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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 3120/83 of 7 November 1983 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 3121/83 of 7 November 1983 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 3122/83 of 7 November 1983 altering the basic amount of the import levies on syrups and certain other products in the sugar sector	5
Commission Regulation (EEC) No 3123/83 of 7 November 1983 fixing the import levies on white sugar and raw sugar	7
Commission Regulation (EEC) No 3124/83 of 7 November 1983 altering the export refunds on cereals and on wheat or rye flour, groats and meal	8

II *Acts whose publication is not obligatory*

Council

83/533/EEC :

- ★ **Council Decision of 26 October 1983 adopting the second stage (January 1984/March 1986) of the multiannual research and training programme for the European Economic Community in the field of biomolecular engineering** 11

Commission

83/534/EEC :

- ★ **Commission Decision of 25 October 1983 establishing that the apparatus described as 'Control Data — Computer, model Cyber 175-312' may not be imported free of Common Customs Tariff duties** 14

(Continued overleaf)

Contents (continued)

83/535/EEC :

- ★ Commission Decision of 25 October 1983 establishing that the apparatus described as 'PAR — Optical Multichannel Analyzer OMA2, model 1215/1216/1252 B' may be imported free of Common Customs Tariff duties . 15

83/536/EEC :

- ★ Commission Decision of 25 October 1983 establishing that the apparatus described as 'LSI — Vascular Diagnostic Computer' may not be imported free of Common Customs Tariff duties 16

83/537/EEC :

- ★ Commission Decision of 27 October 1983 authorizing France and Italy temporarily to take additional measures to protect themselves against the introduction of 'Erwinia amylovora' 17

83/538/EEC :

- ★ Commission Decision of 28 October 1983 establishing that the apparatus described as 'Henson — Computer Compatible Incremental Measuring Machine, model Bannister Laboratory' may not be imported free of Common Customs Tariff duties 20

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3120/83**of 7 November 1983****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 1451/82⁽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 2157/83⁽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 November 1983;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2157/83 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 8 November 1983.

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

Done at Brussels, 7 November 1983.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 206, 30. 7. 1983, p. 47.

ANNEX

to the Commission Regulation of 7 November 1983 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	84,38
10.01 B II	Durum wheat	117,11 ⁽¹⁾ ⁽²⁾
10.02	Rye	71,29 ⁽⁶⁾
10.03	Barley	59,43
10.04	Oats	41,07
10.05 B	Maize, other than hybrid maize for sowing	48,81 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	9,62 ⁽⁴⁾
10.07 C	Grain sorghum	69,10 ⁽⁴⁾
10.07 D	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	131,98
11.01 B	Rye flour	113,61
11.02 A I a)	Durum wheat groats and meal	194,85
11.02 A I b)	Common wheat groats and meal	141,60

⁽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 3121/83

of 7 November 1983

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 1451/82⁽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 2158/83⁽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 November 1983;

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 8 November 1983.

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

Done at Brussels, 7 November 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 206, 30. 7. 1983, p. 50.

ANNEX

to the Commission Regulation of 7 November 1983 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 11	1st period 12	2nd period 1	3rd period 2
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
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	0
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 11	1st period 12	2nd period 1	3rd period 2	4th period 3
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3122/83**of 7 November 1983****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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 last amended by Regulation (EEC) No 606/82 ⁽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 3066/83 ⁽³⁾, as amended by Regulation (EEC) No 3100/83 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3066/83 to the information 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 3066/83 are hereby altered to the amounts shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 November 1983.

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

Done at Brussels, 7 November 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 301, 1. 11. 1983, p. 17.

⁽⁴⁾ OJ No L 302, 4. 11. 1983, p. 20.

ANNEX

to the Commission Regulation of 7 November 1983 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

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 (ECU)
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 D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) : I. Isoglucose ex II. Other E. Artificial honey, whether or not mixed with natural honey F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,3847 — 0,3847 0,3847 0,3847	— 47,36 — — —
21.07	Food preparations not elsewhere specified or included : F. Flavoured or coloured sugar syrups : III. Isoglucose IV. Other	— 0,3847	47,36 —

COMMISSION REGULATION (EEC) No 3123/83
of 7 November 1983
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
last amended by Regulation (EEC) No 606/82⁽²⁾, and
in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1789/83⁽³⁾,
as last amended by Regulation (EEC) No 3115/83⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1789/83 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 Regu-
lation (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 8 November
1983.

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

Done at Brussels, 7 November 1983.

For the Commission

Poul DALSAGER

Member of the Commission

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 176, 1. 7. 1983, p. 48.
⁽⁴⁾ OJ No L 303, 5. 11. 1983, p. 18.

ANNEX

**to the Commission Regulation of 7 November 1983 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	38,47
	B. Raw sugar	32,27 ⁽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.

COMMISSION REGULATION (EEC) No 3124/83**of 7 November 1983****altering the export refunds 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 organi-
zation of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1451/82 ⁽²⁾, and in particular the
second sentence of the fourth subparagraph of Article
16 (2) thereof,

Whereas the export refunds on cereals and on wheat
or rye flour, groats and meal were fixed by Regulation
(EEC) No 3106/83 ⁽³⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 3106/83 to the
information known to the Commission that the export

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1
(a), (b) and (c) of Regulation (EEC) No 2727/75,
exported in the natural state, as fixed in the Annex to
Regulation (EEC) No 3106/83 are hereby altered as
shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 8 November
1983.

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

Done at Brussels, 7 November 1983.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽³⁾ OJ No L 302, 4. 11. 1983, p. 29.

ANNEX

to the Commission Regulation of 7 November 1983 altering the export refunds on cereals
and on wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — other third countries	 37,00 44,00 15,00
10.01 B II	Durum wheat	—
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — Zones II b) and I a) — other third countries	 21,00 28,00 —
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — Zone II b) — Japan — other third countries	 20,00 27,00 — 10,00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — Libya — other third countries	 0 15,00 —
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	 77,00 77,00 68,00 63,00 59,00 53,00

(ECU / tonne)		
CCT heading No	Description	Refund
ex 11.01 B	Rye flour :	
	— of an ash content of 0 to 700	77,00
	— of an ash content of 701 to 1 150	77,00
	— of an ash content of 1 151 to 1 600	77,00
	— of an ash content of 1 601 to 2 000	77,00
11.02 A I a)	Durum wheat groats and meal :	
	— of an ash content of 0 to 950	151,00
	— of an ash content of 951 to 1 300	151,00
	— of an ash content of 1 301 to 1 500	151,00
11.02 A I b)	Common wheat groats and meal :	
	— of an ash content of 0 to 520	77,00

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 October 1983

adopting the second stage (January 1984/March 1986) of the multiannual research and training programme for the European Economic Community in the field of biomolecular engineering

(83/533/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Article 2 of the Treaty assigns to the Community *inter alia* the task of promoting throughout the Community a harmonious development of economic activities, a continuous and balanced expansion and an accelerated raising of the standard of living;

Whereas by Decision 81/1032/EEC ⁽⁴⁾, the Council adopted a multiannual research and training programme in the field of biomolecular engineering; whereas the programme is to be implemented in two stages, the first stage running from 1 April 1982 until the revision of the programme in 1983 and the second stage from this revision until 31 March 1986;

Whereas the Council decided that the amount of the appropriations and the staff required to execute the programme is to be re-evaluated when the programme is revised;

Whereas the implementation of the first stage of the programme through research and training contracts has clearly confirmed the need for an extension of the programme during the second stage;

Whereas the importance of research and training at Community level in the field of biomolecular engineering is fully recognized in the framework programme (1984 to 1987) prepared by the Commission;

Whereas account should be taken of the opinion of the Scientific and Technical Research Committee (Crest) on the Commission proposal;

Whereas account should be taken of the opinion of the Advisory Committee for the Management of the Biomolecular Engineering Programme,

HAS DECIDED AS FOLLOWS:

Article 1

The second stage of the multiannual research and training programme, for the European Economic Community in the field of biomolecular engineering, hereinafter called 'the programme', is hereby adopted in the form set out in the Annex for the period starting on 1 January 1984 and ending on 31 March 1986.

⁽¹⁾ OJ No C 180, 7. 7. 1983, p. 10.

⁽²⁾ Opinion delivered on 14 October 1983 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 28 September 1983 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 375, 30. 12. 1981, p. 1.

Article 2

Done at Luxembourg, 26 October 1983.

The funds estimated as necessary for the execution of the second stage of the programme, which are to be added to those already allocated for the first stage, should be seven million ECU, including expenditure on an additional staff of two.

*For the Council**The President*G. MORAITIS

*ANNEX***1. Research actions**

- 1.1. Development of second generation bioreactors (multienzymatic, multiphase or requiring a co-factor) for detoxification and for industrial applications including agro-food applications. Research activities are also included in this sector focusing upon :
 - the study of the physiology and the stability of cell populations, including genetically manipulated cells, in relation with whole cell immobilization,
 - the analysis of enzyme inactivation and the preservation of activity in immobilized systems (particularly under non-physiological conditions characteristic of high salinity, non-aqueous, high temperature and extreme pH environments).
- 1.2. Improved production, by means of biomolecular engineering methods, of substances for :
 - animal husbandry (particularly vaccines and hormones),
 - agro-food industries.
- 1.3. Upgrading of plant products, particularly ligno-cellulose, by means of biomolecular engineering methods.
- 1.4. Improvement, by means of genetic engineering, of plants and micro-organisms which play an important role in agriculture. Research activities in this sector are to include :
 - the characterization of the structure and the expression of microbial and plant genomes, including organelles of DNA and plasmid DNA,
 - the study of the molecular mechanisms of interactions between plants and symbiotic micro-organisms and the improvement by genetic engineering of these symbiotic relations,
 - the development of methods for the identification, transfer and expression of new genetic information in cultivated plant species,
 - the control of regeneration and differentiation of plant cells and plant protoplasts into mature and fertile plants,
 - the use of biomolecular engineering for the early detection of genetic or pathogenic changes in plants.
- 1.5. Development of methods for detecting contamination and for the assessment of possible risks associated with applications of biomolecular engineering in agriculture and industry.

The financial resources for the execution of research actions shall not be lower than 80 % of the total budget allocated to the second stage of the programme.

2. Training

- 2.1. Development of new reactors using immobilized multi-enzyme systems, including those requiring multi-phase environment and co-factor regeneration.
- 2.2. Development of bio-reactors for human detoxification.
- 2.3. The transfer of genes from diverse sources to the bacterium *Escherichia coli*, the yeast *Saccharomyces cerevisiae* and other suitable organisms.
- 2.4. Development of cloning systems.
- 2.5. Gene transfer in micro-organisms and in plants important to agriculture.
- 2.6. Improvement of methods for detecting contamination and for the assessment of possible risks associated with applications of biomolecular engineering in agriculture and industry.

The financial resources for the execution of this training action shall not exceed 20 % of the total budget allocated to the second stage of the programme.

COMMISSION

COMMISSION DECISION

of 25 October 1983

establishing that the apparatus described as 'Control Data — Computer, model Cyber 175-312' may not be imported free of Common Customs Tariff duties

(83/534/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 last amended by Regulation (EEC) No 608/82⁽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 April 1983, the Federal Republic of Germany 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 'Control Data — Computer, model Cyber 175-312' ordered on 17 February 1978 and intended for use in data processing for educational and research projects should be considered as 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 17 October 1983 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 computer; whereas by Decision 83/521/EEC⁽⁴⁾ the Commission found that the importation of computers known as 'Control Data — Computer, models Cyber 170-720 and Cyber 170-750' could not be imported free of Common Customs Tariff duties because they could not be deemed to be scientific apparatus;

Whereas the technical characteristics of the imported apparatus and the results which may be obtained with it are practically identical to those of the apparatus referred to in Decision 83/521/EEC; whereas, therefore, it is justified to refuse in this case also the duty-free importation of the apparatus known as 'Control Data — Computer, model Cyber 175-312',

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Control Data — Computer, model Cyber 175-312', which is the subject of an application by the Federal Republic of Germany of 15 April 1983, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 October 1983.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 4.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

⁽⁴⁾ OJ No L 293, 25. 10. 1983, p. 24.

COMMISSION DECISION

of 25 October 1983

establishing that the apparatus described as 'PAR — Optical Multichannel Analyzer OMA2, model 1215/1216/1252 B' may be imported free of Common Customs Tariff duties

(83/535/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 last amended by Regulation (EEC) No 608/82⁽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 14 April 1983, the Federal Republic of Germany 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 'PAR — Optical Multichannel Analyzer OMA2, model 1215/1216/1252 B', ordered on 24 June 1980 and intended to be used for the two-dimensional scanning of a streak camera tube for obtaining time — and spectrum — resolved intensity profiles, 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 23 September 1983 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 analyzer; whereas its objective technical characteristics such as the answer of the spectrum 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 'PAR — Optical Multichannel Analyzer OMA2, model 1215/1216/1252 B', which is the subject of an application by the Federal Republic of Germany of 14 April 1983, may be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 October 1983.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 4.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION

of 25 October 1983

establishing that the apparatus described as 'LSI — Vascular Diagnostic Computer' may not be imported free of Common Customs Tariff duties

(83/536/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 last amended by Regulation (EEC) No 608/82⁽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 April 1983, Italy 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 'LSI — Vascular Diagnostic Computer', ordered on 11 January 1982 and intended to be used for the analysis of the different parameters that can vary in the course of vascular disease, in particular the pulse volume curve and the perfusion volume of the limb, and determination of the perfusion pressure on any arterial segment, should be considered as 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 23 September 1983 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 computer; whereas it does not have the requisite objective characteristics making it specifically suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for non-scientific activities; whereas its use in the case in question could not alone confer upon it the character of a scientific apparatus; whereas it therefore cannot be regarded as a scientific apparatus; whereas the duty-free admission of the apparatus in question is therefore not justified,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'LSI — Vascular Diagnostic Computer', which is the subject of an application by Italy of 27 April 1983, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 October 1983.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 4.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION

of 27 October 1983

authorizing France and Italy temporarily to take additional measures to protect themselves against the introduction of 'Erwinia amylovora'

(Only the French and Italian texts are authentic)

(83/537/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products ⁽¹⁾, as last amended by Directive 81/7/EEC ⁽²⁾, and in particular Article 15 (2) thereof,

Having regard to the communications from France and Italy of 22 December 1982 and of 12 February 1983 respectively,

Whereas, pursuant to Directive 77/93/EEC, plants or plant products may be introduced into a Member State only if they are free from *Erwinia amylovora*; whereas for certain plants the consignor Member States must take certain measures to ensure that those plants are not contaminated by that harmful organism;

Whereas, nevertheless, when a Member State considers that there is an imminent danger of the introduction or spread into its territory of harmful organisms, it may temporarily take any additional measures necessary to protect itself against that danger;

Whereas France gave notice on 22 December 1982 that, besides the arrêté on 'mesures de lutte contre le feu bactérien des rosacées' of 25 November 1982, published in the Journal officiel de la République française on 16 January 1983, an arrêté on 'l'importation de plante et parties de plantes sensibles au feu bactérien des rosacées', had been adopted on 16 December 1982, of which the text, and an amendment thereto, were published in the Journal officiel de la République française on 16 January 1983 and 25 March 1983 respectively, and which laid down a certain number of plant health conditions applicable to the importation of host plants of *Erwinia amylovora*;

Whereas Italy gave notice on 12 February 1983 that a decreto on 'le norme fitosanitarie relative all'importazione di vegetali ospiti di *Erwinia amylovora*' had been adopted on 31 January 1983, of which the text

published in the Gazzetta Ufficiale della Repubblica italiana on 23 February 1983, and which also laid down plant health conditions applicable to the importation of host plants of *Erwinia amylovora* and was moreover intended to bring the Italian regulations into compliance with Commission Decision 83/14/EEC of 11 January 1983 ⁽³⁾;

Whereas the Commission, by the abovementioned Decision, had authorized Italy, for a period which expired on 30 April 1983, to require certain technical safeguards additional to those required under the Community provisions; whereas the reasons which led the Commission to grant this authorization are still valid;

Whereas the general situation described in that Decision is such to believe that there is an imminent danger of this organism being introduced into regions of the Community where it does not occur; whereas the Member States in question may in consequence temporarily require additional safeguards to those afforded by the Community provisions pending strengthening of the Community safeguards in respect of *Erwinia amylovora* by means of an amendment to Directive 77/93/EEC proposed to the Council by the Commission on 11 March 1983;

Whereas France and Italy should therefore be authorized for a given period to require from the other Member States, when the plants in question are imported from the latter, certain technical safeguards additional to those required under the Community provisions; whereas the said technical safeguards must be in keeping with the most recent advances in scientific and technical knowledge; whereas, in particular, no suitable additional safeguards are at present available in the case of certain highly receptive host plants; whereas, in such cases, a complete ban on importation should therefore be authorized; whereas, moreover, due account should be taken of the absence of the organism in certain Member States or regions; whereas France and Italy should also be authorized to carry out, within their own territories, certain inspection and monitoring measures on the imported plants where such measures are indispensable for the verification of the effectiveness of the additional safeguards authorized;

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 14, 16. 1. 1981, p. 23.

⁽³⁾ OJ No L 17, 21. 1. 1982, p. 49.

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

1. France and Italy are hereby authorized, until 30 April 1984, to ban the introduction into their territories of plants of:

- Cotoneaster,
- Crataegus,
- Malus, in so far as they belong to the following varieties, other than fruit:
 - Idared,
 - Red Jade,
 - Van Eseltine,
- Pyracantha, in so far as they belong to the variety Orange Glow,
- Pyrus, in so far as they belong to the following varieties, other than fruit:
 - Alexandrine Douillard,
 - Durondeau,
 - Passe-Crassane,
- Sorbus, in so far as they belong to the species *S. aria*,
- Stranvaesia, in so far as they belong to the species *S. davidiana*.

2. France and Italy are hereby authorized, until 30 April 1984, and without prejudice to the authorization granted in paragraph 1, to require that plants of the genera listed below, other than fruit and seeds, originating in another Member State, meet the following conditions in addition to those laid down in Articles 3 (1), 6 (1) (a) and 7 (1) and (2) of Directive 77/93/EEC, prior to their introduction into France or Italy:

- Chaenomeles,
- Cydonia,
- Malus,
- Pyracantha,
- Pyrus,
- Sorbus, other than *S. intermedia*,
- Stranvaesia,

(a) the plants originate in a Member State or region listed below, provided it remains free from *Erwinia amylovora*, and have been produced in a nursery using only material grown in those Member States or regions:

- Greece,
- Ireland,
- Italy,

- Luxembourg,
- in the Federal Republic of Germany, the Länder Bayern and Saarland,
- France, except the department of Bas Rhin in the Region of Alsace, the departments in the Region of Aquitaine, the department of Loiret in the Region of the Centre, the department of Val d'Oise in the Region Ile de France, the departments in the Region of Nord-Pas de Calais, the department of Somme in the Region of Picardy and the department of Haute-Savoie in the Region of Rhône-Alpes,
- in the United Kingdom, the English counties of Cumbria, Durham, Northumberland and North Yorkshire, Scotland and Northern Ireland;

(b) the plants:

(aa) have been produced on a place of production:

(i) which is located in an officially demarcated 'protected zone' comprising at least 50 square kilometres, i.e. a zone where at least host plants are subjected to an official control regime with the object of minimizing the risk of *Erwinia amylovora* being spread from plants grown there,

(ii) which as the other parts of the 'protected zone' surrounding it, have been found free from *Erwinia amylovora* since the beginning of the last complete cycle of vegetation, in:

- official inspections carried out at least twice at the place of production as well as in the zone surrounding it not less than 250 m wide, once during the months of July to August and once during the months September to October, and
- official spot checks carried out in a zone surrounding it not less than one kilometre wide, at least twice during the months from July to October, at appropriate selected places, in particular where plants appropriate as indicator plants are found, and
- official tests carried out in accordance with appropriate laboratory methods on samples drawn officially since the beginning of the last complete cycle of vegetation from plants having shown symptoms of *Erwinia amylovora* at the place of production or in other parts of the 'protected zone' as well as from an appropriate number of other host plants selected at random, but evenly spread over the growing season and over the place of production and the zone surrounding it not less than 250 m wide;

- (iii) from which, as from the other parts of the 'protected zone', no host plants showing symptoms of *Erwinia amylovora* have been removed without prior official investigation or approval;
and
- (bb) have been subjected to appropriate administrative arrangements to ensure their identification, in particular to field labelling in the case of fruit trees;
- (c) the place of production has been officially approved for growing plants in the conditions laid down in subparagraphs (a) and (b), this approval having been notified confidentially to the Commission, to France and to Italy, indicating the location of the place of production, the type and number of plants grown there, as well as the reasons on which the approval was based; and
- (d) the examination provided for in Article 6 of Directive 77/93/EEC has also covered compliance with the conditions laid down in subparagraphs (a) or (b) above; and
- (e) the plants are packed in closed containers which have been officially sealed and bear a distinguishing mark which enables the consignment to be identified and is reproduced on the phytosanitary certificate; and
- (f) the phytosanitary certificate states every kind of chemical treatment which has been carried out since the beginning of the last complete cycle of vegetation, in so far as such treatment was intended to prevent infection by, or the development or the spread of *Erwinia amylovora*, or to control this harmful organism.

3. Plants introduced pursuant to paragraph 2 may be subjected to inspections, carried out on samples drawn from each consignment, and monitoring for two years at the place of destination, by the official plant protection organizations of France and Italy respectively, using appropriate methods; the results of these inspections and monitoring shall be notified to the Commission in September of each year.

Article 2

1. France and Italy shall adapt the measures which they have taken to prevent the introduction of *Erwinia amylovora* into their territories, in such a way that they comply with the provisions of Article 1 on 31 October 1983 at the latest.

2. This Decision in no way affects the measures referred to above, in so far as they relate to plants originating in third countries.

Article 3

France and Italy shall notify the other Member States and the Commission of the measures taken to comply with this Decision.

Article 4

This Decision is addressed to the French Republic and to the Italian Republic.

Done at Brussels, 27 October 1983.

For the Commission

Poul DALSAER

Member of the Commission

COMMISSION DECISION

of 28 October 1983

establishing that the apparatus described as 'Henson — Computer Compatible Incremental Measuring Machine, model Bannister Laboratory' may not be imported free of Common Customs Tariff duties

(83/538/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 last amended by Regulation (EEC) No 608/82⁽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 25 April 1983, 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 'Henson — Computer Compatible Incremental Measuring Machine, model Bannister Laboratory' ordered in September 1982 and intended to be used for research on dating archaeological remains by Dendrochronology and provision of tree incremental data for research in Dendroclimatology and Dendrohydrology, should be considered as 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 17 October 1983 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 measuring system; whereas it does not have the requisite objective characteristics making it specifically suited to scientific research; whereas it therefore cannot be regarded as a scientific apparatus; whereas the duty-free admission of the apparatus in question is therefore not justified,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Henson — Computer Compatible Incremental Measuring Machine, model Bannister Laboratory', which is the subject of an application by the United Kingdom of 25 April 1983, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 October 1983.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 4.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

