

Official Journal

of the European Communities

ISSN 0378-6978

L 156

Volume 25

7 June 1982

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

.....

II *Acts whose publication is not obligatory*

Commission

82/347/EEC:

- ★ Commission Directive of 23 April 1982 laying down certain provisions for implementing Council Directive 81/177/EEC on the harmonization of procedures for the export of Community goods 1

82/348/EEC:

- ★ Commission Directive of 29 April 1982 amending Directive 79/608/EEC fixing standard rates of yield for certain inward processing operations 6

82/349/EEC:

- ★ Commission Decision of 30 April 1982 relating to a proceeding under Article 85 of the EEC Treaty (IV/417-BPICA) 16

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DIRECTIVE

of 23 April 1982

laying down certain provisions for implementing Council Directive 81/177/EEC on the harmonization of procedures for the export of Community goods

(82/347/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 81/177/EEC of 24 February 1981 on the harmonization of procedures for the export of Community goods ⁽¹⁾, and in particular Article 21 (2) thereof,

Whereas, in order to define clearly the obligations which the person who draws up the export declaration must fulfil pursuant to Article 3 of Directive 81/177/EEC, it is necessary to specify the particulars which the declaration must contain and the documents which must accompany that declaration;

Whereas, in order to ensure correct application of export duties and of any other Community provisions governing the export of goods, it is necessary to establish practical, uniform procedures for the examination of the goods which the customs authority may carry out pursuant to Article 9 of Directive 81/177/EEC, and in particular for the taking of samples which this authority may carry out for the purposes of such examination; whereas, in particular, provision must be made for appropriate measures to deal with any refusal on the part of the declarant to be present at the examination and taking of samples, at the request of the customs authority, with a view to rectifying the suspended operation;

Whereas, in view of the important consequences which the results of verification by the customs authority of the export declaration and its accompanying documents have for the correct application of export duties and of any other Community provisions governing the export of goods pursuant to Article 10 (1) of Directive 81/177/EEC, the procedure according to which this authority must set out these results on the declaration must be laid down;

Whereas, in order to ensure uniform implementation of the provisions of Article 13 of Directive 81/177/EEC, whereby the customs authority may authorize export of the goods only after making certain, where appropriate, that the duties entered in the accounts have been paid or covered by security, it is necessary to lay down the rules to be respected by that authority where it authorizes the export of the goods without having the results of the checks that it has undertaken;

Whereas the provisions of this Directive shall apply without prejudice to Council Regulation (EEC) No 1736/75 of 24 June 1975 on the external trade statistics of the Community and statistics of trade between Member States ⁽²⁾, and to Council Regulation (EEC) No 2102/77 of 20 September 1977 introducing a Community export declaration form ⁽³⁾; whereas these provisions shall not affect the special provisions governing the granting of export refunds and other export amounts laid down within the framework of the common agricultural policy;

⁽¹⁾ OJ No L 83, 30. 3. 1981, p. 40.

⁽²⁾ OJ No L 183, 14. 7. 1975, p. 3.

⁽³⁾ OJ No L 246, 27. 9. 1977, p. 1.

Whereas the provisions of this Directive are in conformity with the opinion of the Committee on General Customs Rules,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down certain provisions for implementing Articles 3, 9, 10 (1) and 13 of Council Directive 81/177/EEC, hereinafter referred to as 'the basic Directive'.

TITLE I

CONTENTS OF THE EXPORT DECLARATION

Article 2

1. The particulars referred to in Article 3 (1) of the basic Directive which must be contained in the export declaration shall be the following:

- (a) the declarant's name and address and, where he is acting on behalf of a third party, the legal relationship under which he does so, where such information is necessary for determining the person liable for payment of any export duties;
- (b) where the declarant is not himself the exporter of the goods, the name and address of the said exporter;
- (c) in respect of goods which are under a customs procedure, a reference to that procedure;
- (d) the number, kind, marks and serial numbers of packages containing the goods declared or, if the goods are not packed, the number of articles covered by the declaration or the word 'bulk', as the case may be, and the particulars necessary to identify such unpacked goods;
- (e) the location of the goods declared, where the customs authority considers this necessary;
- (f) in the case of goods covered by the common agricultural policy, the heading or subheading of the goods in the Common Customs Tariff nomenclature and, if necessary, in the particular agricultural nomenclature which must be used for the operation in question, and a description of the said goods in the terms of that nomenclature or in terms that are sufficiently precise to enable the customs authority to determine forthwith and unambiguously that they correspond to the tariff heading or subheading so declared;

- (g) in the case of goods other than those referred to under (f), their description in terms that are sufficiently precise to enable them to be identified and checked;
- (h) in the case of goods liable to export duties or goods in respect of which the grant of export refunds or other export amounts within the framework of the common agricultural policy will be requested, a statement of the quantity and any additional particulars that may be necessary for application of such duties or for the calculation of such refunds or amounts;
- (i) the country of destination of the goods, within the meaning of Article 12 of Regulation (EEC) No 1736/75;
- (j) the serial number, preceded by the letter(s) indicating the Member State issuing any export licence or advance-fixing certificate presented pursuant to the provisions applicable in respect of the common agricultural policy;
- (k) all other particulars needed for application of the rules governing the export of the goods.

2. In addition to the particulars referred to in paragraph 1, the Member States may require that the following be included in the declaration:

- (a) the name and address of the consignee of the goods;
- (b) the rate of any export duty applicable to the goods declared;
- (c) for information purposes the amount of export duty, as calculated by the declarant.

Article 3

1. The customs authority may, should it consider it necessary, require transport documents or, as the case may be, documents relating to the previous customs procedure, to be produced when the declaration is lodged.

Where a single item is presented in two or more packages, the customs authority may also require the production of a packing list or equivalent document stating the contents of each package.

2. The accompanying documents must be kept by the customs authority unless provided otherwise or unless the declarant requires them for other operations. In the latter case, the customs authority shall take the necessary steps to ensure that the documents in question cannot subsequently be used except in respect of the quantity or value of goods for which they remain valid.

TITLE II

VERIFICATION OF THE EXPORT DECLARATION

A. Documentary verification

Article 4

Without prejudice to verification carried out before a declaration is accepted, for the purpose of ascertaining whether it is acceptable, the customs authority may, where it considers this necessary, check the declaration and the documents accompanying it in order to ensure, that the information contained in the latter corresponds to that given in the declaration.

B. Examination of the goods

Article 5

Where the customs authority decides to examine a part of the goods only, it shall inform the declarant or his representative which items it wishes to examine. The authority's choice shall be final.

The findings of such partial examination shall apply to all goods covered by the declaration in question. However, the declarant may request a further examination should he consider that the findings of the partial examination are not valid for the remainder of the goods declared.

Article 6

1. Where the customs authority elects to examine goods, it shall so inform the declarant or his representative.
2. The declarant or the person designated by him to be present at the examination of the goods shall provide the customs authority with the assistance required to facilitate its work. Should the customs authority consider the assistance given unsatisfactory, it may require the declarant to designate another person able to give the necessary assistance.
3. Where the declarant refuses to be present at the examination of the goods or to designate a person able to give the assistance which the customs authority considers necessary, the latter shall set the declarant a period in which to comply, unless it considers that such an examination may be dispensed with.

If, on expiry of the period laid down, the declarant has not complied with the requirements of the customs authority, the latter shall proceed with the

examination of the goods, at the declarant's risk and expense, calling, if necessary, on the services of an expert or of any person designated in accordance with the provisions in force.

Findings made by the customs authority during examinations carried out under the conditions referred to in the preceding subparagraph shall have the same validity as if the goods had been examined in the presence of the declarant.

4. Instead of the provisions laid down in paragraph 3, Member States may provide for the customs authority to have the option of invalidating the declaration in cases where it is beyond doubt that the declarant's refusal to be present at the examination of the goods or to designate a person able to give the necessary assistance is not intended to prevent, nor in effect prevents, that authority from finding that the rules governing the export of the goods have been breached.

C. Taking of samples

Article 7

1. Where the customs authority decides to take samples, it shall so inform the declarant or his representative.

Should the customs authority consider this desirable, it may require the declarant to be present at the taking of samples, or to arrange to be represented by a person able to render the authority the necessary assistance.

2. Samples shall be taken by the customs authority which may, however, ask that this be done under its supervision by the declarant or a person designated by him.

Samples shall be taken in accordance with the methods laid down in the provisions in force.

3. Quantities taken as samples should not exceed what is needed for analysis or detailed examination, including possible check analysis.

Article 8

1. The declarant or the person designated by him to be present at the taking of samples shall render to the customs authority all the assistance needed to facilitate the operation. Should the customs authority consider the assistance given unsatisfactory, it

may require the declarant to designate another person able to give the necessary assistance.

2. Where the declarant refuses to be present at the taking of samples or to designate a person able to give the assistance which the customs authority considers necessary, the provisions of Article 6 (3) and (4) shall apply.

Article 9

Where the customs authority takes samples for analysis or detailed examination, it shall authorize export of the goods in question without waiting for the results of the analysis or examination, unless there are other grounds for not doing so.

In this case, the provisions of Article 14 shall apply.

Article 10

The quantities taken by the customs authority as samples shall not be deducted from the quantity declared.

The declarant may be authorized, where circumstances allow, to replace the quantities of goods taken as samples by identical goods in order to complete the consignment.

Article 11

Unless destroyed by the analysis or detailed examination, the samples taken shall be returned to the declarant, at his request and expense, once they no longer need to be kept by the customs authority, in particular after all the declarant's means of appeal against the decision taken on the basis of the results of that analysis or detailed examination have been exhausted.

Where the declarant does not ask for samples to be returned, they may either be destroyed or kept to facilitate checking of subsequent operations. In specific circumstances, however, the customs authority may require the declarant to remove any samples that remain.

D. Attestation by the customs authority

Article 12

1. Where the customs authority checks the declaration and documents accompanying it or examines the goods, it shall indicate, at least in the copy of the declaration retained by the customs authority or in a document attached to it, the subject and results

of any such check or examination. Where a partial examination of the goods is made, the references of the consignment examined shall also be given.

Where appropriate, the customs authority shall also indicate in the declaration that the declarant or his representative was absent.

2. Should the result of the check on the declaration and documents accompanying it or of the examination of the goods not be in accordance with the particulars given in the declaration, the customs authority shall specify, at least in the copy of declaration intended for the customs authority or in the document attached to it, the particulars to be taken into account for the purposes of calculating the export duties or export refunds and other export amounts and for implementing any other Community provisions governing export of the goods.

3. The attestation by the customs authority shall be dated and shall bear the particulars needed to identify the official issuing it.

4. Member States may provide for no endorsement to be made by the customs authority on the declaration or on the document attached to it where the said authority does not check the declaration or examine the goods.

TITLE III

EXPORT AUTHORIZATION

Article 13

Export authorization shall be given on a single occasion for all the goods covered by the declaration.

Where it is necessary to indicate the date of the export authorization in order to ensure that the provisions applicable to the goods covered by the declaration are complied with, Member States may provide for this information to be given either in the declaration itself or in any other appropriate document.

Article 14

1. Where, pending the result of the checks that have been undertaken, whether in order to verify the statements made in the declaration or the documents accompanying it or to examine the goods, it is impossible to ascertain the particulars required to assess the export duties or export refunds or other export amounts to which the export of the goods may give rise, the customs authority shall, nonethe-

less, authorize the export of the goods in question unless there are other grounds for not doing so. Where this authorization is granted, the amount of export duties assessed on the basis of the statements made in the declaration shall be entered in the accounts immediately.

Where the customs authority considers that the checks which it has undertaken may enable assessment of export duties higher than those resulting from the statements made in the declaration, it shall further require the lodging of a security sufficient to cover the difference between the amount referred to in the previous subparagraph and the amount which may finally be payable on the goods. However, without prejudice to the specific provisions applicable within the framework of the common agricultural policy, Member States may provide for declarants to have the option of requesting immediate entry in the accounts of the amount of duties to which the goods may ultimately be liable instead of lodging this security.

2. Where the amount of export duties assessed on the basis of the checks carried out by the customs authority differs from the amount which results from the statements made in the declaration, authorization to export the goods shall give rise to immediate entry in the accounts of the amount thus assessed.

3. Where duties must be immediately entered in the accounts as provided for in paragraphs 1 and 2, this shall be done without prejudice to any measures taken pursuant to Council Directive 78/453/EEC of 22 May 1978 on the harmonization of provisions laid down by law, regulation or administrative action concerning deferred payment of import duties or export duties ⁽¹⁾.

TITLE IV

FINAL PROVISIONS

Article 15

Where an export declaration covers two or more articles, the particulars relating to each article shall be regarded as constituting a separate declaration.

Article 16

1. The Member States shall bring into force the measures necessary to comply with this Directive not later than 1 January 1983.

2. Each Member State shall inform the Commission immediately of the measures which it adopts for the purposes of implementing this Directive. The Commission shall communicate this information to the other Member States.

Article 17

This Directive is addressed to the Member States.

Done at Brussels, 23 April 1982.

For the Commission
Karl-Heinz NARJES
Member of the Commission

⁽¹⁾ OJ No L 146, 2. 6. 1978, p. 19.

COMMISSION DIRECTIVE**of 29 April 1982****amending Directive 79/608/EEC fixing standard rates of yield for certain inward processing operations****(82/348/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 69/73/EEC of 4 March 1969 on the harmonization of provisions laid down by law, regulation or administrative action in respect of inward processing ⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 12 thereof,

Whereas Commission Directive 79/608/EEC ⁽²⁾ fixes standard rates of yield for certain inward processing operations;

Whereas the list of standard rates of yield for the processing of common wheat into wheat flour should be supplemented, whereas the standard rates of yield for the processing of durum wheat should be amended in the light of actual data;

Whereas it is appropriate to adapt the Common Customs Tariff heading numbers and codes shown for rice under the subheadings of heading No 10.06 of the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68 ⁽³⁾, as last amended by Regulation (EEC) No 3300/81 ⁽⁴⁾;

Whereas the provisions concerning the standard rates of yield for wholly milled rice should be made more clear by specifying the quantity of broken rice contained in the compensating product;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee for Customs Processing Arrangements,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 79/608/EEC is hereby replaced by the Annex to this Directive in so far as the headings of the Common Customs Tariff contained in the Annex to this Directive are concerned.

Article 2

The Member States shall take the necessary measures to comply with this Directive by 1 July 1982 at the latest. Each Member State shall forthwith inform the Commission thereof; the Commission shall communicate this information to the other Member States.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 29 April 1982.

For the Commission
Karl-Heinz NARJES
Member of the Commission

⁽¹⁾ OJ No L 58, 8. 3. 1969, p. 1.

⁽²⁾ OJ No L 170, 9. 7. 1979, p. 5.

⁽³⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 335, 23. 11. 1981, p. 1.

ANNEX

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods (kg)
1		2		3
CCT heading No	Description	Code (1)	Description	
ex 10.01 B I	Common wheat	11.01 A	1. Common wheat flour having by weight on the dry product an ash content not exceeding 0.52 %	66.23
		ex 23.02 A II a)	And bran	25.50
		ex 23.02 A II b)	And sharps	6
			or	
		11.01 A	2. Common wheat flour having by weight on the dry product an ash content exceeding 0.52 % but not exceeding 0.60 %	69.93
		ex 23.02 A II a)	And bran	25.50
		ex 23.02 A II b)	And sharps	2.50
			or	
		11.01 A	3. Common wheat flour having by weight on the dry product an ash content exceeding 0.60 % but not exceeding 0.90 %	75.19
		ex 23.02 A II a)	And bran	23
			or	
		11.01 A	4. Common wheat flour having by weight on the dry product an ash content exceeding 0.90 % but not exceeding 1.10 %	83.30
		ex 23.02 A II a)	And bran	16.67
			or	
		11.01 A	5. Common wheat flour having by weight on the dry product an ash content exceeding 1.10 % but not exceeding 1.65 %	87.72
		ex 23.02 A II a)	And bran	10.26
			or	
		11.01 A	6. Common wheat flour having by weight on the dry product an ash content exceeding 1.65 % but not exceeding 1.90 %	98.03
			or	
		11.02 B II a)	7. Hulled wheat (shelled or husked) whether or not sliced or kibbled (2)	98.04
			or	
		11.07 A I a)	8. Malt, unroasted, obtained from wheat, in the form of flour	56.18

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods (kg)
1		2		3
CCT heading No	Description	Code (1)	Description	
ex 10.01 B I (cont'd)		11.07 A I b)	or 9. Malt, unroasted, obtained from wheat, in a form other than of flour	75·19
		11.08 A III	or 10. (a) Wheat starch	45·46
		11.09	and (b) Gluten	7·5
10.01 B II	Durum wheat	19.03 B I	1. Macaroni, spaghetti and similar products containing no eggs and no common wheat flour or meal, with an ash content in the dry matter of less than 0·95 % by weight	59·88
		ex 23.02 A II	And bran and sharps	35
		11.01 A	or Flour	15
		ex 23.02 A II	And bran and sharps	20
			or	
		19.03 B I	2. Macaroni, spaghetti and similar products containing no eggs and no common wheat flour or meal, with an ash content in the dry matter of 0·95 % or more but less than 1·30 % by weight	66·67
		ex 23.02 A II	And bran and sharps	28
		11.01 A	or Flour	8
		ex 23.02 A II	And bran and sharps	20
			or	
		19.03 B I	3. Macaroni, spaghetti and similar products containing no eggs and no common wheat flour or meal, with an ash content in the dry matter of 1·30 % or more by weight	75·19
		ex 23.02 A II	And bran and sharps	19
10.06 B I a) 1	Round grain paddy rice	10.06 B I b) 1	Round grain husked rice	80
10.06 B I a) 1	Round grain paddy rice	10.06 B II a) 1	Round grain semi-milled rice: 1. Non-parboiled	63

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods (kg)
1		2		3
CCT heading No	Description	Code (1)	Description	
10.06 B I a) 1 (cont'd)		11.01 F or ex 23.02 A I	And rice flour or bran	7
		10.06 B III	And broken rice	10
			or	
		2. Parboiled		68
		11.01 F or ex 23.02 A I	And rice flour or bran	6
		10.06 B III	And broken rice	6
10.06 B I a) 1	Round grain paddy rice	10.06 B II b) 1	Round grain wholly milled rice:	
		11.01 F or ex 23.02 A I	1. Non-parboiled	60
		10.06 B III	And rice flour or bran	8
			And broken rice	12
			or	
		2. Parboiled		65
		11.01 F or ex 23.02 A I	And rice flour or bran	8
		10.06 B III	And broken rice	7
10.06 B I a) 2	Long grain paddy-rice	10.06 B I b) 2	Long grain husked rice	80
10.06 B I a) 2	Long grain paddy rice of the quality: 1. Spanish medium, Uruguay selection, Bluerose, Arkrose, Calrose, Gulfrose, Magnolia, North-rose, Zenith, Nato, so-called Carolina of South America and USA medium	10.06 B II a) 2	Long grain semi-milled rice:	
		11.01 F or ex 23.02 A I	1. Non-parboiled	65
		10.06 B III	And rice flour or bran	5
			And broken rice	10
			or	
		2. Parboiled		67
		11.01 F or ex 23.02 A I	And rice flour or bran	7
		10.06 B III	And broken rice	6

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods (kg)
1		2		3
CCT heading No	Description	Code (1)	Description	
10.06 B I a) 2 (cont'd)	2. Belle Patna, Blue Belle, Blue Bonnet, Star Bonnet and USA long grain	11.01 F or ex 23.02 A I 10.06 B III	1. Non-parboiled	58
			And rice flour or bran	7
			And broken rice	15
			or	
	3. Other qualities	11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled	64
			And rice flour or bran	8
			And broken rice	8
			1. Non-parboiled	58
			and rice flour or bran	6
			And broken rice	16
			or	
			2. Parboiled	62
			And rice flour or bran	9
			And broken rice	9
10.06 B I a) 2	Long grain paddy rice of the quality:	10.06 B II b) 2	Long grain wholly milled rice:	
			1. Non-parboiled	63
	1. Spanish medium, Uruguay selection, Bluerose, Arkrose, Calrose, Gulfrose, Magnolia, North-rose, Zenith, Nato, so-called Carolina of South America and USA medium	11.01 F or ex 23.02 A I 10.06 B III	And rice flour or bran	6
			And broken rice	11
			or	
			2. Parboiled	65
	2. Belle Patna, Blue Belle, Blue Bonnet, Star Bonnet and USA long grain	11.01 F or ex 23.02 A I 10.06 B III	And rice flour or bran	8
			And broken rice	7
			1. Non-parboiled	55
			And rice flour or bran	9
			And broken rice	16
			or	
			2. Parboiled	60
			And rice flour or bran	10
			And broken rice	10

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods (kg)
1		2		3
CCT heading No	Description	Code ⁽¹⁾	Description	
10.06 B I a) 2 (cont'd)	3. Other qualities	11.01 F or ex 23.02 A I 10.06 B III	1. Non-parboiled And rice flour or bran	52
			And broken rice	9
			or	19
		11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled And rice flour or bran	58
			And broken rice	11
				11
10.06 B I b) 1	Round grain husked rice	10.06 B II a) 1	Round grain semi-milled rice:	
		11.01 F or ex 23.02 A I 10.06 B III	1. Non-parboiled And rice flour or bran	81
			And broken rice	9
			or	10
		11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled And rice flour or bran	84
			And broken rice	8
10.06 B I b) 1	Round grain husked rice	10.06 B II b) 1	Round grain wholly milled rice:	
		11.01 F or ex 23.02 A I 10.06 B III	1. Non-parboiled And rice flour or bran	77
			And broken rice	11
			or	12
		11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled And rice flour or bran	80
			And broken rice	10
10.06 B I b) 2	Long grain husked rice of the quality:	10.06 B II a) 2	Long grain semi-milled rice:	

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods (kg)
1		2		3
CCT heading No	Description	Code (1)	Description	
10.06 B I b) 2 (cont'd)	1. Spanish medium, Uruguay selection, Bluerose, Arkrose, Calrose, Gulfrose, Magnolia, North-rose, Zenith, Nato, so-called Carolina of South America and USA medium	11.01 F or ex 23.02 A I 10.06 B III	1. Non-parboiled And rice flour or bran	84 6
			And broken rice	10
			or	
		11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled And rice flour or bran	86 7
			And broken rice	7
			1. Non-parboiled And rice flour or bran	76 9
	2. Belle Patna, Blue Belle, Blue Bonnet, Star Bonnet and USA long grain	11.01 F or ex 23.02 A I 10.06 B III	And broken rice	15
			or	
		11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled And rice flour or bran	86 7
			And broken rice	7
			1. Non-parboiled And rice flour or bran	71 9
			And broken rice	20
	3. Other qualities	11.01 F or ex 23.02 A I 10.06 B III	or	
			2. Parboiled And rice flour or bran	82 9
			And broken rice	9
10.06 B I b) 2	Long grain husked rice of the quality: 1. Spanish medium, Uruguay selection, Bluerose, Arkrose, Calrose, Gulfrose, Magnolia, North-rose, Zenith, Nato, so-called Carolina of South America and USA medium	10.06 B II b) 2	Long grain wholly milled rice:	
		11.01 F or ex 23.02 A I 10.06 B III	1. Non-parboiled And rice flour or bran	77 11
			And broken rice	12
			or	
		11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled And rice flour or bran	81 9
			And broken rice	10

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods (kg)
1		2		3
CCT heading No	Description	Code (1)	Description	
10.06 B I b) 2 (cont'd)	2. Belle Patna, Blue Belle, Blue Bonnet, Star Bonnet and USA long grain	11.01 F or ex 23.02 A I 10.06 B III	1. Non-parboiled And rice flour or bran	73 10
			And broken rice	17
			or	
		11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled And rice flour or bran	83 8
	3. Other qualities		And broken rice	9
		11.01 F or ex 23.02 A I 10.06 B III	1. Non-parboiled And rice flour or bran	67 11
			And broken rice	22
			or	
		11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled And rice flour or bran	78 11
			And broken rice	11
10.06 B I b) 2	Long grain husked rice	ex 21.07 A II	Pre-cooked rice (?)	57-47
10.06 B II a) 1	Round grain semi-milled rice	10.06 B II b) 1	Round grain wholly milled rice:	
		11.01 F or ex 23.02 A I 10.06 B III	1. Non-parboiled And rice flour or bran	95 2
			And broken rice	3
			or	
		11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled And rice flour or bran	97 1
			And broken rice	2
10.06 B II a) 2	Long grain semi-milled rice of the quality:	10.06 B II b) 2	Long grain wholly milled rice:	

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods (kg)
1		2		3
CCT heading No	Description	Code (1)	Description	
10.06 B II a) 2 (cont'd)	1. Spanish medium, Uruguay selection, Bluerose, Arkrose, Calrose, Gulfrose, Magnolia, North-rose, Zenith, Nato, so-called Carolina of South America and USA medium	11.01 F or ex 23.02 A I 10.06 B III	1. Non-parboiled And rice flour or bran	93 2
			And broken rice	5
			or	
		11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled And rice flour or bran	96 2
			And broken rice	2
			1. Non-parboiled	92
	2. Belle Patna, Blue Belle, Blue Bonnet, Star Bonnet and USA long grain	11.01 F or ex 23.02 A I 10.06 B III	And rice flour or bran	3
			And broken rice	5
			or	
		11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled And rice flour or bran	95 2
			And broken rice	3
			1. Non-parboiled	91
	3. Other qualities	11.01 F or ex 23.02 A I 10.06 B III	And rice flour or bran	3
			And broken rice	6
			or	
		11.01 F or ex 23.02 A I 10.06 B III	2. Parboiled And rice flour or bran	94 3
			And broken rice	3
10.06 B II b)	Wholly milled rice	10.06 B II b)	Wholly milled rice, polished, glazed or packed	100 (7 bis)
10.06 B II b) 1	Round grain wholly milled rice	ex 19.05 B	'Puffed rice'	60-61

Imported goods		Compensating products		Quantity of compensating products for each 100 kg of imported goods (kg)
1		2		3
CCT heading No	Description	Code (1)	Description	
10.06 B II b) 2	Long grain wholly milled rice	ex 21.07 A II	Pre-cooked rice (7)	84
10.06 B III	Broken rice	11.01 F	1. Rice flour	94-34
			or	
		11.02 A VI	2. Rice groats and meal	94-34
			or	
		11.02 E II d) 1	3. Rice, flaked	94-34
			or	
		11.08 A II	4. Rice starch	65-79

(7 bis) For the purposes of completing the arrangements, the quantity of broken rice obtained shall correspond to the quantity of broken rice as determined at the time of importation for processing of rice under subheading 10.06 B II b).
In the case of polishing, this quantity shall be increased by 2 % of the imported rice excluding the broken rice as determined at importation.

COMMISSION DECISION

of 30 April 1982

relating to a proceeding under Article 85 of the EEC Treaty

(IV/417-BPICA)

(Only the Danish, Dutch, English, French, German and Italian texts are authentic)

(82/349/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Regulation No 17 of 6 February 1962 ⁽¹⁾, and in particular Articles 6 and 8 thereof,

Having regard to the Commission Decision of 7 November 1977 ⁽²⁾ under Article 85 (3) of the Treaty relating to the regulations of the International Permanent Bureau of Motor Manufacturers (BPICA), applicable until 17 May 1982,

Having regard to the application made on 22 June 1981 by the BPICA Chairman for renewal of this Decision,

Having regard to the summary of the BPICA regulations published, in accordance with Article 19 (3) of Regulation No 17, in the *Official Journal of the European Communities* No C 316 of 4 December 1981,

Having regard to the opinion delivered on 18 February 1982 by the Advisory Committee on Restrictive Practices and Dominant Positions in accordance with Article 10 of Regulation No 17,

Whereas:

I

1. BPICA is a non-profit-making association established in 1919. One of its objects is to regulate the display of motor vehicles at shows and exhibitions; both the application for negative clearance and notification submitted on 29 October 1962 and the application for renewal of the exemption Decision adopted by the Commission pursuant to Article 85 (3) of the Treaty on 7 November 1977 are

concerned only with this object and the regulations adopted in pursuance thereof.

2. BPICA's membership includes the following national associations, which represent all motor vehicle manufacturers within their respective countries and in certain cases also assemblers and/or importers:

Verband der Automobilindustrie EV (VDA)
Westendstraße, 61, 6000 Frankfurt/Main 17
(Federal Republic of Germany),

Fachverband der Fahrzeugindustrie Österreichs
Lugeck 1/I/32, 1011 Wien 1 (Austria),

Fédération belge des industries de l'automobile et du cycle (FEBIAC)
Boulevard de la Woluwe 46, 1200 Bruxelles
(Belgium),

Automobil-Importørernes Sammenslutning
Ryvangs Allé 68, 2900 Hellerup (Denmark),

Asociación Española de Fabricantes de Automóviles, Camiones, Tractores y sus Motores (ANFAC)
Calle Fray Bernardino Sahagun 24, Madrid 16
(Spain),

Motor Vehicle Manufacturers Association of the United States, Inc. (MVMA)
1919 K Street, N.W., Suite 300, Washington, D.C. 20006 (United States),

Autotuojat r.y. Föreningen Bilimportörerna
Annankatu 31-33 D 59, SF 00100 Helsinki 10
(Finland),

Chambre syndicale des constructeurs d'automobiles (CSCA)
2, rue de Presbourg, 75008 Paris (France),

Mogürt
Bocskai ut. 77-79, H 1113 Budapest XI (Hungary),

Associazione nazionale fra industrie automobilistiche (ANFIA)
Corso Galileo Ferraris 61, Torino (Italy),

Japan Automobile Manufacturers Association (JAMA)
Otemachi Building 6-1, Otemachi, 1-chome, Chiyoda-ku, Tokyo 100 (Japan),

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No L 299, 23. 11. 1977, p. 18.

Bilimportørenes Landsforening
Hauchsgt. 1, Oslo 1 (Norway),

Nederlandse Vereniging de Rijwielen- en Automobielen-Industrie (RAI)
Europaplein 2, 1078 GZ Amsterdam (Netherlands),

Union de l'industrie automobile polonaise (Polmo)
ul. Stalingradzka 23, 03-468 Warszawa (Poland),

The Society of Motor Manufacturers & Traders Ltd (SMMT)
Forbes House, Halkin Street, London SW1X 7DS (United Kingdom),

Sveriges Bilindustri- och Bilgrossistförening
Industrihuset, Storgatan 19, S 114 85 Stockholm (Sweden),

Chambre syndicale suisse de l'automobile et branches annexes
Case postale 112, CH 1218 Grand-Saconnex/Genève (Switzerland),

Motokov
Na Strži 63, 140 62 Praha 4 (Czechoslovakia),

V.O. Avtoexport
Volkhonka ul. 14, 119902 Moskva G-19 (USSR),

Poslovna Zajednica Proizvodjaca Motornih Vozila
Bulevar Vojvode Misica 14, 11000 Beograd (Yugoslavia);

3. Neither the statutes of BPICA nor its regulations on the display of motor vehicles at international exhibitions have been amended since the Decision of 7 November 1977. Reference should therefore be made to the latter for the basic features of the said statutes and regulations.

4. The national associations organize the motor shows in their respective countries. Each year several motor shows are held at which cars and/or trucks or buses and the like are displayed. They are generally held in Amsterdam, Barcelona, Belgrade, Birmingham, Brussels, Frankfurt, Geneva, Paris, Reykjavik and Turin. BPICA also authorizes the display of motor vehicles at the international fairs held each year in Brno, Budapest, Izmir, Leipzig, Poznan, Plovdiv and Thessaloniki.

5. International specialized exhibitions are normally organized by fair organizers or by the relevant trade associations; to qualify for display specialized vehicles must correspond to the relevant type of

exhibition. The main international specialized exhibitions recognized by BPICA are the following:

- public works and building exhibitions ⁽¹⁾, now mainly held in Basle, Budapest, Hanover, Munich, Verona and Vienna,
- municipal exhibitions ⁽²⁾, generally held in Amsterdam, Birmingham, Munich and Vienna,
- camping exhibitions ⁽³⁾, usually held in Amsterdam, Essen and Turin,
- fire-fighting exhibitions ⁽⁴⁾; the most recent was held in Amsterdam in 1979,
- racing and sports car shows ⁽⁵⁾, generally held annually in Paris,
- airport equipment exhibitions; the most recent was held in Hamburg in 1981,
- security exhibitions ⁽⁶⁾, which since 1979 have been held in Utrecht in 1979, Essen and Geneva in 1980 and Utrecht in 1981.

6. Some of these international specialized exhibitions cannot always be held in the same place or at regular intervals; this is partly due to the very nature of the vehicles displayed, but above all to the fact that producers and fair organizers have a joint interest in meeting their potential customers half way without any substantial increase in the costs of distributing — and consequently selling — the vehicles concerned by organizing exhibitions (whose success cannot be taken for granted) too frequently.

⁽¹⁾ The vehicles displayed include site and quarry skips, concrete mixers, mobile crushing and screening plant, cranes, excavators, dumpers spreaders, bitumen heaters and grit spreaders. This list is not exhaustive.

⁽²⁾ The vehicles displayed include vehicles for emptying and cleaning sewers, refuse-collection vehicles, sprayers, road sweepers, snow ploughs and ambulances. This list is not exhaustive.

⁽³⁾ The vehicles displayed consist solely of powered caravans.

⁽⁴⁾ The vehicles displayed include tankers, fire engines, pump wagons, airport fire engines, emergency rescue vehicles, mechanical ladders, forestry fire-fighting tankers, emergency breakdown vehicles and ambulances. This list is not exhaustive.

⁽⁵⁾ The cars displayed are formula racing cars and sports cars having won a race in the preceding year.

⁽⁶⁾ The vehicles displayed are vehicles designed to protect persons and goods during transport and armoured vehicles used by the police.

7. In accordance with Article 3 of the Decision of 7 November 1977, each year BPICA had to furnish to the Commission *inter alia* copies of all the letters whereby it informed the applicant organizations that their request for authorization of international specialized exhibitions was refused. The Commission has not learned of any such refusals by BPICA since the Decision of 7 November 1977 was adopted, apart from that concerning a camping tourism exhibition to be held in Stuttgart from 21 to 29 January 1978, for which the application for authorization was sent to BPICA on 23 December 1977 after it had circulated on 16 December 1977 the definitive calendar for 1978 of international exhibitions where display of motor vehicles was authorized, which it had adopted on 18 November 1977.

8. The Decision of 7 November 1977 referred to certain features, on the one hand, of fairs and exhibitions in general and, on the other, of motor shows in particular. These features, which still distinguish both of the above types of exhibitions, may be summarized as follows:

- the importance of fairs and exhibitions as a source of market information,
- the preference for specialized exhibitions over general exhibitions where, on account of shortage of space, it is increasingly difficult to display a full range of products from all fields. As a result, if motor vehicles were displayed in addition to the usual products, they could be represented only by a limited range of types and makes and this would harm both the manufacturers and the consumer,
- the fact that motor vehicles may be displayed at a number of other exhibitions (national, regional, local, special) in addition to the shows and exhibitions authorized by BPICA and as 'supports' for other equipment in international exhibitions not authorized by BPICA. Moreover, BPICA does not prohibit advertising for motor vehicles at such international exhibitions,
- the role which the mass-circulation and specialized press play in advertising and in keeping the consumer informed.

9. Following publication of the Notice pursuant to Article 19 (3) of Regulation No 17, the Commission has received no new comments from third parties which might alter its assessment of the BPICA regulations.

II

10. For the reasons outlined in the Decision of 7 November 1977, to which reference should be made, the following provisions of the BPICA regulations.

- the ban imposed on manufacturers of motor vehicles and, through them, on their representatives, from taking part in international exhibitions and fairs which are not in the BPICA calendar,
- the penalty which may be imposed on the author of an infringement: a less favourable or reduced stand at the motor show in the country where the breach was committed,

have as their object or effect the restriction of competition within the common market between persons providing a service (the organizers of fairs and exhibitions), between motor vehicle manufacturers and between their commercial intermediaries. They are also liable to affect trade between Member States in that they impede trade in services by organizers of fairs and exhibitions and dealings in motor vehicles between the Member States.

III

11. The Commission is not aware of any new elements of fact or of law which could alter its view on this matter. In these circumstances the exemption Decision adopted on 7 November 1977 may be renewed under Article 8 (2) of Regulation No 17 since the tests for application of Article 85 (3) of the Treaty are still satisfied.

12. The BPICA regulations continue to improve the distribution of motor vehicles and to promote economic progress. The concentration of international events which it achieves — and which satisfies the need to rationalize international fairs and exhibitions — is the least expensive way in which

the full range, or nearly the full range, of motor vehicles can be brought together and compared. This has the effect of stimulating technical progress and giving better guidance to the consumer through the presentation of a full, up-to-date display of products, while providing favourable circumstances for the negotiation and conclusion of business transactions.

13. It may be concluded that a fair share of this improvement in distribution and economic progress accrues to the consumer. The periodic concentration of supply enables prospective purchasers to gain a full picture of the range of products available and to decide on what they will buy without having to travel about.

14. The BPICA regulations impose no restrictions which are not indispensable to the attainment of these objectives. The restriction which flows from the obligation upon motor manufacturers and their representatives to refrain from taking part in international exhibitions other than those organized by BPICA may be regarded as indispensable to the attainment of the benefit achieved through rationalization of the display of motor vehicles at such events.

15. The BPICA regulations do not eliminate competition between fair organizers, since the latter are entitled to seek the inclusion of motor vehicles in any exhibition other than those which are not authorized by BPICA and also since motor vehicles are only one form of advertising among many others at their disposal. The regulations do not eliminate competition between manufacturers or distributors of motor vehicles, for the display of a product at an exhibition is only one of many methods of marketing. In order to promote sales, manufacturers of motor vehicles have at their disposal all the facilities of the mass media for attracting the largest possible number of consumers, not to mention the additional promotion carried out by manufacturers' representatives in their direct contact with potential customers. It must be borne in mind that motor manufacturers and/or their representatives may take part in national, regional, local and special exhibitions not requiring BPICA authorization, in addition to the numerous events organized by BPICA.

16. In these circumstances a favourable response may be given to BPICA's application for renewal of the Commission Decision of 7 November 1977, which may be renewed for a period of 10 years.

17. For the reasons previously outlined in the Decision of 7 November 1977, the conditions attaching to the said Decision of 7 November 1977 must also form an integral part of this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The Decision adopted by the Commission on 7 November 1977 under Article 85 (3) of the Treaty establishing the European Economic Community relating to the BPICA regulations is hereby renewed until 17 May 1992.

Article 2

Each year BPICA shall furnish to the Commission:

- a list of the international exhibitions at which the display of motor vehicles is subject to its authorization,
- the calendar of international exhibitions at which the display of motor vehicles is authorized,
- copies of all the letters whereby the BPICA secretariat informs the applicant organizations that their request for authorization of international specialized exhibitions is refused.

Article 3

This Decision is addressed to the International Permanent Bureau of Motor Manufacturers (BPICA), 4 rue de Berri, 75008 Paris, France and to the following member national associations, to which BPICA is required to forward the Decision:

Verband der Automobilindustrie EV (VDA)
Westendstraße, 61 6000 Frankfurt/Main 17 (Federal Republic of Germany),

Fachverband der Fahrzeugindustrie Österreichs
Lugeck 1/1/32, 1011 Wien 1 (Austria),

Fédération belge des industries de l'automobile et
du cycle (FEBIAC)
Boulevard de la Woluwe, 46, 1200 Bruxelles
(Belgium),

Automobil-Importørernes Sammenslutning
Ryvangs Allé 68, 2900 Hellerup (Denmark),

Asociación Española de Fabricantes de Automó-
viles, Camiones, Tractores y sus Motores (ANFAC)
Calle Fray Bernardino Sahagún 24, Madrid 16
(Spain),

Motor Vehicle Manufacturers Association of the
United States, Inc. (MVMA)
1919 K Street, N.W., Suite 300, Washington, D.C.
20006 (United States),

Autotuojat r.y. Föreningen Bilimportörerna
Annankatu 31-33 D 59, SF 00100 Helsinki 10
(Finland),

Chambre syndicale des constructeurs d'automobiles
(CSCA)
2, rue de Presbourg, 75008 Paris (France),

Mogürt
Bocskai ut. 77-79, H 1113 Budapest XI (Hungary),

Associazione nazionale fra industrie automobili-
stiche (ANFIA)
Corso Galileo Ferraris 61, Torino (Italy),

Japan Automobile Manufacturers Association
(JAMA)
Otemachi Building 6-1, Otemachi, 1-chome, Chi-
yoda-ku, Tokyo 100 (Japan),

Bilimportørenes Landsforening
Hauchsgt. 1, Oslo 1 (Norway)

Nederlandse Vereniging de Rijwiel- en Automo-
biel-Industrie (RAI)
Europaplein 2, 1078 GZ Amsterdam (Netherlands),

Union de l'industrie automobile polonaise (Polmo)
ul. Stalingradzka 23, 03-468 Warszawa (Poland),

The Society of Motor Manufacturers & Traders Ltd
(SMMT)
Forbes House, Halkin Street, London SW1X 7DS
(United Kingdom),

Sveriges Bilindustri- och Bilgrossistförening
Industrihuset, Storgatan 19, S 114 85 Stockholm
(Sweden),

Chambre syndicale suisse de l'automobile et
branches annexes
Case postale 112, CH 1218 Grand-Saconnex/
Genève (Switzerland),

Motokov,
Na Strži 63, 140 62 Praha 4 (Czechoslovakia),

V.O. Avtoexport
Volkhonka ul/ 14, 119902 Moskva G-19 (USSR),

Poslovna Zajednica Proizvodjaca Motornih Vozila
Bulevar Vojvode Misica 14, 11000 Beograd
(Yugoslavia).

Done at Brussels, 30 April 1982.

For the Commission
Franz ANDRIESEN
Member of the Commission