

Official Journal

of the European Communities

ISSN 0378-6978

L 217

Volume 29

5 August 1986

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2488/86

of 4 August 1986

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 the Act of Accession of Spain and Portugal,

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 1579/86 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, 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 Commission Regulation (EEC) No 2010/86 ⁽⁴⁾ 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, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 1 August 1986;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2010/86 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 5 August 1986.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 1.

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

Done at Brussels, 4 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 4 August 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	—	164,18
10.01 B II	Durum wheat	13,99	241,90 ⁽¹⁾ ⁽²⁾
10.02	Rye	29,32	145,54 ⁽⁶⁾
10.03	Barley	26,25	167,88
10.04	Oats	64,24	149,58
10.05 B	Maize, other than hybrid maize for sowing	—	167,55 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	26,25	88,00 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid maize for sowing	—	175,99 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	—	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	5,48	243,12
11.01 B	Rye flour	54,31	217,02
11.02 A I a)	Durum wheat groats and meal	34,77	388,77
11.02 A I b)	Common wheat groats and meal	5,62	262,27

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 486/85 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.

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

COMMISSION REGULATION (EEC) No 2489/86

of 4 August 1986

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 the Act of Accession of Spain and Portugal,

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 1579/86 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, 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 Commission Regulation (EEC) No 2011/86 ⁽⁴⁾ 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, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 1 August 1986;

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

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 originating in Portugal shall be zero.

2. 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 originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 August 1986.

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

Done at Brussels, 4 August 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 4 August 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 8	1st period 9	2nd period 10	3rd period 11
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	2,50	2,50	2,18
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid maize for sowing	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

(ECU/tonne)						
CCT heading No	Description	Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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 2490/86

of 1 August 1986

amending Regulation (EEC) No 1902/86 laying down detailed rules for the application of Council Regulation (EEC) No 758/86 on the import system applicable in 1986 to products falling within subheading 07.06 A of the Common Customs Tariff and originating in third countries which are not members of GATT, in respect of the period of validity of certain licences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 604/83 of 14 March 1983 on the import system applicable in 1983 to 1986 to the products falling within subheading 07.06 A of the Common Customs Tariff and amending Regulation (EEC) No 950/68 on the Common Customs Tariff⁽¹⁾, and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 1898/86 of 17 June 1986 amending Regulation (EEC) No 758/86 on the import system applicable in 1986 to products falling within subheading 07.06 A of the Common Customs Tariff and originating in third countries which are not members of GATT⁽²⁾ and in particular Article 2 thereof,

Whereas, following the increase in the tariff quota provided for in the abovementioned Regulation (EEC) No 1898/86, Commission Regulation (EEC) No 1902/86⁽³⁾ lays down detailed rules as regards the granting of import licences for the products in question; whereas the licences are not actually issued on the day when the application for a licence is submitted but at the end of a process of examination and submission of applications to the Commission which may, where necessary in order to comply with the tariff quota, result in the acceptance of

quantities smaller than those applied for; whereas it should, therefore, be provided that the period of validity of the import licence should begin from the actual date of issue;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph shall be added to Article 4 of Regulation (EEC) No 1902/86:

'4. Licences for which applications were submitted from 25 to 27 June 1986 shall be considered as having been issued on 4 July 1986; the said date shall be included in the period of validity of the licence.'

Article 2

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

It shall apply with effect from 4 July 1986.

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

Done at Brussels, 1 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 72, 18. 3. 1983, p. 3.

⁽²⁾ OJ No L 164, 20. 6. 1986, p. 1.

⁽³⁾ OJ No L 164, 20. 6. 1986, p. 10.

COMMISSION REGULATION (EEC) No 2491/86

of 1 August 1986

re-establishing the levying of customs duties applicable to sodium hydroxide (caustic soda) falling within subheading 28.17 A, originating in Saudi Arabia to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3599/85 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3599/85 of 17 December 1985 applying generalized tariff preferences for 1986 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas, pursuant to Article 1 of that Regulation, duties on the products listed in Annex II originating in each of the countries or territories listed in Annex III shall be totally suspended and the products as such shall, as a general rule, be subject to statistical surveillance every three months on the reference base referred to in Article 12;

Whereas, as provided for in Article 12, where the increase of preferential imports of these products, originating in one or more beneficiary countries, causes, or threatens to cause, economic difficulties in the Community or in a region of the Community, the levying of customs duties may be re-established, once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered shall be, as a general rule, 165 % of the highest maximum amount valid for 1980;

Whereas, in the case of sodium hydroxide (caustic soda), falling within subheading 28.17 A, the individual ceiling was fixed at 333 100 ECU; whereas, on 31 July 1986, imports of these products into the Community, origina-

ting in Saudi Arabia, reached the ceiling in question after being charged thereagainst; whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference causes economic difficulties in a region of the Community;

Whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against Saudi Arabia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 8 August 1986, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3599/85, shall be re-established on imports into the Community of the following products originating in Saudi Arabia:

CCT heading No	Description
28.17 A (NIMEXE code 28.17-11, 15)	Sodium hydroxide (caustic soda)

Article 2

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

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

Done at Brussels, 1 August 1986.

For the Commission

Lorenzo NATALI

Vice-President

⁽¹⁾ OJ No L 352, 30. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 2492/86
of 31 July 1986
authorizing Portugal to reduce temporarily import duties on oil-cake

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal and in particular Article 243 (4) thereof,

Whereas Article 243 (4) (a) of the Act of Accession makes provision for the Portuguese Republic, should it so request, to reduce customs duties on oil-seeds and oleaginous fruits and on products derived from these;

Whereas on 14 July 1986 the Portuguese Republic, under the said Article 243, requested the partial suspension of the customs duties on oil-cake;

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

Article 1

The Portuguese Republic is authorized to suspend partially the customs duty on oil-cake imported from third countries or from the other Member States. The duty applicable until 31 December 1986 shall be:

CCT heading No	Description	Customs duty
23.04	Oil-cake and other residues (except dregs) resulting from the extraction of vegetable oils: ex B. Other: oil-cake	3 %

Article 2

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

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

Done at Brussels, 31 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2493/86

of 1 August 1986

fixing the quantities of pigmeat to be offered for sale by invitation to tender and at a fixed price in August 1986 pursuant to Article 2a of Regulation (EEC) No 2858/85 and publishing the results of the invitation to tender of 29 July 1986

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1475/86⁽²⁾, and in particular Article 20 thereof,

Whereas Article 2a (3) of Commission Regulation (EEC) No 2858/85 of 11 October 1985 on the sale of pigmeat held by the Belgian intervention agency pursuant to Regulations (EEC) No 772/85, (EEC) No 978/85 and (EEC) No 1477/85⁽³⁾, as last amended by Regulation (EEC) No 2364/86⁽⁴⁾, provides that the quantities of meat to be sold in the monthly invitation to tender, for specific quantities to be processed into products intended for uses other than for human consumption, are to be determined in accordance with the procedure laid down in Article 24 of Regulation (EEC) No 2759/75; whereas the quantities for the invitation to tender of 26 August 1986 need to be fixed in accordance with the availability of meat and the current state of the market for pigmeat;

Whereas Article 8 (1) of Regulation (EEC) No 2858/85 further provides that the quantities not sold in a given invitation to tender are to be sold at a fixed price in accordance with the terms set out therein; whereas Article 8 (2) provides that the quantities to be thus sold are to be published in the *Official Journal of the*

European Communities at the same time as the results of the invitation to tender relating thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Belgian intervention agency shall put up for sale, in accordance with Articles 2a (3) and 3 (1) of Regulation (EEC) No 2858/85, approximately 2 000 tonnes of pigmeat in the invitation to tender of 26 August 1986.

Article 2

1. In accordance with Articles 2a (3) and 3 (1) of Regulation (EEC) No 2858/85, the results of the invitation to tender of 29 July 1986 appear in Annex I hereto.

2. In accordance with the provisions of Article 8 (1) of Regulation (EEC) No 2858/85 the quantities of meat remaining for sale at a fixed price as from 11 August 1986 appear in Annex II as well as the price applicable to the product in question.

Article 3

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

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

Done at Brussels, 1 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 39.

⁽³⁾ OJ No L 274, 15. 10. 1985, p. 22.

⁽⁴⁾ OJ No L 205, 29. 7. 1986, p. 20.

ANNEX I

Results of 29 July 1986 invitation to tender in accordance with Articles 2a (3) and 3 (1) of Regulation (EEC) No 2858/85

Description of products	Quantities accepted (tonnes)	Minimum price (ECU/tonne)
Hams, frozen (ex 02.01 A III a) 2)	} Tenders rejected	} —
Shoulders or fore-ends, frozen (ex 02.01 A III a) 3)		
Loins, frozen (ex 02.01 A III a) 4)		

ANNEX II

Quantities of meat remaining for sale at fixed prices as from 11 August 1986 in accordance with Articles 8 (1) of Regulation (EEC) No 2858/85

Description of products	Quantities (tonnes)	Price (ECU/tonne)
Hams, frozen (ex 02.01 A III a) 2)	} —	} —
Shoulders or fore-ends, frozen (ex 02.01 A III a) 3)		
Loins, frozen (ex 02.01 A III a) 4)		

COMMISSION REGULATION (EEC) No 2494/86

of 1 August 1986

amending for the second time Regulation (EEC) No 1146/86 laying down protective measures in respect of imports of sweet potatoes

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 1579/86 ⁽²⁾, and in particular Article 20 (2) thereof,

Whereas Commission Regulation (EEC) No 1146/86 ⁽³⁾, as amended by Regulation (EEC) No 1399/86 ⁽⁴⁾, suspended the issue of import licences for sweet potatoes falling within subheading 07.06 B of the Common Customs Tariff; whereas the said suspension came into effect from 19 April 1986;

Whereas sweet potatoes are intended mainly for use as animal feed; whereas, in view of the small percentage of total imports which they account for, sweet potatoes intended for direct human consumption are unlikely to give rise to serious disturbances on the cereal market; whereas they should therefore be excluded from the application of the safeguard measures; whereas such exclusion is, however, subject to compliance with certain conditions relating to packaging and prices,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article is inserted into Regulation (EEC) No 1146/86:

Article 1a

1. The provisions of Article 1 shall not apply in respect of sweet potatoes falling within subheading 07.06 B of the Common Customs Tariff intended for direct human consumption which at the time when the customs formalities relating to release for consumption are completed:

- are put up in packages of 20 kilograms or less, and
- the free-at-frontier price of which is equal to at least 85 ECU per quintal.

2. For the application of paragraph 1, one of the following shall be entered into section 12 of the application for an import licence and the import licence itself:

- Destinado al consumo humano directo — precio mínimo a la importación — envasado — artículo 1 bis del Reglamento (CEE) n° 1146/86
- Bestemt til direkte konsum — minimumspris ved indførsel — emballering — artikel 1a i forordning (EØF) nr. 1146/86
- Zum unmittelbaren Verzehr bestimmt — Einfuhrmindestpreis — Verpackung — Artikel 1a der Verordnung (EWG) Nr. 1146/86
- Προορίζεται για άμεση ανθρώπινη κατανάλωση — ελάχιστη τιμή κατά την εισαγωγή — συσκευασία — άρθρο 1α του κανονισμού (ΕΟΚ) αριθ. 1146/86
- For direct human consumption — minimum import price — packaging — Article 1a of Regulation (EEC) No 1146/86
- Destiné à la consommation humaine directe — prix minimal à l'importation — conditionnement — article 1^{er} bis du règlement (CEE) n° 1146/86
- Destinato al consumo umano diretto — prezzo minimo all'importazione — condizionamento — articolo 1 bis del regolamento (CEE) n. 1146/86
- Bestemd voor rechtstreeks menselijk verbruik — minimumprijs bij invoer — verpakking — artikel 1 bis van Verordening (EEG) nr. 1146/86
- Destinado ao consumo humano directo — preço mínimo à importação — acondicionamento — artigo 1º-A do Regulamento (CEE) n° 1146/86.

The components of the free-at-frontier price referred to in paragraph 1 shall be:

- (a) the fob price in the country of origin;
- (b) the cost of transport and insurance until the place of entry into the customs territory of the Community.

Article 2

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 103, 19. 4. 1986, p. 58.

⁽⁴⁾ OJ No L 125, 13. 5. 1986, p. 15.

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

Done at Brussels, 1 August 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 2495/86

of 1 August 1986

imposing a provisional anti-dumping duty on imports of potassium permanganate originating in Czechoslovakia, the German Democratic Republic and the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for by the above Regulation,

A. Procedure

1. In January 1986 the Commission received a complaint lodged by the Conseil européen des Fédérations de l'Industrie Chimique (CEFIC) on behalf of a Community producer of potassium permanganate whose collective output constitutes the totality of Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of potassium permanganate falling within Common Customs Tariff subheading ex 28.47 C, corresponding to NIMEXE code 28.47-60 and originating in Czechoslovakia, the German Democratic Republic and the People's Republic of China and commenced an investigation.
2. The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
3. The Commission, for the purpose of obtaining all the information it deemed necessary, sent questionnaires to the Community producer, on whose behalf the complaint was made, in order to allow him to demonstrate the injury caused to it, thereby substantiating the allegations made in the complaint, to the

Czechoslovakian, the German Democratic Republic and Chinese exporters to the Community and to 18 importers of the product into the Community.

4. The Community producer, the Czechoslovakian exporter and one importer sent complete replies to the Commission's questionnaire; six importers, the German Democratic Republic exporter and China National Chemicals Import-Export Corporation (Sinochem) sent incomplete replies, while the rest did not reply at all within the time limits set. Therefore, for those parties that did not reply to the Commission's questionnaire, nor made themselves known otherwise, dumping and the resulting injury was determined on the basis of facts available; facts available were also relied upon to the extent that replies received from other parties were incomplete.
5. The Community producer, all the exporters and some importers have requested and have been granted hearings. One Community processor of the product in question has made a submission, has requested and has been granted a hearing.
6. The Commission sought and verified all information it deemed to be necessary for the purpose of a preliminary determination and carried out investigations at the premises of the following:
 - (a) EEC producer:
Asturquímica SA, Oviedo, Spain;
 - (b) Non-EEC producer:
Carus Chemical Company, LaSalle, Illinois, 61301 USA.

The investigation period covered the calendar year 1985.

B. Normal value

7. In order to establish whether the imports from Czechoslovakia, the German Democratic Republic and the People's Republic of China were dumped, the Commission had to take account of the fact that these countries do not have market economies and the Commission therefore had to base its determinations on the value in a market economy country. In this connection the complainants had suggested that comparison should be made with domestic prices in United States, since the only other market economy country producing the products was India and the United States prices were the lowest. Objections were

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 63, 18. 3. 1986, p. 5.

made to this suggestion by certain exporters on the basis that in the United States there is only one producer who controls the American market. These exporters, however, did not suggest any other analogue country, in particular not India, where prices seemed to be considerably higher than those in the United States. The Chinese exporter suggested that normal value be established by constructing it on the basis of costs of production in Thailand taking into account a reasonable amount for selling, administrative and other general expenses that would occur in that country. This solution was rejected since, in the absence of any production in Thailand, it would be deprived of any factual basis and since, moreover, such method is not provided in the Community anti-dumping Regulation.

8. The Commission is satisfied that there is no quality difference between the product produced in the United States and that produced by the exporting countries; in the United States there are no price controls and there is sufficient competition as a result of the presence of substantial imports from third countries, in particular from Spain; in addition it has been verified that price levels are in a reasonable proportion to production costs.
9. The Commission therefore concluded that it would be appropriate and not unreasonable to determine normal value on the basis of domestic prices in the United States.

C. Export price

10. Export prices were determined on the basis of the prices actually paid or payable for the products sold for export to the Community.

D. Comparison

11. In comparing normal value with export prices the Commission took account, where appropriate, of differences affecting price comparability and in particular of differences in the payment and delivery terms. All comparisons were made at ex-works level.

E. Margins

12. The above preliminary examination of the facts shows the existence of dumping in respect of Czechoslovakia, the German Democratic Republic and the People's Republic of China, the margins of dumping being equal to the amount by which the normal value, as established, exceeds the prices for export to the Community.
13. These margins vary according to the exporting country and the importing Member State, the

weighted average margin for each of the exporters being as follows:

	%
— Chemapol Foreign Trade Co. Ltd (Czechoslovakia):	69,28
— Chemie Export/Import (German Democratic Republic):	78,20
— China National Chemicals Import and Export Corporation ('Sinochem'), (People's Republic of China):	94,50

14. In the course of the investigation, it was found that exports to the Community were made through regional Chinese trading agencies other than Sinochem. These exporters did not make themselves known in the course of the preliminary investigation, dumping was therefore determined on the basis of the facts available. In this connection the Commission considered that the results of its investigation provided the most appropriate basis for determination of the margin of dumping and that it would constitute a bonus for non-cooperation and would create an opportunity for circumvention of the duty to hold that the dumping margin for these exporters was any lower than the highest dumping margin of 94,5 % determined with regard to 'Sinochem'. For these reasons it is considered appropriate to use this latter dumping margin for this group of exporters.

F. Injury

15. With regard to the injury caused by the dumped imports the evidence available to the Commission shows that imports into the Community from Czechoslovakia, the German Democratic Republic and the People's Republic of China of potassium permanganate increased from 1 243 tonnes in 1981 to 3 347 tonnes in 1985 with a consequent increase in market share from 51 % to 77 % in the same period.
16. The weighted average resale prices of these imports undercut the prices of the Community producer during the investigation period by the following margins depending on the exporting country:

	%
— Chemapol Foreign Trade Co. Ltd (Czechoslovakia):	20,9
— Chemie Export/Import (German Democratic Republic):	24,9
— China National Chemicals Import and Export Corporation (The Peoples' Republic of China):	28,2

17. An examination of the development of prices in 1984 and 1985 showed a sharp decline in prices in the Community market, especially during the second half of 1985; during this period, the Community producer, Asturquímica SA, was unable to sell in the

Community market because of the low level of prices. This price decrease was initiated by Chinese exporters, who, after being subject to an anti-dumping duty of 39,5 % for their exports to the United States increased their penetration in the Community by exporting from different regional Chinese agencies, thus competing amongst themselves with a consequent drop in market prices of 30 % in 1985 in comparison with 1984. Export prices from Czechoslovakia and the German Democratic Republic followed the trend that led Asturquimica SA out of the Community market.

18. The consequent impact to the sole Community producer, at present, after Boots Co. in the United Kingdom and Rhône Poulenc in France ceased production, has been the decrease of sales in the Community market. As a result of it production was reduced by 9 % between 1984 and 1985 and it was totally suspended for several periods; in 1985 there was a shut-down for three months and as of 1 April 1986 another one. Capacity utilization decreased by 6 % between 1984 and 1985, stocks went up by 300 % in the same period while no profit was made during that period.

19. The Community producer made investments in 1983 to modernize the plant which is now considered one of the most efficient worldwide.

20. The Commission has considered whether injury has been caused by other factors such as imports from other countries or stagnation of demand. It was found, in the course of the investigation, that imports into the Community other than those mentioned in this procedure have decreased from 1 488 tonnes in 1981 to 304 tonnes in 1985. Consumption on the other hand has increased continuously since 1981.

21. Therefore, the substantial increase of dumped imports and the prices at which they are offered for sale in the Community led the Commission to determine that the effects of the dumped imports of potassium permanganate originating in Czechoslovakia, the German Democratic Republic and the Peoples' Republic of China taken in isolation, have to be considered as constituting material injury to the Community industry concerned.

G. Community interest

22. A Community processor has argued that the introduction of protective measures would not be in the Community interest because it would make it less

competitive for its products exported to third countries.

23. In view of the economic and social importance of the sole Community producer left and the relatively low incidence of a price increase on the costs of the processing industry and its competitive position, the Commission has, however, come to the conclusion that it is in the Community's interest that action be taken. In order to prevent further injury being caused during the remainder of the proceeding, this action should take the form of a provisional anti-dumping duty.

24. One importer argued that no measures should be taken on the ground that in the past the Community favored low prices, i.e. by suspending customs duties. This argument, however, does not take into account that as of 1 January 1986, as a result of the accession of Spain, Community industry now includes a major producer whose interests have also to be taken into consideration. In addition, customs duties are now suspended only within the generalized Community system of preferences, the benefits of which should not be made conditional on an absence of dumping.

H. Rate of duty

25. Having regard to the extent of the injury caused, the rate of such a duty should be less than the dumping margins provisionally established but adequate to remove the injury caused.

26. Having taken into account, on the one hand, the selling price necessary to provide an adequate profit to Community producers and, on the other hand, the purchase price of Community importers and their costs and profit margins, the Commission determined the amount of duty necessary to eliminate the injury to be 21 % for Czechoslovakia, 25 % for the German Democratic Republic and 28 % for the Peoples' Republic of China. However, in order to prevent increased dumping as well as injury, through further decreases in export prices it has been necessary to express the level of the duty in a form additional to the *ad valorem* percentage. Accordingly, the amount of the provisional duty shall be either the amount by which the free-at-Community-frontier price, before duty, to the first importer in the importing Member State is less than 2,30 ECU per kilogram or the amount determined by applying the appropriate percentage level of the provisional duty, whichever is higher.

27. A period should be fixed within which the parties concerned may make their views known and request a hearing,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of potassium permanganate falling within Common Customs Tariff subheading ex 28.47 C and corresponding to Nimex code 28.47-60 and originating in Czechoslovakia, the German Democratic Republic and the Peoples' Republic of China.

2. The amount of the duty shall be equal to:

either the amount by which the price, per kilogram net, free-at-Community-frontier, before duty, is less than 2,30 ECU,

or the following percentage of that price:

- 21 % for potassium permanganate originating in Czechoslovakia,
- 25 % for potassium permanganate originating in the German Democratic Republic and
- 28 % for potassium permanganate originating in the Peoples' Republic of China, whichever is the higher.

3. The provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the parties concerned may make known their views in writing and apply to be heard by the Commission within one month of the entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, it shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 1 August 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 2496/86

of 4 August 1986

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal.

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 1579/86⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1007/86⁽⁴⁾ and in particular Article 12 (4) thereof,

Having regard to Council Regulation No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾ and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2418/86⁽⁶⁾, as last amended by Regulation (EEC) No 2484/86⁽⁷⁾;

Whereas Council Regulation (EEC) No 1588/86⁽⁸⁾ as amended by Council Regulation (EEC) No 2744/75⁽⁹⁾ as regards products falling within subheading 23.02 A of the Common Customs Tariff;

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, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 1 August 1986;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹⁰⁾ the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1588/86, as fixed in the Annex to amended Regulation (EEC) No 2418/86 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 August 1986.

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

Done at Brussels, 4 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 94, 9. 4. 1986, p. 3.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 210, 1. 8. 1986, p. 9.

⁽⁷⁾ OJ No L 212, 2. 8. 1986, p. 25.

⁽⁸⁾ OJ No L 139, 24. 5. 1986, p. 47.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 4 August 1986 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.01 G ⁽²⁾	181,50	178,48
11.02 A VII ⁽²⁾	181,50	178,48
11.02 B II d) ⁽²⁾	282,99	279,97
11.02 C VI ⁽²⁾	282,99	279,97
11.02 D VI ⁽²⁾	181,50	178,48
11.02 E II d) 2 ⁽²⁾	321,00	314,96
11.02 F VII ⁽²⁾	181,50	178,48

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

COMMISSION REGULATION (EEC) No 2497/86

of 4 August 1986

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 the Act of Accession of Spain and Portugal,

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 934/86⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2051/86⁽³⁾, as last amended by Regulation (EEC) No 2483/86⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2051/86 to the infor-

mation known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 August 1986.

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

Done at Brussels, 4 August 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 87, 2. 4. 1986, p. 1.

⁽³⁾ OJ No L 173, 1. 7. 1986, p. 91.

⁽⁴⁾ OJ No L 212, 2. 8. 1986, p. 24.

ANNEX

to the Commission Regulation of 4 August 1986 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	48,98
	B. Raw sugar	43,44 ⁽¹⁾

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 24 July 1986

amending Directive 85/3/EEC on the weights, dimensions and certain other technical characteristics of certain road vehicles

(86/360/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE :

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Article 1

Having regard to the proposal from the Commission,

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

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

Whereas Directive 85/3/EEC ⁽³⁾ provides that the weight per driving axle of five or six-axle combined vehicles circulating in international traffic between Member States should be fixed as soon as possible ;

Whereas the state of certain portions of the road network in Ireland and the United Kingdom does not make it possible at the present stage to apply all the provisions of that Directive ; whereas the application of some of these provisions in those Member States should therefore be temporarily deferred under arrangements to be laid down by the Council by the end of June 1988 at the latest ; whereas it is not possible to lay down those arrangements in this Directive ; whereas in view of the need for substantial improvements to the relevant portions of the road networks which will take some years to complete, the conditions referred to in Article 75 (3) of the Treaty are at present fulfilled in those Member States and are expected to remain so when the Council takes its Decision ; whereas in consequence that Decision will then be adopted unanimously,

Council Directive 85/3/EEC is hereby amended as follows :

1. Article 7 shall be replaced by the following :

Article 7

After consulting the Commission, Member States shall take the measures necessary to comply with this Directive :

- as from 1 July 1986 as regards application of all provisions other than Article 4 and Annex II, as well as point 3.4 of Annex I,
- as from 1 January 1990 as regards the application of Article 4 and Annex II,
- as from 1 January 1992 as regards the application of point 3.4 of Annex I,

Member States shall inform the Commission of the measures they take to implement this Directive.' ;

2. the following two paragraphs shall be added to Article 8 :

'3. The provisions of Article 3 as regards the standard referred to in point 3.4 of Annex I shall temporarily not apply to Ireland and the United Kingdom.

However, these two Member States shall apply Article 3 to the combined vehicles referred to in point 2.2 of Annex I where the weight per driving axle does not exceed 10,5 tonnes.

⁽¹⁾ OJ No C 124, 17. 12. 1971, p. 63 ; OJ No C 144, 15. 6. 1981, p. 80.

⁽²⁾ OJ No C 61, 10. 6. 1972, p. 5 ; OJ No C 113, 7. 5. 1980, p. 14.

⁽³⁾ OJ No L 2, 3. 1. 1985, p. 14.

4. Before the end of 1987, the Commission shall submit to the Council a report on the development of the circumstances which have justified the derogation referred to in paragraph 3. This report shall be accompanied by a proposal concerning:

- (i) the duration of the derogation, and
- (ii) the procedure for periodic reviews of the circumstances justifying continuation of the derogation.

The Council shall decide on this proposal by 30 June 1988, in accordance with the procedures laid down in the Treaty.';

3. the following point shall be inserted in Annex I:

'3.4. Driving axle of vehicles referred
to in point 2.2 11,5 tonnes.'

Article 2

This Directive is addressed to the Member States.

Done at Brussels, 24 July 1986.

For the Council

The President

A. CLARK

COUNCIL DIRECTIVE

of 24 July 1986

on the initial stage of the mutual recognition of type approval for telecommunications terminal equipment

(86/361/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

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

Whereas the mutual recognition of type approval for telecommunications terminal equipment features in the Commission communication to the Council of 18 May 1984 on telecommunications, in the Council recommendations of 12 November 1984 concerning the implementation of harmonization in the field of telecommunications and the first phase of opening up access to public telecommunications contracts, and in the Council conclusions of 17 December 1984 concerning a Community telecommunications policy;

Whereas the market in telecommunications terminal equipment and use of the full potential of the new telecommunications services are of considerable importance for the economic development of the Community;

Whereas it is absolutely essential to establish or consolidate a specifically European industrial potential in the technologies concerned;

Whereas it is highly desirable to make rapid progress towards establishing a common market in this sector, in particular in order to offer the industry an improved base for its operations and to facilitate the adoption of a joint position with respect to third countries;

Whereas the mutual recognition of type approval for telecommunications terminal equipment constitutes a major step towards the creation of an open and unified market for such equipment;

Whereas, since situations differ and technical and administrative constraints exist in the Member States, progress towards this objective should be made in stages;

Whereas in particular the mutual recognition of conformity tests on mass-produced terminal equipment should

constitute an initial stage of the mutual recognition of type approval for such equipment;

Whereas such an approach must be based on the definition of common technical specifications based on international standards and specifications and on the harmonization of general technical requirements for testing, measuring and approval procedures in the areas of telecommunications and information technology;

Whereas a general standardization programme is being implemented in the field of information technology in compliance with the Standards Code of the General Agreement on Tariffs and Trade (GATT);

Whereas there is a need for a more comprehensive framework to be drawn up in preparation for a second stage which would create an open and unified market in telecommunications terminal equipment, bearing in mind that for telecommunications this has to include both the free movement of equipment and unimpeded connection to networks, in accordance with the harmonized requirements;

Whereas Council Directive 73/23/EEC of 19 February 1973 on the harmonization of the laws of the Member States relating to electrical equipment designed for use within certain voltage limits ⁽³⁾ and Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations ⁽⁴⁾ are applicable, *inter alia*, to the fields of telecommunications and information technology;

Whereas the Memorandum of Understanding between the European Conference of Postal and Telecommunications Administrations (CEPT) and the Commission concerning standards and type approval for telecommunications equipment and the general guidelines agreed with the Joint European Standards Institution CEN-CENELEC henceforth make it possible to entrust specialized technical harmonization work to those bodies;

Whereas the mechanism introduced by certain CEPT administrations, including those of the Community Member States, under the agreement drawn up at Copenhagen on 15 November 1985, incorporates a formal adoption procedure and an undertaking to implement certain CEPT recommendations, which are then designated as 'NETS' (Normes européennes de télécommunications);

⁽¹⁾ OJ No C 36, 17. 2. 1986, p. 55.

⁽²⁾ OJ No C 303, 25. 11. 1985, p. 2.

⁽³⁾ OJ No L 77, 26. 3. 1973, p. 29.

⁽⁴⁾ OJ No L 109, 26. 4. 1983, p. 8.

Whereas it is necessary to set up a Committee, with the task of assisting the Commission in implementing this Directive and in progressively implementing the mutual recognition of type approval for terminal equipment,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Member States shall implement the mutual recognition of the results of tests of conformity with common conformity specifications for mass-produced telecommunications terminal equipment in accordance with the detailed rules set out in this Directive.

Article 2

For the purposes of this Directive:

1. 'telecommunications administrations' means the administrations or private operating agencies recognized in the Community and providing public telecommunications services;
2. 'terminal equipment' means equipment directly or indirectly connected to the termination of a public telecommunications network to send, process or receive information;
3. 'technical specification' means a specification contained in a document which lays down the characteristics required of a product such as levels of quality, performance, safety or dimensions, including the requirements applicable to the product as regards terminology, symbols, testing and test methods, packaging, marking and labelling;
4. 'international technical specification in telecommunications' means the technical specification of all or some characteristics of a product, recommended by such organizations as the Comité international télégraphique et téléphonique (CCITT) or the CEPT;
5. 'common technical specification' means a technical specification drawn up with a view to uniform application in all Member States of the Community;
6. 'standard' means a technical specification adopted by a recognized standards body for repeated or continuous application, compliance with which is not compulsory;
7. 'international standard' means a standard adopted by a recognized international standards body;
8. 'approved testing laboratory' means a laboratory the conformity of which with the accreditation system established by the CEPT in close cooperation with specialized organizations and any relevant national accreditation organizations has been verified, with particular reference to the relevant ISO guides, by the appropriate Member State or a body recognized as

competent by that State and which is approved by that Member State or body recognized as competent for conducting conformity tests on terminal equipment;

9. 'certificate of conformity' means the document certifying that a product or service conforms to given standards or technical specifications;
10. 'type approval of terminal equipment' means the confirmation delivered by the competent authority of a Member State that a particular terminal equipment type is authorized or recognized as suitable to be connected to a particular public telecommunications network;
11. 'conformity specification' means a document giving a precise and full description of the technical characteristics of the relevant terminal equipment (such as safety, technical parameters, functions and procedures and service requirements) together with a precise definition of the tests and test methods enabling the conformity of the terminal equipment with the prescribed technical characteristics to be verified;
12. 'type approval specification' means a specification setting out the full and precise requirements that must be satisfied by terminal equipment to be granted type approval. It includes the conformity specification and also administrative requirements and, where appropriate, requirements concerning quality control operations to be carried out during the manufacture of the equipment;
13. 'common conformity specification' means a conformity specification used in all the Community Member States by the authority competent for testing the conformity of terminal equipment. It also includes, where appropriate, requirements made necessary in a given State by historical network peculiarities or established national provisions concerning the use of radio frequencies;
14. 'common type approval specification' means a type approval specification which is used in all the Community Member States by all the authorities empowered to grant type approval for terminal equipment. It includes the common conformity specification and also administrative requirements and, where appropriate, requirements concerning quality control operations to be carried out during the manufacture of the equipment;
15. 'NET' (Norme européenne de télécommunications) is an approved technical specification recommendation of the CEPT or part or parts thereof which the signatories of the Memorandum of Understanding, established at the meeting of Directors-General of CEPT Administrations, in Copenhagen on 15 November 1985, adopted in accordance with the procedures set down in that Memorandum;

16. 'mutual recognition of the results of conformity tests on terminal equipment' means a situation where, when an approved laboratory or the competent authority in a Member State issues a certificate, accompanied by test data and identification details, stating that a terminal is in conformity with a common conformity specification or a part thereof, that certificate is recognized in the other Member States, so that if the terminal in question is the subject of an application for type approval in another Member State, it no longer has to be subjected to the tests for verifying conformity with that specification, or with the part of that specification concerning the tests carried out;
17. 'essential requirements' means those aspects of common conformity specifications of such importance as to necessitate compliance as a matter of legal obligation for the implementation of the mutual recognition of the results of conformity tests on terminal equipment as an integral part of the type approval procedure. These essential requirements are at present:
- user safety in so far as this requirement is not covered by Directive 73/23/EEC,
 - safety of employees of public telecommunications network operators in so far as this requirement is not covered by Directive 73/23/EEC,
 - protection of public telecommunications networks from harm,
 - interworking of terminal equipment, in justified cases.

Article 3

The Council, acting in accordance with the rules of the Treaty on a proposal from the Commission, shall supplement as necessary the list of essential requirements and shall make them more specific where necessary for certain products.

Article 4

The Commission shall:

1. draw up each year, after consulting the Committee referred to in Article 5 and with due regard to the general programme of standardization in the information technology sector:
 - a list of international standards and international technical specifications in telecommunications to be harmonized,
 - a list of terminal equipment for which common conformity specifications should be drafted as a matter of priority, on the basis above all of the essential requirements,
 - a timetable for this work;
2. request the CEPT to draw up the common conformity specifications in the form of NETs, within the speci-

fied time limits; in so doing the latter shall, when appropriate, consult other specialized standardization organizations such as the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (CENELEC).

Article 5

1. In carrying out the tasks referred to in Article 4, the Commission shall be assisted by a Committee, which shall be the Working Party of Senior Officials on Telecommunications. The members of the Committee may be assisted by experts or advisers according to the nature of the question under discussion. The Committee shall be chaired by a Commission representative.
2. Apart from the cases listed in this Directive, the Commission shall consult the Committee on:
 - (a) the broad objectives and the future needs of the telecommunications standardization policy;
 - (b) problems raised by the approval of testing laboratories, and in particular the accreditation system referred to in Article 2 (8) and any amendment to that system which may appear necessary;
 - (c) the effect of technological progress on specification work already under way and the possible need to give a new or revised mandate to the CEPT.

At the request of its Chairman or of a Member State, the Committee may consider any question relating to the implementation of this Directive.

3. The Committee shall adopt its own rules of procedure.
4. The Secretariat of the Committee shall be provided by the Commission.

Article 6

1. For the purposes of this Directive, a 'NET' shall be regarded as the equivalent of the common conformity specification.

Reference to NETs shall be published in the *Official Journal of the European Communities*.

2. Without prejudice to the cases referred to in Article 8, the competent authorities of the Member States shall not have any further tests carried out in respect of a particular type of terminal equipment where results of tests carried out in accordance with Article 7 have given rise to the issue of a certificate of conformity with the relevant common conformity specification, the references to which are published in the *Official Journal of the European Communities*. Such certificate of conformity shall be recognized for the purposes of type approval of the terminal equipment in question.

3. The common conformity specifications shall be used in all Member States by the competent authorities for any verification demanded for type approval purposes of the relevant terminal equipment.

The procedure for exceptions referred to in Article 7 (4) may also be applied by the competent authorities of the Member States in respect to the first subparagraph.

Article 7

1. Member States shall inform the Commission of the authority or authorities competent in their territory to issue type approval for terminal equipment. The Commission shall publish a list of these authorities in the *Official Journal of the European Communities*.

2. Member States shall send the Commission a list of the laboratories which they have approved, or which have been approved by bodies recognized by them as competent, for the purpose of verifying the conformity of terminal equipment with the common conformity specifications. They shall regularly submit a report on the activities of these laboratories in the field covered by this Directive. Such lists and reports shall be transmitted to the Committee referred to in Article 5 for information.

3. For the purposes of Article 6, the certificate of conformity issued by the approved laboratory which has carried out the tests must be accompanied by the data obtained from the measurements performed during the conformity tests, all the information necessary for precise identification of the terminal equipment on which the tests were made and a precise indication of the common conformity specification, or part thereof, used for the tests.

4. Member States shall ensure that telecommunications administrations use common conformity specifications when purchasing terminal equipment covered by such specifications except in the following cases:

(a) where the equipment is to replace equipment connected to the network before the adoption of common conformity specification and is to the same technical specification as the equipment it replaces, or where, during any transition period between two systems, which is accepted as necessary and which is defined within the NET, a Member State needs to add a limited number of pieces of equipment complying with the specification of the first system. In both cases, the Commission shall be informed when such a waiver is invoked and kept informed of the number of pieces of equipment involved; this information shall be given to the Committee referred to in Article 5;

(b) where a careful consultation of the market — i.e. including the publication of a call for declarations of

interest in the *Official Journal of the European Communities* — shows there is no offer at economically acceptable conditions for such terminal equipment complying with those common conformity specifications. In this case, on the basis of an unavoidable need, a Member State may, for a limited period of time, apply only a part of the characteristics set out in the common conformity specifications. The Member State shall inform the Commission immediately and also state what departures from the common conformity specification it intends to permit. The Commission shall consult the Committee referred to in Article 5 as a matter of urgency and may request the CEPT to revise the particular common conformity specification. In addition, the Committee shall review the situation at least every six months during the period when this waiver is applied.

In the event that a request for revision is not made to the CEPT then his waiver shall cease when another Member State presents evidence to the Committee that terminal equipment conforming to that common conformity specification has been connected to its public telecommunication networks on a normal commercial basis.

However, a Member State may have the waiver extended provided that the Commission, on the advice of the Committee referred to in Article 5, agrees that the technical and economic conditions are sufficiently different in the two Member States as to warrant such an extension.

5. The Member States shall consult within the Committee referred to in Article 5, so as to create conditions of fair competition for carrying out the same series of conformity tests in all the approved laboratories.

Article 8

1. A Member State may, after examining the common conformity specification and the test results, suspend recognition of a certificate of conformity issued for the purpose of type approval:

- (a) if it discovers shortcomings regarding the application of the common conformity specification;
- (b) if it discovers that the common conformity specification itself fails to meet the essential requirements which it is supposed to cover.

If it exercises this option, the Member State concerned shall immediately inform the Commission and the other Member States, stating the reasons for its decision.

2. Where the decision of the Member State concerns the electrical safety of users of terminal equipment, the procedures set out in Article 9 of Directive 73/23/EEC shall apply.

3. If the reasons given for the Member State's decision are as described in paragraph 1 (a), the Commission shall immediately consult the Member States concerned. If no agreement is reached within four weeks, the Commission shall seek the opinion of one of the approved laboratories notified in accordance with Article 7 which is based outside the territory of the Member States concerned. The Commission shall communicate the opinion of this laboratory to all the Member States, which may submit their comments to it within a period of one month.

After taking note of any such comments the Commission shall, if necessary, formulate appropriate recommendations or opinions.

If in preparing its opinion a laboratory consulted unavoidably incurs expenditure, which may if necessary include additional tests, the Commission will defray that expenditure on production of documentary evidence. If, however, further to an opinion a decision to suspend recognition of a certificate of conformity is not maintained, the Member State which took it shall reimburse the Commission, in accordance with the procedures for payment then negotiated with the Member State.

4. If the reasons invoked in support of the Member State's decision are as described in paragraph 1 (b), the Commission shall refer the matter to the Committee referred to in Article 5, which shall express its opinion as a matter of urgency. On the basis of that opinion the Commission shall decide whether or not to withdraw the common specification in question from the list published in the *Official Journal of the European Communities*. If it withdraws the specification, the Commission shall inform the CEPT and may entrust it with a further brief.

5. If a Member State considers that terminal equipment which has already been approved does not meet one or more of the essential requirements, it may revoke the

type approval granted and shall in that case immediately apply the procedures set out in paragraphs 1 and 2.

Article 9

The Commission shall examine the detailed rules for the second stage of the establishment of a market in telecommunications terminal equipment without internal frontiers covering, in particular, the implementation of mutual recognition of type approval for terminal equipment. To this end it shall submit proposals to the Council within a period of two years following the implementation of this Directive.

Article 10

This Directive shall not prejudice the application of Directive 83/189/EEC.

Article 11

1. Member States shall introduce the measures necessary to comply with this Directive within a period of not more than one year following adoption thereof. It shall forthwith inform the Commission thereof.

2. Member States shall ensure that the Commission is informed of the main provisions of national law which they adopt in the field governed by this Directive.

Article 12

This Directive is addressed to the Member States.

Done at Brussels, 24 July 1986.

For the Council

The President

A. CLARK

COMMISSION DES COMMUNAUTÉS EUROPÉENNES

DOCUMENT

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124 p.

Publié seulement en langue française.

CB 45 85 414 FR C

ISBN 92 825 5893 2

Prix publics au Luxembourg, TVA exclue:

450 FB, 81 Dkr, 22,50 DM, 1 315 DR, 68 FF, 7,20 £ Irl, 6 £, 9 \$, 15 100 Lit, 25 Fl, 1 480 Pta, 1 260 Esc



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Catalogue number: CB-44-85-670-EN-C

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