

**ANNEX B****Basic quotas per make allotted in 1985 referred to in Article 4 (1)***(Esc 1 000)*

Fiat	2 362 057
Renault	1 879 085
Peugeot	1 614 092
BLMC	1 600 822
Citroen	1 480 199
Ford	1 331 611
General Motors	1 151 434
Talbot	551 350
VW	505 305
BMW	320 773
Mercedes	139 308
Alfa Romeo	49 328
Audi	39 706

**ANNEX C****Weighting of the export coefficients referred to in Article 5 (1)**

	1986	1987
CKD	0,6	0,5
CBU and vehicle bodies	0,5	0,45
Semi-finished components	0,4	0,35
Finished components:		
— Engines	0,8	0,7
— Gear boxes	0,8	0,7
— Other mechanical components	0,7	0,6
— Electrical components	0,6	0,5
— Other components	0,55	0,5

**Protocol 19****on Portuguese patents**

1. The Portuguese Republic undertakes, upon accession, to adjust its patent law so as to make it compatible with the principles of the free movement of goods and with the level of protection of industrial property attained in the Community. In particular, the Portuguese Republic shall repeal, on accession, the provisions of Article 8 of Decree No 27/84 of 18 January 1984, under which the holder of a patent granted in Portugal must, in order to enjoy the exclusive rights conferred by that patent, manufacture on Portuguese territory the patented product or the product obtained by using a patented process.

To that end, close cooperation shall be instituted between the Commission services and the Portuguese

authorities; this cooperation shall also cover the problems of transition of current Portuguese law towards new law.

2. The Portuguese Republic shall introduce, in its national legislation, a provision on shifting the burden of proof corresponding to Article 75 of the Luxembourg Convention of 15 December 1975 on the Community patent.

This provision shall apply upon accession with regard to new process patents filed as from the date of accession.

For patents filed prior to that date, this provision shall apply not later than 1 January 1992.

However, this provision shall not apply if infringement proceedings are brought against the holder of another process patent for the manufacture of a product identical to that obtained as the result of the patented process of the plaintiff, if that other patent was issued before the date of accession.

In cases where shifting the burden of proof does not apply, the Portuguese Republic shall continue to require the patent holder to adduce proof of infringement.

In all cases where shifting the burden of proof does not apply on 1 January 1987, including patents filed before the date of accession, the Portuguese Republic shall pass new domestic legislation, with effect from that date introducing a judicial procedure known as 'distrainment-description'.

'Distrainment-description' means, a procedure by which any person entitled to bring an action for infringement may, after obtaining a Court order, granted on his

application, cause a detailed description to be made, at the premises of the alleged infringer, by a bailiff assisted by experts, of the processes in question, in particular by photocopying technical documents, with or without actual distraint. This Court order may order the payment of a security, intended to grant damages to the alleged infringer in case of injury caused by the 'distrainment-description'.

3. The Portuguese Republic shall accede on 1 January 1992 to the Munich Convention of 5 October 1973 on the European patent and to the Luxembourg Convention of 15 December 1975 on the Community patent.

The Portuguese Republic may invoke Article 95 (4) of the Luxembourg Convention on the Community patent with a view to introducing the purely technical adaptations made necessary by its accession to the said Convention, it being, however, understood that such an invocation can in no way delay the accession of the Portuguese Republic to the Luxembourg Convention beyond the abovementioned date.

## Protocol 20

### on the restructuring of the Portuguese iron and steel industry

1. From the date of accession, no aid may be given to the Portuguese iron and steel industry unless approved by the Commission within the framework of a restructuring plan. The restructuring plan for the Portuguese iron and steel industry should be compatible with the last general steel objectives adopted before the date of accession.

2. From the date of accession, the Commission and the Portuguese Government will assess jointly the plan approved by the Portuguese Government, which is to be officially forwarded to the Commission by 1 September 1985, and the viability of the iron and steel undertaking to which the plan relates.

3. Should the viability of that undertaking not be satisfactorily guaranteed at the end of a maximum of five years after accession, the Commission, after receiving the opinion of the Portuguese Government, shall propose, at the end of the first year after accession, to make an addition to the plan, thereby enabling that undertaking to reach a viable state by the end of the plan.

4. Any aid to the Portuguese iron and steel industry forming part of the addition to the plan provided for in point 3 shall be notified in advance, and not later than the end of the first year after accession, to the Commis-

sion by the Portuguese Government. The said Government shall not implement its projects without authorization from the Commission.

The Commission shall assess those projects on the basis of the criteria and in accordance with the procedures defined in the Annex to this Protocol.

5. During the period mentioned in Article 212 of the Act of Accession, Portuguese deliveries of ECSC iron and steel products to the remainder of the Community should fulfil the following conditions:

- (a) The level of Portuguese deliveries to the remainder of the Community as at present constituted during the first year following accession shall be that fixed by the Commission after agreement of the Portuguese Government and consultation of the Council during the year preceding accession. Whatever the situation, this level may in no circumstances be less than 80 000 tonnes. If no agreement has been reached between the Commission and the Portuguese Government at the latest one month before the date of accession, the quantities which the Portuguese iron and steel industry may deliver during the first three months from the date of accession shall not exceed 20 000 tonnes.

Should no agreement have been reached on this point by the date of accession, the level of deliveries