981;

Whereas the abovementioned study distinguishes five main categories of milk transport:

- collections from farms by fairly small tankers over comparatively short distances,
- transport of milk between reload points and dairies by large tankers over distances of up to 380 miles (approximately 630 km) return journey,
- secondary balancing movements of raw milk by heavy vehicles over long distances to offset seasonal and other production and market fluctuations,
- transport of bottled milk,
- door to door milk sales;

Whereas the United Kingdom application requests derogations from the Regulation for the first four of these categories;

Whereas, relying principally on information supplied by representatives of the United Kingdom milk industry, the United Kingdom Government takes the view that strict application of the Regulation is technically and operationally impossible for these four transport operations and also economically undesirable;

Whereas, according to the United Kingdom Government, strict compliance with these provisions would give rise to additional costs which the milk industry would find difficult to absorb; whereas the changes

⁽¹⁾ OJ No L 77, 29. 3. 1969, p. 49 (for codified version see OJ No C 73, 17. 3. 1979, p. 1).

⁽²⁾ OJ No L 334, 24. 12. 1977, p. 11.

⁽³⁾ OJ No L 203, 27. 7. 1978, p. 39.

⁽⁴⁾ OJ No L 377, 31. 12. 1980, p. 28.

necessary as a result of a full application of the Regulation would result in some fresh milk having to be processed into other products rather than being sold in its original state; whereas this could have detrimental effects not only on the United Kingdom milk markets, which are faced with surplus production and a decline in demand, but also on the organization of the Community milk market as a whole, as this would require additional EAGGF intervention and expenditure, and put a further burden on the Community budget;

Whereas, however, the relevant United Kingdom trade unions are in favour of the full implementation of the Regulation to all milk transport;

Whereas the United Kingdom milk industry and milk markets are very efficiently organized and characterized by high productivity with production, marketing and sales in line with the needs of producers, retailers and consumers;

Whereas the Commission considers that the necessary reorganization of the United Kingdom milk market for the application of the Regulation to the transport concerned should not therefore prove an insurmountable obstacle and that existing drivers' rotas can be altered and extra drivers can be taken on and deployed as needed;

Whereas the financial effects arising from the additional expenditure on the production costs per litre of fresh milk will be minimal and will not lead to major changes in fresh milk production and marketing;

Whereas the Commission also takes the view that the extra costs of investing in butter and skimmed-milk powder manufacturing capacity and the costs to the EAGGF will not actually occur if the Regulation is implemented, because processors of dairy products will prefer to maximize the use of their existing production capacity and to keep their customers adequately supplied with these products rather than to invest in new equipment for the manufacture of butter and skimmed-milk powder;

Whereas Article 14a (3) (b) of the Regulation is limited to providing for the possibility of authorizing an exemption for transport collecting milk from farms and going directly to a dairy or via a reload point and these operations are such that they cannot be conducted otherwise than by road transport; whereas the full application of the Regulation to this type of transport would have consequences particularly of a financial nature which, notwithstanding the fundamental importance of its provisions, would not be commensurate with the social benefits that might be derived from its application to this sector of the milk industry; whereas a continued exemption for this type of transport would not have any effect on the conditions of competition between the various modes of

surface transport or with other road haulage operations; whereas such a continued exemption will not jeopardize road safety or run counter to the general objectives of the Regulation on social progress; whereas, accordingly, the authorization in respect of this type of transport may be continued;

Whereas the Commission considers that there should be a review of this authorization before 1 January 1987 in order to take account of social developments;

Whereas there is, however, no justification for authorizing a permanent exemption under Article 14a (3) (b) of the Regulation for the transport of untreated milk from reload points; whereas this transport is an industrial operation involving the use of heavy milk tankers, often travelling quite long distances;

Whereas this transport must therefore be treated in the same way as other road haulage services; whereas exemptions from the provisions of the Regulation would be incompatible with the requirements of equalizing conditions for fair competition between modes of surface transport and the promotion of road safety and reasonable working conditions;

Whereas the additional costs per unit of production arising from the application of the Regulation to such transport operations in the United Kingdom milk industry are comparatively insignificant and can be borne;

Whereas the full implementation of the Regulation, in respect of the transport of untreated milk between reload points and dairies, should take place not later than 1 January 1985 in order to avoid an abrupt transition with undesirable consequences for the milk industry and in order to give the milk industry sufficient time to make the necessary adjustments;

Whereas this three year transitional period is both a necessary and a reasonable period of time to achieve these two objectives;

Whereas the applicable provisions of United Kingdom law should apply to all operations involving the transport of untreated milk within the United Kingdom, which are hereby authorized to be made subject to an exemption from the Regulation, whether without time limit or temporarily,

HAS ADOPTED THIS DECISION:

Article 1

1. The United Kingdom is authorized to exempt from the provisions of Regulation (EEC) No 543/69, as provided for under Article 14a (3) (b) thereof, the transport of milk directly from farms to a dairy or to a reload point, which involves the collection of milk from farms.

2. The transport mentioned in the first paragraph must be carried out under the following conditions; namely, that the existing national provisions shall remain in force for this transport, the continuous driving time shall be limited to five hours, the driving time shall not exceed 108 hours per period of two weeks and, where no weekly rest period is taken, a rest period equivalent to two weekly rest periods shall be taken at least every two weeks.

3. The authorization hereby granted shall be subject to a review before 1 January 1987 in the light of all the relevant circumstances then prevailing.

Article 2

The authorization granted under Article 1 shall also apply to the transport of untreated milk between

reload points and dairies, subject to the same conditions, until 31 December 1984.

Article 3

The United Kingdom shall inform the Commission of the measures taken in implementation of this Decision.

Article 4

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 18 December 1981.

For the Commission

Giorgios CONTOGEORGIS

Member of the Commission

COMMISSION DECISION

of 21 December 1981

establishing that the apparatus described as 'SHE variable temperature superconducting susceptometer, model VTS-50' may be imported free of Common Customs Tariff duties

(82/63/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials ⁽¹⁾, as amended by Regulation (EEC) No 1027/79 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2784/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1798/75 ⁽³⁾, and in particular Article 7 thereof,

Whereas, by letter dated 15 May 1981, the Government of the Federal Republic of Germany has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'SHE variable temperature superconducting susceptometer, model VTS-50', to be used in the framework of a research project for measuring the physical properties of magnetic susceptibility, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met, on 30 October 1981, within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is a susceptometer; whereas its objective technical characteristics such as the field and the

degree of precision of the magnetic measurements and the use to which it is put make it specially suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for scientific activities; whereas it must therefore be considered to be a scientific apparatus;

Whereas, on the basis of information received from Member States, apparatus of equivalent scientific value capable of use for the same purpose is not currently manufactured in the Community; whereas, therefore, duty-free admission of this apparatus is justified,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'SHE variable temperature superconducting susceptometer, model VTS-50', which is the subject of an application by the Government of the Federal Republic of Germany of 15 May 1981, may be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1981.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION

of 21 December 1981

establishing that the apparatus described as 'Varian-Leed/Auger optics, model 981-0127, with Leed/Auger electron gun, model 981-2125, power module, model 981-2145 and Leed module, model 981-2148' may be imported free of Common Customs Tariff duties

(82/64/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials ⁽¹⁾, as amended by Regulation (EEC) No 1027/79 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2784/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1798/75 ⁽³⁾, and in particular Article 7 thereof.

Whereas, by letter dated 18 May 1981, the Government of the Federal Republic of Germany has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Varian-Leed/Auger optics, model 981-0127, with Leed/Auger electron gun, model 981-2125, power module, model 981-2145 and Leed module, model 981-2148', to be used for the analysis of structures of single-crystal surfaces and of the structure and dynamics of adsorbates on such surfaces, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7(5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met, on 30 October 1981, within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is an optical apparatus; whereas its objective technical characteristics such as the high sensi-

tivity and the degree of precision at the analysis of the surfaces of the crystals and the use to which it is put make it specially suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for scientific activities, whereas it must therefore be considered to be a scientific apparatus;

Whereas, on the basis of information received from Member States, apparatus of equivalent scientific value capable of use for the same purpose is not currently manufactured in the Community; whereas, therefore, duty-free admission of this apparatus is justified,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Varian-Leed/Auger optics, model 981-0127, with Leed/Auger electron gun, model 981-2125, power module model 981-2145 and Leed module, model 981-2148', which is the subject of an application by the Government of the Federal Republic of Germany of 18 May 1981, may be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1981.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION

of 21 December 1981

establishing that the apparatus described as 'Becton Dickinson — fluorescence-activated cell sorter, FACS IV' may be imported free of Common Customs Tariff duties

(82/65/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials ⁽¹⁾, as amended by Regulation (EEC) No 1027/79 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2784/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1798/75 ⁽³⁾, and in particular Article 7 thereof,

Whereas, by letter dated 15 June 1981, the United Kingdom has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Becton Dickinson — fluorescence-activated cell sorter, FACS IV', to be used in cancer research, and in particular for the analysis and the sorting of cancer cells on the basis of light scatter and fluorescence, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 30 October 1981 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is a cell analyzer; whereas its objective

technical characteristics such as the high precision in the field of the analysis on the basis of fluorescence and the use to which it is put make it specially suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for scientific activities; whereas it must therefore be considered to be a scientific apparatus;

Whereas, on the basis of information received from Member States, apparatus of equivalent scientific value capable of use for the same purpose is not currently manufactured in the Community; whereas, therefore, duty-free admission of this apparatus is justified,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Becton Dickinson — fluorescence-activated cell sorter, FACS IV', which is the subject of an application by the United Kingdom of 15 June 1981, may be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1981.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION

of 21 December 1981

establishing that the apparatus described as 'Baird-Fluorocomp-TLS system, model TLS-1000' may be imported free of Common Customs Tariff duties

(82/66/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials ⁽¹⁾, as amended by Regulation (EEC) No 1027/79 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2784/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1798/75 ⁽³⁾, and in particular Article 7 thereof,

Whereas, by letter dated 27 May 1981, the United Kingdom has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Baird-Fluorocomp-TLS system, model TLS-1000', to be used for the application of luminescence technique in the identification of crude oil and related materials, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States, met on 18 November 1981 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is a spectrofluorometer; whereas its objective technical characteristics such as the analytical

output, the high sensitivity and the use to which it is put make it specially suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for scientific activities; whereas it must therefore be considered to be a scientific apparatus;

Whereas, on the basis of information received from Member States, apparatus of equivalent scientific value capable of use for the same purpose is not currently manufactured in the Community; whereas, therefore, duty-free admission of this apparatus is justified,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Baird-Fluorocomp-TLS system, model TLS 1000', which is the subject of an application by the United Kingdom of 27 May 1981, may be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1981.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION

of 21 December 1981

establishing that the apparatus described as 'TSI-laser anemometer system, consisting of: base for argon ion laser; mirror system; risers, model 9177; rotating mount, model 9178, model 9179; beam splitter, model 9115-1; ring mount, model 9176; beam spacer, model 9113-9, model 9113-22; receiving assembly, model 9140; photomultiplier system, model 9160; counter, model 1990A; interface for mini-computer, model 1998D' may be imported free of Common Customs Tariff duties

(82/67/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1798/75 of 10 July 1975 on the importation free of
Common Customs Tariff duties of educational, scientific
and cultural materials ⁽¹⁾, as amended by Regulation
(EEC) No 1027/79 ⁽²⁾,

Having regard to Commission Regulation (EEC) No
2784/79 of 12 December 1979 laying down provisions
for the implementation of Regulation (EEC) No
1798/75 ⁽³⁾, and in particular Article 7 thereof,

Whereas, by letter dated 2 June 1981, the United
Kingdom has requested the Commission to invoke the
procedure provided for in Article 7 of Regulation
(EEC) No 2784/79 in order to determine whether or
not the apparatus described as TSI-laser anemometer
system, consisting of: base for argon ion laser; mirror
system; risers, model 9177; rotating mount, model
9178, model 9179; beam splitter, model 9115-1; ring
mount, model 9176; beam spacer, model 9113-9,
model 9113-22; receiving assembly, model 9140;
photomultiplier system, model 9160; counter, model
1990A; interface for mini-computer, model 1998D', to
be used for measuring the effects of free-stream turbulence
on heat transfer to gas turbine blades, should be
considered to be a scientific apparatus and, where the
reply is in the affirmative, whether apparatus of equi-

valent scientific value is currently being manufactured
in the Community;

Whereas, in accordance with the provisions of Article
7 (5) of Regulation (EEC) No 2784/79, a group of
experts composed of representatives of all the Member
States met on 18 November 1981 within the frame-
work of the Committee on Duty-Free Arrangements to
examine the matter;

Whereas this examination showed that the apparatus
in question is a laser; whereas its objective technical
characteristics such as the frequencies of the mea-
suring bands and the use to which it is put make it
specially suited to scientific research; whereas, more-
over, apparatus of the same kind are principally used
for scientific activities; whereas it must therefore be
considered to be a scientific apparatus;

Whereas, on the basis of information received from
Member States, apparatus of equivalent scientific value
capable of use for the same purpose is not currently
manufactured in the Community; whereas, therefore,
duty-free admission of this apparatus is justified,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'TSI-laser anemometer
system, consisting of: base for argon ion laser; mirror
system; risers, model 9177; rotating mount, model
9178, model 9179; beam splitter, model 9115-1; ring
mount, model 9176; beam spacer, model 9113-9,
model 9113-22; receiving assembly, model 9140;
photomultiplier system, model 9160; counter, model
1990A; interface for mini-computer, model 1998D',

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

which is the subject of an application by the United Kingdom of 2 June 1981, may be imported free of Common Customs Tariff Duties.

Done at Brussels, 21 December 1981.

Article 2

This Decision is addressed to the Member States.

For the Commission

Karl-Heinz NARJES

Member of the Commission

COMMISSION DECISION

of 21 December 1981

establishing that the apparatus described as 'PGT-energy dispersive X-ray analysis system, model XCEL' may be imported free of Common Customs Tariff duties

(82/68/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials⁽¹⁾, as amended by Regulation (EEC) No 1027/79⁽²⁾,

Having regard to Commission Regulation (EEC) No 2784/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1798/75⁽³⁾, and in particular Article 7 thereof,

Whereas, by letter dated 10 June 1981, the Government of the Federal Republic of Germany has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'PGT-energy dispersive X-ray analysis system, model XCEL', to be used for the analysis of material fractures in the microsector, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 18 November 1981 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is an analysis system; whereas its objective

technical characteristics such as the precision of the quantitative analysis and the use to which it is put make it specially suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for scientific activities; whereas it must therefore be considered to be a scientific apparatus;

Whereas, on the basis of information received from Member States, apparatus of equivalent scientific value capable of use for the same purpose is not currently manufactured in the Community; whereas, therefore, duty-free admission of this apparatus is justified,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'PGT-energy dispersive X-ray analysis system, model XCEL', which is the subject of an application by the Government of the Federal Republic of Germany of 10 June 1981, may be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 December 1981.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

