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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 312/89**of 8 February 1989****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 166/89 ⁽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⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2401/88 ⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, 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 7 February 1989;

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 2401/88 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 9 February 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 8 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 8 February 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	20,50	125,48
0712 90 19	20,50	125,48
1001 10 10	53,13	167,88 ⁽¹⁾ ⁽²⁾
1001 10 90	53,13	167,88 ⁽¹⁾ ⁽²⁾
1001 90 91	14,94	116,04
1001 90 99	14,94	116,04
1002 00 00	58,63	109,93 ⁽³⁾
1003 00 10	49,19	117,22
1003 00 90	49,19	117,22
1004 00 10	40,25	73,32
1004 00 90	40,25	73,32
1005 10 90	20,50	125,48 ⁽²⁾ ⁽³⁾
1005 90 00	20,50	125,48 ⁽²⁾ ⁽³⁾
1007 00 90	43,84	135,93 ⁽⁴⁾
1008 10 00	49,19	21,38
1008 20 00	49,19	56,45 ⁽⁵⁾
1008 30 00	49,19	0,00 ⁽²⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	49,19	0,00
1101 00 00	35,10	176,64
1102 10 00	96,27	168,87
1103 11 10	95,80	273,66
1103 11 90	36,65	189,50

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/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 ECU 1,81/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 ECU 0,60/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 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 313/89

of 8 February 1989

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 Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽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⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2402/88⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, 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 7 February 1989;

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 coming from 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 coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 February 1989.

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

Done at Brussels, 8 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 8 February 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	6,45
1001 10 90	0	0	0	6,45
1001 90 91	0	0	0	1,21
1001 90 99	0	0	0	1,21
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	1,70

B. Malt

CN code	(ECU/tonne)				
	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	2,15	2,15
1107 10 19	0	0	0	1,61	1,61
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 314/89

of 8 February 1989

amending Regulation (EEC) No 2042/75 on special detailed rules for the application of the system of import and export licences for cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽²⁾, and in particular Articles 12 (2) and 16 (6) thereof,

Whereas, pursuant to Regulation (EEC) No 2042/75 of the Commission⁽³⁾, as last amended by Regulation (EEC) No 3995/88⁽⁴⁾, the refund for exports is fixed in advance on application; whereas in that case exports outside the Community are subject to the presentation of an export licence issued pursuant to Commission Regulation (EEC) No 3719/88⁽⁵⁾;

Whereas, on account of budgetary constraints, the additional grant of export refunds for durum-wheat meal for the 1988/89 marketing year must be limited; whereas, to control the granting of such refunds, provision should be made for licences for the export of the product in question with advance fixing of the refund to be issued after a period of reflection with, where applicable, a uniform percentage reduction in quantities, and provision should be made for applications for licences to be withdrawn after the percentage reduction is fixed, where the quantity allocated is no longer of interest to the operator in question; whereas Regulation (EEC) No 2042/75 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 9e is hereby added to Regulation (EEC) No 2042/75:

'Article 9e

1. Without prejudice to Article 16 (2) of Regulation (EEC) No 2727/75, export licences for products falling within CN code 1103 11 10 with advance fixing of the refund shall, until 1 July 1989, be issued on the fourth working day following the day on which the application is submitted.

2. If applications for export licences referred to in paragraph 1 exceed the quantities which may be exported for the 1988/89 marketing year under a refund, the Commission shall fix a uniform percentage reduction in the quantities. Applications for licences may be withdrawn within two days of the date of publication of the percentage reduction.

3. The period of validity of export licences issued pursuant to paragraph 1 shall run from the day on which they are actually issued.'

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, 8 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 213, 11. 8. 1975, p. 5.

⁽⁴⁾ OJ No L 354, 22. 12. 1988, p. 25.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 315/89
of 8 February 1989
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 Regula-
tion (EEC) No 2306/88 ⁽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
2336/88 ⁽³⁾, as last amended by Regulation (EEC) No
308/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2336/88 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 Regula-
tion (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 9 February 1989.

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

Done at Brussels, 8 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 36, 8. 2. 1989, p. 11.

ANNEX

to the Commission Regulation of 8 February 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	35,89 ⁽¹⁾
1701 11 90	35,89 ⁽¹⁾
1701 12 10	35,89 ⁽¹⁾
1701 12 90	35,89 ⁽¹⁾
1701 91 00	43,12
1701 99 10	43,12
1701 99 90	43,12 ⁽²⁾

⁽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 Commission Regulation (EEC) No 837/68.

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COMMISSION REGULATION (EEC) No 316/89

of 8 February 1989

altering 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 2306/88⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 262/89⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 262/89 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 262/89 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 February 1989.

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

Done at Brussels, 8 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 31, 2. 2. 1989, p. 8.

ANNEX

to the Commission Regulation of 8 February 1989 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	33,84 ⁽¹⁾	
1701 11 90 910	32,44 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,84 ⁽¹⁾	
1701 12 90 910	32,44 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3679
1701 99 10 100	36,79	
1701 99 10 910	36,34	
1701 99 10 950	36,34	
1701 99 90 100		0,3679

⁽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 317/89

of 8 February 1989

fixing the maximum export refund for white sugar for the 40th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1035/88

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 2306/88⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1035/88 of 18 April 1988 on a standing invitation to tender 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 1035/88, 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 40th 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

For the 40th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1035/88 the maximum amount of the export refund is fixed at 39,521 ECU/100 kilograms.

Article 2

This Regulation shall enter into force on 9 February 1989.

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

Done at Brussels, 8 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 201, 27. 7. 1988, p. 65.

⁽³⁾ OJ No L 102, 21. 4. 1988, p. 14.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 December 1988

relating to a proceeding under Article 85 of the EEC Treaty
(IV/0.093, EMO)

(89/96/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas :

Having regard to the Treaty establishing the European Economic Community, and in particular Article 85 thereof,

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

Having regard to Commission Decision 79/37/EEC ⁽²⁾, renewing Commission Decision 69/90/EEC ⁽³⁾, adopted pursuant to Article 85 (3) following the notification submitted on 20 September 1962, as required by Article 2 of Regulation No 17, by the European Committee for Cooperation of the Machine Tool Industries (Cecimo), Brussels, concerning decisions to organize machine tool exhibitions EMOs (expositions de la machine-outil), notably those concerning the participation of exhibitors,

Having regard to the application for renewal of the Commission Decision submitted on 16 April 1986 by Cecimo's Secretary-General,

Having published Cecimo's basic rules on participation in these exhibitions in the *Official Journal of the European Communities* ⁽⁴⁾, pursuant to Article 19 (3) of Regulation No 17,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions,

I. The facts

- (1) Cecimo, a *de facto* association established in 1950, consists of the following national trade associations of machine tool manufacturers :
- Fachverband der Maschinen- und Stahlbauindustrie Österreichs, Vienna, Austria,
 - Syndicat des Constructeurs Belges de Machines-Outils pour le Travail des Métaux (Sycomom), Brussels, Belgium,
 - Verein Schweizerischer Maschinen-Industrieller (VSM), Zurich, Switzerland,
 - Verein Deutscher Werkzeugmaschinenfabriken eV (VDW), Frankfurt/Main, Federal Republic of Germany,
 - Foreningen af Danske Værktøjsmaskinfabrikkanter, Copenhagen, Denmark,
 - Asociación Española de Fabricantes de Máquinas-Herramientas, San Sebastian, Spain,
 - Syndicat de la machine-outil, de l'assemblage et de la production associée (Symap), Nueil-sur-Seine, France,
 - The Machine Tool Trades Association (MTTA), Metalworking Machine Tool Manufacturers' Section, London, United Kingdom,
 - Unione Costruttori Italiani Macchine Utensili (Ucimu), Milano, Italy,
 - Vereniging voor de Metaal- en de Elektrotechnische Industrie (FME), Groep Gereedschapswerktuigen, The Hague, Netherlands,

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No L 11, 17. 1. 1979, p. 16.

⁽³⁾ OJ No L 69, 20. 3. 1969, p. 13.

⁽⁴⁾ OJ No C 250, 24. 9. 1988, p. 3.

- Centro de Cooperação dos Industriais de Máquinas-Ferramentas (Cimaf), Oporto, Portugal,
 - Föreningen Svenska Verktygmaskintillverkare, Stockholm, Sweden.
- (2) Most machine tool manufacturers belong to the national associations in their respective countries. The associations must inform Cecimo of their rules on eligibility for membership; Cecimo membership is open exclusively to manufacturers of machine tools for the working of metal.
- (3) Decisions on acceptance or refusal of new Cecimo members are taken by a central committee.
- (4) Cecimo's aims, laid down when it was established, may be summarized as follows:
- (i) joint studies on systems and steps to be taken with a view to developing opportunities for machine tool investment in all countries with members;
 - (ii) creating the facilities required to make such studies well known;
 - (iii) joint organization of international trade events, the most important being the exhibition, so that each manufacturer's efforts can be more effective and less burdensome;
 - (iv) in conjunction with national associations, streamlining the organization of fairs and exhibitions in each country so that, if possible, there will be only one such event to provide a source of information on machine tools for national customers.
- (5) Both the 1962 notification by Cecimo and the applications for renewal of the exemptions given under Article 85 (3) by Commission Decisions 69/90/EEC and 79/37/EEC concern (iii) and (iv).
- (6) Up to 1971, Cecimo sponsored 12 European Machine Tool Exhibitions (EEMOs). That year Cecimo decided to upgrade its hitherto European exhibitions, making them completely international by opening them up to manufacturers of machine tools and allied equipment everywhere in the world. The initials of the exhibitions were consequently changed to EMO (Expositions de la Machine-Outil). The same initials are used whatever the language of the country organizing the exhibition.
- (7) On 16 April 1986 Cecimo, which wished to continue to apply without any major amendments the rules exempted by Decision 79/37/EEC, applied for a renewal of the exemption for a period of 10 years.
- (8) The rules governing EMO are basically as follows:
- (a) EMOs are organized by Cecimo every other year in Paris, Hanover and Milan in rotation and the physical arrangements are entrusted to the member association established in the country in which the exhibition is being held;
 - (b) the equipment displayed at EMO consists of machine tools for metal-working;
 - (c) machine-tool manufacturers exhibiting at EMOs must handle at least two of three operations — design, manufacture and sale — on the exhibited equipment; they must also satisfy the following conditions:
 - (i) if they exhibit machine tools at an EMO, they must undertake to refrain from directly or indirectly exhibiting machine tools in any other fair, exhibition or show organized the same year in one of the countries with Cecimo members (indirect exhibition means exhibition by agents, representatives, dealers, retailers or any other intermediary);
 - (ii) any manufacturer bound by a licensing or technical cooperation agreement may exhibit the machine tools that form the subject-matter of such agreement at EMOs. However, if in the same year one or other party exhibits one or more of the machines forming the subject-matter of the agreement at another fair, exhibition or show organized by a country with Cecimo members, the other party is also excluded in respect of all that part of his production which is covered by the licensing or technical cooperation agreement;
 - (iii) where multinational companies, or companies that are interconnected in the same group and are financially dependent on each other, participate in an EMO, the above rule applies to all the constituent parts of the multinational company or to all the group companies, as the case may be;
 - (iv) if machine tools designed and/or produced by a manufacturer exhibiting at an EMO are also sold under another trade mark or under a name other than that used by the exhibitor at the EMO, the provisions of (i) above apply to the manufacturer exhibiting

at the EMO as regards all trade marks and names under which the machine tools he produces and/or designs are sold;

- (iv) these restrictions apply not only to machine tools exhibited by representatives, retailers or any other intermediaries in such shows, fairs or exhibitions, but also to mock-ups constituting a faithful reproduction of machine tools presented there;
- (d) non-compliance with these rules results in automatic exclusion from that year's EMO and forfeiture of the deposit if the infringement was committed between 1 January and 30 June. If the infringement was committed between 1 July and 31 December, non-compliance with these rules results in exclusion from the following EMO;
- (e) a manufacturer who takes part in an EMO may during the same year place machine tools of his manufacture at the disposal of exhibitors at other fairs, exhibitions or shows held in a Cecimo member country if such machine tools are used solely to demonstrate precision tools or particular accessories, have been produced for at least two years and have already been presented at previous exhibitions or fairs.

If such is the case, the manufacturer must comply with the following conditions:

- (i) all trade marks or identifying marks must be removed or concealed;
- (ii) no commercial activities (such as advertising, distribution of catalogues, etc.) may be carried on in respect of such machines;
- (iii) the presence of such machines at the abovementioned events must be authorized beforehand — and at any rate before the inauguration of the events — by the Commissariat-General which may refuse authorization if the granting thereof could be used directly or indirectly to bypass the rules;
- (iv) only manufacturers exhibiting at an EMO may apply for such authorization, using a form provided to applicants either by their national association (in the case of exhibitors from countries which are members of Cecimo) or by the Commissariat-General (in the case of exhibitors from countries which are not members of Cecimo).

The exhibitor must complete the form and return it to the issuing body.

Authorization is granted by returning the form approved by the Commissariat-General to the exhibitors.

No more than one authorization per event will be granted, up to a total of three events;

- (f) the Secretariat-General, the Commissariat-General and the national associations in their respective countries are empowered to carry out checks to ensure that manufacturers taking part in an EMO comply with the undertakings they have entered into.

Exhibitors at an EMO may report any infringements of Article 1 (7) they come across, provided that their complaint is accompanied by evidence allowing their allegations to be adequately checked;

- (g) admission is granted by the Commissariat-General, which, in the event of objections, refers the application to Cecimo.

Exhibitors receive confirmation of their admission. This lapses if the conditions on which it was granted are no longer complied with and in particular if all the conditions provided for in the exhibition rules are not fulfilled, if the exhibitor has not complied with such requirements in connection with a previous EMO, if his solvency is in doubt or if, through his participation, the laws and regulations governing protection against unfair competition may be infringed. The rights deriving from admission may not be transferred to a third party.

If an exhibitor is excluded from an EMO (Article 1 (7)) or if his admission to the EMO or his participation in a particular event or fair is refused (Article 1 (7) (a), footnote 1), the Cecimo Secretariat-General will inform him by registered letter, specifying the reasons for its decision.

The exhibitor may appeal against such a decision within 14 days of being informed of it. He may either appeal to the arbitration committee (Article V (26)) or refer the matter to the court of first instance having jurisdiction at the place where the EMO's administrative headquarters are situated.

Claims for damages relating to disputes concerning admission are subject to the same procedures;

- (h) stands are allocated by the Commissariat-General. The Commissariat-General reserves the right to alter its initial allocation and to allocate an exhibitor another stand in another location or to alter its dimensions if circumstances so require. Sub-letting or transfer free of charge of all or part of a stand to a third party is not authorized.
- (9) At the five exhibitions (Milan 1979, Hanover 1981, Paris 1983, Hanover 1985 and Milan 1987) organized during the 10-year period of validity of Decision 79/37/EEC, a number of exclusion decisions were taken by Cecimo for infringement of the rules. None of the exclusions resulted in an appeal either to a court or to the arbitration committee by the firms excluded.
- (d) exclusion from the EMO of any manufacturer whose machine tools have been displayed at other fairs, exhibitions or shows by agents, re-sellers or any other intermediary, whether as originals or as models which constitute faithful reproductions ;
- (e) the agreement to be given by the Cecimo General Secretariat that machine tools displayed at an EMO may be made available to exhibitors at fairs, exhibitions or shows in Cecimo member countries, to demonstrate tooling or accessories, with the obligation, in all cases, to remove the manufacturer's trademark. Such authorizations are restricted to one per event and may be given in respect of a maximum of three events.

II. Comments from third parties

- (10) Following the publication of the notice pursuant to Article 19 (3) of Regulation No 17, no comments were received from third parties.

III. Article 85 (1)

- (11) For the same reasons as those previously outlined in Decision 79/37/EEC, to which reference should be made, the following provisions of the EMO rules, which constitute a decision by an association of undertakings, fall within the ban laid down in Article 85 (1) of the Treaty :
 - (a) the undertaking by machine tool manufacturers, having displayed their machines at the EMO, to take part neither directly nor indirectly — except in certain circumstances and with special authorization from Cecimo — in any other fair, exhibition or show organized that same year in one of the countries whose national machine tool manufacturers' association belongs to Cecimo ;
 - (b) exclusion from the EMO of any manufacturer who is a party to a licensing agreement concerning machine tool manufacture, where the other party has taken part during the year in other exhibitions of such machines, even in his name alone, in one of the Cecimo member countries ;
 - (c) exclusion from the EMO of all firms in one same group or multinational company where one firm alone has displayed, during the year when the EMO is held, machine tools or other exhibitions in a Cecimo member country ;

IV. Article 85 (3)

- (12) As already indicated above, Cecimo wishes to continue to apply the rules exempted in 1978, with certain amendments. Even if by one of these amendments the restrictions, intended for machines exhibited by representatives, dealers or any other intermediary in such a fair, exhibition or show, are extended to models which constitute faithful reproductions of the machine tools presented there, the essence of the regulation is not in question. In effect, the extension of the restrictive scope of the provision does not foreclose the application of Article 85 (3). Since such amendments do not concern the substance of the rules, but are purely matters of drafting, Decision 79/37/EEC may be renewed pursuant to Article 8 (2) of Regulation No 17 : the conditions of Article 85 (3) continue to be satisfied for the same reasons as those set out in the said Decision, since, despite the amendments, Cecimo's decisions on the rules remain :
 - a rationalization of participation in fairs and exhibitions, which is particularly important in a business sector in which such participation is particularly costly,
 - a concentration of the bulk of world machine tool production which encourages manufacturers to tailor their ranges in the best way possible to the very varied demand for machine tools and to do a considerable amount of business, expending a minimum on promotion,
 - while leaving manufacturers and distributors free to exhibit wherever they wish and, in EMO years, able to obtain authorization from Cecimo,

albeit only once per event and in respect of a maximum of three events, to exhibit some of their machines elsewhere also,

- besides by the concentration of the bulk of world machine tool production, interested users can avoid excessive travelling and instead make a single trip to see all the machine tools they are interested in, possibly even buying them thanks to direct contacts with exhibitors. Moreover, small and medium-sized businesses not attending the EMO may see the machine tools of special interest to them at other fairs.

V. Articles 6 and 8 of Regulation No 17

- (13) The application for renewal of Decision 79/37/EEC was submitted by Cecimo before 31 December 1988, the date the Decision expires. Pursuant to Article 6 (1) of Regulation No 17, the Commission Decision may take effect from 1 January 1989.
- (14) When fixing the duration of validity of the Decision, pursuant to Article 8 (1) of Regulation No 17, the Commission must take account of the type of business in question and, notably, the fact that EMOs are held every two years. Therefore, a 10-year period was fixed. At the present time, given the positive results of the application of the EMO rules since Decision 69/90/EEC, a period of validity of 15 years is more appropriate.
- (15) Pursuant to Article 8 (1) of Regulation No 17, obligations were to be attached to the Decision, enabling the Commission to monitor the application of Rule 1/7 by Cecimo. Cecimo should continue to be obliged immediately to notify all documents or other information on cases of refusal of admission or exclusion of a manufacturer from the EMO or a refusal to authorize a manufacturer to exhibit directly or indirectly some of his machines elsewhere during an EMO year. Moreover, Cecimo and all national associations of machine tool manufacturers in the Community belonging to Cecimo must inform the Commission about all exhibitions and fairs which may be arranged or sponsored, in the years when the EMO is not held, by a national association of machine tool manufacturers in the Community who is a member of Cecimo and in particular submit in due time before they are applied all rules and regulations governing access to or exclusion from that exhibition or fair,

HAS ADOPTED THIS DECISION:

Article 1

It is hereby declared, pursuant to Article 85 (3) of the EEC Treaty, that the provisions of Article 85 (1) are not

applicable to the EMO rules relating to exhibitors' participation in other fairs or events held in Member States of the Community.

Article 2

The following obligations are attached to the declaration set out in Article 1:

- (a) Cecimo shall immediately inform the Commission of any case of refusal to admit or exclusion of a machine tool manufacturer from an EMO or any case of refusal to authorize the manufacturer to exhibit some of his machine tools elsewhere during a year when an EMO is held. It shall keep the Commission informed of developments in such cases and decisions taken by Cecimo or by the arbitration bodies;
- (b) Cecimo and all national associations of machine tool manufacturers in the Community belonging to Cecimo shall furthermore inform the Commission of all exhibitions or fairs arranged or sponsored by them in years when an EMO is not held and in due time, before such exhibition or fair takes place, submit all rules and regulations governing access to or exclusion from that exhibition or fair.

Article 3

This Decision shall take effect on 1 January 1989 and shall remain applicable until 31 December 2003.

Article 4

This Decision is addressed to the European Committee for Cooperation of Machine Tool Industries (Cecimo), Brussels, and the following national associations of machine tool manufacturers currently belonging to Cecimo:

- Fachverband der Maschinen- und Stahlbauindustrie Österreichs, Vienna, Austria,
- Syndicat des Constructeurs Belges de Machines-Outils pour le Travail des Métaux (Sycmom), Brussels, Belgium,
- Verein Schweizerischer Maschinen-Industrieller (VSM), Zurich, Switzerland,
- Verein Deutscher Werkzeugmaschinenfabriken eV (VDW), Frankfurt/Main, Federal Republic of Germany,
- Foreningen af Danske Vaerkøjsmaskinfabrikanter, Copenhagen, Denmark
- Asociación Española de Fabricantes de Máquinas-Herramientas, San Sebastian, Spain,

- Syndicat de la machine-outil, de l'assemblage et de la production associée (Symap), Neuilly-sur-Seine, France,
- The Machine Tool Trades Association (MTTA), Metal-working Machine Tool Manufacturers' Section, London, United Kingdom,
- Unione Costruttori Italiani Macchine Utensili (Ucimu), Milano, Italy,
- Mekaniske Verksteders Landsforening, Oslo, Norway,
- Vereniging voor de Metaal- en de Elektrotechnische Industrie (FME), Groep Gereedschapswerktuigen The Hague, Netherlands,
- Centro de Cooperação dos Industriais de Máquinas-Ferramentas (Cimaf), Oporto, Portugal,
- Föreningen Svenska Verktygmaskintillverkare, Stockholm, Sweden.

Done at Brussels, 20 December 1988.

For the Commission

Peter SUTHERLAND

Member of the Commission
