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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 399/87**of 10 February 1987****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 135/87⁽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 9 February 1987;

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 135/87 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 11 February 1987.

⁽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 17, 20. 1. 1987, p. 1.

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

Done at Brussels, 10 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 10 February 1987 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	9,23	196,74
10.01 B II	Durum wheat	43,91	264,27 ⁽¹⁾ ⁽²⁾
10.02	Rye	38,30	175,13 ⁽²⁾
10.03	Barley	36,57	189,40
10.04	Oats	94,86	158,13
10.05 B	Maize, other than hybrid maize for sowing	—	181,26 ⁽²⁾ ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	36,57	128,68
10.07 B	Millet	36,57	154,53 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	22,48	182,06 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	36,57	63,39 ⁽⁵⁾
11.01 A	Wheat or meslin flour	27,81	290,32
11.01 B	Rye flour	68,51	260,07
11.02 A I a)	Durum wheat groats and meal	81,64	423,20
11.02 A I b)	Common wheat groats and meal	27,96	311,47

⁽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).

⁽⁸⁾ The levy referred to in Article 1 of Council Regulation (EEC) No 2913/86 shall be fixed on the basis of an invitation to tender in accordance with Commission Regulation (EEC) No 3140/86.

COMMISSION REGULATION (EEC) No 400/87

of 10 February 1987

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 9 February 1987;

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 11 February 1987.

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

Done at Brussels, 10 February 1987.

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 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 10 February 1987 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	2,18	2,18	2,18
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 II	Grain sorghum, other than hybrid sorghum 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

CCT heading No	Description	(ECU/tonne)				
		Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	3,88	3,88	3,88	3,88
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	2,90	2,90	2,90	2,90
11.07 B	Roasted malt	0	3,38	3,38	3,38	3,38

COMMISSION REGULATION (EEC) No 401/87
of 9 February 1987
on the supply of various lots of butteroil as food aid

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

Having regard to Council Regulation (EEC) No 3331/82 of 3 December 1982 on food-aid policy and food-aid management and amending Regulation (EEC) No 2750/75⁽¹⁾, and in particular the first subparagraph of Article 3 (1) thereof,

Having regard to Council Regulation (EEC) No 232/86 of 27 January 1986 laying down implementing rules for 1986 for Regulation (EEC) No 3331/82 on food-aid policy and food-aid management⁽²⁾,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽³⁾, as last amended by Regulation (EEC) No 231/87⁽⁴⁾, and in particular Article 6 (7) thereof,

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 360 tonnes of butteroil to be supplied fob, cif or free at destination;

Whereas, therefore, supply should be effected in accordance with the rules laid down in Commission Regulation

(EEC) No 1354/83 of 17 May 1983 laying down general rules for the mobilization and supply of skimmed-milk powder, butter and butteroil as food aid⁽⁵⁾, as last amended by Regulation (EEC) No 3826/85⁽⁶⁾; whereas, in particular, the periods and terms for supply and the procedure to be used to determine the costs arising therefrom should be laid down;

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

HAS ADOPTED THIS REGULATION:

Article 1

The intervention agencies shall, in accordance with the provisions of Regulation (EEC) No 1354/83, supply butteroil as food aid on the special terms set out in the Annex.

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, 9 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽²⁾ OJ No L 29, 4. 2. 1986, p. 3.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁴⁾ OJ No L 25, 28. 1. 1987, p. 3.

⁽⁵⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁶⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX

Notice of invitation to tender (1)

Description of the lot	A
1. Programme : (a) legal basis (b) purpose	1986 — Action No 21/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986
2. Recipient	WFP
3. Country of destination	Bolivia
4. Stage and place of delivery	fob
5. Representative of the recipient (2) (3)	—
6. Total quantity	160 tonnes
7. Origin of the butteroil	To be manufactured from intervention butter
8. Intervention agency holding the stocks	Belgian
9. Specific characteristics	—
10. Packaging	5 kilograms
11. Supplementary markings on the packaging	'ACCIÓN No 21/87 / BOLIVIA 0257800 / DESPACHADO POR EL PROGRAMA MUNDIAL DE ALIMENTOS / ARICA / TRANSIT EL ALTO — LA PAZ'
12. Shipment period	Before 15 April 1987
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the Belgian intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (4) (5) (6) (7) (8)

Description of the lot	B
1. Programme :	1986 — Action No 19/87
(a) legal basis	Council Regulation (EEC) No 232/86
(b) purpose	Commission Decision of 27 October 1986
2. Recipient	(9)
3. Country of destination	Sudan
4. Stage and place of delivery	cif, Port Sudan
5. Representative of the recipient (9)	—
6. Total quantity	200 tonnes
7. Origin of the butteroil	To be manufactured from intervention butter
8. Intervention agency holding the stocks	Belgian
9. Specific characteristics	—
10. Packaging	5 kilograms
11. Supplementary markings on the packaging	'ACTION No 19/87 / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO THE SUDAN'
12. Shipment period	Before 15 April 1987
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the Belgian intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (9) (9)

Notes

- (¹) This Annex, together with the notice published in *Official Journal of the European Communities* No C 208 of 4 August 1983, page 9, shall serve as notice of invitation to tender.
 - (²) See list published in *Official Journal of the European Communities* No C 229 of 26 August 1983, page 2.
 - (³) Once the successful tenderer has been informed of the award of the contract, he shall immediately contact the beneficiary or his representative with a view to determining what documents are required for the consignment and the details of period, rate and other circumstances concerning shipment.
 - (⁴) At the request of the beneficiary the successful tenderer may deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
 - (⁵) Veterinary certificate issued by an official entity stating that the product derives from healthy animals, was processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease.
 - (⁶) The successful tenderer shall transmit to the representatives of the beneficiaries at the time of delivery a health certificate.
 - (⁷) The successful tenderer shall transmit to the representatives of the beneficiaries at the time of delivery a certificate of origin.
 - (⁸) Sudan — Food Aid National Administration (FANA),
Ministry of Finance and Economic Planning, PO box 735,
Khartoum (Telex 324 — Telegraphic address: MAONAT).
 - (⁹) Commission delegate to be contacted by the tenderer:
see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985,
page 4.
-

COMMISSION REGULATION (EEC) No 402/87
of 9 February 1987
on the supply of various lots of skimmed-milk powder as food aid

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

Having regard to Council Regulation (EEC) No 3331/82 of 3 December 1982 on food-aid policy and food-aid management and amending Regulation (EEC) No 2750/75⁽¹⁾, and in particular the first subparagraph of Article 3 (1) thereof,

Having regard to Council Regulation (EEC) No 232/86 of 27 January 1986 laying down implementing rules for 1986 for Regulation (EEC) No 3331/82 on food-aid policy and food-aid management⁽²⁾,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽³⁾, as last amended by Regulation (EEC) No 231/87⁽⁴⁾, and in particular Article 7 (5) thereof,

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain countries and beneficiary organizations 2 285 tonnes of skimmed-milk powder to be supplied fob, cif or free at destination;

Whereas, therefore, supply should be effected in accordance with the rules laid down in Commission Regulation

(EEC) No 1354/83 of 17 May 1983 laying down general rules for the mobilization and supply of skimmed-milk powder, butter and butteroil as food aid⁽⁵⁾, as last amended by Regulation (EEC) No 3826/85⁽⁶⁾; whereas, in particular, the periods and terms for supply and the procedure to be used to determine the costs arising therefrom should be laid down;

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

HAS ADOPTED THIS REGULATION:

Article 1

The intervention agencies shall, in accordance with the provisions of Regulation (EEC) No 1354/83, supply skimmed-milk powder as food aid on the special terms set out in the Annex.

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, 9 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽²⁾ OJ No L 29, 4. 2. 1986, p. 3.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁴⁾ OJ No L 25, 28. 1. 1987, p. 3.

⁽⁵⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁶⁾ OJ No L 371, 31. 12. 1985, p. 1.

ANNEX

Notice of invitation to tender⁽¹⁾

Description of the lot	A
1. Programme : (a) legal basis (b) purpose	1986 — Action No 25/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986
2. Recipient	WFP
3. Country of destination	PRD Yemen
4. Stage and place of delivery	fob
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	397 tonnes
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency holding the stocks	—
9. Specific characteristics	Annex I B to Regulation (EEC) No 1354/83
10. Packaging	25 kilograms
11. Supplementary markings on the packaging	'ACTION No 25/87 / PDR YEMEN 0245301 / ACTION OF THE WORLD FOOD PROGRAMME / ADEN'
12. Shipment period	Before 15 May 1987
13. Closing date for the submission of tenders	9 March 1987
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	Before 31 May 1987
(b) closing date for the submission of tenders	23 March 1987
15. Miscellaneous	(4) (5) (6) (7) (8)

Description of the lot	B
1. Programme : (a) legal basis (b) purpose	1986 — Action 18/87 Council Regulation (EEC) No 232/86 Commission Decision of 27 October 1986
2. Recipient	(?)
3. Country of destination	Sudan
4. Stage and place of delivery	cif Port Sudan
5. Representative of the recipient (?)	Embassy of the Republic of Sudan, 124, avenue F.D. Roosevelt, B-1050 Brussels. Tel.: 647 94 94
6. Total quantity	600 tonnes
7. Origin of the skimmed-milk powder	Intervention stock
8. Intervention agency holding the stocks	German
9. Specific characteristics	Entered into stock after 1 August 1986
10. Packaging	25 kilograms
11. Supplementary markings on the packaging	'ACTION No 18/87 / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO THE SUDAN'
12. Shipment period	Before 15 May 1987
13. Closing date for the submission of tenders	9 March 1987
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	Before 31 May 1987
(b) closing date for the submission of tenders	23 March 1987
15. Miscellaneous	(1) (8)

Description of the lot	C
1. Programme : (a) legal basis (b) purpose 2. Recipient 3. Country of destination 4. Stage and place of delivery 5. Representative of the recipient⁽²⁾ ⁽³⁾ 6. Total quantity 7. Origin of the skimmed-milk powder 8. Intervention agency holding the stocks 9. Specific characteristics 10. Packaging 11. Supplementary markings on the packaging 12. Shipment period 13. Closing date for the submission of tenders 14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 : (a) shipment period (b) closing date for the submission of tenders 15. Miscellaneous	1986 — Action No 23/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986 WFP Bolivia fob — 600 tonnes Intervention stock German Entered into stock after 1 August 1986 25 kilograms 'ACTION No 23/87 / BOLIVIA 0257800 / DESPACHADO POR EL PROGRAMA MUNDIAL DE ALIMENTOS / ARICA / TRANSIT EL ALTO / — LA PAZ' Before 15 May 1987 9 March 1987 Before 31 May 1987 23 March 1987 (⁽⁴⁾) (⁽⁵⁾) (⁽⁶⁾) (⁽⁹⁾)

Description of the lot	D
1. Programme : (a) legal basis (b) purpose 2. Recipient 3. Country of destination 4. Stage and place of delivery 5. Representative of the recipient ⁽²⁾ ⁽³⁾ 6. Total quantity 7. Origin of the skimmed-milk powder 8. Intervention agency holding the stocks 9. Specific characteristics 10. Packaging 11. Supplementary markings on the packaging 12. Shipment period 13. Closing date for the submission of tenders 14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 : (a) shipment period (b) closing date for the submission of tenders 15. Miscellaneous	1986 — Action No 26/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986 WFP Tunisia fob — 300 tonnes Intervention stock German Entered into stock after 1 August 1986 25 kilograms 'ACTION No 26/87 / TUNISIE 0258200 / ACTION DU PROGRAMME ALIMEN- TAIRE MONDIAL / TUNIS' Before 15 May 1987 9 March 1987 Before 31 May 1987 23 March 1987 (*) (2) (3) (7) (8)

Description of the lot	E
1. Programme : (a) legal basis (b) purpose	1986 — Action No 22/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986
2. Recipient	WFP
3. Country of destination	Angola
4. Stage and place of delivery	fob
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	105 tonnes
7. Origin of the skimmed-milk powder	Community market
8. Intervention agency	Netherlands
9. Specific characteristics	Annex I B of Regulation (EEC) No 1354/83
10. Packaging	25 kilograms
11. Supplementary markings on the packaging	'ACÇÃO N 22/87 / ANGOLA 0273800 / ACÇÃO DO PROGRAMA ALIMENTAR MUNDIAL / LUANDA'
12. Shipment period	Before 15 April 1987
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the Dutch intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁴⁾ ⁽⁵⁾ ⁽⁶⁾ ⁽⁸⁾

Description of the lot	F
1. Programme : (a) legal basis (b) purpose	1986 — Action No 24/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986
2. Recipient	WFP
3. Country of destination	Guinea Conakry
4. Stage and place of delivery	fob
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	55 tonnes
7. Origin of the skimmed-milk powder	Intervention stock
8. Intervention agency holding the stocks	German
9. Specific characteristics	Entered into stock after 1 August 1986
10. Packaging	25 kilograms
11. Supplementary markings on the packaging	'ACTION N° 24/87 / GUINÉE CONAKRY 0267400 / ACTION DU
12. Shipment period	PROGRAMME ALIMENTAIRE MONDIAL / CONAKRY'
13. Closing date for the submission of tenders	Before 15 April 1987
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	—
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the German intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 ⁽⁴⁾ ⁽⁵⁾ ⁽⁶⁾ ⁽⁷⁾ ⁽⁸⁾

Description of the lot	G
1. Programme : (a) legal basis (b) purpose 2. Recipient 3. Country of destination 4. Stage and place of delivery 5. Representative of the recipient (?) (?) 6. Total quantity 7. Origin of the skimmed-milk powder 8. Intervention agency holding the stocks 9. Specific characteristics 10. Packaging 11. Supplementary markings on the packaging 12. Shipment period 13. Closing date for the submission of tenders 14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 : (a) shipment period (b) closing date for the submission of tenders 15. Miscellaneous	1986 — Action No 27/87 Council Regulation (EEC) No 232/86 Commission Decision of 10 February 1986 WFP Guinea Conakry fob — 28 tonnes Intervention stock German Entered into stock after 1 August 1986 25 kilograms 'ACTION N° 27/87 / GUINÉE CONAKRY 0246901 / ACTION DU PROGRAMME ALIMENTAIRE MONDIAL / CONAKRY' Before 15 April 1987 — — — The costs of supply are determined by the German intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (*) (*) (*) (*) (*)

Description of the lot	H
1. Programme :	1986
(a) legal basis	Council Regulation (EEC) No 232/86
(b) purpose	Commission Decision of 10 February 1986
2. Recipient	ICRC
3. Country of destination	Nicaragua
4. Stage and place of delivery	cif Corinto
5. Representative of the recipient ⁽²⁾ ⁽³⁾	—
6. Total quantity	200 tonnes
7. Origin of the skimmed-milk powder	Community market confined to Denmark
8. Intervention agency	Danish
9. Specific characteristics	Annex I B of Regulation (EEC) No 1354/83
10. Packaging	25 kilograms in accordance with point 4.2 of Annex I B of Regulation (EEC) No 1354/83
11. Supplementary markings on the packaging	A red cross 10 × 10 cm and: 'NIC-166 / ACCION DEL COMITE INTERNACIONAL DE LA CRUZ ROJA / DESTINADO A LA DISTRIBUCIÓN GRATUITA / CORINTO'
12. Shipment period	Before 15 April 1987
13. Closing date for the submission of tenders	—
14. In the case of a second invitation to tender pursuant to Article 14 (2) of Regulation (EEC) No 1354/83 :	
(a) shipment period	—
(b) closing date for the submission of tenders	—
15. Miscellaneous	The costs of supply are determined by the Danish intervention agency in accordance with Article 15 of Regulation (EEC) No 1354/83 (*) ⁽⁹⁾ ⁽¹⁰⁾

Notes

- (¹) This Annex, together with the notice published in *Official Journal of the European Communities* No C 208 of 4 August 1983, page 9, shall serve as notice of invitation to tender.
 - (²) See list published in *Official Journal of the European Communities* No C 229 of 26 August 1983, page 2.
 - (³) Once the successful tenderer has been informed of the award of the contract, he shall immediately contact the beneficiary or his representative with a view to determining what documents are required for the consignment and the details of period, rate and other circumstances concerning shipment.
 - (⁴) Commission delegate to be contacted by the tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
 - (⁵) The successful tenderer shall transmit to the representatives of the beneficiaries at the time of delivery a health certificate.
 - (⁶) Veterinary certificate issued by an official entity stating that the product was processed from pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 90 days prior to the processing.
 - (⁷) The successful tenderer shall transmit to the representatives of the beneficiaries at the time of delivery a certificate of origin.
 - (⁸) At the request of the beneficiary the successful tenderer may deliver a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
 - (⁹) Sudan — Food Aid National Administration (FANA),
Ministry of Finance and Economic Planning, PO box 735,
Khartoum (Telex 324 — Telegraphic Address : MAONAT).
 - (¹⁰) The milk must have undergone ultra-high temperature treatment (148 °C for three seconds). A certificate to that effect is required.
-

COMMISSION REGULATION (EEC) No 403/87**of 9 February 1987****suspending standing invitations to tender for the export of barley held by the intervention agencies**

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 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 124/87 ⁽⁴⁾,

Whereas it is convenient to suspend the tenders under Commission Regulations (EEC) No 2846/86 ⁽⁵⁾ and (EEC) No 2848/86 ⁽⁶⁾;

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 tenders under Regulations (EEC) No 2846/86 and (EEC) No 2848/86 are hereby suspended.

Article 2

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, 9 February 1987.

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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 15, 17. 1. 1987, p. 9.

⁽⁵⁾ OJ No L 264, 16. 9. 1986, p. 7.

⁽⁶⁾ OJ No L 264, 16. 9. 1986, p. 11.

COMMISSION REGULATION (EEC) No 404/87
of 10 February 1987
on a special intervention measure for maize in France

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 8 (4) thereof,

Whereas production of maize in France exceeds that country's requirements;

Whereas the possibility of that surplus being absorbed by the Community market is slight;

Whereas the French market in the south-west can be relieved by the export of part of this surplus quantity of maize to non-member countries; whereas, in view of world market prices for maize, export is possible only with the aid of a refund;

Whereas, however, the refund arrangements laid down in Article 16 of Regulation (EEC) No 2727/75 apply to export from any Member State; whereas such arrangements, therefore, are not only unsuitable for solving the problem in question but may also favour the export of maize from Member States where the market situation is different from that in France;

Whereas, in the absence of adequate measures, massive quantities of maize may be expected to enter intervention storage in the south west of France in accordance with Article 7 of Regulation (EEC) No 2727/75, the only possibility of disposal being in any case export to non-member countries; whereas, to avoid the abovementioned intervention, a special intervention measure intended to relieve the French market should be taken under Article 8 of the said Regulation; whereas, furthermore, such a measure should take the form of a direct export incentive, which would avoid the high cost to the Community budget of buying in and storing products which would in any case then have to be exported; whereas the granting of a refund, the amount of which would be determined by tendering and which would apply only to products exported from certain French ports would be an appropriate measure for this purpose;

Whereas the purpose of the measure is such that refunds should be granted only on wheat of the quality required

for acceptance for intervention, as defined in Commission Regulation (EEC) No 1569/77 ⁽³⁾, as last amended by Regulation (EEC) No 2134/86 ⁽⁴⁾; whereas the competent agency must make certain that maize exported is of this standard;

Whereas the nature and objectives of the said measures make it appropriate to apply in respect of it *mutatis mutandis* Article 16 of Regulation (EEC) No 2727/75 and the Regulations adopted for the application thereof, in particular Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽⁵⁾ and Commission Regulation (EEC) No 279/75 of 4 February 1975 laying down detailed rules for the application of the system of tendering for export refunds on cereals ⁽⁶⁾, as last amended by Regulation (EEC) No 2944/78 ⁽⁷⁾;

Whereas, since the interested parties are already aware of the terms of the invitation, a derogation may be made from the provisions of Regulation (EEC) No 279/75 on the period that must elapse between the date of publication and the first closing date for the submission of tenders;

Whereas, under the abovementioned Regulation (EEC) No 279/75, the commitments on the part of the tenderer include the obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of 12 ECU per tonne when they submit their tenders;

Whereas, in order to ensure equal treatment of all concerned, it is necessary to make provision for the licences issued to have an identical period of validity;

Whereas, in order to ensure the smooth operation of the export tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

Whereas the Management Committee for Cereals has not delivered an opinion within the time-limit set by its Chairman,

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 7.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 174, 14. 7. 1977, p. 15.

⁽⁴⁾ OJ No L 187, 9. 7. 1986, p. 23.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁷⁾ OJ No L 351, 15. 12. 1978, p. 16.

HAS ADOPTED THIS REGULATION:

Article 1

1. A special intervention measure in the form of an export refund shall be applied in respect of 500 000 tonnes of maize exported from France from ports indicated in Annex II.

Article 16 of Regulation (EEC) No 2727/75 and the provisions adopted for the application of that Article shall apply *mutatis mutandis* to the said refund.

2. The French intervention agency shall be responsible for implementing the measure referred to in paragraph 1.

Article 2

1. Tenders shall be invited in order to determine the amount of the refund referred to in Article 1.

2. The invitation to tender shall relate to the quantity of maize referred to in Article 1 (1) for export to the countries in zones I, II, III, IV, V, VI and VII listed in Annex I to Commission Regulation (EEC) No 1124/77 ⁽¹⁾.

3. The invitation shall remain open until 28 May 1987. During the period of its validity weekly awards shall be made, for which the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

By way of derogation from Article 1 (2) of Regulation (EEC) No 279/75, the time limit for submission of tenders under the first partial invitation to tender shall expire on 19 February 1987.

4. Tenders must be submitted to the French intervention agency named in the notice of invitation.

5. The tendering procedure shall take place in accordance with this Regulation and Regulation (EEC) No 279/75.

Article 3

A tender shall be valid only if:

- it relates to not less than 1 000 tonnes,
- it is accompanied by:
 - advance fixing of the French monetary compensatory amount valid on each closing date for the submission of tenders,
 - the undertaking provided for in Article 2 (3) (b) of Regulation (EEC) No 279/75 that the export licence will be applied for in France,

- the undertaking that the export will be made from ports as in Article 1 (1).

Article 4

The security referred to in Article 3 of Regulation (EEC) No 279/75 shall be 12 ECU per tonne.

Article 5

1. By way of derogation from Article 21 (1) of Commission Regulation (EEC) No 3183/80 ⁽²⁾, export licences issued in accordance with Article 8 (1) of Regulation (EEC) No 279/75 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 6

1. The Commission shall decide, under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, either:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2746/75, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. A refund awarded shall not be paid unless the maize exported is of at least intervention quality as defined in Article 2 (2) of Regulation (EEC) No 1569/77. In addition the export has to be made from ports provided in Article 1 (1). The competent agency shall have an analysis made, by an approved body or company, of the landed goods and shall hold at the Commission's disposal an additional sample from each consignment taken and sealed in the presence of the tenderer or his representative.

Sampling and analysis costs shall be met by the tenderer.

Article 7

Tenders submitted must reach the Commission through the intermediary of the French intervention agency at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I.

⁽¹⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽²⁾ OJ No L 338, 13. 12. 1980, p. 1.

If no tenders are received, the French intervention agency shall inform the Commission of this within the period indicated in the first paragraph.

The times fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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, 10 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Weekly tender for the refund for the export of maize to countries in zones I, II, III, IV, V, VI and VII

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tenderer	Quantity in tonnes	Amount of export refund in ECU per tonne
1		
2		
3		
etc.		

ANNEX II

— Ports of the Atlantic Ocean from Hendaye to Nantes — Saint Nazaire,
— Ports of the Mediterranean Sea.

COMMISSION REGULATION (EEC) No 405/87

of 10 February 1987

opening a standing invitation to tender for the export of 60 000 tonnes of barley
held by the Irish intervention agency

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 7 (5) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals ⁽³⁾ provides that cereals held by the intervention agencies shall be disposed of by invitation to tender;

Whereas Commission Regulation (EEC) No 1836/82 ⁽⁴⁾, as last amended by Regulation (EEC) No 124/87 ⁽⁵⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas on 26 January 1987 Ireland notified the Commission that it wished to put up for sale for export to third countries 60 000 tonnes of barley held by its intervention agency; whereas it is possible to accede to that request;

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 Irish intervention agency may, on the conditions laid down in Regulation (EEC) No 1836/82, open a standing invitation to tender for the export of 60 000 tonnes of barley held by it.

Article 2

1. The invitation to tender shall cover a maximum of 60 000 tonnes of barley to be exported to all third countries.
2. The regions in which the 60 000 tonnes of barley are stored are stated in Annex I to this Regulation.

Article 3

The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 1836/82, until the end of the second month following.

Article 4

1. The time limit for submission of tenders under the first partial invitation to tender shall expire on 25 February 1987 at 1 p.m. (Brussels time).
2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Wednesday at 1 p.m. (Brussels time).
3. The last partial invitation to tender shall expire on 29 April 1987.
4. The tenders shall be lodged with the Irish intervention agency.

Article 5

The Irish intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex II to this Regulation.

Article 6

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

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

Done at Brussels, 10 February 1987.

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 139, 24. 5. 1986, p. 36.
⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.
⁽⁵⁾ OJ No L 15, 17. 1. 1987, p. 9.

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Leinster	50 300
Munster	9 700

ANNEX II

Standing invitation to tender for the export of 60 000 tonnes of barley held by the Irish intervention agency

(Regulation (EEC) No 405/87)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) ⁽¹⁾	Price increases (+) or reductions (—) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases or reductions relating to the lot to which the tender refers.

COMMISSION REGULATION (EEC) No 406/87

of 10 February 1987

introducing a countervailing charge on lemons originating in Spain (except the Canary Islands)

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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25a (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a non-member country is alternatively above and below the reference price for five to seven consecutive market days a countervailing charge is introduced in respect of that non-member country, save in exceptional cases; whereas that charge is introduced when three entry prices fall below the reference price and one of those entry prices is at least 0,6 ECU below the reference price; whereas that charge is equal to the difference between the reference price and the last available entry price by at least 0,6 ECU below the reference price;

Whereas Commission Regulation (EEC) No 1661/86 of 29 May 1986 fixing for the 1986/87 marketing year the reference prices for lemons⁽³⁾ fixed the reference price for products of class I for the period 1 November 1986 to 30 April 1987 at 45,00 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas for lemons originating in Spain (except the Canary Islands) the entry prices calculated in this way have for five consecutive market days been alternatively above and below the reference price; whereas one of these entry prices is at least 0,6 ECU below the reference prices; whereas a countervailing charge should therefore be introduced for these lemons;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85⁽⁶⁾,
- 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, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁷⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 4 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the second year after accession,

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 39.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 302, 15. 11. 1985, p. 9.

HAS ADOPTED THIS REGULATION:

Article 2

Article 1

A countervailing charge of 1,17 ECU per 100 kilograms net is applied to lemons (subheading 08.02 C of the Common Customs Tariff) originating in Spain (except the Canary Islands).

This Regulation shall enter into force on 12 February 1987.

Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 17 February 1987.

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

Done at Brussels, 10 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 407/87
of 10 February 1987
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 229/87 ⁽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 398/87 ⁽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 11 February 1987.

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

Done at Brussels, 10 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 173 1. 7. 1986, p. 91.

⁽⁴⁾ OJ No L 40, 10. 2. 1987, p. 16.

ANNEX

to the Commission Regulation of 10 February 1987 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	51,08
	B. Raw sugar	42,59 ⁽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 408/87

of 10 February 1987

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5

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 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) No 882/86 ⁽²⁾,Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 ⁽³⁾, as last amended by Regulation (EEC) No 1860/86 ⁽⁴⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80; whereas it is necessary therefore for the Commission to fix, for the week beginning 19 January 1987, the level of the premium and the amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84 stipulates that the level of the variable slaughter premium is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84 lays down that the amount to be charged on products leaving region 5 shall be fixed weekly by the Commission;

Whereas it follows from the application of the rules laid down in Article 9 (1) of Regulation (EEC) No 1837/80

and in Article 4 (1), (3) and (4) of Regulation (EEC) No 1633/84 that the variable slaughter premium for sheep certified as eligible in the United Kingdom, and the amounts to be charged on products leaving region 5 of the aforesaid Member State during the week beginning 19 January 1987, shall be set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 5, within the meaning of Article 3 (5) of Regulation (EEC) No 1837/80, for the variable slaughter premium during the week beginning 19 January 1987 the level of the premium shall be equivalent to the amount fixed in Annex I.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 1837/80 which left the territory of region 5 during the week beginning 19 January 1987, the amounts to be charged shall be equivalent to those fixed in Annex II hereto.

Article 3

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 19 January 1987.

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

Done at Brussels, 10 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 82, 27. 3. 1986, p. 3.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 161, 17. 6. 1986, p. 25.

ANNEX I

Level of variable slaughter premium for certified sheep in region 5 for the week commencing 19 January 1987

Description	Premium
Certified sheep or sheepmeat	102,002 ECU per 100 kilograms of estimated or actual dressed carcase weight ⁽¹⁾

⁽¹⁾ Within the weight limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

ANNEX II

Amount to be charged for products leaving region 5 during the week commencing
19 January 1987

(ECU/100 kg)

CCT heading No	Description	Amounts		
		A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified at the second, third and fourth indents of the first subparagraph of Article 4 (4) of Regulation (EEC) No 1633/84 (1)	C. Products specified at the first indent of the first subparagraph of Article 4 (4) of Regulation (EEC) No 1633/84 (1)
01.04 B	Live sheep and goats other than pure-bred breeding animals	Live weight	Live weight	Live weight
		47,941	23,970	4,794
		Net weight	Net weight	Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :			
	1. Carcases or half-carcases	102,002	51,001	10,200
	2. Short forequarters	71,401		
	3. Chines and/or best ends	112,202		
	4. Legs	132,603		
	5. Other :			
02.01 A IV b)	aa) Unboned (bone-in)	132,603		
	bb) Boned or boneless	185,644		
	Meat of sheep or goats, frozen :			
	1. Carcases or half-carcases	76,502		
	2. Short forequarters	53,551		
	3. Chines and/or best ends	84,152		
02.06 C II a)	4. Legs	99,453		
	5. Other :			
	aa) Unboned (bone-in)	99,453		
	bb) Boned or boneless	139,234		
	Meat of sheep or goats, salted in brine, dried or smoked :			
	1. Unboned (bone-in)	132,603		
ex 16.02 B III b) 2 aa) 11)	2. Boned or boneless	185,644		
	Other prepared or preserved meat or meat offal of sheep or goats, uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :			
	— unboned (bone-in)	132,603		
	— boned or boneless	185,644		

(1) Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 December 1986

relating to a proceeding under Article 85 of the EEC Treaty

(IV/31.340 — Mitchell Cotts/Sofiltra)

(Only the French and English texts are authentic)

(87/100/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 17 of 6 February 1962, First Regulation implementing Articles 85 and 86 of the Treaty ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Articles 6 and 8 thereof,

Having regard to the notification of the agreements hereinafter mentioned and the application for negative clearance submitted on 20 September 1984 by Mitchell Cotts & Co. (Engineering) Ltd, Birmingham, United Kingdom (hereinafter 'M. C. Engineering') and Sofiltra Poelman SA, France (hereinafter 'Sofiltra') concerning the creation of a joint venture company, Mitchell Cotts Air Filtration Ltd (hereinafter 'the Joint Venture') which Agreements were made effective as of 5 July 1984 and comprise a Joint Venture Agreement, a Know-how Licence Agreement and the Memorandum and Articles of Association of the Joint Venture,

Having regard to the summary of the notification published ⁽²⁾ pursuant to Article 19 (3) of Regulation No 17,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

I. THE FACTS

A. Subject of the Decision

- (1) This Decision concerns Agreements between M. C. Engineering and Sofiltra for the creation of a joint venture company, Mitchell Cotts Air Filtration Ltd, in the United Kingdom with the grant of a know-how licence to the joint venture for the manufacture and marketing of high-efficiency air filters using microfine glass fibre for the nuclear, biological, chemical and computer markets.

B. The Undertakings

- (2) M. C. Engineering is a wholly owned subsidiary of Mitchell Cotts Group plc ('the Mitchell Group'), which is a United Kingdom public company with a group turnover for the year up to 30 June 1985 of approximately £ 377 million, whose principal interests are in the fields of international engineering, transportation and trading.
- (3) Sofiltra is a *société anonyme* incorporated under the laws of France. Sofiltra is a part of the Contracting and Services Division of the Groupe Saint-Gobain, which owns approximately 72 % of Sofiltra's shares. The turnover of Saint-Gobain as of 31 December 1983 was in excess of FF 57 billion, and its principal manufacturing activities are in the

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No C 245, 1. 10. 1986, p. 2.

fields of flat glass, insulation products, cast-iron pipes for water supply systems, glass containers, paper and cardboard for packaging, chipboard and plywood, roofing and building materials, fibre reinforcements for plastic and refractory products.

- (4) Mitchell Cotts Air Filtration Ltd was, until the date of the Agreements (5 July 1984), a wholly owned subsidiary of the Mitchell Group. On 28 June 1984 it acquired from Mitchell Cotts Environmental Control Limited (another wholly owned subsidiary of the Mitchell Group) the business of the manufacture and sale of air filtration equipment which had been carried on previously by Mitchell Cotts Environmental Control Limited.

C. The Product

- (5) The Agreements relate to the manufacture and sale of high-efficiency air filters utilizing microfine glass fibre for the nuclear, biological, chemical and computer markets. Sofiltra manufactures in France high-efficiency particulate air filters from small pleated paper media which are composed of submicronic glass fibres. These filters are produced as either 'V' type filters or as filter panels. M. C. Engineering has been involved since 1976 in the manufacture and marketing of air filtration devices incorporating pleated glass fibre paper purchased from Sofiltra. Unlike the manufacture of pleated glass fibre paper, no advanced technology is involved in the assembly of the final product, which merely entails the provision of a metal or plastic casing. The pleated glass fibre paper represents the major cost component and the key technical element in the finished product. M. C. Engineering does not possess either the relevant technology or the research and development facilities necessary to manufacture independently these high-efficiency air filters. M. C. Engineering does produce certain filtration devices which are not substitutable for high-efficiency air filters. The know-how licence enables the Joint Venture to manufacture the finished product, and thus obviates the necessity to import the pleated glass fibre paper.

D. The Agreements

- (6) Mitchell Cotts Air Filtration Ltd was a wholly owned subsidiary of the Mitchell Group having an authorized share capital of £ 92 000, made up of 69 000 £ 1 'A' ordinary shares and 23 000 £ 1 'B' ordinary shares. Sofiltra acquired the 'B' ordinary shares representing a 25 % interest in the Joint Venture.

- (7) The Articles of Association of the Joint Venture provide for the establishment of a Shareholders' Committee to which each parent company appoints an equal number of members. Each member has one vote and there is no chairman's casting vote. The following business requires the prior approval of the Shareholders' Committee :

- (i) The payment of any sum to :
 - (a) any Director of the Joint Venture ;
 - (b) any employee of the Joint Venture whose aggregate compensation will exceed the salary of the lowest-paid Director ; or
 - (c) any relative of any person mentioned in (a) and (b) ;
- (ii) The approval of the capital and operating budget of the Joint Venture ;
- (iii) The purchase, sale, lease, pledge, mortgage, charge or other acquisition or disposal by the Joint Venture of certain capital assets ;
- (iv) The lending or borrowing by the Joint Venture of any money (save certain bank overdrafts) or the guarantee by the Joint Venture of any debt or obligation ;
- (v) The establishment or closure by the Joint Venture of any plant or production facility ;
- (vi) The establishment by the Joint Venture of any new business or the closure by the Joint Venture of any business ;
- (vii) The entering into by the Joint Venture of any contract, agreement or other undertaking which is either :
 - (a) of a material nature and is outside the ordinary course of the business of the Joint Venture, or
 - (b) entered into with a Director of the Joint Venture or a member of the Shareholders' Committee or with any shareholder of the Joint Venture, and is on terms more onerous to the Joint Venture than would have applied had it not been entered into with any of the aforesaid ;
- (viii) The instigation or defence of any litigation, arbitration or similar proceedings taken by or against the Joint Venture ;
- (ix) The entering into by the Joint Venture of any agreement for the acquisition or disposal of any industrial property rights ;
- (x) The declaration or payment by the Joint Venture of any dividend ;
- (xi) The amendment of the Memorandum or Articles of Association of the Joint Venture ;

- (xii) The commencement of proceedings for the winding up of the Joint Venture;
 - (xiii) Any increase or reduction in the authorized or issued shares or loan capital of the Joint Venture, or the creation or issue of any warrants, options or other rights over any share or loan capital;
 - (xiv) The consolidation or amalgamation of the Joint Venture with, or the acquisition or disposal of any interest by the Joint Venture in, any other company, association, partnership or other legal entity, or the creation by the Joint Venture of any subsidiary of the Joint Venture;
 - (xv) The appointment and removal of the Managing Director of the Joint Venture;
 - (xvi) Any change in the name of the Joint Venture;
 - (xvii) Any change in the location of the registered office of the Joint Venture.
- (8) The Board of Directors of the Joint Venture is composed of two directors nominated by Sofiltra and three directors nominated by M. C. Engineering, decisions being taken by simple majority vote.
- (9) The Joint Venture undertakes to manufacture air filtration devices using Sofiltra's technology know-how and expertise under a royalty-bearing licence. 'Know-how' is defined as secret technical data and other information relating to the design and manufacture of absolute and high-efficiency filters using small pleated paper media. Mitchell Cotts Environmental Controls Limited leases the production premises to the Joint Venture and supplies the commercial know-how. The Joint Venture Agreement and the Know-how Licence Agreement provide for the grant by Sofiltra to the Joint Venture of an exclusive licence to manufacture air filters in the United Kingdom. This means that Sofiltra will not grant further licences to manufacture in the United Kingdom.
- (10) The Licence Agreement prohibits the Joint Venture from manufacturing or dealing in competing products and imposes an obligation to maintain confidentiality as to the know-how, information or technology disclosed to it. The Joint Venture is also prohibited from granting sublicences without the prior consent of Sofiltra.

In addition, there is provision in the Licence Agreement for the reciprocal disclosure of and granting of non-exclusive licences for improve-

ments and new inventions. This provision may be summarized as follows:

Sofiltra is to disclose to the Joint Venture any improvements or new inventions relating to the licensed equipment, whether patented or not, which it shall lawfully acquire or with respect to which it shall have the right to grant licences, and the Joint Venture may use such improvements or inventions for the term of the Agreement. The Joint Venture is to disclose to Sofiltra all information regarding any improvements or inventions developed or acquired by it pertaining to the licensed equipment, whether patented or not, and is to grant Sofiltra a royalty-free licence to use any such improvements or inventions. Sofiltra may disclose such improvements and inventions to its other licensees. To date Sofiltra has not appointed any other licensees in the common market.

- (11) The Licence Agreement also includes an exclusive right of sale granted to the Joint Venture in respect of a sales territory comprising the United Kingdom, Ireland and seven non-EEC countries. This is, however, subject to the right of Sofiltra and other licensees to sell the licensed products and spare parts in the United Kingdom when such sale is made under medium-term financial agreements, specifying country of origin, concluded between governments of customer and seller. Such agreements are likely to be rare. A sum by way of compensation is paid to the Joint Venture when such a direct sale is made. At the same time, the agreement contains a provision which prohibits the licensee from using, manufacturing, warehousing, stocking or advertising the licensed product outside the exclusive territory. The licensee is also prohibited from establishing any commercial sales branch or agency for the sale of the licensed equipment outside his sales territory. Passive sales, however, are permitted. The Licence Agreement, which became effective on 1 July 1984, is to continue for 10 years and thereafter from year to year, unless terminated by either party upon 10 months' notice.

E. The Market

- (12) The market in which the goods compete is the high efficiency air and gas filtration equipment market, which are also referred to in the trade as 'absolute' or 'very high efficiency' filtration equipment. The market concerns equipment which incorporates the maximum performance levels with respect to efficiency, retention rates and product life in relationship to the conditions of utilization.

Below are listed the companies which compete in the very high efficiency filtration market in the United Kingdom/Ireland and in the rest of the EEC. These companies, which represent 80 to 85 % of the EEC market, manufacture high-efficiency filtration equipment.

Country of origin	Companies
United Kingdom	Vokes Ozonair Auchard Microflow
USA	American Filter Flanders
Sweden	Camfil
Federal Republic of Germany	Trox Delbag Draeger
Switzerland	Luwa
Italy	Codas

- (13) Sales estimates for the EEC market for very high efficiency filtration equipment for 1984 are as follows :

France :	FF 90/100 million,
Federal Republic of Germany :	FF 150/170 million,
UK/Ireland :	FF 100/110 million,
Benelux :	FF 60 million,
Italy, Denmark, other :	FF 60 million,
Total : FF 460/500 million.	

- (14) During the three years prior to the conclusion of the Joint Venture Agreement, Sofiltra's sales were approximately as follows :

Sales (million FF)			
	1982	1983	1984
France	47,5	44,9	53,5
Federal Republic of Germany	2,0	1,3	1,5
UK/Ireland	0,7	1,1	2,0
Benelux	10,0	12,0	6,5
Italy, Denmark, other	2,8	6,7	6,5
Total :	63,0	66,0	70,0

- (15) The filtration equipment in question is traded across national boundaries within the common market and several undertakings operate throughout the EEC. Competitive conditions are broadly similar throughout the Community.

Sofiltra's EEC market share for the three years prior to the conclusion of the agreement was approximately 15 %. During the same three-year period, M. C. Engineering's sales and market shares in the EEC were negligible for very high efficiency filtration equipment, except for the United Kingdom and Ireland in which their market share for 1984 was approximately 10 %. Based on these figures, the approximate market shares of the parent companies are as follows :

	France	United Kingdom	EEC
Sofiltra	54 %	2 %	15 %
M. C. Engineering	2 %	10 %	2 %

M. C. Engineering and Sofiltra could not however be considered competitors at the manufacturing level. As explained at paragraph 5 above, M. C. Engineering was marketing a finished product incorporating pleated glass fibre paper purchased from Sofiltra, whereas Sofiltra and other manufacturers produced the finished product without recourse to outside assistance.

- (16) The Joint Venture arrangement enables both of the parties to become more competitive in the United Kingdom. M. C. Engineering would not have been able to manufacture the air filters without the know-how licence and Sofiltra would not have set up its own manufacturing facility in the United Kingdom without 'substantial uneconomic expenditure'.

F. Observations of Third Parties

- (17) No comments were received from third parties in response to the Commission's notice pursuant to Article 19 (3) of Regulation No 17.

II. LEGAL ASSESSMENT

A. Article 85 (1)

- (18) Since Sofiltra's consent is required for the adoption of important decisions relating to the conduct of the Joint Venture's business, Sofiltra is not merely a minority shareholder. Day-to-day management

decisions in the Joint Venture are the responsibility of the Board of Directors on which M. C. Engineering holds a majority (see paragraph 8). Nevertheless, Sofiltra's influence will be brought to bear on the Joint Venture's conduct, since it is the key provider of technology, an important shareholder, and participates on an equal footing with M. C. Engineering in the Shareholders' Committee, whose prior approval is required for certain important decisions (see paragraph 7). Sofiltra must therefore be considered a full partner in the Joint Venture, sharing control with M. C. Engineering. As a result, the Joint Venture Agreement has to be considered under Article 85 (1).

- (19) Since competitive conditions are broadly similar for the products concerned throughout the common market, the EEC as a whole is the relevant geographical market in which the parties' positions should be assessed. The question arises whether the participating undertakings are competitors within the relevant geographical and product markets. The relevant product market for the assessment of competitive relations between the parent undertakings prior to the conclusion of the agreements in question is that for the manufacture and sale of the complete finished product including the key component, pleated glass fibre paper.

As regards manufacture, M. C. Engineering was not an actual or potential competitor of Sofiltra since M. C. Engineering lacked the requisite know-how and research and development facilities for the production of pleated glass fibre paper, the crucial component in the finished product and the subject of the technology transfer in this case. The mere availability of purchases or licences from other sources does not alter this analysis: M. C. Engineering had an evident economic and commercial interest in developing its own technology in this field and has not been able to do so, resorting first to purchases from Sofiltra and later to a joint venture coupled with a know-how licence. Therefore, M. C. Engineering and Sofiltra were neither actual nor potential competitors for the manufacture of the complete finished product incorporating the essential technical component which is also the major cost component.

Furthermore, due to the number of other undertakings competing in this market and the relatively small market shares of the parties to the Joint Venture in the relevant geographical market, the creation of the Joint Venture does not pose any risk in terms of the foreclosure of similar possibili-

ties to other competitors. Since the parties are not competitors and there is no loss of competition involved and no foreclosure risk, and the agreement does not involve the creation of a network of competing joint ventures, the agreement to undertake joint manufacturing does not in itself fall within the terms of Article 85 (1).

- (20) On the other hand, as regards sales and distribution of the final product, Sofiltra and the Joint Venture are competitors and, as a result, territorial restrictions between them fail to be analysed as a separate matter under Article 85 (1) since, even if the agreement to undertake joint manufacturing between non-competitors does not fall under Article 85 (1), the agreements and their specific provisions must be examined in order to determine whether competition is restricted in any other way.

- (21) The following provisions in the Licence Agreement are considered not to be appreciable restrictions of competition within the meaning of Article 85 (1):

— the obligation on the Joint Venture:

- to maintain confidentiality in respect of the know-how, information or technology disclosed to it,
- not to grant sub-licences,
- to disclose to Sofiltra any improvements developed or acquired by the Joint Venture, and to grant royalty-free non-exclusive licences to Sofiltra for the use of such improvements;

— the obligation on Sofiltra to disclose, on a non-exclusive basis, to the Joint Venture any improvements or new inventions relating to the licensed equipment which it has lawfully acquired or with respect to which it has the right to grant licences. The Joint Venture shall have the right to use such improvements or inventions so long as the Licence Agreement is in force.

- (22) The following provision in the Licence Agreement in the specific circumstances of this case is considered not to be an appreciable restriction of competition within the meaning of Article 85 (1):

— the obligation imposed on the Joint Venture not to manufacture or deal in products competing with the licensed products is necessary since the Joint Venture needs to concentrate on the success of the new production unit. In this case, the parties have invested considerable sums of money in creating new production capacity. Sofiltra expands its activities to other

parts of the common market and M. C. Engineering is enabled to develop its manufacturing activities. The transfer of technology takes place in conditions of integrated industrial cooperation which ensure that the technology is adequately protected and is exploited fully, without depriving Sofiltra of the necessary control over exploitation and dissemination of its technology. Therefore, this obligation cannot be considered in the specific circumstances of this case to constitute an appreciable restriction of competition within the meaning of Article 85 (1).

the United Kingdom but also in Ireland. The 50 % increase in sales of the product during the two years 1 July 1982 to 30 June 1984 (noted at paragraph 5), and the relatively strong position within the common market of Sofiltra, makes it likely that the effects on trade between Member States will be appreciable.

B. Article 85 (3)

(23) However, the exclusive licence granted to the Joint Venture to manufacture air filters in the United Kingdom means that Sofiltra will not itself manufacture in that territory or appoint other licensees there. This cannot, without some time limitation, be considered strictly necessary for the creation and proper operation of the Joint Venture. It is not inconceivable that Sofiltra could decide after such a period, and especially when the Joint Venture has reached full capacity, to establish its own production unit rather than extend that of the Joint Venture. Such a course of action would not, in these circumstances, undermine the existence of the Joint Venture. Similarly, if the Joint Venture is unable to meet an order, Sofiltra should normally be free to do so and this would not undermine the operation of the Joint Venture. The exclusive right granted to the Joint Venture to sell the licensed products in the United Kingdom, Ireland and seven non-EEC countries prohibits Sofiltra and possible future licensees, save in certain exceptional cases, from actively selling air filters in those territories⁽¹⁾. For its part, the Joint Venture is prohibited from actively selling in territories reserved for the Licensor. This mutual ban on active sales, although it allows for passive sales by licensor and licensee in each other's territory, must be considered to fall within Article 85 (1) since such a restriction results in the sharing of markets between Sofiltra and the Joint Venture which have become competitors and are offering competing products. As it is highly unlikely that there will be intermediate trade in the product, a ban on active sales constitutes a particularly perceptible restriction as there is no alternative source of supply.

(24) Trade between Member States will be affected by the Joint Venture arrangements in that the Joint Venture's production will be marketed not only in

(25) The agreement was notified to the Commission on 20 September 1984 with an application for negative clearance. Bearing in mind that the Joint Venture is of 10 years' duration, that this is the first time that Sofiltra's technology and know-how are being exploited directly in the United Kingdom, and that market penetration is a firm objective of the Joint Venture, it is clear that, to enable the Joint Venture to establish itself and to develop in a competitive market, it should not be subject to competition from other production units established by Sofiltra or from active sales by Sofiltra or from other licensees. Furthermore, the territory allocated to the Joint Venture is sufficiently large to occupy its attention for a considerable period of time and it is in the interests of the Joint Venture not to be distracted from developing the market in this extensive territory by attempting to sell outside it. Such a restriction should enable the Joint Venture to concentrate its efforts on its exclusive territory, building on the experience of M. C. Engineering's existing sales network. The territory can therefore be easily supervised with the result that there is better market knowledge based on closer contact with consumers. Accordingly, the agreements contribute to an improvement in production and distribution.

(26) As a result of the agreements, the products in question are manufactured by an integrated production process and technological improvements are made more widely and rapidly available to users and consumers. Competitive pressures in the market will ensure that consumers benefit from those improvements, while competition will not be eliminated for a substantial part of the products in question. It is important to note in this regard that the Joint Venture is free to make passive sales outside its licensed territory. The restrictions are indispensable to attain the benefits to which the Joint Venture gives rise, since without them the parties would not be prepared to make the necessary effort and commitments. Therefore the restrictions caught by Article 85 (1) can be exempted under Article 85 (3).

⁽¹⁾ i.e. pursuing an active policy of putting the licensed product on the market in those territories and, in particular, engaging in advertising specifically aimed at those territories or establishing any branch or maintaining any distribution depot there.

- (27) Under Article 8 (1) of Regulation No 17, a Commission Decision granting exemption under Article 85 (3) must be issued for a specified period. The duration envisaged for the Joint Venture is an initial period of 10 years from 5 July 1984. It appears appropriate therefore, pursuant to Article 8 (1) of Regulation No 17, to grant an exemption with effect from the date of notification until 4 July 1994. This period should be sufficient to enable the Joint Venture to establish and develop itself by concentrating its efforts within its own territories,

HAS ADOPTED THIS DECISION :

Article 1

Pursuant to Article 85 (3) of the EEC Treaty, the provisions of Article 85 (1) are declared inapplicable for the period from 20 September 1984 to 4 July 1994 to the agreements concluded on 5 July 1984 between Mitchell Cotts and Co. (Engineering) Ltd, Birmingham and Sofiltra Poelman SA, La Garenne-Colombes in so far as they give

rise to restrictions on production and on sales by Sofiltra and the Joint Venture company in each other's territories.

Article 2

This Decision is addressed to :

1. Mitchell Cotts & Co. (Engineering) Limited,
42-46, Hagley Road,
UK—Birmingham B16 8PE,
2. Sofiltra Poelman SA,
71, Boulevard National,
F—92250 La Garenne-Colombes,
3. Mitchell Cotts Air Filtration Limited,
42-46, Hagley Road,
UK—Birmingham B16 8PE.

Done at Brussels, 17 December 1986.

For the Commission

Peter SUTHERLAND

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 1822/86 of 30 May 1986 amending Regulation (EEC) No 1061/69 as regards the methods of analysis for the determination of starch in soya protein concentrates and in goods containing such products

(Official Journal of the European Communities No L 158 of 13 June 1986)

On page 1, in Article 1 (1), second subparagraph of 'Article 1 (3)':

for: 'by the saccharification method set out in Annex I to the abovementioned Directive.'

read: 'by the saccharification method set out in Annex I.'

Corrigendum to Council Decision 86/658/EEC of 22 December 1986 on the conclusion of an Agreement in the form of an exchange of letters concerning the provisional application of the Protocol establishing the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Senegal on fishing off the coast of Senegal for the period 1 October 1986 to 28 February 1988

(Official Journal of the European Communities No L 382 of 31 December 1986)

On page 34 in Article 8:

for: '... shall be CFAF 1,5 thousand million.'

read: '... shall be CFAF 1,55 thousand million.'

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