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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 1234/87****of 4 May 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1579/86<sup>(2)</sup>, 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<sup>(3)</sup>, as amended by Regulation (EEC) No 910/87<sup>(4)</sup>, 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<sup>(5)</sup> 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 30 April 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 5 May 1987.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 139, 24. 5. 1986, p. 29.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 88, 31. 3. 1987, p. 42.

<sup>(5)</sup> 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, 4 May 1987.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

# ANNEX

to the Commission Regulation of 4 May 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                            | 16,66          | 201,24                                              |
| 10.01 B II     | Durum wheat                                         | 52,48          | 261,23 <sup>(1)</sup> <sup>(5)</sup>                |
| 10.02          | Rye                                                 | 45,73          | 184,39 <sup>(6)</sup>                               |
| 10.03          | Barley                                              | 44,00          | 195,86                                              |
| 10.04          | Oats                                                | 102,29         | 155,93                                              |
| 10.05 B        | Maize, other than hybrid maize for sowing           | 4,93           | 184,45 <sup>(2)</sup> <sup>(3)</sup> <sup>(8)</sup> |
| 10.07 A        | Buckwheat                                           | 44,00          | 130,66                                              |
| 10.07 B        | Millet                                              | 44,00          | 148,93 <sup>(4)</sup>                               |
| 10.07 C II     | Grain sorghum, other than hybrid sorghum for sowing | 29,91          | 190,82 <sup>(4)</sup> <sup>(8)</sup>                |
| 10.07 D I      | Triticale                                           | <sup>(7)</sup> | <sup>(7)</sup>                                      |
| 10.07 D II     | Canary seed ; other cereals                         | 44,00          | 71,83 <sup>(5)</sup>                                |
| 11.01 A        | Wheat or meslin flour                               | 39,02          | 297,43                                              |
| 11.01 B        | Rye flour                                           | 79,72          | 273,84                                              |
| 11.02 A I a)   | Durum wheat groats and meal                         | 95,18          | 418,74                                              |
| 11.02 A I b)   | Common wheat groats and meal                        | 39,18          | 319,01                                              |

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

<sup>(2)</sup> 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'.

<sup>(3)</sup> Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

<sup>(4)</sup> Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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.

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

<sup>(8)</sup> 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 1235/87

of 4 May 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1579/86<sup>(2)</sup>, 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<sup>(3)</sup>, as amended by Regulation (EEC) No 910/87<sup>(4)</sup>, 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<sup>(5)</sup> 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 30 April 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 5 May 1987.

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

Done at Brussels, 4 May 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 139, 24. 5. 1986, p. 29.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 88, 31. 3. 1987, p. 42.

<sup>(5)</sup> OJ No L 173, 1. 7. 1986, p. 4.

## ANNEX

to the Commission Regulation of 4 May 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<br>5 | 1st period<br>6 | 2nd period<br>7 | 3rd period<br>8 |
| 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               |
| 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<br>5 | 1st period<br>6 | 2nd period<br>7 | 3rd period<br>8 | 4th period<br>9 |
| 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 1236/87

of 4 May 1987

ending the charges against the tariff ceiling opened, in the framework of generalized tariff preferences, by Council Regulation (EEC) No 3599/85 in respect of other automatic data processing machines, falling within subheading 84.53 B of the Common Customs Tariff and originating in Singapore

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas, pursuant to Articles 1 and 10 of Regulation (EEC) No 3599/85 suspension of customs duties in the context of preferential tariff ceilings is granted within the limits of the individual ceilings set out in column 9 of Annex I to that Regulation in respect of each of the categories of product under consideration; whereas as provided for in the second paragraph of Article 13 of the said Regulation, the Commission may, after 31 December 1986, take measures to stop quantities being charged against any particular preferential tariff limit if these limits were exceeded as a result of regularizations of imports actually made during the preferential tariff period;

Whereas, in respect of automatic data processing machines, falling within subheading 84.53 B of the

Common Customs Tariff and originating in Singapore, the individual ceiling was fixed at 13 140 000 ECU; whereas, on 3 March 1987, the sum of the quantities charged during the 1986 preferential tariff period and those charged after 31 December 1986 in respect of regularizations of imports made during the period under consideration has exceeded the ceiling in question;

Whereas it appears desirable to take measures to stop quantities being charged against the said ceiling in respect of Singapore,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantities charged against the tariff ceiling opened by Regulation (EEC) No 3599/85 relating to the following products, originating in Singapore, shall cease to be allowed from 8 May 1987.

| Order No | CCT heading No and NIMEXE code                                  | Description                                                                                                                                                                                                                              |
|----------|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1)      | (2)                                                             | (3)                                                                                                                                                                                                                                      |
| 10.1010  | 84.53<br>(84.53-20, 31, 33, 35, 39, 60, 70, 81, 85, 89, 91, 98) | Automatic data processing machines and units thereof; magnetic or optical readers, machines for transcribing data on to data media in coded form and machines for processing such data, not elsewhere specified or included:<br>B. Other |

*Article 2*

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

<sup>(1)</sup> OJ No L 352, 30. 12. 1985, p. 1.

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

Done at Brussels, 4 May 1987.

*For the Commission*

COCKFIELD

*Vice-President*

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**COMMISSION REGULATION (EEC) No 1237/87****of 4 May 1987****amending for the fourth time Regulation (EEC) No 2025/86 fixing countervailing charges on seeds**

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 2358/71 of 26 October 1971 on the common organization of the market in seeds <sup>(1)</sup>, as last amended by Regulation (EEC) No 1355/86 <sup>(2)</sup>, and in particular Article 6 (5) thereof,

Whereas Commission Regulation (EEC) No 2025/86 <sup>(3)</sup>, as last amended by Regulation (EEC) No 980/87 <sup>(4)</sup>, fixed countervailing charges on seeds in respect of a certain type of hybrid maize and sorghum for sowing;

Whereas, since that time, a significant variation has been recorded in the free-at-frontier offer prices which, under the terms of Article 4 (2) of Commission Regulation

(EEC) No 1665/72 <sup>(5)</sup>, as amended by Regulation (EEC) No 2811/86 <sup>(6)</sup>, requires that these charges be amended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 2025/86 is replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 5 May 1987.

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

Done at Brussels, 4 May 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 246, 5. 11. 1971, p. 1.

<sup>(2)</sup> OJ No L 118, 7. 5. 1986, p. 1.

<sup>(3)</sup> OJ No L 173, 1. 7. 1986, p. 38.

<sup>(4)</sup> OJ No L 92, 4. 4. 1987, p. 15.

<sup>(5)</sup> OJ No L 175, 2. 8. 1972, p. 49.

<sup>(6)</sup> OJ No L 260, 12. 9. 1986, p. 8.

## ANNEX I

## Countervailing charge on hybrid maize for sowing

*(ECU/100 kg)*

| CCT heading number | Description                             | Amount of countervailing charge <sup>(1)</sup> | Country of origin              |
|--------------------|-----------------------------------------|------------------------------------------------|--------------------------------|
| ex 10.05           | Maize :                                 |                                                |                                |
|                    | A. Hybrid for sowing :                  |                                                |                                |
|                    | I. Double hybrids and top cross hybrids | 5,7                                            | Austria                        |
|                    |                                         | 31,1                                           | Romania                        |
|                    |                                         | 31,1                                           | Other countries <sup>(2)</sup> |
|                    | II. Three cross hybrids                 | 7,7                                            | Yugoslavia                     |
|                    |                                         | 9,8                                            | Argentina                      |
|                    |                                         | 17,9                                           | Hungary                        |
|                    |                                         | 17,9                                           | Other countries <sup>(3)</sup> |
|                    | III. Single hybrids                     | 5,3                                            | Bulgaria                       |
|                    |                                         | 57,3                                           | Austria                        |
|                    |                                         | 22,2                                           | USA                            |
|                    |                                         | 106,9                                          | Romania                        |
|                    |                                         | 87,1                                           | Hungary                        |
|                    |                                         | 105,7                                          | Yugoslavia                     |
|                    |                                         | 98,8                                           | Canada                         |
|                    |                                         | 106,9                                          | Other countries                |

<sup>(1)</sup> The countervailing charge may not exceed 4 % of the customs value. In the case of Spain and Portugal it may not exceed the rate obtained by alignment on the CCT in accordance with the timetable specified in the Act of Accession.

<sup>(2)</sup> With the exception of Canada, Hungary, USA and Yugoslavia.

<sup>(3)</sup> With the exception of Canada, USA, Chile, Japan, Austria and Romania.

## ANNEX II

## Countervailing charge on hybrid sorghum for sowing

*(ECU/100 kg)*

| CCT heading number | Description               | Amount of countervailing charge | Country of origin |
|--------------------|---------------------------|---------------------------------|-------------------|
| 10.07 C I          | Hybrid sorghum for sowing | 54,4                            | USA               |
|                    |                           | 54,4                            | Other countries   |

## COMMISSION REGULATION (EEC) No 1238/87

of 4 May 1987

amending Regulation (EEC) No 2049/82 on rules for determining world market prices in the peas, field beans and sweet lupins sector

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

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins <sup>(1)</sup>, as last amended by Regulation (EEC) No 3127/86 <sup>(2)</sup>, and in particular Articles 3 (7) and 4 (3) thereof,

Whereas Articles 1, 3a and 4 of Commission Regulation (EEC) No 2049/82 <sup>(3)</sup>, as last amended by Regulation (EEC) No 3319/85 <sup>(4)</sup>, refer to average world market prices; whereas in Regulation (EEC) No 1431/82 and in Council Regulation (EEC) No 2036/82 of 19 July 1982 adopting general rules concerning special measures for peas, field beans and sweet lupins <sup>(5)</sup>, as last amended by Regulation (EEC) No 3527/86 <sup>(6)</sup>, the word 'average' has been deleted; whereas the wording of Regulation (EEC) No 2049/82 should therefore be adjusted accordingly;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Articles 1 (1) and (2), 3a (1) and (2) and 4 (1) of Regulation (EEC) No 2049/82, 'average' is deleted.

*Article 2*

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

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

Done at Brussels, 4 May 1987.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

<sup>(1)</sup> OJ No L 162, 12. 6. 1982, p. 28.

<sup>(2)</sup> OJ No L 292, 16. 10. 1986, p. 1.

<sup>(3)</sup> OJ No L 219, 28. 7. 1982, p. 36.

<sup>(4)</sup> OJ No L 317, 28. 11. 1985, p. 15.

<sup>(5)</sup> OJ No L 219, 28. 7. 1982, p. 1.

<sup>(6)</sup> OJ No L 326, 21. 11. 1986, p. 1.

**COMMISSION REGULATION (EEC) No 1239/87****of 4 May 1987****amending Regulation (EEC) No 2718/86 on the transport and sale, for disposal in animal feed in certain drought-stricken regions of France, of cereals held by the French intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EEC) No 1579/86<sup>(2)</sup>, and in particular Article 7 (5) thereof,Whereas the complexity of the rules for implementing Regulation (EEC) No 2718/86<sup>(3)</sup> as amended by Regulation (EEC) No 3444/86<sup>(4)</sup>, will not enable the cereals in question to be disposed of in animal feed by 28 February 1987; whereas that date and consequently the final date for providing evidence of disposal in animal feed of the abovementioned cereals, as required for release of the guarantee provided for in Article 2 of the abovementioned Regulation, should accordingly be extended;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 2 (2) of Regulation (EEC) No 2718/86 is hereby amended as follows:

1. The date '28 February 1987' in the second indent is replaced by '30 April 1987';
2. The date '30 April 1987' in the third indent is replaced by '30 May 1987'.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 30 April 1987.

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

Done at Brussels, 4 May 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.<sup>(2)</sup> OJ No L 139, 24. 5. 1986, p. 29.<sup>(3)</sup> OJ No L 250, 2. 9. 1986, p. 5.<sup>(4)</sup> OJ No L 318, 13. 11. 1986, p. 17.

## COMMISSION REGULATION (EEC) No 1240/87

of 4 May 1987

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 13 to 19 April 1987

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

Having regard to Council Regulation (EEC) No 1347/86 of 6 May 1986 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom <sup>(1)</sup>, as amended by Regulation (EEC) No 467/87 <sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 1695/86 of 30 May 1986 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom <sup>(3)</sup>, and in particular Article 7 (1) thereof,

Whereas, under Article 3 of Regulation (EEC) No 1347/86, an amount equivalent to the amount of the variable slaughter premium granted in the United Kingdom is levied on meat and meat preparations from animals on which it has been paid, when they are consigned to other Member States or to non-member countries;

Whereas, under Article 7 (1) of Regulation (EEC) No 1695/86 the amounts to be charged on departure from the territory of the United Kingdom of the products listed

in the Annex to the said Regulation must be fixed each week by the Commission;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 13 to 19 April 1987 should be fixed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Pursuant to Article 3 of amended Regulation (EEC) No 1347/86, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1695/86 which left the territory of the United Kingdom during the week 13 to 19 April 1987 shall be those set out in the Annex.

*Article 2*

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

It shall apply with effect from 13 April 1987.

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

Done at Brussels, 4 May 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 119, 8. 5. 1986, p. 40.

<sup>(2)</sup> OJ No 48, 17. 2. 1987, p. 1.

<sup>(3)</sup> OJ No L 146, 31. 5. 1986, p. 56.

## ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during  
the week 13 to 19 April 1987

| (ECU/100 kg net weight)                     |                                                                                                    |          |
|---------------------------------------------|----------------------------------------------------------------------------------------------------|----------|
| CCT<br>heading<br>No                        | Description                                                                                        | Amount   |
| 1                                           | 2                                                                                                  | 3        |
| ex 02.01 A II a)<br>and<br>ex 02.01 A II b) | Meat of adult bovine animals, fresh, chilled or frozen :                                           |          |
|                                             | 1. Carcases, half-carcases or 'compensated' quarters                                               | 26,26474 |
|                                             | 2. Separated or unseparated forequarters                                                           | 21,01179 |
|                                             | 3. Separated or unseparated hindquarters                                                           | 31,51769 |
|                                             | 4. Other :                                                                                         |          |
|                                             | aa) Unboned (bone-in)                                                                              | 21,01179 |
|                                             | bb) Boned or boneless                                                                              | 35,98269 |
| ex 02.06 C I a)                             | Meat salted, in brine, dried or smoked, of adult bovine animals :                                  |          |
|                                             | 1. Unboned (bone-in)                                                                               | 21,01179 |
|                                             | 2. Boned or boneless                                                                               | 29,94180 |
| ex 16.02 B III b) 1                         | Other prepared or preserved meat or meat offal, containing meat or offal of adult bovine animals : |          |
|                                             | aa) Uncooked ; mixtures of cooked meat or offal and uncooked meat or offal :                       |          |
|                                             | 11. Containing 80 % or more by weight of beef meat excluding offals and fat                        | 29,94180 |
|                                             | 22. Other                                                                                          | 21,01179 |

**COMMISSION REGULATION (EEC) No 1241/87****of 4 May 1987****abolishing the countervailing charge on aubergines originating in 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1351/86 <sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1104/87 <sup>(3)</sup> introduced a countervailing charge on aubergines originating in the Canary Islands ;

Whereas for these products originating in the Canary Islands there were no prices for six consecutive working

days ; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of aubergines originating in the Canary Islands can be abolished,

HAS ADOPTED THIS REGULATION :

*Article 1*

Regulation (EEC) No 1104/87 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 5 May 1987.

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

Done at Brussels, 4 May 1987.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*

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<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 119, 8. 5. 1986, p. 46.

<sup>(3)</sup> OJ No L 106, 22. 4. 1987, p. 31.

## COMMISSION REGULATION (EEC) No 1242/87

of 4 May 1987

**abolishing the countervailing charge on tomatoes 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1351/86<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,Whereas Commission Regulation (EEC) No 1099/87<sup>(3)</sup> as amended by Regulation (EEC) No 1189/87<sup>(4)</sup>, introduced a countervailing charge on tomatoes originating in Spain (except the Canary Islands);Whereas the present trend of prices for these products on the representative markets referred to in Commission Regulation (EEC) No 2118/74<sup>(5)</sup>, as last amended by Regulation (EEC) No 3811/85<sup>(6)</sup>, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No

1035/72 would result in the countervailing charge being fixed at zero; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal<sup>(7)</sup>, 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,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1099/87 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 5 May 1987.

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

Done at Brussels, 4 May 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.<sup>(2)</sup> OJ No L 119, 8. 5. 1986, p. 46.<sup>(3)</sup> OJ No L 106, 22. 4. 1987, p. 24.<sup>(4)</sup> OJ No L 113, 30. 4. 1987, p. 48.<sup>(5)</sup> OJ No L 220, 10. 8. 1974, p. 20.<sup>(6)</sup> OJ No L 368, 31. 12. 1985, p. 1.<sup>(7)</sup> OJ No L 302, 15. 11. 1985, p. 9.

## COMMISSION REGULATION (EEC) No 1243/87

of 4 May 1987

## abolishing the countervailing charge on tomatoes originating in Tunisia

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1351/86<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1101/87<sup>(3)</sup> introduced a countervailing charge on tomatoes originating in Tunisia;

Whereas for these products originating in Tunisia there were no prices for six consecutive working days; whereas

the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of tomatoes originating in Tunisia can be abolished,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1101/87 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 5 May 1987.

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

Done at Brussels, 4 May 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 119, 8. 5. 1986, p. 46.

<sup>(3)</sup> OJ No L 106, 22. 4. 1987, p. 28.

## COMMISSION REGULATION (EEC) No 1244/87

of 4 May 1987

amending Regulation (EEC) No 1137/87 introducing a countervailing charge on courgettes 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1351/86<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1137/87<sup>(3)</sup>, introduced a countervailing charge on courgettes originating in Spain (except the Canary Islands);

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of courgettes originating in Spain (except the Canary Islands) must be altered;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal<sup>(4)</sup>, 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 2 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the first year after accession,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EEC) No 1137/87, '4,96 ECU' is hereby replaced by '27,63 ECU'.

*Article 2*

This Regulation shall enter into force on 4 May 1987.

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

Done at Brussels, 4 May 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 119, 8. 5. 1986, p. 46.

<sup>(3)</sup> OJ No L 110, 25. 4. 1987, p. 22.

<sup>(4)</sup> OJ No L 302, 15. 11. 1985, p. 9.

## COMMISSION REGULATION (EEC) No 1245/87

of 4 May 1987

introducing temporary Community surveillance prior to importation of certain products originating in Japan

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

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports<sup>(1)</sup>, as amended by Regulation (EEC) No 1243/86<sup>(2)</sup>, and in particular Article 10 thereof,

After consultation within the Committee set up under the abovementioned Regulation,

Whereas on 17 April 1987 the Government of the United States decided to impose a customs duty of 100 % on imports from Japan of certain types of personal computers, colour televisions and electric hand tools;

Whereas those measures are likely to lead to changes in traditional patterns of trade involving an increase in exports to the Community;

Whereas the imports concerned are such as to have a depressive effect on the price level and on the financial performance of the Community industry and are thus likely to cause injury to Community producers of like and competing products;

Whereas therefore it is in the Community interest to introduce a Community surveillance of those imports, in order to gather information as soon as possible on the trend therein;

Whereas, taking into consideration the reasons for the adoption of this measure, it is appropriate to provide for a period of application of six months, subject to review prior to its expiration,

HAS ADOPTED THIS REGULATION:

*Article 1*

Imports into the Community:

- of personal computers falling within subheading 84.53 ex B of the Common Customs Tariff and corresponding to NIMEXE code 84.53-31 to 39,

- of electric hand tools falling within subheading 85.05 of the Common Customs Tariff and corresponding to NIMEXE code 85.05-11 to 29, 59, 80,

- of colour television receivers falling within subheading 85.15 A III b 2 ex cc) of the Common Customs Tariff and corresponding to NIMEXE code 85.15-48,

originating in Japan, are to be subjected to Community surveillance prior to importation in accordance with the procedures set out in Articles 11 and 14 of Regulation (EEC) No 288/82.

*Article 2*

The entry into free circulation in the Community of the products referred to in Article 1 is subject to the presentation of a certificate of origin, with the exception of those products which were already being forwarded to the Community on the date of the entry into force of this Regulation,

*Article 3*

Annex II of Regulation (EEC) No 288/82 is hereby modified by the insertion in the Common Customs Tariff and NIMEXE code headings of the products referred to in Article 1 followed by the sign (+) in the column 'EUR'.

*Article 4*

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

It is applicable for a period of six months.

Before the expiry of this period the Commission will examine the advisability of extending, modifying or repealing this Regulation.

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

Done at Brussels, 4 May 1987.

*For the Commission*

Willy DE CLERCQ

*Member of the Commission*

<sup>(1)</sup> OJ No L 35, 9. 2. 1982, p. 1.

<sup>(2)</sup> OJ No L 113, 30. 4. 1986, p. 1.

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 12 March 1987

on the initiation of an international consultation and disputes settlement procedure concerning a United States measure excluding imports of certain aramid fibres into the United States of America

(87/251/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2641/84 of 17 September 1984 on the strengthening of the common commercial policy with regard in particular to protection against illicit commercial practices<sup>(1)</sup>, and in particular Article 11 (2) (a), thereof,

Whereas :

**A. Procedure**

- (1) On 9 December 1985, the Commission received a complaint alleging that the application of Section 337 of the US Tariff Act of 1930 in the matter of 'certain aramid fibres', an action instigated by E.I. Dupont de Nemours (hereinafter Dupont), constituted an illicit commercial practice of the United States Government, and that the resulting order by the US International Trade Commission (USITC) to exclude from the US market unlicensed importations of certain forms of aramid fibre manufactured outside the United States by a Community producer, AKZO NV or its affiliated companies (hereinafter AKZO), was thereby causing or threatening to cause injury to a Community industry.
- (2) The complaint was lodged on behalf of the AKZO group by ENKA BV of the Netherlands, the sole producer of aramid fibres in the Community. The

complaint contained evidence judged by the Commission to be sufficient to warrant the opening of an investigation procedure under Regulation (EEC) No 2641/84.

- (3) An examination procedure was initiated on 5 February 1986<sup>(2)</sup>. Details of the Community producer's allegations are contained in the notice of initiation.
- (4) Following the publication of the notice of initiation numerous letters were received from the Union des Industries de la Communauté Européenne (UNICE), other national industrial organizations, as well as from individual trade organizations and companies supporting the complaint. UNICE in particular complained of certain aspects of Section 337 alleging, *inter alia*, harassment and inequitable treatment.
- (5) The Commission notified the parties known to be concerned and gave them the opportunity to make known their views in writing and to request a hearing.

The Commission received and examined extensive written submissions from the interested parties. In addition, hearings were granted to those primarily concerned parties who made such a request, i.e. AKZO and Dupont. No such request was made by the United States Government. Due to the

<sup>(1)</sup> OJ No L 252, 20. 9. 1984, p. 1.

<sup>(2)</sup> OJ No C 25, 5. 2. 1986, p. 2.

complexities of the United States legal issues under examination, the expert opinion of a United States patent lawyer was also sought by the Commission on the 'counterclaims' issue.

#### B. The alleged illicit commercial practice

- (6) The Community producer alleged, *inter alia*, that the procedure followed by the ITC in the aramid fibre case pursuant to Section 337, and the resulting exclusion order, constituted an illicit commercial practice of the United States Government within the meaning of Article 2 (1) of Regulation (EEC) No 2641/84. Specifically, it was claimed that national treatment provided for by Article III (4) of the GATT had been denied in the ITC procedure in question. It was further alleged that it was impossible under the Section 337 ITC proceedings to raise a counterclaim which was considered to be essential to an effective defence; that full access to vital evidence presented by Dupont, the complainant in the ITC, was denied and in consequence the respondents were thereby prevented from effectively defending their case.

It was claimed that the ITC proceeding conducted in respect of certain aramid fibre produced by them was not 'necessary' within the meaning of Article XX (d) of the GATT for the protection of United States patent rights, so that the resulting exclusion order did not fall within the exceptions provided for under this article. It was also alleged that the exclusion order was causing both present and future injury to a Community industry.

- (7) The United States Government responded by stating that the allegations were unfounded, that the issue in dispute was between private parties regarding the extent of rights conferred by national process patents, and that any EEC investigation of 'illicit commercial practices' should be based on evidence of a pattern, and not on the basis of a single dispute. It was further stated that the allegations made by the Community producer were essentially those asserted by Canada during a GATT panel procedure in the 'Spring Assemblies' case in 1982. It was further asserted that the complaint of the inability to raise counterclaims in ITC proceedings as opposed to a United States District Court, was currently under review by the United States Court of Appeals for the Federal Circuit in the appeal brought by AKZO against the ITC final order, and thus any Community investigation on this point was premature.

- (8) Dupont, in supporting the United States Government's position, submitted, *inter alia*, that the Community producer had benefitted from a full and fair opportunity to defend itself in the ITC proceeding and enjoyed protection and rights of review which are not available to defendants in patent litigation in United States District Courts. On the impossibility of raising counterclaims, Dupont asserted that the complainant could not have defended its infringement of Dupont's patent in a United States District Court by alleging the invalidity of other Dupont patents or by alleging that Dupont was infringing one of the complainants United States process patents.

#### C. Recent developments

- (9) On 22 December 1986 the Court of Appeals for the Federal Circuit denied an appeal brought by AKZO against the exclusion order issued by the USITC under Section 337 prohibiting the importation into the United States of aramid fibres manufactured by AKZO in the Netherlands.

On 5 February 1987 the same court and judges, on appeal by AKZO, confirmed a ruling of the District Court of Richmond, Virginia, on 23 May 1986 which had declared that Dupont was not infringing AKZO's solvent process patent as AKZO had claimed and had upheld Dupont's counterclaim that the solvent patent was in any event invalid for obviousness.

#### D. The Commission's view

- (10) It is not for the Commission, under Regulation (EEC) No 2641/84, to pronounce on the merits or otherwise of AKZO and Dupont's claims relating to their respective patents for aramid fibre which are in dispute. Nor does the Commission consider it appropriate or necessary, in this Decision, to address the question of whether the ITC procedures infringe the due process requirements of the United States constitution.

On the other hand, the Commission considers it to be relevant within the framework of Regulation (EEC) No 2641/84, to examine the practice of the United States authorities whereby imported goods, by virtue of their non-US origin, are subjected to a separate and distinct procedure for the purpose of enforcing private intellectual property rights, and to determine in this connection whether non-US origin goods are subjected to less favourable treatment as a result.

Even if Section 337 does not specifically discriminate against foreign undertakings by virtue of their foreign status, in that it applies, in principle, to foreign and domestic undertakings alike, nonetheless Section 337 gives the ITC commission separate and distinct jurisdiction over *products* imported from a foreign country even if they are manufactured/imported by a United States undertaking or subsidiary. It is relevant to observe in this connection that virtually all Section 337 cases of the ITC and the Tariff Commission (the predecessor of the ITC) have involved foreign firms and foreign-manufactured goods, and that in practice Section 337 applies almost exclusively to foreign firms and products.

- (11) In the Commission's view, the relevant enquiry is whether or not the different rules of procedure applicable in the ITC under Section 337 result in a denial of national treatment within the meaning of Article III of the General Agreement on Tariffs and Trade, and whether this denial comes within the exception provided for in Article XX (d) or is in violation of the Agreement.

The purpose of an examination procedure under Regulation (EEC) No 2641/84 is not to reconsider the findings of courts of a third country in disputes between private parties. The Commission is concerned with the AKZO/Dupont aramid fibre case before the ITC because it is a case in which national treatment, as required by the GATT, was not obtained.

- (12) From the opinion and supporting evidence submitted by the United States legal expert, and from certain comments in the submissions of the interested parties, the Commission has concluded that, contrary to that which occurred in the ITC proceedings, the Community producer would have had the possibility under the rules applied by a United States Civil Court to make a counterclaim in the same action, alleging infringement of its own patent by the plaintiff which might have resulted in a different outcome of the dispute between the parties. The Commission has therefore concluded that the procedure under Section 337 in the ITC is less favourable to respondents than the procedures in the United States courts in respect of goods produced in the United States and therefore results in a denial of national treatment which is contrary to Article III of GATT.

Section 337 procedure is not necessary in the sense that, as the practice in practically all other countries shows, infringements of domestic patents by imports can be dealt with in the same way as

infringements by domestic products. Therefore, the application of Section 337 of the United States Tariff Act 1930 constitutes an illicit commercial practice within the meaning of Regulation (EEC) No 2641/84.

### E. Injury

- (13) In making its determination of injury the Commission considered, *inter alia*, the following factors :
- (a) the volume of Community exports concerned ;
  - (b) prices ;
  - (c) the consequent impact on the Community producer as indicated by the trend in economic factors such as production, sales, profitability, etc.

Considering that the exclusion order was issued in November 1985 and actual (limited sale) commercial production by the Community producer only started in mid-1986, the Commission considers that there is no *present* material injury resulting from the ITC exclusion order.

However, in a case where threat of injury is alleged — as in the present case — the Commission must examine whether or not any future injury is clearly foreseeable. In this respect, the complainant's arguments of loss of direct sales to the United States and the Community in the period up to 1990 and beyond were found to be convincing.

- (14) Accordingly, although the Commission considers that the Community producer has failed to prove that the Community industry has already been materially injured by the ITC exclusion order, it nonetheless finds the evidence submitted by the complainant in support of its allegations sufficient to demonstrate the existence of a threat of injury.

### F. Community interest

- (15) In the light of the results of the investigation, it appears that an important question of the application of GATT is at issue which has considerable economic implications. The previous findings of the GATT in the 'Spring Assemblies' case did not deal with the question of the compatibility of Section 337 with Article III of GATT. In view of the foregoing and the past criticisms raised by the Community against certain aspects of Section 337, the Commission considers that it is in the Community interest to initiate international consultation and dispute settlement procedures with a view to achieving the alignment of United States legislation with its international obligations.

**G. Conclusion and action to be taken**

- (16) The Commission, having completed the examination procedure provided for under Article 6 of Regulation (EEC) No 2641/84, considers that the application of Section 337 of the United States Tariff Act of 1930 in the case of certain aramid fibre contains sufficient evidence of an illicit commercial practice and resultant threat of injury as defined by the said Regulation to warrant further action.
- (17) The Advisory Committee has been consulted as provided for under Article 5 of Regulation (EEC) No 2641/84 as to the Commission's findings and on the decision to be taken, both of which met with the general agreement of the Advisory Committee,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The procedure for consultation and dispute settlements referred to in Article XXIII of the General Agreement on Tariffs and Trade is to be initiated concerning the application of Section 337 of the United States Tariff Act of 1930 in respect of certain aramid fibre manufactured by AKZO NV or its affiliated companies outside the United States.

Done at Brussels, 12 March 1987.

*For the Commission*

Willy DE CLERCQ

*Member of the Commission*

**COMMISSION DIRECTIVE****of 7 April 1987****adapting to technical progress Council Directive 84/538/EEC on the approximation of the laws of the Member States relating to the permissible sound power level of lawnmowers****(87/252/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 84/538/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to the permissible sound power level of lawnmowers <sup>(1)</sup>, and in particular Article 8 thereof,

Whereas, in view of experience gained and of the state of the art, it is now necessary to match the requirements of Annex I, Annex II and Annex III to Directive 84/538/EEC to take account the latest progress ;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee on the Adaptation to Technical Progress of the Directive on the Determination of the Noise Emission of Construction Plant and Equipment, which is competent for Council Directive 84/538/EEC,

*Article 1*

Annex I, Annex II and Annex III, to Directive 84/538/EEC are hereby amended in accordance with the Annex I, Annex II and Annex III to this Directive.

*Article 2*

The Member States shall, by 1 January 1988, adopt and publish the provisions required to comply with this Directive and shall forthwith inform the Commission thereof.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 7 April 1987.

*For the Commission*

Stanley CLINTON DAVIS

*Member of the Commission*

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<sup>(1)</sup> OJ No L 300, 19. 11. 1984, p. 171.

## ANNEX I

## AMENDMENTS TO ANNEX I TO DIRECTIVE 84/538/EEC

## 6.1. Purpose of the measurement

6.1.2. At point 6.1.2., the first sentence of the first paragraph shall be reworded as follows :

'The cutting device shall be adjusted to a height of 3 cm. If for technical reasons this is not possible, the cutting device shall be adjusted as close as possible to a height of 3 cm.'

## 6.2. Operation of the sound source during the measurement

At point 6.2, the third paragraph shall be reworded as follows :

'If the cutting device cannot be separated from the driving wheels of the lawnmower, the mower shall be tested either with the mower on supports or while moving and driven by an operator under the following conditions :'

At point 6.2 (b), the second sentence shall be reworded as follows :

'If the lawnmower is powered by a generator or from the mains, the frequency of the supply current, specified for the motor by the manufacturer, shall be stable during the test at  $\pm 1$  Hz if the lawnmower is equipped with an induction motor, and the supply voltage at  $\pm 1,0$  % of the rated voltage if the lawnmower is equipped with a commutator motor. The supply voltage is measured at the plug of a non-detachable cable or cord, or at the inlet of the lawnmower if a detachable cable is provided. The waveform of the current supplied from the generator shall be similar to that obtained from the mains.'

Paragraph (b) shall be followed by a new paragraph, worded as follows :

'(c) *Lawnmowers which hover or are hand held*

These mowers shall be restrained or supported to achieve their normal working position. The supports shall be made in such a way that they do not influence the measurement results.'

## 6.3. Measuring site

The text of point 6.3 shall be deleted and replaced by points 6.3.1, 6.3.2, 6.3.3 and 6.3.4 as follows :

6.3.1. *General*

The measuring site must comply with the specifications of points 6.3.2, 6.3.3 or 6.3.4.

In case of dispute, measurements shall be carried out on a measuring site according to point 6.3.2.

6.3.2. *Measurements in the open air on artificial flooring*

The test area must be flat and horizontal. The test area, including the vertical projection of the microphone positions, shall be of concrete or non-porous asphalt covered by an artificial flooring in accordance with Annex A of this Directive, the centre of which coincides with the geometric centre of the hemisphere mentioned in point 6.4 and the corners of which are aimed at the vertical axis of the microphone positions 2, 4, 6 and 8.

If the wheels of the lawnmower could cause a compression of the artificial flooring of more than 1 cm, the wheels shall be placed on supports so that they are level with the artificial flooring before compression. The supports shall be made in such a way that they do not influence the measurement results.

6.3.3. *Measurements in the open air on grass*

The test area must be flat and horizontal. The test area including the vertical projection of the microphone positions shall be covered in grass turf which is not wet.

#### 6.3.4. *Measurements indoors*

The soundfield inside the measurement room shall be similar to that of an acoustical free field, and the value of the constant C shall be determined in accordance with point 8.6.2.

The floor must be flat and horizontal. The test area, including the vertical projection of the microphone positions shall have the acoustical properties of concrete or non-porous asphalt and be covered by an artificial flooring in accordance with Annex A of this Directive, the centre of which coincides with the geometric centre of the hemisphere mentioned in point 6.4 and the corners of which are aimed at the vertical axis of the microphone positions 2, 4, 6 and 8.

If the wheels of the lawnmower could cause a compression of the artificial flooring of more than 1 cm, the wheels shall be placed on supports so that they are level with the artificial flooring before compression. The supports shall be made in such a way that they do not influence the measurement results.

### ANNEX A

#### ARTIFICIAL FLOORING

##### 1. DIMENSIONS AND MATERIALS

###### 1.1. Dimensions

The artificial flooring shall have a size of 360 × 360 cm.

###### 1.2. Materials

The artificial flooring is composed of a cover of absorptive material of which the absorption coefficients  $\alpha$ , measured in accordance with ISO 354 first edition, 1985-02-01, are within the limits given in the following table :

| Frequency/Hz     | 125  | 250  | 500  | 1 000 | 2 000 | 4 000 |
|------------------|------|------|------|-------|-------|-------|
| $\alpha$ minimum | 0,00 | 0,20 | 0,40 | 0,60  | 0,70  | 0,80  |
| $\alpha$ maximum | 0,20 | 0,40 | 0,60 | 0,80  | 0,90  | 1,00  |

*Note :* An example of a material and construction which can be expected to fulfil these requirements is given in Annex B.

*ANNEX B***EXAMPLE OF MATERIAL AND CONSTRUCTION**

Mineral fibre of thickness 20 mm, airflow resistance 11 kNs/m<sup>4</sup> and density 25 kg/m<sup>3</sup>.

For reasons of convenience the artificial flooring can be built of joint planes.

The cut edges of the chipboard are to be made non-absorptive and to be protected against moisture. This can be done by applying a coat of plastic paint.

The outsides are bordered by aluminium U-sections of size 3 × 20 mm. In general, these joint planes come in two types :

(A) planes not to be loaded ;

(B) planes to carry the lawnmower and the staff.

On the joint planes mentioned under (B) aluminium T-sections size 3 × 20 mm are mounted as spacers (see Figure 1).

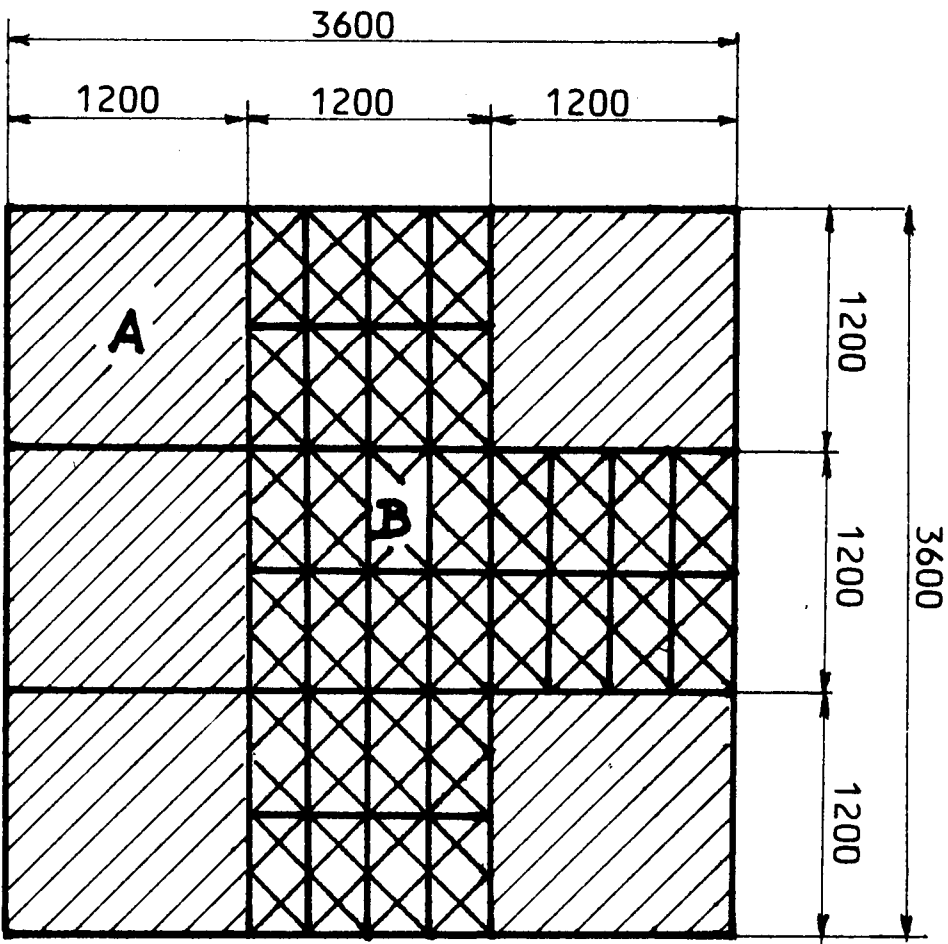
The prepared boards are then covered with the absorptive material cut to size.

The planes mentioned under (A) are covered with a wire mesh with a wire thickness of 0,8 mm and a mesh width of 10 mm (aviary wire).

The planes under (B) are covered with wire grating of corrugated steel wire with a diameter of 3,1 mm and a mesh width of 30 mm.

These wire covers are fastened to the aluminium U-sections.

DISTRIBUTION OF TEST PANELS



STRUCTURE

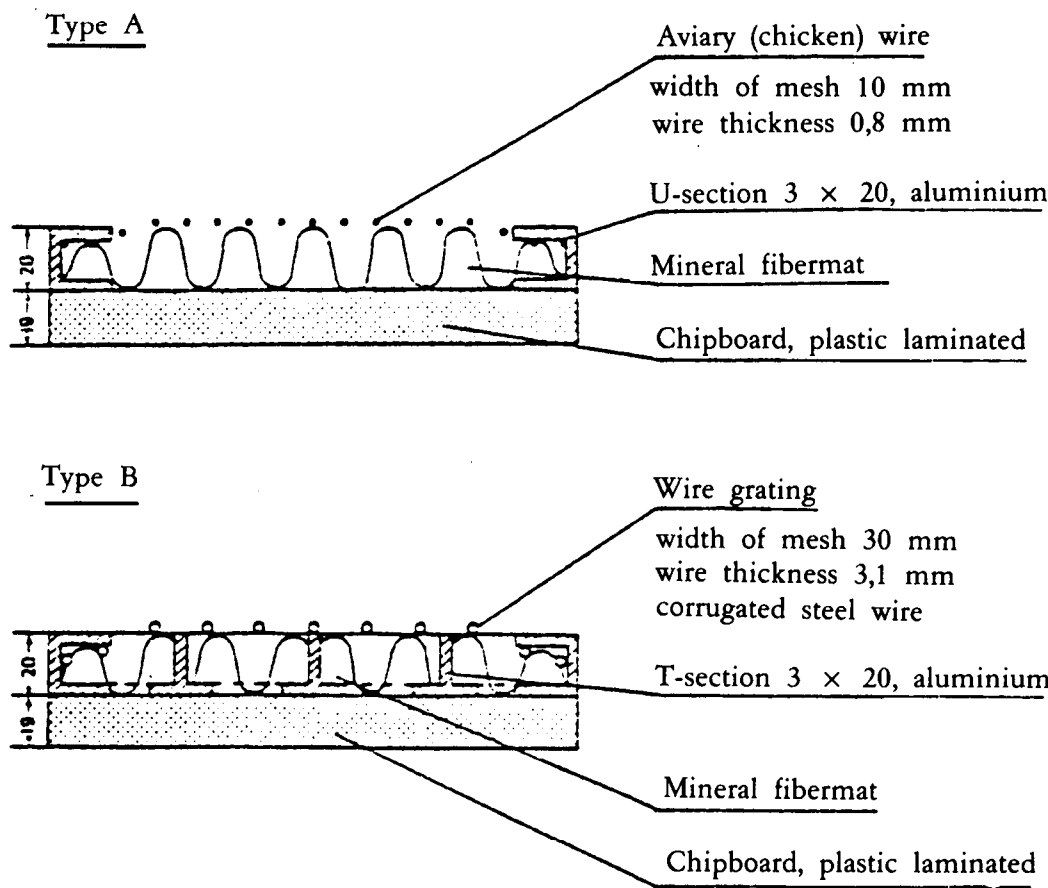


Figure 1

## ANNEX II

## AMENDMENTS TO ANNEX II TO DIRECTIVE 84/538/EEC

Point 4 of the model certificate shall be reworded as follows :

'4. Identification of the series ....'

A new point 5 shall be added, worded as follows :

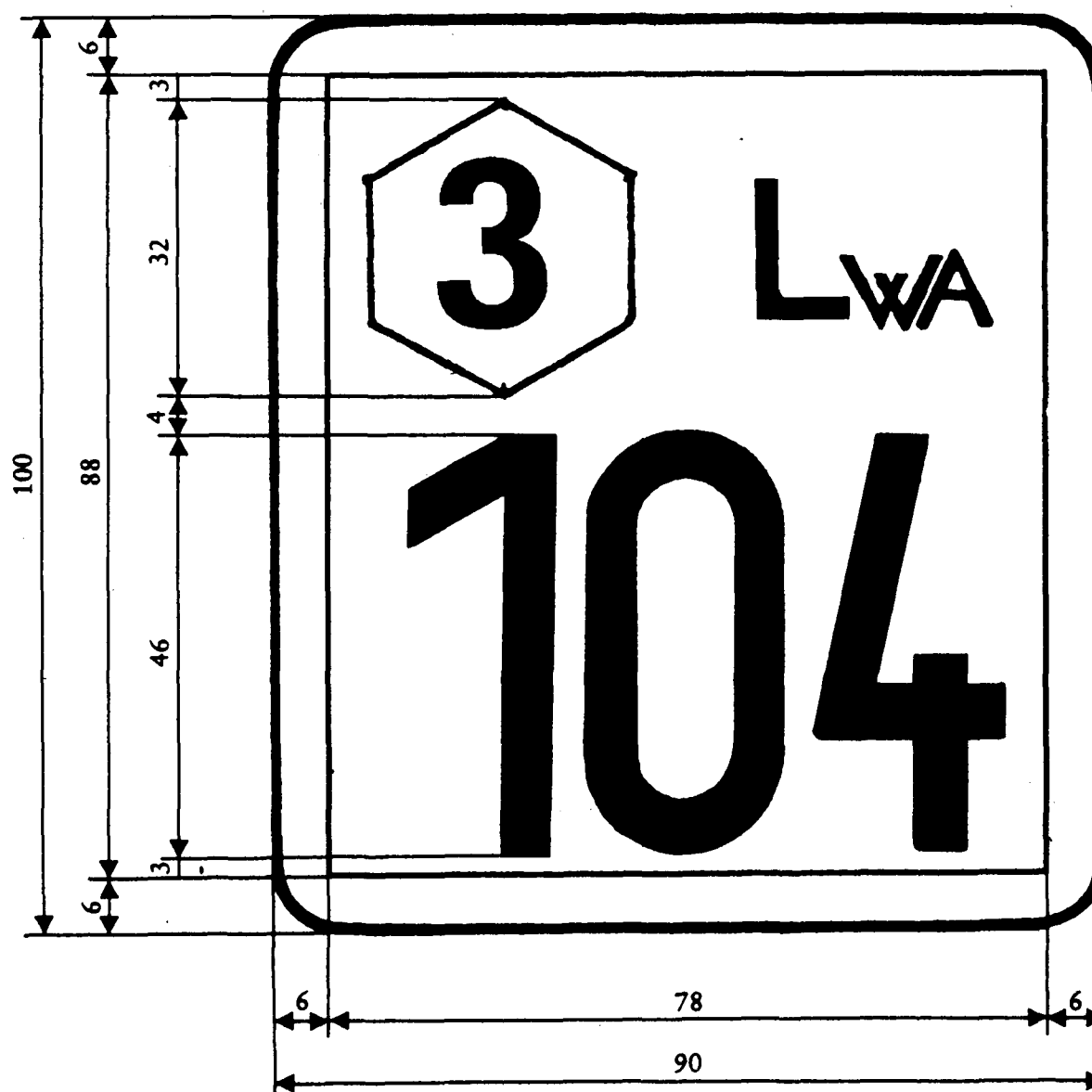
'5. Motor :

- manufacturer .....
- type .....
- speed of rotation during the test in rpm. ....'

## ANNEX III

## AMENDMENT TO ANNEX III TO THE DIRECTIVE 84/538/EEC

The model for Mark for Sound Power Level shall be replaced by the following model.



All the dimensions given may be multiplied, for example by 1/2, 1/3, 2, 3, 4, etc, on condition that the specifications laid down in Article 4 are adhered to.

A tolerance of 20 % shall be allowed on all the above dimensions.

## COMMISSION DECISION

of 15 April 1987

on supplementary trade mechanism licences for milk and milk products  
requested during the period 1 to 10 April 1987

(87/253/EEC)

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  
574/86 of 28 February 1986 laying down detailed rules for  
the application of the supplementary trade mechanism <sup>(1)</sup>,  
as amended by Regulation (EEC) No 3866/86 <sup>(2)</sup>, and in  
particular Article 6 (4) thereof,

Having regard to Commission Regulation (EEC) No  
606/86 of 28 February 1986 laying down detailed rules for  
applying the supplementary trade mechanism to milk  
products imported into Spain from the Community of  
Ten <sup>(3)</sup>, as last amended by Regulation (EEC) No  
3952/86 <sup>(4)</sup>, and in particular Article 3 (2) thereof,

Whereas, pursuant to Article 6 (3) of Regulation (EEC) No  
574/86, the Commission has been notified of the applica-  
tions for STM licences for milk and milk products for the  
period 1 to 10 April 1987; whereas the necessary provi-  
sions regarding the acceptance of the said applications  
should be adopted,

HAS ADOPTED THIS DECISION:

*Article 1*

Applications for STM licences requested during the  
period 1 to 10 April 1987 and notified to the Commis-  
sion shall be accepted for the tonnages applied for,  
adjusted by the coefficient set out below in the case of the  
following products and the categories referred to in  
Article 2 of Regulation (EEC) No 606/86:

| CCT heading No | Description                                                   | Coefficient |
|----------------|---------------------------------------------------------------|-------------|
| ex 04.01       | Milk and cream, fresh, not concentrated or sweetened:         |             |
|                | — in immediate packings of a net capacity of 3 litres or less | 0,87073     |
|                | — other                                                       | 1,00        |
| 04.03          | Butter                                                        | 0,02072     |
| ex 04.04       | Cheese:                                                       |             |
|                | — Category 1: Emmentaler, Gruyère                             | 0,03142     |
|                | — Category 2: Roquefort                                       | 0,00260     |
|                | — Category 3: Blue-veined cheese                              | 0,01316     |
|                | — Category 4: Processed cheese                                | 0,00230     |
|                | — Category 5: Parmigiano Reggiano, Grana Padano               | 0,54667     |
|                | — Category 6: Havarti, fat content 60 %                       | 0,00516     |
|                | — Category 7: Edam in balls, Gouda                            | 0,00990     |
|                | — Category 8: Soft ripened cow's milk cheeses                 | 0,00258     |
|                | — Category 9: Cheddar, Chester                                | 0,02218     |
|                | — Category 10: Other                                          | 0,01106     |

<sup>(1)</sup> OJ No L 57, 1. 3. 1986, p. 1.

<sup>(2)</sup> OJ No L 359, 19. 12. 1986, p. 33.

<sup>(3)</sup> OJ No L 58, 1. 3. 1986, p. 28.

<sup>(4)</sup> OJ No L 365, 24. 12. 1986, p. 49.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 15 April 1987.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

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## COMMISSION DECISION

of 21 April 1987

concerning applications for STM licences in the beef and veal sector submitted  
during the first ten days of April 1987

(87/254/EEC)

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 569/86 of  
25 February 1986 laying down general rules for the appli-  
cation of the supplementary trade mechanism <sup>(1)</sup>, as  
amended by Regulation (EEC) No 2297/86 <sup>(2)</sup>, and in  
particular Article 7 thereof;Having regard to Commission Regulation (EEC) No  
574/86 of 28 February 1986 laying down detailed rules for  
the application of the supplementary trade mechanism  
(STM) <sup>(3)</sup>, as amended by Regulation (EEC) No 3866/86 <sup>(4)</sup>,  
and in particular Article 6 thereof,Whereas Regulation (EEC) No 569/86 provides for the  
use of STM licences in order to ensure that the tonnages  
traded of certain products do not exceed those laid down  
in the Act of Accession and in Article 5 of Commission  
Regulation (EEC) No 3955/86 <sup>(5)</sup>, laying down special  
detailed rules for the application of the supplementary  
trade mechanism to beef and veal; whereas therefore, the  
Commission has to decide, in accordance with Article 6  
of Regulation (EEC) No 574/86, whether STM licences  
can be issued for all, some, or none of the tonnages  
applied for;Whereas, in the light of the quantities available and the  
applications for licences submitted during the first 10  
days of April 1987, licences may, for certain products, beissued for tonnages applied for, and up to a percentage of  
the tonnages applied for the case of other products,

HAS ADOPTED THIS DECISION:

*Article 1*STM licences, for which applications have been submitted  
during the first 10 days of April 1987 and notified to the  
Commission,

- (a) shall be issued for the tonnages applied for in the case  
of the following products:
- meat of animals of the bovine species, frozen, and  
offals of animals of the bovine species;
- (b) shall, in the case of the following products, be issued  
up to the percentage shown:
- live animals of the bovine species, other than  
pure-bred breeding animals and animals for bull  
fights: 0,2645 %,
  - fresh or chilled meat of animals of the bovine  
species: 0,098 %.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 21 April 1987.

*For the Commission*

Frans ANDRIESSEN

*Vice-President*<sup>(1)</sup> OJ No L 55, 1. 3. 1986, p. 106.<sup>(2)</sup> OJ No L 201, 24. 7. 1986, p. 3.<sup>(3)</sup> OJ No L 57, 1. 3. 1986, p. 1.<sup>(4)</sup> OJ No L 359, 19. 12. 1986, p. 33.<sup>(5)</sup> OJ No L 365, 24. 12. 1986, p. 55.

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