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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 487/87**of 18 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 17 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 19 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, 18 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 18 February 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	9,23	197,59
10.01 B II	Durum wheat	43,91	265,74 ⁽¹⁾ ⁽²⁾
10.02	Rye	38,30	180,83 ⁽³⁾
10.03	Barley	36,57	189,48
10.04	Oats	94,86	158,94
10.05 B	Maize, other than hybrid maize for sowing	—	185,01 ⁽²⁾ ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	36,57	130,13
10.07 B	Millet	36,57	155,47 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	22,48	183,58 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	36,57	65,78 ⁽⁵⁾
11.01 A	Wheat or meslin flour	27,81	291,82
11.01 B	Ry� flour	68,51	268,05
11.02 A I a)	Durum wheat groats and meal	81,64	425,48
11.02 A I b)	Common wheat groats and meal	27,96	313,09

⁽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 488/87

of 18 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 17 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 19 February 1987.

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

Done at Brussels, 18 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 18 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	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	0	0	0	0,55
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	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 489/87

of 18 February 1987

fixing the export refunds on white sugar and raw sugar exported in the natural state

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 point (a) of the first subparagraph of Article 19⁽⁴⁾ thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in the natural state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore,

this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as amended by Regulation (EEC) No 1467/77⁽⁷⁾; whereas the refund thus calculated for aromatized sugars or for sugars with colouring added must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas, if the refund system is to operate normally, refunds 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 Council Regulation (EEC) No 1676/85⁽⁸⁾,
- 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 the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

exported in the natural state, shall be as set out in the Annex hereto.

HAS ADOPTED THIS REGULATION :

Article 2

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and

This Regulation shall enter into force on 19 February 1987.

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

Done at Brussels, 18 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 18 February 1987 fixing the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	43,68	
	(b) Other	42,07	
	(II) Flavoured or coloured sugar		0,4368
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	40,18 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,4368
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	37,53 ⁽¹⁾	
	(d) Other raw sugar	⁽²⁾	

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 490/87
of 17 February 1987
establishing unit values for the determination of the customs value of certain
perishable goods

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 Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 3502/85 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 February 1987.

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

Done at Brussels, 17 February 1987.

For the Commission
COCKFIELD
Vice-President

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.
⁽²⁾ OJ No L 335, 13. 12. 1985, p. 9.

ANNEX

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net									
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Ir1	Lit	Fl	£
1.10	07.01-13 07.01-15	07.01 A II	New potatoes	37,57	1 605	292,61	77,53	257,88	5 690	29,13	55 172	87,49	27,89
1.12	ex 07.01-21 ex 07.01-22	ex 07.01 B I	Broccoli	77,61	3 315	604,38	160,14	532,63	11 752	60,18	113 955	180,71	57,62
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	28,11	1 200	218,89	58,00	192,91	4 256	21,79	41 272	65,45	20,87
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	26,83	1 146	208,96	55,36	184,15	4 063	20,80	39 399	62,48	19,92
1.20	07.01-31 07.01-33	07.01 D I	Cabbage lettuce	71,76	3 065	558,79	148,06	492,46	10 866	55,64	105 360	167,08	53,27
1.22	ex 07.01-36	ex 07.01 D II	Endives	57,08	2 438	444,52	117,78	391,75	8 644	44,26	83 814	132,91	42,38
1.28	07.01-41 07.01-43	07.01 F I	Peas	107,90	4 609	840,21	222,62	740,47	16 338	83,66	158 420	251,23	80,11
1.30	07.01-45 07.01-47	07.01 F II	Beans (of the species Phaseolus)	166,85	7 128	1 299,27	344,26	1 145,04	25 266	129,38	244 977	388,50	123,88
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	35,58	1 520	277,08	73,41	244,18	5 388	27,59	52 243	82,85	26,41
1.40	ex 07.01-54	ex 07.01 G II	Carrots	29,98	1 280	234,14	61,84	205,96	4 516	23,29	44 030	69,64	22,32
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	118,22	5 050	920,57	243,92	811,29	17 901	91,67	173 573	275,26	87,77
1.60	ex 07.01-63	ex 07.01 H	Onions (other than wild onions and sets)	19,23	821	149,75	39,68	131,97	2 912	14,91	28 236	44,77	14,27
1.70	07.01-67	ex 07.01 H	Garlic	247,58	10 577	1 927,91	510,83	1 699,05	37 490	191,98	363 506	576,48	183,81
1.74	ex 07.01-68	ex 07.01 IJ	Leeks	32,57	1 391	253,61	67,20	223,51	4 931	25,25	47 819	75,83	24,18
1.80		07.01 K	Asparagus :										
1.80.1	ex 07.01-71		— green	435,80	18 618	3 393,53	899,17	2 990,68	65 991	337,93	639 846	1 014,72	323,55
1.80.2	ex 07.01-71		— other	562,45	24 061	4 395,12	1 160,16	3 877,12	84 161	436,25	824 849	1 307,74	415,40
1.90	07.01-73	07.01 L	Artichokes	79,39	3 392	618,24	163,81	544,84	12 022	61,56	116 568	184,86	58,94
1.100	07.01-75 07.01-77	07.01 M	Tomatoes	62,48	2 669	486,59	128,93	428,83	9 462	48,45	91 747	145,50	46,39
1.110	07.01-81 07.01-82	07.01 P I	Cucumbers	104,44	4 462	813,27	215,48	716,72	15 815	80,98	153 341	243,18	77,54
1.112	07.01-85	07.01 Q II	Chantarelles	980,32	41 938	7 660,46	2 022,11	6 757,62	146 689	760,37	1 437 668	2 279,32	724,02
1.118	07.01-91	07.01 R	Fennel	25,42	1 086	197,97	52,45	174,47	3 849	19,71	37 327	59,19	18,87
1.120	07.01-93	07.01 S	Sweet peppers	86,05	3 676	670,13	177,56	590,58	13 031	66,73	126 352	200,38	63,89
1.130	07.01-97	07.01 T II	Aubergines	100,35	4 287	781,48	207,06	688,71	15 196	77,82	147 347	233,67	74,51
1.140	07.01-96	07.01 T I	Vegetable marrows (including courgettes)	46,62	1 992	363,07	96,20	319,97	7 060	36,15	68 456	108,56	34,61
1.150	ex 07.01-99	ex 07.01 T III	Celery stalks and leaves	43,53	1 860	339,01	89,82	298,77	6 592	33,76	63 921	101,37	32,32
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	74,60	3 185	582,47	153,85	512,38	11 235	57,94	109 532	173,25	55,53
2.10	08.01-31	ex 08.01 B	Bananas, fresh	47,60	2 033	370,67	98,21	326,66	7 208	36,91	69 889	110,83	35,34
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	43,31	1 850	337,25	89,35	297,21	6 558	33,58	63 588	100,84	32,15
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	102,04	4 359	794,57	210,53	700,24	15 451	79,12	149 815	237,58	75,75
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	165,70	7 079	1 290,34	341,89	1 137,16	25 092	128,49	243 292	385,83	123,02
2.50		08.02 A I	Sweet oranges, fresh :										
2.50.1	08.02-02 08.02-06 08.02-12 08.02-16		— Sanguines and semi-sanguines	35,23	1 505	274,38	72,70	241,81	5 335	27,32	51 735	82,04	26,16

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net									
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50.2	08.02-03 08.02-07 08.02-13 08.02-17		— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	31,32	1 338	243,92	64,63	214,96	4743	24,29	45991	72,93	23,25
2.50.3	08.02-05 08.02-09 08.02-15 08.02-19		— others	38,59	1 651	301,62	79,61	266,07	5775	29,93	56607	89,74	28,50
2.60		ex 08.02 B	Mandarins including tangerines and satsumas, fresh, clementines, wilkings and other similar citrus hybrids, fresh :										
2.60.1	08.02-29	ex 08.02 B II	— Monreales and satsumas	40,23	1 719	313,33	83,02	276,13	6093	31,20	59078	93,69	29,87
2.60.2	08.02-31	ex 08.02 B II	— Mandarins and wilkings	35,87	1 534	280,35	74,00	247,30	5368	27,82	52614	83,41	26,49
2.60.3	08.02-28	08.02 B I	— Clementines	56,53	2 415	440,25	116,65	387,99	8 561	43,84	83010	131,64	41,97
2.60.4	08.02-34 08.02-37	ex 08.02 B II	— Tangerines and others	61,17	2 613	476,34	126,21	419,80	9 263	47,43	89 814	142,43	45,41
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	36,05	1 540	280,73	74,38	247,40	5 459	27,95	52932	83,94	26,76
2.80		ex 08.02 D	Grapefruit, fresh :										
2.80.1	ex 08.02-70		— white	37,57	1 605	292,56	77,52	257,83	5 689	29,13	55163	87,48	27,89
2.80.2	ex 08.02-70		— pink	52,88	2 259	411,77	109,10	362,89	8 007	41,00	77 640	123,12	39,26
2.81	ex 08.02-90	ex 08.02 E	Limes and limettes	158,79	6 784	1 236,50	327,63	1 089,71	24 045	123,13	233 141	369,73	117,89
2.90	08.04-11 08.04-19 08.04-23	08.04 A I	Table grapes	143,86	6 146	1 120,21	296,81	987,23	21 784	111,55	211 215	334,96	106,80
2.95	08.05-50	08.05 C	Chestnuts	101,92	4 360	796,49	210,24	702,62	15 251	79,05	149 480	236,99	75,27
2.100	08.06-13 08.06-15 08.06-17	08.06 A II	Apples	47,04	2 009	366,29	97,05	322,81	7 123	36,47	69 065	109,52	34,92
2.110	08.06-33 08.06-35 08.06-37 08.06-38	08.06 B II	Pears	79,25	3 385	617,13	163,52	543,87	12 001	61,45	116 360	184,53	58,84
2.120	08.07-10	08.07 A	Apricots	160,26	6 846	1 247,92	330,65	1 099,78	24 267	124,27	235 294	373,15	118,98
2.130	ex 08.07-32	ex 08.07 B	Peaches	152,90	6 532	1 190,61	315,47	1 049,27	23 152	118,56	224 488	356,01	113,51
2.140	ex 08.07-32	ex 08.07 B	Nectarines	212,80	9 091	1 657,07	439,06	1 460,36	32 223	165,01	312 439	495,49	157,99
2.150	08.07-51 08.07-55	08.07 C	Cherries	88,56	3 788	692,07	182,68	610,50	13 252	68,69	129 883	205,92	65,41
2.160	08.07-71 08.07-75	08.07 D	Plums	103,71	4 431	807,61	213,99	711,74	15 705	80,42	152 274	241,49	77,00
2.170	08.08-11 08.08-15	08.08 A	Strawberries	347,96	14 866	2 709,55	717,94	2 387,90	52 690	269,82	510 883	810,20	258,34
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	131,10	5 608	1 024,49	270,43	903,74	19 617	101,69	192 269	304,83	96,82
2.180	08.09-11	ex 08.09	Water melons	22,75	973	177,79	46,93	156,84	3 404	17,64	33 367	52,90	16,80
2.190		ex 08.09	Melons (other than water melons):										
2.190.1	ex 08.09-19		— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	53,11	2 269	413,63	109,59	364,53	8 043	41,19	77 990	123,68	39,43
2.190.2	ex 08.09-19		— other	127,35	5 441	991,72	262,77	874,00	19 285	98,75	186 989	296,54	94,55
2.195	ex 08.09-80	ex 08.09	Pomegranates	47,87	2 048	374,10	98,75	330,01	7 163	37,13	70 209	111,31	35,35
2.200	08.09-50	ex 08.09	Kiwis	215,05	9 187	1 674,61	443,71	1 475,82	32 564	166,76	315 746	500,73	159,66
2.202	ex 08.09-80	ex 08.09	Khakis	75,20	3 212	585,58	155,16	516,07	11 387	58,31	110 411	175,10	55,83
2.203	ex 08.09-80	ex 08.09	Lychees	253,60	10 834	1 974,76	523,24	1 740,33	38 401	196,64	372 338	590,48	188,28

COMMISSION REGULATION (EEC) No 491/87

of 18 February 1987

reintroducing the levying of the customs duties applicable to microwave ovens falling under subheading 85.12 E ex II of the Common Customs Tariff, originating in South Korea, benefiting from the tariff preferences provided for by Council Regulation (EEC) No 3924/86

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

Having regard to Council Regulation (EEC) No 3924/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of certain industrial products originating in developing countries⁽¹⁾ and in particular Article 15 thereof,

Whereas, in pursuance of Articles 1 and 12 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I; whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be reintroduced;

Whereas, in the case of microwave ovens, falling under subheading 85.12 E ex II of the Common Customs Tariff, the individual ceiling was fixed at 1 500 000 ECU; whereas, on 17 February 1987, imports of these products into the Community originating in South Korea reached the ceiling in question after being charged there against;

Whereas, it is appropriate to reintroduce the levying of customs duties in respect of the products in question against South Korea,

HAS ADOPTED THIS REGULATION:

Article 1

As from 22 February 1987, the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3924/86, shall be reintroduced on imports into the Community of the following products originating in South Korea:

CCT heading No	Description
85.12 E ex II (NIMEXE-code 85.12-67)	Microwave ovens

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, 18 February 1987.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 1.

COMMISSION REGULATION (EEC) No 492/87

of 18 February 1987

amending Regulation (EEC) No 548/86 laying down detailed rules for the application of accession compensatory amounts and Regulation (EEC) No 594/86 laying down detailed rules for the application of accession compensatory amounts applicable to trade in products covered by Regulations (EEC) No 3033/80 and (EEC) No 3035/80

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 9a

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 467/86 of 25 February 1986 laying down general rules for the system of accession compensatory amounts for cereals⁽¹⁾, and in particular Article 8 thereof, and the corresponding provisions of the other Regulations establishing general rules relating to the arrangements for accession compensatory amounts applicable to agricultural products,

Whereas on account of the accession of Spain monetary compensatory amounts arrangements provide for offsetting between the monetary amounts and the export refunds or import charges; whereas one effect of this is to simplify trade operations;

Whereas intra-Community trade must enjoy the same flexibility as that applicable in trade with third countries; whereas, accordingly, Commission Regulation (EEC) No 548/86⁽²⁾ and Commission Regulation (EEC) No 594/86⁽³⁾ should provide for an offsetting mechanism between the monetary compensatory amounts and the accession compensatory amounts applicable in intra-Community trade;

Whereas the measures provided for in this Regulation are in accordance with the opinion of all the Management Committees concerned,

1. The Member States may decide that, in intra-Community trade, the monetary compensatory amounts

- (a) granted on imports shall be deducted from the accession compensatory amounts to be charged;
- (b) granted on exports shall be deducted from the accession compensatory amounts to be charged;
- (c) charged on imports shall be deducted from the accession compensatory amounts to be paid;
- (d) charged on exports shall be deducted from the accession compensatory amounts to be paid.

2. Where paragraph 1 (d) is applied, Article 12 of Commission Regulation (EEC) No 3154/85 shall apply *mutatis mutandis*.

3. Where paragraph 1 is applied, the monetary compensatory amounts and the accession compensatory amounts shall be declared separately for the purposes of accounting to the Community budget.

4. For the purposes of applying this Article 'accession compensatory amounts' shall be understood as defined in the first and second indents of Article 6 (6) of Commission Regulation (EEC) No 3153/85⁽¹⁾.

(¹) OJ No L 310, 21. 11. 1985, p. 4'

Article 2

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 9a is hereby inserted in Regulation (EEC) No 548/86:

In Article 2 of Regulation (EEC) No 594/86, the words 'Articles 2 and 3 of Regulation (EEC) No 548/86' are hereby replaced by the words 'Articles 2, 3 and 9a of Regulation (EEC) No 548/86'.

Article 3

This Regulation shall enter into force on 1 March 1987.

(¹) OJ No L 53, 1. 3. 1986, p. 25.

(²) OJ No L 55, 1. 3. 1986, p. 52.

(³) OJ No L 58, 1. 3. 1986, p. 9.

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

Done at Brussels, 18 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 493/87**of 18 February 1987****establishing detailed rules for remedying the prejudice caused on the halting of certain fisheries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities⁽¹⁾, as last amended by Regulation (EEC) No 4027/86⁽²⁾, and in particular Article 10 (4) thereof,

Whereas it is necessary to ensure that Member States are aware of those cases where fishing on a TAC, quota, allocation or share available to the Community is forbidden and a Member State has not exhausted its quota, allocation or share of the stock or group of stocks concerned;

Whereas information on catches is necessary as well as knowledge of quota exchanges made in order to determine the prejudice suffered by a Member State;

Whereas those cases where the prejudice suffered by a Member State is not remedied should be referred to the Management Committee for Fishery Resources;

Whereas measures adopted with the aim of remedying prejudice suffered should specify the amount of prejudice suffered and the amount of overfishing and the consequent deductions and additions of quota, allocation or share;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. When the Commission informs the Member States, in accordance with Article 10 (3) of Regulation (EEC) No 2057/82, of the prospect of halting a fishery as the result of the exhaustion of the TAC, quota, allocation or share available to the Community, it shall also inform them of

the latest catch information in its possession and of whether the provisions of Article 10 (4) of the said Regulation apply or appear to apply.

2. As soon as possible and in any case within 15 days of the date of entry into force of the Commission Regulation halting a fishery, the Member States concerned shall notify to the Commission with respect to the stock or group of stocks in question figures for landings as referred to in Article 9 and information received under Articles 7 and 8 of Regulation (EEC) No 2057/82. The Commission shall notify to all Member States as soon as possible these figures and this information, which shall be considered as definitive for the purposes of this Regulation.

3. Where the prejudice suffered by a Member State has been removed wholly or in part by action in accordance with Article 5 (1) of Council Regulation (EEC) No 170/83⁽³⁾ ('a quota exchange'), the prior notice of the quota exchange given to the Commission in accordance with that Article shall also state in tonnes the amount of prejudice removed.

Article 2

1. In cases where the prejudice suffered by a Member State has not been wholly removed by a quota exchange or by any other action the Commission shall, as soon as possible and in any case within 15 days after receiving the figures and information referred to in Article 1 (2), refer the matter to the Management Committee for Fishery Resources and submit a draft measure with the aim of remedying the prejudice caused.

2. The draft measure shall state:

- (a) which Member States have suffered prejudice ('the prejudiced Member States') and the amount of the prejudice (as reduced by any quota exchanges);
- (b) which Member States have overfished their quota ('the overfishing Member States') and the amount of the overfishing (as reduced by any quota exchanges);

⁽¹⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽²⁾ OJ No L 376, 31. 12. 1986, p. 4.

⁽³⁾ OJ No L 24, 27. 1. 1983, p. 1.

- (c) the deductions to be made from the quotas of the overfishing Member States ;
- (d) the additions to be made to the quotas of the prejudiced Member States ;
- (e) the date or dates on which the additions and deductions shall take effect.

3. Where there is more than one overfishing Member State the Commission shall take account of the respective amounts of overfishing in determining the deductions to be made.

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, 18 February 1987.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

COMMISSION REGULATION (EEC) No 494/87

of 18 February 1987

laying down transitional measures for imports into Spain of certain live pigs

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, and in particular Article 90 thereof,

Whereas the liberalization of trade following Accession has led to a substantial increase in the volume of imports into Spain of certain live pigs from other Member States, in particular of piglets; whereas this has created economic difficulties for piglet producers in Spain; whereas these difficulties are sufficiently serious to justify the introduction of transitional measures in order to alleviate the situation of these producers;

Whereas these transitional measures should take the form of quotas opened without discrimination between economic operators; whereas monthly quotas should in principle be fixed; whereas, however, the initial quota should be fixed for the period from 22 to 28 February 1987;

Whereas these measures should allow the producers concerned to adapt to the application of the common organization of the market in pigmeat while creating minimum disturbance to trade;

Whereas the application of such transitional measures is limited by Article 90 (1) of the Act of Accession to the period up to 31 December 1987; whereas provision should be made for these measures to be reviewed;

Whereas, to ensure proper management of the quotas, applications for import authorizations should be subject to the lodging of a security to cover, as a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾, the actual import of the goods;

Whereas provision should be made for Spain to communicate information to the Commission on the application of the quotas;

Whereas the Management Committee for Pigmeat has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to Article 4 the quotas which Spain may apply to imports of certain live pigs from other Member States up to 31 December 1987, together with the periods applicable thereto, shall be as shown in the Annex.

Article 2

1. The Spanish authorities shall issue import authorizations so as to ensure a fair allocation of the available quantity between the applicants.

2. Applications for import authorizations shall be subject to the lodging of a security. The primary requirement within the meaning of Article 20 of Regulation (EEC) No 2220/85 covered by the security shall consist in the actual import of the goods.

Article 3

The Spanish authorities shall communicate to the Commission the measures which they adopt for the implementation of Article 2.

They shall transmit, not later than the 15th day of each month, the following information on import authorizations issued in the preceding month;

- the quantities covered by the import authorizations issued, by Member State of provenance,
- the quantities imported, by Member State of provenance.

Article 4

This Regulation shall be subject to an initial review after a period of three months from the date of its entry into force.

Article 5

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

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Done at Brussels, 18 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

CCT heading No	Description	Quota (Number)	Period covered by quota
ex 01.03 A II b)	Live swine, of domestic species, of a weight of less than 50 kg	13 750	22—28 February 1987
		55 000	1—31 March 1987
		55 000	1—30 April 1987
		55 000	1—31 May 1987
		55 000	1—30 June 1987
		55 000	1—31 July 1987
		55 000	1—31 August 1987
		55 000	1—30 September 1987
		55 000	1—31 October 1987
		55 000	1—30 November 1987
		55 000	1—31 December 1987

COMMISSION REGULATION (EEC) No 495/87

of 18 February 1987

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export amending Regulation (EEC) No 1687/76 and repealing Regulation (EEC) No 3173/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold substantial stocks of bone-in intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas outlets exist in certain third countries for the products in question; whereas it is appropriate therefore to offer this meat for sale in accordance with Commission Regulation (EEC) No 2539/84;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed in taking into account Article (5) (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽⁴⁾, as last amended by Regulation (EEC) No 3815/85⁽⁵⁾;

Whereas the export of meat sold under this Regulation must be guaranteed by the lodging of a security, the amount of which may differ from that provided for in Article 15 of Commission Regulation (EEC) No 2173/79⁽⁶⁾; whereas such security shall be released when proof, as required by Article 13 (4) of Commission Regulation (EEC) No 1687/76⁽⁷⁾, as last amended by Regulation (EEC) No 181/87⁽⁸⁾, has been furnished within the time limit laid down in Article 31 of Commission Regu-

lation (EEC) No 2730/79⁽⁹⁾, as last amended by Regulation (EEC) No 3903/86⁽¹⁰⁾;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Regulation (EEC) No 1687/76; whereas, however, Annex I of the said Regulation setting out the entries to be made in control copies should be expanded;

Whereas Commission Regulation (EEC) No 3173/86⁽¹¹⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Part of the stocks of bone-in intervention beef held by certain intervention agencies shall be sold.

This meat shall be for export.

Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulation (EEC) No 2539/84.

The provisions of Regulation (EEC) No 985/81 shall not apply to this sale.

2. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

3. Only those tenders shall be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 23 February 1987.

4. Particulars of the qualities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 11.

⁽⁶⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁷⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁸⁾ OJ No L 21, 23. 1. 1987, p. 38.

⁽⁹⁾ OJ No L 317, 12. 12. 1979, p. 1.

⁽¹⁰⁾ OJ No L 364, 23. 12. 1986, p. 13.

⁽¹¹⁾ OJ No L 295, 18. 10. 1986, p. 5.

Article 2

The products referred to in Article 1 must be exported within five months from the date of conclusion of the contract of sale.

Article 3

The security provided for in Article 5 of Regulation (EEC) No 2539/84 is hereby fixed at 150 ECU per 100 kilograms.

2. Without prejudice to Article 15 (2) and (3) of Regulation (EEC) No 2173/79 the security referred to in paragraph 1 shall be released when the proof provided for in Article 13 (4) of Regulation (EEC) No 1687/76 is furnished.

3. The said proof shall be furnished within the time limit laid down in Article 31 of Regulation (EEC) No 2730/79.

Article 4

Regulation (EEC) No 1687/76 is hereby amended as follows :

In part I of the Annex, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item and footnote are added :

'29. Commission Regulation (EEC) No 495/87 of 18 February 1987 on the sale by procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export ⁽²⁹⁾.'

⁽²⁹⁾ OJ No L 50, 19. 2. 1987, p. 17.'

Article 5

Regulation (EEC) No 3173/86 is hereby repealed.

Article 6

This Regulation shall enter into force on 19 February 1987.

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

Done at Brussels, 18 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I —
ALLEGATO I — BIJLAGE I — ANEXO I

- Categoría A: Canales de animales jóvenes sin castrar de menos de dos años,
Categoría C: Canales de animales machos castrados.
- Kategori A: Slagtekroppe af unge ikke-kastrede handyr på under to år,
Kategori C: Slagtekroppe af kastrede handyr.
- Kategorie A: Schlachtkörper von jungen männlichen nicht kastrierten Tieren von weniger als 2 Jahren,
Kategorie C: Schlachtkörper von männlichen kastrierten Tieren.
- Κατηγορία Α: Σφάγια νεαρών μη ευνουχισμένων αρρένων ζώων κάτω των 2 ετών,
Κατηγορία C: Σφάγια ευνουχισμένων αρρένων ζώων.
- Category A: Carcasses of uncastrated young male animals of less than two years of age,
Category C: Carcasses of castrated male animals.
- Catégorie A: Carcasses de jeunes animaux mâles non castrés de moins de 2 ans,
Catégorie C: Carcasses d'animaux mâles castrés.
- Categoria A: Carcasse di giovani animali maschi non castrati di età inferiore a 2 anni,
Categoria C: Carcasse di animali maschi castrati.
- Categorie A: Geslachte niet-gecastreerde jonge mannelijke dieren minder dan 2 jaar oud,
Categorie C: Geslachte gecastreerde mannelijke dieren.
- Categoria A: Carcaças de jovens animais machos não castrados de menos de dois anos,
Categoria C: Carcaças de animais machos castrados.

Precio mínimo expresado en ECUS por 100 kg ⁽¹⁾ — Mindestpreise in ECU/100 kg ⁽¹⁾ — Mindestpreise, ausgedrückt in ECU/100 kg ⁽¹⁾ — Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε ECU ανά 100 kg ⁽¹⁾ — Minimum prices expressed in ECU per 100 kg ⁽¹⁾ — Prix minimaux exprimés en Écus par 100 kg ⁽¹⁾ — Prezzi minimi espressi in ECU per 100 kg ⁽¹⁾ — Minimumprijzen uitgedrukt in Ecu per 100 kg ⁽¹⁾ — Preço mínimo expresso em ECUs por 100 kg ⁽¹⁾

BELGIQUE/BELGIË

- *Quartiers avant, découpe droite à 8 côtes, provenant des :*
— *Voorvoeten, recht afgesneden op 8 ribben, afkomstig van :*
Taureaux 55 % / Stieren 55 % / Bœufs 55 % / Ossen 55 % / Catégorie A, classes U, R et O / Categoria A, klassen U, R en O / Catégorie C, classes R et O / Categoria C, klassen R en O 130,00
- *Quartiers arrière, découpe droite à 5 côtes, provenant des :*
— *Achtervoeten, recht afgesneden op 5 ribben, afkomstig van :*
Taureaux 55 % / Stieren 55 % / Bœufs 55 % / Ossen 55 % / Catégorie A, classes U, R et O / Categoria A, klassen U, R en O / Catégorie C, classes R et O / Categoria C, klassen R en O 215,00
- *Quartiers arrière, découpe à 8 côtes, dite « pistola », provenant des :*
— *Achtervoeten, afgesneden op 8 ribben (pistola), afkomstig van :*
Taureaux 55 % / Stieren 55 % / Bœufs 55 % / Ossen 55 % / Catégorie A, classes U, R et O / Categoria A, klassen U, R en O / Catégorie C, classes R et O / Categoria C, klassen R en O 215,00

⁽¹⁾ En caso de que los productos estén almacenados fuera del Estado miembro al que pertenezca el organismo de intervención poseedor, estos precios se ajustarán con arreglo a lo dispuesto en el Reglamento (CEE) n° 1805/77.

⁽²⁾ Såfremt produkterne er oplagrede uden for den medlemsstat, hvor det interventionsorgan, der ligger inde med produkterne, er hjemmehørende, tilpasses disse priser i overensstemmelse med bestemmelserne i forordning (EØF) nr. 1805/77.

⁽³⁾ Falls die Lagerung der Erzeugnisse außerhalb des für die betreffende Interventionsstelle zuständigen Mitgliedstaats erfolgt, werden diese Preise gemäß den Vorschriften der Verordnung (EWG) Nr. 1805/77 angepaßt.

⁽⁴⁾ Στην περίπτωση που τα προϊόντα αποθεματοποιούνται εκτός του κράτους μέλους στο οποίο υπάγεται ο οργανισμός παρεμβάσεως που τα κατέχει, οι τιμές αυτές προσαρμόζονται σύμφωνα με τις διατάξεις του κανονισμού (ΕΟΚ) αριθ. 1805/77.

⁽⁵⁾ Where the products are stored outside the Member State where the intervention agency responsible for them is situated, these prices shall be adjusted in accordance with Regulation (EEC) No 1805/77.

⁽⁶⁾ Au cas où les produits sont stockés en dehors de l'État membre dont relève l'organisme d'intervention détenteur, ces prix sont ajustés conformément aux dispositions du règlement (CEE) n° 1805/77.

⁽⁷⁾ Qualora i prodotti siano immagazzinati fuori dello Stato membro da cui dipende l'organismo d'intervento detentore, detti prezzi vengono ritoccati in conformità del disposto del regolamento (CEE) n. 1805/77.

⁽⁸⁾ Ingeval de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.

⁽⁹⁾ No caso de os produtos estarem armazenados fora do Estado-membro de que depende o organismo de intervenção detentor, estes preços serão ajustados conforme o disposto no Regulamento (CEE) n° 1805/77.

DANMARK

- *Forfjerdinger, udskåret med 5 ribben, idet slag og bryst bliver siddende på forfjerdinger, af:*
Stude 1 / Tyre P / Ungtyre 1 / Kategori A, klasse R og O / Kategori C, klasse R og O 130,00
- *Bagfjerdinger, udskåret med 8 ribben, såkaldte »pistolers«, af:*
Stude 1 / Tyre P / Ungtyre 1 / Kategori A, klasse R og O / Kategori C, klasse R og O 215,00
- *Forfjerdinger, lige udskåret med 8 ribben, af:*
Kategori A, klasse R og O, Kategori C, klasse R og O 130,00
- *Bagfjerdinger, lige udskåret med 5 ribben af:*
Stude 1 / Tyre P / Ungtyre 1 / Kategori A, klasse R og O / Kategori C, klasse R og O 215,00

BUNDESREPUBLIK DEUTSCHLAND

- *Vorderviertel, auf 8 Rippen geschnitten, stammend von:*
Bullen A / Ochsen A / Kategorie A, Klassen U und R / Kategorie C, Klassen U und R 130,00
- *Hinterviertel, auf 5 Rippen geschnitten, stammend von:*
Bullen A / Kategorie A, Klassen U und R / Kategorie C, Klassen U und R 215,00
- *Vorderviertel, auf 5 Rippen geschnitten, mit Dünung am Vorderviertel eingeschlossen, stammend von:*
Bullen A / Ochsen A / Kategorie A, Klassen U und R / Kategorie C, Klassen U und R 130,00
- *Hinterviertel, auf 8 Rippen geschnitten (Pistola), ohne Dünung, stammend von:*
Bullen A / Ochsen A / Kategorie A, Klassen U und R / Kategorie C, Klassen U und R 215,00

ESPAÑA

- *Cuartos traseros, corte recto a 6 costillas* 215,00
- *Cuartos delanteros, corte recto a 7 costillas* 130,00
- *Cuartos traseros, corte recto a 5 costillas, provenientes de:*
Categoría A, clases U, R y O 215,00
- *Cuartos traseros, corte pistola a 8 costillas, provenientes de:*
Categoría A, clases U, R y O 215,00
- *Cuartos delanteros, corte recto a 8 costillas, provenientes de:*
Categoría A, clases U, R y O 130,00
- *Cuartos delanteros, corte recto a 5 costillas, incluida la falda, provenientes de:*
Categoría A, clases U, R y O 130,00

FRANCE

- *Quartiers avant, découpe à 5 côtes, caparaçons faisant partie du quartier avant, provenant des:*
Catégorie A, classes U, R et O / Catégorie C, classes U, R et O 130,00
- *Quartiers arrière, découpe à 8 côtes, dite « pistola », provenant des:*
Catégorie A, classes U, R et O / Catégorie C, classes U, R et O 215,00
- *Quartiers avant, découpe droite à 10 côtes, provenant des:*
Catégorie A, classes U, R et O 130,00
- *Quartiers arrière, découpe à 3 côtes, provenant des:*
Catégorie A, classes U, R et O / Catégorie C, classes U, R et O 215,00

IRELAND

- *Forequarters, straight cut at 10th rib, from:*
Steers 1 / Steers 2 / Category C, classes U, R and O 130,00
- *Hindquarters, straight cut at third rib, from:*
Steers 1 / Steers 2 / Category C, classes U, R and O 215,00
- *Forequarters, cut at fifth rib, with thin flank included in the forequarter, from:*
Steers 1 / Steers 2 / Category C, classes U, R and O 130,00
- *Hindquarters, 'pistola' cut at eighth rib, from:*
Steers 1 / Steers 2 / Category C, classes U, R and O 215,00

ITALIA

- *Quarti anteriori, taglio a 5 costole, il pancettone fa parte del quarto anteriore, provenienti dai:*
Vitelloni 1 / Vitelloni 2 / Categoria A, classi U, R e O 130,00
- *Quarti posteriori, taglio a 8 costole, detto pistola, provenienti dai:*
Vitelloni 1 / Vitelloni 2 / Categoria A, classi U, R e O 215,00
- *Quarti anteriori, taglio a 8 costole, il pancettone fa parte del quarto anteriore, provenienti dai:*
Vitelloni 1 / Vitelloni 2 / Categoria A, classi U, R e O 130,00
- *Quarti posteriori, taglio a 5 costole, detto pistola, provenienti dai:*
Vitelloni 1 / Vitelloni 2 / Categoria A, classi U, R e O 215,00

NEDERLAND

- *Voorvoeten, afgesneden op 5 ribben, waarbij de flank, de platte ribben en de naborst aan de voorvoet vastzitten, afkomstig van:*
Stieren, 1e kwaliteit / Categorie A, klasse R 130,00
- *Voorvoeten, recht afgesneden op 8 ribben, afkomstig van:*
Stieren, 1e kwaliteit / Categorie A, klasse R 130,00
- *Achtersvoeten, recht afgesneden op 5 ribben, afkomstig van:*
Stieren, 1e kwaliteit / Categorie A, klasse R 215,00

UNITED KINGDOM

A. Great Britain

- *Forequarters, straight cut at 10th rib, from:*
Steers M / Steers H / Category C, classes U and R 130,00
- *Hindquarters, straight cut at third rib, from:*
Steers M / Steers H / Category C, classes U and R 215,00
- *Forequarters, cut at fifth rib, with thin flank included in the forequarter, from:*
Steers M / Steers H / Category C, classes U and R 130,00
- *Hindquarters, 'pistola' cut at eighth rib, from:*
Steers M / Steers H / Category C, classes U and R 215,00

B. Northern Ireland

- *Forequarters, straight cut at 10th rib, from:*
Steers L/M / Steers L/H / Steers T / Category C, classes U, R and O 130,00
- *Hindquarters, straight cut at third rib, from:*
Steers L/M / Steers L/H / Steers T / Category C, classes U, R and O 215,00
- *Forequarters, cut at fifth rib, with thin flank included in the forequarter, from:*
Steers L/M / Steers L/H / Steers T / Category C, classes U, R and O 130,00
- *Hindquarters, 'pistola' cut at eighth rib, from:*
Steers L/M / Steers L/H / Steers T / Category C, classes U, R and O 215,00

*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II —
ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II*

Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως —
Addresses of the intervention agencies — Adresses des organismes d'intervention —
Indirizzi degli organismi d'intervento — Adressen van de interventiebureaus — Endereços
dos organismos de intervenção

- BELGIQUE/BELGIË:** Office belge de l'économie et de l'agriculture
rue de Trèves 82
1040 Bruxelles
Tél. 02/230 17 40, télex 240 76 OBEA BRU B
Belgische Dienst voor Bedrijfs-
leven en Landbouw
Trierstraat 82
1040 Brussel
- DANMARK:** Direktoratet for markedsordninger
EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
Tel. (01) 92 70 00, telex 151 37 DK
- BUNDESREPUBLIK
DEUTSCHLAND:** Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Geschäftsbereich 3 (Fleisch und Fleischerzeugnisse)
Postfach 180 107 — Adickesallee 40
D-6000 Frankfurt am Main 18
Tel. (06 9) 1 56 40 App. 772/773, Telex: 04 11 56
- ESPAÑA:** Servicio nacional de productos agrarios (SENPA)
c/o Beneficencia 8
28003 Madrid
Tel. 222 29 61
Télex 23427 SENPA E
- FRANCE:** OFIVAL
Tour Montparnasse
33, avenue du Maine
75755 Paris Cedex 15
Tél. 538 84 00, télex 26 06 43
- IRELAND:** Department of Agriculture
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118
- ITALIA:** Azienda di Stato per gli interventi nel mercato agricolo (AIMA)
Roma, via Palestro 81
Tel. 49 57 283 — 49 59 261
Telex 61 30 03
- NEDERLAND:** Voedselvoorzienings in- en verkoopbureau
Ministerie van Landbouw en Visserij
Postbus 960
6430 AZ Hoensbroek
Tel. (045) 22 20 20
Telex: 56 396
- UNITED KINGDOM:** Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berks.
Tel. (0734) 58 36 26
Telex 848 302

COMMISSION REGULATION (EEC) No 496/87**of 18 February 1987****fixing the maximum export refund for white sugar for the 36th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1659/86**

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1659/86 of 29 May 1986 on a standing invitation to tender in order to determine levies and/or refunds on exports of white sugar ⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1659/86, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 36th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 36th partial invitation to tender for white sugar issued under Regulation (EEC) No 1659/86 is hereby fixed at 44,080 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 19 February 1987.

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

Done at Brussels, 18 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 145, 30. 5. 1986, p. 29.

COMMISSION REGULATION (EEC) No 497/87

of 18 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 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

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 price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; 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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 4,72 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).

Article 2

This Regulation shall enter into force on 20 February 1987.

⁽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.

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

Done at Brussels, 18 February 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 498/87
of 18 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 485/87⁽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 19 February 1987.

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

Done at Brussels, 18 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 49, 18. 2. 1987, p. 24.

ANNEX

to the Commission Regulation of 18 February 1987 fixing the import levies on white sugar and raw sugar

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	50,65
	B. Raw sugar	42,86 ⁽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 DECISION

of 9 February 1987

on the conclusion of the second Exchange of Letters complementing the Agreement between the European Economic Community and New Zealand on trade in mutton, lamb and goatmeat and comprising an understanding relevant to the first subparagraph of clause 2 of that Agreement

(87/122/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas, under the voluntary restraint Agreement concluded with the European Economic Community on mutton, lamb and goatmeat⁽¹⁾, New Zealand undertook, in an Exchange of Letters⁽²⁾, to limit the amount of its exports to certain Community markets considered to be sensitive areas; whereas, however, this undertaking provides that the quantities for 1987 and 1988 be fixed by 1 August 1986;

Whereas the Commission has conducted negotiations to that end with New Zealand and whereas these negotiations resulted in the initialling of an Exchange of Letters with that country,

Article 1

1. The second Exchange of Letters complementing the Agreement between the European Economic Community and New Zealand on trade in mutton, lamb and goatmeat and comprising an understanding relevant to the first subparagraph of clause 2 of that Agreement is hereby approved on behalf of the Community.

2. The text of the Exchange of Letters is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Exchange of Letters referred to in Article 1 in order to bind the Community.

Done at Brussels, 9 February 1987.

For the Council

The President

P. DE KEERSMAEKER

⁽¹⁾ OJ No L 275, 18. 10. 1980, p. 28.

⁽²⁾ OJ No L 187, 14. 7. 1984, p. 75.

SECOND EXCHANGE OF LETTERS

complementing the Agreement between the European Economic Community and New Zealand on trade in mutton, lamb and goatmeat and comprising an understanding relevant to the first subparagraph of clause 2 of that Agreement

Letter No 1

Sir,

I have the honour to refer to the Exchange of Letters complementing the Agreement between New Zealand and the European Economic Community on trade in mutton, lamb and goatmeat and comprising an understanding relevant to the first subparagraph of clause 2 of that Agreement, signed on 12 July 1984, and the need to fix the quantities referred to in this Exchange of Letters for 1987 and 1988.

In accordance with the Exchange of Letters, and after consultation with the Community through the Commission, I confirm that :

- for France the quantities for 1987 and 1988 shall be as fixed for the preceding year plus 10 %, and
- for Ireland the quantities for 1987 and 1988 will be fixed at an appropriate time by the procedure provided for in clause 10 of the Agreement.

I propose that this letter and your letter confirming that its contents are acceptable to the Community will constitute an understanding forming an integral part of the Agreement between New Zealand and the European Economic Community.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of New Zealand*

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows :

'I have the honour to refer to the Exchange of Letters complementing the Agreement between New Zealand and the European Economic Community on trade in mutton, lamb and goatmeat and comprising an understanding relevant to the first subparagraph of clause 2 of that Agreement, signed on 12 July 1984, and the need to fix the quantities referred to in this Exchange of Letters for 1987 and 1988.

In accordance with the Exchange of Letters, and after consultation with the Community through the Commission, I confirm that :

- for France the quantities for 1987 and 1988 shall be as fixed for the preceding year plus 10 %, and
- for Ireland the quantities for 1987 and 1988 will be fixed at an appropriate time by the procedure provided for in clause 10 of the Agreement.

I propose that this letter and your letter confirming that its contents are acceptable to the Community will constitute an understanding forming an integral part of the Agreement between New Zealand and the European Economic Community.'

I am able to confirm that the Community is in agreement with the contents of your letter, including the proposal made in the last subparagraph.

Please accept, Sir, the assurance of my highest consideration.

*For the
Council of the European Communities*

COMMISSION

COMMISSION DECISION

of 15 December 1986

in proceedings under Article 85 of the EEC Treaty

(IV/31302 — Boussois/Interpane)

(Only the German and French texts are authentic)

(87/123/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 4, 6 and 8 thereof,

Having regard to the application filed on 1 August 1984 by Boussois SA, of Levallois-Perret, France, and Interpane Entwicklungs- und Beratungsgesellschaft mbH & Co. KG, of Lauenförde, Federal Republic of Germany, for negative clearance or alternatively exemption under Article 85 (3) of an agreement which they had signed on 3 and 5 September 1983 for an indefinite period,

Having published a summary of the application in accordance with Article 19 (3) of Regulation No 17 ⁽²⁾,

Having consulted the Advisory Committee on Restrictive Practices and Monopolies,

Whereas :

I. FACTS

A. Subject-matter of the agreement

- (1) The agreement concerns the transfer by the German firm Interpane to the French firm Bous-

sois of a body of technical information, some patented and some not, in connection with the sale to Boussois of a production plant for applying fine thermal insulation coatings to flat glass to produce insulating 'low-emissivity' glass for double-glazing units. The coating technology used in the plant is one of several processes based on the principle of depositing alternate layers of a precious metal and a metal oxide. The novel technology developed by Interpane involves the alternation of bismuth oxide with silver (called 'colour-neutral coatings') or gold (called 'gold coatings') which maintains a high degree of transparency of the glass. The new plant sold to Boussois entered service in France in 1985.

The licensed technology mainly consists of unpatented technical information that is secret and is of substantial importance ('know-how'). One of the types of coatings is patented in some Member States, however.

- (2) The unpatented know-how licensed to Boussois is substantial in that it comprises the following bodies of detailed information about both the production plant and the insulating coatings themselves :

— Interpane's latest technology, at the time the production plant is handed over, concerning the assembly, commissioning and operation of the plant ; in particular, Interpane gives Boussois full details of the design of the plant and of its operating methods and procedures ; for this purpose, plans, drawings and descriptions of materials and operations are attached to the contract, together with specifications of the performance characteristics of the plant and each type of product, lists of the materials and consumables Boussois will have to keep in

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No C 218, 29. 8. 1986, p. 2.

stock to operate the plant satisfactorily and of their suppliers, and lists of spare parts and their suppliers, if any, other than Interpane;

- Interpane's latest technology at the time the plant is handed over and the improvements made to that technology in the five years following the hand-over concerning the insulating coatings for which the Boussois plant can be used, and covering (a) the various stages in the production process, including in particular the preparation, cleaning and inspection of the glass in very large sheets, preparation in the vacuum chamber, in particular the regulation of the cathode potential and gas flows to suit each type of product, the coating process for each type of coating, involving cathode sputtering under vacuum, the discharging of the coated glass from the vacuum chamber and its inspection and handling, and (b) the training of operatives, type approval, packaging and the precautions required in long-distance transport, especially by sea, and the fitting of the finished double-glazing units in buildings.

The unpatented know-how licensed to Boussois is also secret in the sense that, although individual components of it may not be totally unknown or unobtainable, particularly for qualified engineers in the industry, the know-how package as a whole is not readily available, and can therefore be said to be not in the public domain.

- (3) The patents licensed to Boussois cover only the 'colour-neutral' coating '1.3', which is marketed by Interpane under the trade mark 'I-PLUS', and for which it holds two patents in Germany, No P 3130857.0-45 of 4 August 1981 and No P 3211753.1-45 of 30 March 1982. The second patent has been extended as European Patent No 83103077.0 to six other Community countries together with Finland, Sweden and Switzerland. It is also registered in the US, Canada and Japan. There are no parallel patents in Denmark, Greece, Ireland, Spain or Portugal.

Although a number of other types of coatings, both 'colour-neutral', other than '1.3', and 'gold', can be made using the transferred know-how without exploiting Interpane's patents, only coatings of the patented '1.3' type are currently used by the parties.

Glass with these coatings was first sold on a commercial scale in the Community by Interpane in Germany in January 1983.

B. The significant clauses of the agreement

- (4) Boussois is allowed to manufacture the insulating glass in France to the exclusion of any other licensee for the first five years after signature of the agreement and on a non-exclusive basis for an indefinite period thereafter. Interpane has reserved the right to build and operate a similar plant in France itself not earlier than two years after signature of the agreement.

The agreement does not give Boussois a licence to manufacture in other countries and this is understood by the parties as a prohibition on its doing so in respect of any of the coatings concerned and in any of the other 11 countries of the Community, both those in which Interpane holds patents and those in which it does not. Boussois is free to manufacture competing products.

- (5) Boussois is allowed to sell the products :
 - (a) in France, to the exclusion of any other licensee, including licensees for other countries, for the first five years after signature of the agreement and on a non-exclusive basis thereafter;
 - (b) outside France, including Germany, on a non-exclusive basis for an indefinite period. At present Interpane does not have any licensee apart from Boussois. Boussois's right to sell in any country is understood by the parties as being without prejudice to the possibility of Interpane's later granting another licensee an exclusive sales licence for another territory.

Boussois is also free to sell competing products. Coated insulating glass is expensive to transport

over long distances, being bulky and fragile. It is not normally sold direct to the general public but mainly to processors who resell the finished double-glazing units to the building trade.

- (6) The parties undertake the following obligations concerning improvements to, and protection of, the know-how. They agree to communicate to one another on a non-exclusive basis any improvements they make to the transferred know-how during the currency of the agreement. The improvements can be used by the recipient indefinitely just as the original know-how can; in other words, the period of the licence for improvements is the same as that for the original know-how licensed to the licensee. The parties also agree to preserve the secrecy of the original know-how and any improvements to it for five years following communication of the know-how or the improvements, except if third parties have in the meantime obtained the same information from other sources.

The two parties are agreed that the life cycle of technology in the industry, i.e. the time it takes for an original technology to be replaced by a new one, is generally not more than five years and only in exceptional cases will know-how both remain secret and retain an economic value beyond that average date. Even in that case, the parties are released from their obligation to keep a given piece of information secret after five years from the date it was communicated.

- (7) The agreement also contains the following other provisions:
- Boussois pays a fixed sum for the plant, which is spread over several instalments during the construction period,
 - Boussois pays another fixed sum for the know-how on the plant and the coatings combined, which is also spread over several instalments during the construction period. The instalments are payable in full even if part of the initially transferred know-how should in the meantime have fallen into the public domain or if the know-how transferred over the next five years should do so prematurely. In respect of the latter, the parties do not rule out additional payments later to preserve the spirit of the agreement,
 - in addition to the fixed sums just mentioned, royalties are payable for the use of the patents, but only in respect of patents still in force and only if Boussois uses them,
 - Boussois may use its own trade mark or, with Interpane's consent, the trade mark 'I-PLUS'. In

fact, Boussois markets the products under its own trade mark 'Diaplus' without mentioning Interpane.

There is no clause prohibiting Boussois from challenging the validity of Interpane's industrial property rights.

C. The relevant products and markets

- (8) Double-glazing units using glass coated with an insulating 'low-emissivity' film are a new product which competes with conventional triple-glazing units. Their potential market is therefore the market for double-glazing units made with 'low-emissivity' glass plus that for conventional triple-glazing units.

Because of the slump in the building industry, sales of both types of insulation units increased only slightly between 1983 and 1985 from 6 million m² to 6,3 million m² in Europe as a whole and from 3,6 million m² to 4 million m² in the Community. Sales of low-emissivity double-glazing units in the Community in 1985 were about 1,8 million m², worth 60 million ECU, or a little under 50 % of the potential market defined above.

However, energy conservation measures and an economic upturn could increase the size of the market and favour the low-emissivity coated-glass units, which are still relatively new though now becoming better known. In that case, the 60 to 70 million m² of double and triple glazing of all types now fitted in the 12 Member States of the Community could begin to be renewed at a much faster annual rate than at present. Producers have ample capacity to cope with such an increase in demand.

- (9) There are currently two different technologies for applying insulating coatings to flat glass. The total production capacity available in the Community with the two technologies currently exceeds demand by a substantial margin. The first technology, involving treatment of the hot glass while still on the production line, was developed by Saint-Gobain and Glaverbel using two different processes, and coating capacity using this technology is in theory the same as flat-glass production capacity. In the second technology, the coating is applied in a vacuum and the finished double-glazing units must be sealed, but the technique achieves a considerably better thermal insulating coefficient and has thereby created a new market. This second technology is now used by eight main

producers in the Community, and there are three different processes. The first process, using tin, was developed by the German firm Leybold-Heraeus and capacity exists for about three million m²; the second process, using zinc, developed by the American firm Airco has capacity for about two million m²; while the third is that developed by Interpane which uses bismuth and for which there is one million m² of capacity including the plant sold to Boussois.

- (10) The parties, of which Boussois is a glass producer and Interpane a processor, have supplied the following details of their sales and market shares for 1985. Boussois's consolidated turnover from all products was around 200 million ECU. As the glass-coating plant only entered service part way through 1985, its sales of this product were quite low, at two million ECU, and limited to France. Sales of insulation glass of all types by Interpane and its distributors amounted to 35 million ECU, one third being of low-emissivity coated glass and the bulk of the sales being in the Community. Altogether, sales of low-emissivity glass employing the coatings developed by Interpane accounted for around a quarter of vacuum-coated insulation-glass sales in Germany. They were exported mainly to the Benelux countries and the UK, where they accounted for about 40 % of sales. In the other Member States, their market share ranged from nothing (Spain) to 20 % (Italy). The plant sold to Boussois is the first using Interpane's coating technology outside Germany. Its present capacity is 500 000 m² a year, or 10 % of the sales of all types of insulation glass in France in 1985.

increasing competition within the Community between the new products made with this technology and similar existing products would not have been achieved.

- (12) In the alternative, they argued that the exclusivity granted to Boussois led to benefits of a type which the Commission had already recognized as justifying application of Article 85 (3), and that the five-year duration of the exclusivity was reasonable in view of the investment undertaken by Interpane and Boussois and the nature of the transferred technology. The prohibition on Boussois manufacturing outside France was necessary with a view to the appointment of other licensees in other countries of the Community, who would only be prepared to undertake the necessary investment if they were sure that Boussois (or licensees for other territories) would not be free to begin manufacturing in their territory immediately their period of exclusivity expired, competition from imports posing less of a threat because of the difficulties of transport. It was important for Interpane to be able to recruit other licensees because the difficulties of transport made decentralized manufacture the most efficient way of exploiting the technology against the competition from other brands.

The prohibition on Boussois manufacturing in other countries, including those in which Interpane did not hold any patent, did not place it at a disadvantage by comparison with third parties because without a licence those third parties would lack the essential know-how to do so. Finally, the payment for the know-how of a fixed sum spread over several instalments had been agreed by the parties for practical reasons and was not an underhand way of exacting unjustified royalties.

D. The parties' submissions

- (11) In support of their application for negative clearance, the parties submitted that their collective market position, though not insignificant, did not enable them to influence supply and demand conditions to their advantage, and that therefore the constraints the contract placed on their conduct hardly fell into the category of restrictions of competition prohibited by the Treaty. All the restrictions they had accepted were essential to safeguard their interests, so that without them the contract would not have come into being and its effects of disseminating a leading technology and

E. Comments of interested parties

- (13) In reply to a notice summarizing the agreement and inviting comments, which the Commission published pursuant to Article 19 (3) of Regulation No 17, interested parties wrote to clarify certain points in the description of the different techniques for applying insulating coatings to glass, and particularly to distinguish the in-line method developed by Glaverbel and Saint-Gobain from the vacuum-coating processes developed by Leybold-Heraeus, Airco and Interpane.

II. LEGAL ASSESSMENT

A. Article 85 (1)

(14) Article 85 (1) of the EEC Treaty prohibits as incompatible with the common market all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market, and in particular those which:

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
- (b) limit or control production, markets, technical development, or investment;
- (c) share markets or sources of supply;
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

(15) Interpane and Boussois are business undertakings and the notified agreement between them is an agreement within the meaning of Article 85 (1).

(16) The following three provisions of the agreement have the object and effect of restricting competition within the common market within the meaning of Article 85 (1):

- (a) The exclusivity of manufacture and sale in France granted to Boussois (see point 4, first subparagraph, and point 5) prevents, first of all, other potential licenses for the same territory for five years from the date of the contract and Interpane itself for two years from that date from manufacturing or selling in France the products covered by the agreement, although they might wish and have the capacity to do so; it thus restricts potential or actual competition in France during these periods from other potential French licensees and from the licensor. Secondly, the exclusivity prevents future fellow licensees for other territories in

the Community from directly selling, actively or passively⁽¹⁾, in France for five years, so restricting potential competition in France from foreign fellow licensees. Insofar as the exclusivity is not limited to the contractual relationship between Interpane and Boussois but also appreciably affects the position of third parties such as potential exclusive licensees for other territories, the agreement cannot on any account be regarded as an 'open' exclusive licence within the meaning of the Court's case law⁽²⁾.

- (b) The prohibition on Boussois manufacturing outside France (see paragraph 4, second subparagraph) restricts its potential sales in other Community countries, especially those in northern and southern Europe, a long way from its present and future manufacturing facilities in France, because the cost of transporting the products over long distances will increase its selling prices in such other countries.

- (c) The prohibition on Boussois selling the products in another territory within the Community outside France for which Interpane later appoints another exclusive licensee will prevent Boussois from supplying such territories as soon as the other licensee begins marketing the products there.

(17) The agreement impinges on the rights and obligations of a German company and its French licensee with regard to the manufacture and marketing of certain products throughout the Community; it is therefore likely to affect trade between Member States. In view of the share of the market in several Member States that is held by insulation-glass units made with Interpane's technology and the prospects for the expansion of that market, the restrictions of competition resulting from the agreement and their effect on trade must be considered appreciable.

⁽¹⁾ The notions of active and passive competition are explained in recital 12 of Commission Regulation (EEC) No 2349/84 of 23 July 1984 on the application of Article 85 (3) of the Treaty to certain categories of patent licensing agreements (OJ L 219, 16. 8. 1984, p. 15).

⁽²⁾ See Judgment of 8 June 1982 in Case 258/78 (Maize seed), ECR (1982), p. 2015.

B. Article 85 (3)

- (18) Article 85 (3) allows the provisions of Article 85 (1) to be declared inapplicable in the case of:

- any agreement or category of agreements between undertakings,
- any decision or category of decisions by associations of undertakings,
- any concerted practice or category of concerted practices,

which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;

- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

- (19) The block exemption granted by Regulation (EEC) No 2349/84 applies, as well as to patent licensing agreements, also, as explained by recital 9 of the Regulation, to mixed patent and know-how licensing agreements where the patents are necessary for achieving the objects of the licensed technology and the (secret) know-how permits a better exploitation of the patents. A further condition of the application of the Regulation to territorial restrictions on the exploitation of the technology is that the licensed product must be protected by parallel patents in the territories concerned. The present case is distinguished, however, by the importance of the know-how element in the technology, which, as shown in point 2, is a package involving a certain configuration and assembly of components and features that make the technology work, all of which is described in the agreement. This licensing of a complete package in which a detailed body of know-how is the dominant element sets the present agreement apart from licences for the exploitation of a patented invention and know-how additional to the patent. In the present case, the know-how falls into two parts, one covering the production plant, and in particular its assembly, commissioning and operation, and the other covering the various types of coatings for which the

plant can be used. For some of these, use of the know-how alone is required. Use of the patents is required for only one type of coating, and even this is not even partially protected by patents in five Member States accounting for a quarter of the Community's population. Furthermore, the licensee is not obliged to exploit the patents throughout the term of the contract or to pay royalties if he does not do so.

- (20) The agreement is therefore not covered by Regulation (EEC) No 2349/84, and until such time as there is a block exemption regulation specifically for pure know-how agreements or mixed agreements in which the know-how component consist of a body of knowledge that is crucial for the exploitation of the licensed technology and not just a factor permitting a better exploitation of the patents, the restrictions of competition involved in the agreement require individual exemption. For this the Commission must satisfy itself that all the conditions laid down in Article 85 (3) are fulfilled. The agreement fulfils all the conditions for the following reasons.

Having regard to competitive conditions on the market concerned, the exclusivity granted to Boussois, which protects it against competition from potential fellow licensees for France or for other territories, and the prohibitions on its manufacturing outside France or selling in the territories of other exclusive licensees appointed by Interpane in the future, each produces benefits comparable to those arising from the patent licensing agreements exempted by Regulation (EEC) No 2349/84 and, like those agreements, fulfils the other conditions for exemption as shown in recitals 12 to 15 of the Regulation. In particular:

- they make Interpane, the possessor of know-how which, as shown above, is of substantial importance and not in the public domain, more willing to grant a licence for that know-how and Boussois more inclined to undertake the investment required to manufacture, use and put on the market insulating glass made with Interpane's vacuum-coating process. In this way, they help to disseminate and further develop a new product, thereby improving the production and distribution of the product and promoting technical and economic

progress in the Community. As a result of the building of a plant employing a technology that Interpane has successfully established as one of only three processes now available in the Community for vacuum deposition of insulating coatings on glass, and as a result also of the arrangements for the constant exchange of improvements to the technology, the number of production facilities in the Community and the quantity and quality of the products are increased;

- it is also reasonable to assume, particularly in view of the investment undertaken by Boussois, that consumers will enjoy a fair share of the benefits resulting from the agreement. Nor does the agreement impose restrictions that are not indispensable to the attainment of the above-mentioned objectives. Finally, the provisions of the agreement will not in normal circumstances afford the parties the possibility of eliminating competition in respect of a substantial part of the products in question, particularly as there is effective inter-brand competition on this market in the Community and the parties have not taken any steps to prevent parallel imports of their products, which are quite possible because of the involvement of processors.

All the above also applies to the protection of Boussois and other potential future licensees against even passive competition from one another, in view of the fact that the products are sold to people in the trade who are well-informed and that there are only eight suppliers of the products in the Community. In these circumstances a protection of licensees *inter se* which only covered active competition would be ineffectual as their customers would then be able to 'shop around' all the potential sources of supply in the Community, leaving the licensee completely unprotected during the initial period of launch of the product.

C. Article 8 of Regulation No 17

- (21) Under Article 8 (1) of Regulation No 17, exemption may only be granted for a specified period. In view of the peculiar features of the case, and in particular the relative rapidity of technological change in the industry, which, according to the

parties, makes the average life cycle of the technology only about five years and has caused them to limit their secrecy obligation and the licensee's exclusivity to this period, the Commission considers it appropriate to grant exemption until the end of the five-year period of territorial protection provided for in the contract. In view, among other things, of the size of Boussois's investment and the time it took to construct the plant, there is no reason to reduce this period on account of the fact that the first marketing of products took place in Germany a few months before the signature of the contract.

D. Clauses not falling within Article 85 (1)

- (22) The Commission considers that all the other clauses of the agreement, and in particular those listed hereafter, embody obligations that will normally not fall within Article 85 (1):

- (a) the obligation to communicate improvements (see first subparagraph of paragraph 6), given that it is reciprocal and non-exclusive, and that the period of the licence for such improvements is the same as that for the original know-how licensed to the licensee. As a result, at the expiry of the contract neither party will be at a disadvantage compared with the other. In particular, there is no danger for Boussois that at the end of the contract it will find itself in the situation of having to stop using the original know-how licensed to it and any improvements which have since been made to it, even by Boussois itself, and which cannot be used without the original know-how, whereas the licensor can continue using both the original know-how and the improvements, so that the parties would be unable to renegotiate the contract freely and on equal terms. Nor are the arrangements for possible payment for improvements inequitable (see end of second indent of paragraph 7);
- (b) the obligation to keep the transferred know-how secret, which does not apply if third parties in the meantime obtain the same information from other sources, and which lasts as long as the average life of the technology, i.e. five years (see paragraph 6);

- (c) the arrangements for Boussois's payment to Interpane for the know-how (see second indent of paragraph 7, in particular second sentence); an obligation to pay royalties or a fixed sum, including a fixed sum spread over several instalments whereby outstanding instalments are still payable after the know-how has entered the public domain, is not caught by Article 85 (1) even in the absence of patents;
- (d) the obligation on Boussois to pay Interpane royalties for using its patents which, though indefinite because the contract itself has an indefinite term, only continues for as long as the patents are in force and Boussois is still using them (see points 4 and 5 and the third indent of points 7),

HAS ADOPTED THIS DECISION:

Article 1

1. Pursuant to Article 85 (3) of the EEC Treaty, the provisions of Article 85 (1) of the Treaty are hereby declared inapplicable to the agreement between the parties named in Article 3 and notified on 1 August 1984.

2. This exemption shall apply from the date of notification until 30 September 1988.

Article 2

The following obligation is attached to this Decision: Interpane shall inform the Commission of any other exclusive patent and/or know-how licensing agreements that it may sign for the same type of product within the Community during the currency of this Decision.

Article 3

This Decision is addressed to:

1. Boussois SA,
126-130, rue Jules Guesde,
F-92302 Levallois-Perret,
2. Interpane Entwicklungs- und Beratungsgesellschaft
mbH & Co. KG,
Sohnreysstraße 21,
D-3471 Lauenförde.

Done at Brussels, 15 December 1986.

For the Commission

Peter SUTHERLAND

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 441/87 of 12 February 1987 abolishing the countervailing charge and re-establishing a preferential customs duty on imports of lemons originating in Turkey

(Official Journal of the European Communities No L 43 of 13 February 1987)

On page 33, in the first recital :

for: '... 354/87 of 4 February 1987...'

read: '... 366/87 of 5 February 1987...'

On page 33, Article 1 :

for: '... 354/87...'

read: '... 366/87...'

Corrigendum to Seventh Commission Directive 86/431/EEC of 24 June 1986 adapting to technical progress Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances

(Official Journal of the European Communities No L 247 of 1 September 1986)

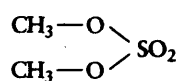
Pages 5 and 6 read as follows :

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I — ANEXO I

Cas No 77-78-1

No 016-023-00-4

Nota E



ES: sulfato de dimetilo
 DA: dimethylsulfat
 DE: Dimethylsulfat
 EL: Θετικός διμεθυλεστέρας
 EN: dimethyl sulphate
 FR: sulfate de diméthyle
 IT: dimetilsolfato
 NL: dimethylsulfaat
 PT: sulfato de dimetilo



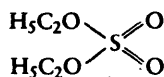
R: 45-25-26-34

S: 53-26-27-45

Cas No 64-67-5

No 016-027-00-6

Nota E



ES: sulfato de dietilo
 DA: diethylsulfat
 DE: Diethylsulfat
 EL: Θετικός διαιθυλεστέρας
 EN: diethyl sulphate
 FR: sulfate de diéthyle
 IT: dietilsolfato
 NL: diethylsulfaat
 PT: sulfato de dietilo



R: 45-46-20/21/22-34

S: 53-26-44

Cas No 10108-64-2

No 048-008-00-3

Nota E



ES: cloruro de cadmio
DA: cadmiumchlorid
DE: Cadmiumchlorid
EL: Χλωριούχο κάδμιο
EN: cadmium chloride
FR: chlorure de cadmium
IT: cadmio cloruro
NL: cadmiumchloride
PT: cloreto de cádmio

T



R: 45-23/25-48

S: 53-44

Cas No 71-43-2

No 601-020-00-8

Nota E



ES: benceno
DA: benzen
DE: Benzol
EL: Βενζόλιο
EN: benzene
FR: benzène
IT: benzene
NL: benzeen
PT: benzeno

F



T



R: 45-11-23/24/25-48

S: 53-16-29-44