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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 752/90
of 26 March 1990**

amending Regulation (EEC) No 797/85 as regards the rates of reimbursement for the set-aside of arable land

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas provision should be made to give adequate publicity of the opportunities afforded by the aid scheme ;

Whereas it is necessary to ensure that the set-aside scheme is implemented effectively and in a balanced manner in the Member States ;

Whereas one of the appropriate ways of achieving this is to adjust the rates of reimbursement for set-aside laid down by Council Regulation (EEC) No 797/85 of 12 March 1985 on improving the efficiency of agricultural structures ⁽⁴⁾, as last amended by Regulation (EEC) No 3808/89 ⁽⁵⁾, as regards expenditure for land set aside during the period from 1 July 1989 ;

Whereas for contracts signed in 1988 and 1989, these rates should be applied only for expenditure incurred from the second year of application,

Article 1

Regulation (EEC) No 797/85 is hereby amended as follows :

1. the following paragraph is added at the end of Article 1 (a) :

'8. Member States shall take the necessary measures to ensure that adequate publicity is given to the opportunities afforded by the aid scheme.'

2. in Article 26 the following subparagraph is added at the end of paragraph 2 :

'However, as regards expenditure for land set aside during the period from 1 July 1989, including land for which aid was granted during the previous season, the following rates shall apply until 31 December 1989 :

- 60 % for that portion of the aid which does not exceed ECU 300 per hectare per annum,
- 25 % for that portion of the aid between ECU 300 and ECU 600 per hectare per annum,

and in the case of authorization as provided for in the third subparagraph of Article 1a (3) :

- 60 % for that portion of the aid which does not exceed ECU 150 per hectare, per annum,
- 25 % for that portion of the aid between ECU 150 and ECU 300 per hectare per annum.'

Article 2

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

⁽¹⁾ OJ No C 268, 20. 10. 1989, p. 5.

⁽²⁾ Opinion delivered on 15 March 1990 (not yet published in the Official Journal).

⁽³⁾ OJ No C 329, 30. 12. 1989, p. 43.

⁽⁴⁾ OJ No L 93, 30. 3. 1985, p. 1.

⁽⁵⁾ OJ No L 371, 20. 12. 1989, p. 1.

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

Done at Luxembourg, 26 March 1990.

For the Council
The President
M. O'KENNEDY

COUNCIL REGULATION (EEC) No 753/90
of 26 March 1990
suspending the import levy on sheepmeat and goatmeat

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, in the context of the recent adjustments to the common organization of the market in sheepmeat and goatmeat, it was considered necessary to adjust the relevant voluntary restraint agreements with certain non-Community countries in order to stabilize imports and improve import prices;

Whereas negotiations were conducted to that effect with the countries concerned and an Agreement was concluded in particular with New Zealand⁽¹⁾; whereas that Agreement provides for the complete suspension of the import levy on sheepmeat and goatmeat until 31 December 1992 as a counter concession by the Community;

Whereas the Community has voluntary restraint agreements with its main suppliers, or, failing that, equivalent unilateral arrangements; whereas negotiations are still being held on those agreements or arrangements, and in particular on the quantities to be laid down;

Whereas, it appears appropriate to extent the said suspension to all supplier countries, subject to certain quantitative limits,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from the voluntary restraint agreements concluded with Bulgaria, Czechoslovakia, Hungary, Iceland, Poland, Romania, and Yugoslavia, and by way of derogation from Council Regulation (EEC) No 3643/85 of 19 December 1985 concerning the import arrangements applicable to certain third countries in the sheepmeat and goatmeat sector as from 1986⁽²⁾, as last amended by Regulation (EEC) No 3939/87⁽³⁾, the collection of the levy on imports of sheepmeat and goatmeat falling within CN code 0204 shall be suspended until 31 December 1992, within the quantitative limits laid down in the abovementioned agreements and in the said Regulation respectively.

Article 2

Detailed rules for implementing this Regulation shall be adopted in accordance with the procedure provided for in Article 30 of Regulation (EEC) No 3013/89⁽⁴⁾.

Article 3

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

It shall apply with effect from 1 January 1989.

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

Done at Luxembourg, 26 March 1990.

For the Council

The President

M. O'KENNEDY

⁽²⁾ OJ No L 348, 24. 12. 1985, p. 2.

⁽³⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽¹⁾ OJ No L 318, 31. 10. 1989, p. 13.

COMMISSION REGULATION (EEC) No 754/90

of 29 March 1990

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 201/90⁽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 first subparagraph of Article 13 (1) of Regulation (EEC) No 2727/75 provides that a levy must be charged on imports of the products listed in Article 1 (a), (b) and (c) of that Regulation; whereas the levy is equal for each product to the threshold price less the cif price;

Whereas, the threshold prices for cereals and for wheat and rye flour, and wheat groats and meal, were fixed for the 1989/90 marketing year by Council Regulations (EEC) No 2734/75⁽⁵⁾, (EEC) No 1214/89⁽⁶⁾, (EEC) No 1218/89⁽⁷⁾ and Commission Regulation (EEC) No 1588/89⁽⁸⁾;

Whereas, for the purpose of calculating the cif prices used to determine the levies, the Commission must take into account the factors indicated in Commission Regulation No 156/67/EEC⁽⁹⁾, as last amended by Regulation (EEC) No 31/76⁽¹⁰⁾, and in particular the most favourable purchasing opportunities on the world market among those which are most representative of the real trend of the market, account being taken in particular of the need to prevent sudden variations likely to cause abnormal

disturbances on the Community market; whereas the quality of the goods offered must also be taken into account, whether this quality corresponds to the standard quality fixed in Council Regulations (EEC) No 2731/75⁽¹¹⁾, as last amended by Regulation (EEC) No 2094/87⁽¹²⁾, and (EEC) No 2734/75, or whether adjustments need to be made by applying the coefficients of equivalence provided for in Commission Regulations No 158/67/EEC⁽¹³⁾, as last amended by Regulation (EEC) No 2124/87⁽¹⁴⁾, and No 159/67/EEC⁽¹⁵⁾;

Whereas the cif price is calculated for Rotterdam on the basis of the abovementioned elements, offers for other ports being adjusted, account being taken of the corrections necessitated by the differences in transport charges in relation to Rotterdam;

Whereas Council Regulation (EEC) No 715/90⁽¹⁶⁾ lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

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 28 March 1990;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 34.

⁽⁶⁾ OJ No L 128, 11. 5. 1989, p. 2.

⁽⁷⁾ OJ No L 128, 11. 5. 1989, p. 7.

⁽⁸⁾ OJ No L 156, 8. 6. 1989, p. 23.

⁽⁹⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽¹⁰⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽¹¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

⁽¹²⁾ OJ No L 196, 17. 7. 1987, p. 1.

⁽¹³⁾ OJ No 128, 27. 6. 1967, p. 2536/67.

⁽¹⁴⁾ OJ No L 197, 18. 7. 1987, p. 22.

⁽¹⁵⁾ OJ No 128, 27. 6. 1967, p. 2542/67.

⁽¹⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

Whereas, pursuant to Article 272 of the Act of Accession, the Community as constituted at 31 December 1985 must, in the case of products specified in Article 1 of Regulation (EEC) No 2727/75 which are imported from Portugal, apply the arrangements which were applicable in respect of Portugal before accession; whereas, under Article 4 of Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽¹⁾, as last amended by Regulation (EEC) No 3296/88⁽²⁾, the same arrangements are to be applied in the case of Spain; whereas a levy should be applied pursuant to those arrangements and whereas that levy should be calculated in accordance with the rules laid down in Regulation No 156/67/EEC and taking into account the situation with regard to market prices in Portugal; and whereas, in the case of imports into Spain, the accession compensatory amount applicable to trade between Spain and the Community as constituted at 31 December 1985 should be deducted from the levy;

Whereas it follows from applying all the provisions of the abovementioned Regulations that the levies should be as

set out in the Annex thereto; whereas these levies are altered only where variations in the components used to calculate them have the effect of increasing or reducing them by ECU 0,73 or more,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the 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 30 March 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

ANNEX

to the Commission Regulation of 29 March 1990 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	37,12	131,66 ^(?) ^(?)
0712 90 19	37,12	131,66 ^(?) ^(?)
1001 10 10	46,15	184,87 ⁽¹⁾ ^(?)
1001 10 90	46,15	184,87 ⁽¹⁾ ^(?)
1001 90 91	38,10	135,62
1001 90 99	38,10	135,62
1002 00 00	62,78	131,54 ⁽⁶⁾
1003 00 10	54,03	117,68
1003 00 90	54,03	117,68
1004 00 10	45,43	122,94
1004 00 90	45,43	122,94
1005 10 90	37,12	131,66 ^(?) ^(?)
1005 90 00	37,12	131,66 ^(?) ^(?)
1007 00 90	54,03	138,94 ^(*)
1008 10 00	54,03	28,78
1008 20 00	54,03	94,35 ^(*)
1008 30 00	54,03	0,00 ^(?)
1008 90 10	(?)	(?)
1008 90 90	54,03	0,00
1101 00 00	67,51	204,04
1102 10 00	102,06	198,33
1103 11 10	86,26	302,38
1103 11 90	71,65	219,10

⁽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.

^(?) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

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

^(*) Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

^(?) 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).

^(?) 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 755/90

of 29 March 1990

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 201/90⁽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 1916/89⁽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 28 March 1990;

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 30 March 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 29 March 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0,73
1001 90 99	0	0	0	0,73
1002 00 00	0	0	0	0
1003 00 10	0	0	0	5,87
1003 00 90	0	0	0	5,87
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	0,44
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	1,02

B. Malt

CN code	(ECU/tonne)				
	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	1,30	1,30
1107 10 19	0	0	0	0,97	0,97
1107 10 91	0	0	0	10,45	10,45
1107 10 99	0	0	0	7,81	7,81
1107 20 00	0	0	0	9,10	9,10

COMMISSION REGULATION (EEC) No 756/90

of 29 March 1990

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

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 No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 4014/88⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 26 and 27 March 1990 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 30 March 1990.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 29 March 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	75,00 ⁽¹⁾
1509 10 90	75,00 ⁽¹⁾
1509 90 00	87,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽³⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,50
0711 20 90	16,50
1522 00 31	37,50
1522 00 39	60,00
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 757/90

of 29 March 1990

fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular the Article 10 thereof,Whereas the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat were fixed by Commission Regulation (EEC) No 3868/89⁽²⁾, as last amended by Regulation (EEC) No 517/90⁽³⁾;Whereas Council Regulation (EEC) No 715/90⁽⁴⁾ lays down the arrangements applicable to agricultural products and certain goods resulting from the processing of agri-

cultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3868/89 to the quotations and other information 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 on live sheep and goats and on sheepmeat and goatmeat other than frozen meat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 April 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.⁽²⁾ OJ No L 374, 22. 12. 1989, p. 51.⁽³⁾ OJ No L 53, 1. 3. 1990, p. 66.⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.

ANNEX

to the Commission Regulation of 29 March 1990 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

CN code	Week No 14 from 2 to 8 April 1990	Week No 15 from 9 to 15 April 1990	Week No 16 from 16 to 22 April 1990	Week No 17 from 23 to 29 April 1990	Week No 18 from 30 April to 6 May 1990
0104 10 90 ⁽¹⁾	140,525	140,281	139,214	137,616	135,745
0104 20 90 ⁽¹⁾	140,525	140,281	139,214	137,616	135,745
0204 10 00 ⁽²⁾	298,990	298,470	296,200	292,800	288,820
0204 21 00 ⁽²⁾	298,990	298,470	296,200	292,800	288,820
0204 22 10 ⁽²⁾	209,293	208,929	207,340	204,960	202,174
0204 22 30 ⁽²⁾	328,889	328,317	325,820	322,080	317,702
0204 22 50 ⁽²⁾	388,687	388,011	385,060	380,640	375,466
0204 22 90 ⁽²⁾	388,687	388,011	385,060	380,640	375,466
0204 23 00 ⁽²⁾	544,162	543,215	539,084	532,896	525,652
0204 50 11 ⁽²⁾	298,990	298,470	296,200	292,800	288,820
0204 50 13 ⁽²⁾	209,293	208,929	207,340	204,960	202,174
0204 50 15 ⁽²⁾	328,889	328,317	325,820	322,080	317,702
0204 50 19 ⁽²⁾	388,687	388,011	385,060	380,640	375,466
0204 50 31 ⁽²⁾	388,687	388,011	385,060	380,640	375,466
0204 50 39 ⁽²⁾	544,162	543,215	539,084	532,896	525,652
0210 90 11 ⁽²⁾	388,687	388,011	385,060	380,640	375,466
0210 90 19 ⁽²⁾	544,162	543,215	539,084	532,896	525,652

⁽¹⁾ The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3643/85 and (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

⁽²⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

⁽³⁾ The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 758/90
of 29 March 1990
fixing the import levies on frozen sheepmeat and goatmeat

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular the Article 10 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EEC) No 3869/89⁽²⁾, as last amended by Regulation (EEC) No 518/90⁽³⁾;

Whereas Council Regulation (EEC) No 715/90⁽⁴⁾ lays down the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean

and Pacific States or in the overseas countries and territories;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3869/89 to the quotations and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 April 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 374, 22. 12. 1989, p. 54.

⁽³⁾ OJ No L 53, 1. 3. 1990, p. 68.

⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.

ANNEX

to the Commission Regulation of 29 March 1990 fixing the import levies on frozen
sheepmeat and goatmeat⁽¹⁾

(ECU/100 kg)

CN code	Week No 14 from 2 to 8 April 1990	Week No 15 from 9 to 15 April 1990	Week No 16 from 16 to 22 April 1990	Week No 17 from 23 to 29 April 1990	Week No 18 from 30 April to 6 May 1990
0204 30 00	225,493	225,103	223,400	220,850	217,865
0204 41 00	225,493	225,103	223,400	220,850	217,865
0204 42 10	157,845	157,572	156,380	154,595	152,506
0204 42 30	248,042	247,613	245,740	242,935	239,652
0204 42 50	293,141	292,634	290,420	287,105	283,225
0204 42 90	293,141	292,634	290,420	287,105	283,225
0204 43 00	410,397	409,687	406,588	401,947	396,514
0204 50 51	225,493	225,103	223,400	220,850	217,865
0204 50 53	157,845	157,572	156,380	154,595	152,506
0204 50 55	248,042	247,613	245,740	242,935	239,652
0204 50 59	293,141	292,634	290,420	287,105	283,225
0204 50 71	293,141	292,634	290,420	287,105	283,225
0204 50 79	410,397	409,687	406,588	401,947	396,514

⁽¹⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 759/90

of 29 March 1990

fixing the import levies on products processed from cereals and rice

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 201/90⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products

and for compound feedingstuffs manufactured from cereals⁽⁷⁾, as last amended by Regulation (EEC) No 1740/78⁽⁸⁾, provides that the levy thus determined, increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas, in accordance with Article 5 of Regulation (EEC) No 2744/75 and Article 2 of Regulation (EEC) No 1579/74, the levy on certain processed products must be reduced by an amount equal to the production refund granted in respect of basic products for processing;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; whereas, in accordance with Council Regulation (EEC) No 2742/75⁽⁹⁾, as last amended by Regulation (EEC) No 1009/86⁽¹⁰⁾, the variable component of the levy on certain processed products must be reduced by the incidence of the production refund granted in respect of basic products intended for processing;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)⁽¹¹⁾;

Whereas Council Regulation (EEC) No 3899/89 of 18 December 1989 reducing for 1989 the levies on certain agricultural products originating in developing countries⁽¹²⁾ reduces by 50 % the levy on importation into the Community of products of CN code 1108 13 00, within the limit of a fixed amount of 5 000 tonnes a year;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽¹⁰⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽¹¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽¹²⁾ OJ No L 383, 30. 12. 1989, p. 125.

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 10, 0714 10 90 and 0714 90 10 originating in certain third countries⁽¹⁾, as amended by Regulation (EEC) No 3837/88⁽²⁾, and Council Regulation (EEC) No 885/89 of 5 April 1989 on the arrangements applying to imports for 1989 of products falling within CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 originating in third countries which are not members of the GATT, other than China⁽³⁾, lay down the terms on which the import levy is limited to 6% *ad valorem*;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose⁽⁴⁾, as amended by Regulation (EEC) No 222/88⁽⁵⁾, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies;

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 Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 340, 10. 12. 1988, p. 1.

⁽³⁾ OJ No L 94, 7. 4. 1989, p. 1.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁵⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 29 March 1990 fixing the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
0714 10 10 (*)	57,03	115,11	121,76
0714 10 91	54,01	118,74 (*) (?)	118,74
0714 10 99	57,03	116,93	121,76
0714 90 11	54,01	118,74 (*) (?)	118,74
0714 90 19	57,03	116,93 (*)	121,76
1102 20 10	72,57	245,18	251,22
1102 20 90	40,72	138,93	141,95
1102 30 00	5,32	171,09	174,11
1102 90 10	103,26	213,73	219,77
1102 90 30	87,78	223,78	229,82
1102 90 90	58,11	146,38	149,40
1103 12 00	87,78	223,78	229,82
1103 13 11	72,57	245,18	251,22
1103 13 19	72,57	245,18	251,22
1103 13 90	40,72	138,93	141,95
1103 14 00	5,32	171,09	174,11
1103 19 10	119,13	239,26	245,30
1103 19 30	103,26	213,73	219,77
1103 19 90	58,11	146,38	149,40
1103 21 00	74,03	255,76	261,80
1103 29 10	119,13	239,26	245,30
1103 29 20	103,26	213,76	219,77
1103 29 30	87,78	223,78	229,82
1103 29 40	72,57	245,18	251,22
1103 29 50	5,32	171,09	174,11
1103 29 90	58,11	146,38	149,40
1104 11 10	58,11	121,11	124,13
1104 11 90	114,06	237,48	243,52
1104 12 10	49,34	126,81	129,83
1104 12 90	96,86	248,64	254,68
1104 19 10	74,03	255,76	261,80
1104 19 30	119,13	239,26	245,30
1104 19 50	72,57	245,18	251,22
1104 19 91	9,95	290,54	296,58
1104 19 99	103,26	258,32	264,36
1104 21 10	89,44	189,98	193,00
1104 21 30	89,44	189,98	193,00
1104 21 50	141,07	296,85	302,89
1104 21 90	58,11	121,11	124,13
1104 22 10 10 (*)	49,34	126,81	129,83
1104 22 10 90 (*)	84,76	223,78	226,80
1104 22 30	84,76	223,78	226,80
1104 22 50	75,68	198,91	201,93
1104 22 90	49,34	126,81	129,83
1104 23 10	62,16	217,94	220,96
1104 23 30	62,16	217,94	220,96

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1104 23 90	40,72	138,93	141,95
1104 29 11	53,25	188,98	192,00
1104 29 15	86,58	176,78	179,80
1104 29 19	89,44	229,62	232,64
1104 29 31	63,45	227,34	230,36
1104 29 35	103,55	212,67	215,69
1104 29 39	89,44	229,62	232,64
1104 29 91	41,55	144,93	147,95
1104 29 95	67,11	135,58	138,60
1104 29 99	58,11	146,38	149,40
1104 30 10	34,37	106,57	112,61
1104 30 90	33,76	102,16	108,20
1106 20 10	57,03	115,11 ^(?)	121,76
1106 20 91	80,06	215,67 ^(?)	239,85
1106 20 99	80,06	215,67 ^(?)	239,85
1107 10 11	78,11	252,92	263,80
1107 10 19	61,11	188,98	199,86
1107 10 91	107,02	211,36	222,24 ^(?)
1107 10 99	82,71	157,92	168,80
1107 20 00	94,60	184,05	194,93 ^(?)
1108 11 00	103,64	312,60	333,15
1108 12 00	80,06	219,30	239,85
1108 13 00	80,06	219,30	239,85 ^(?)
1108 14 00	80,06	109,65	239,85
1108 19 10	34,13	245,34	276,17
1108 19 90	80,06	109,65 ^(?)	239,85
1109 00 00	332,42	568,36	749,70
1702 30 51	174,34	286,04	382,76
1702 30 59	126,00	219,30	285,79
1702 30 91	174,34	286,04	382,76
1702 30 99	126,00	219,30	285,79
1702 40 90	126,00	219,30	285,79
1702 90 50	126,00	219,30	285,79
1702 90 75	178,03	299,66	396,38
1702 90 79	123,04	208,40	274,89
2106 90 55	126,00	219,30	285,79
2302 10 10	24,02	55,59	61,59
2302 10 90	44,62	119,11	125,11
2302 20 10	24,02	55,59	61,59
2302 20 90	44,62	119,11	125,11
2302 30 10	24,02	55,59	61,59
2302 30 90	44,62	119,11	125,11
2302 40 10	24,02	55,59	61,59
2302 40 90	44,62	119,11	125,11
2303 10 11	255,26	272,42	453,76

-
- (1) 6 % *ad valorem*, subject to certain conditions.
- (2) In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- (3) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:
- products falling within CN code ex 0714 10 91,
 - products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
 - flours and meal of arrow-root falling within CN code 1106 20,
 - arrow-root starch falling within CN code 1108 19 90.
- (4) Taric code: clipped oats.
- (5) Taric code: CN code 1104 22 10, other than 'clipped oats'.
- (6) Pursuant to Regulation (EEC) No 3899/89, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed amount of 5 000 tons.
- (7) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments originating in the African, Caribbean and Pacific States or in the overseas countries and territories.
-

COMMISSION REGULATION (EEC) No 760/90
of 29 March 1990
fixing the import levies on compound feedingstuffs

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 201/90⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, as amended by Regulation (EEC) No 944/87⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific

States or in the overseas countries and territories⁽⁵⁾, as last amended by Regulation (EEC) No 3530/89⁽⁶⁾; Whereas the Council has not yet been able formally to adopt the Regulation intended to replace Regulation (EEC) No 486/85; whereas, in order to avoid discontinuity in the arrangements applying, the application of the arrangements laid down in Regulation (EEC) No 486/85 should be contained as a precaution and without prejudice to the definitive arrangements to be adopted subsequently by the Council;

Whereas, pursuant to Article 272 of the Act of Accession, the Community as constituted at 31 December 1985 must, in the case of products specified in Article 1 of Regulation (EEC) No 2727/75 and in Article 1 of Council Regulation (EEC) No 1418/76⁽⁷⁾, as last amended by Regulation (EEC) No 1806/89⁽⁸⁾, which are imported from Portugal, apply the arrangements which were applicable in respect of Portugal before accession; whereas, under Article 4 of Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽⁹⁾, as last amended by Regulation (EEC) No 3296/88⁽¹⁰⁾, the same arrangements are to be applied in the case of Spain; whereas a levy should be applied pursuant to those arrangements and whereas that levy should be calculated in accordance with the rules laid down in Commission Regulation 156/67/EEC⁽¹¹⁾, as last amended by Regulation (EEC) No 31/76⁽¹²⁾, and taking into account the situation with regard to market prices in Portugal; whereas, in the case of imports into Spain, the accession compensatory amount applicable to trade between Spain and the Community as constituted at 31 December 1985 should be deducted from the levy;

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 Council Regulation (EEC) No 1676/85⁽¹³⁾, as last amended by Regulation (EEC) No 1636/87⁽¹⁴⁾,

⁽¹⁾ OJ No L 61, 26. 2. 1985, p. 4.

⁽²⁾ OJ No L 347, 28. 11. 1989, p. 3.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁶⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽⁷⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽⁸⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽⁹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹⁰⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 April 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 March 1990 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies		
	Portugal	ACP and OCT	Third countries (other than ACP and OCT)
2309 10 11	10,88	21,79	32,67
2309 10 13	10,88	636,54	647,42
2309 10 31	10,88	68,11	78,99
2309 10 33	10,88	682,86	693,74
2309 10 51	10,88	136,21	147,09
2309 10 53	10,88	750,96	761,84
2309 90 31	10,88	21,79	32,67
2309 90 33	10,88	636,54	647,42
2309 90 41	10,88	68,11	78,99
2309 90 43	10,88	682,86	693,74
2309 90 51	10,88	136,21	147,09
2309 90 53	10,88	750,96	761,84

COMMISSION REGULATION (EEC) No 761/90

of 26 March 1990

imposing a provisional anti-dumping duty on imports of tungsten ores and concentrates originating in the People's Republic of China, and terminating the proceeding concerning imports originating in Hong Kong

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for in the above Regulation,

Whereas :

A. PROCEDURE

- (1) In July 1988, the Commission received a complaint lodged by the Comité de liaison des industries de métaux non ferreux de la Communauté européenne on behalf of Beralt Tin & Wolfram, a company representing the entire Community production of tungsten ores and concentrates. The complaint contained evidence of dumping and of resulting material injury, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of tungsten ores and concentrates, falling within CN code 2611 00 00, originating in the People's Republic of China and exported from this country or from Hong Kong, and commenced an investigation.
- (2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainant. It sent questionnaires to the parties directly concerned and also gave them the opportunity to make known their views in writing and to request a hearing.
- (3) The Community producer and two independent importers (who also process the product in question) returned the questionnaire duly completed to the Commission. Neither of the two known Chinese exporting organizations, the China

National Non-Ferrous Metals Import & Export Corporation (CNIEC), and the China National Metals and Minerals Import & Export Corporation (Minmetals) replied to the Commission's questionnaires. Consequently findings with regard to CNIEC, Minmetals, and other parties which failed to reply to the questionnaire, were made on the basis of the facts available (Article 7 (7) (b) of Regulation (EEC) No 2423/88), in this case, invoices obtained from importers, official Community import statistics, and statistics from the complaint.

- (4) The Community producer and one importer (who also processes the product) also made known their views in writing. Minmetals requested and was granted a hearing.
- (5) The Commission verified the information received to the extent it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following companies :
 - (a) *Community producer*
Beralt Tin & Wolfram Ltd, London, United Kingdom ;
 - (b) *Community importer/processor*
Hermann C. Starck Berlin GmbH & Co. KG, Düsseldorf, Germany ;
 - (c) *producer in reference country*
North Broken Hill Peko Ltd, King Island, Australia.
- (6) The investigation of dumping covered the period from 1 January to 31 December 1988.
- (7) The investigation has exceeded the normal time period of one year because of the time spent in consultation within the Advisory Committee.

B. DESCRIPTION OF THE PRODUCT

- (8) There are two main naturally occurring ores of tungsten — wolframite, based on iron and manganese, and scheelite, based on lime. Various methods of concentration are used, dependent on the particular mineral ore deposit, e.g., flotation, gravity, chemical, magnetic separation, etc., to produce a concentrate usually containing between 65 to 75 % tungsten oxide (WO₃). The tungsten concentrate is used as the first stage of various manufacturing processes to the final end uses of tungsten metal.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 2, 4. 1. 1989, p. 5.

With respect to the physical and technical characteristics, the uses and the markets for these products, the Commission has concluded that the Chinese imports are like products to those produced in the Community, within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

C. EXPORTS FROM HONG KONG

- (9) The complaint had alleged that export of tungsten ores and concentrates were being made from Hong Kong. This allegation was supported by Community statistics, which showed that tungsten ores and concentrates had been imported from Hong Kong during the period 1984 to 1986. As there is no tungsten mine in Hong Kong, the Commission has to conclude that these imports were in reality of Chinese origin. Information available to the Commission, however, has indicated that, in the meantime, the Chinese authorities took appropriate steps to stop the practice of tungsten ores and concentrates originating in the People's Republic of China being exported as if they originated in Hong Kong. Whilst some exports continue to be physically shipped through Hong Kong, the Certificates of Origin indicate Chinese product and Community statistics show no imports from Hong Kong in 1987 and 1988. The Commission, therefore, considers that the allegation of exports originating from Hong Kong is not supported by the evidence available during the reference period.

D. DUMPING

- (10) In order to establish whether the imports originating in the People's Republic of China were dumped, the Commission had to take account of the fact that this country does not have a market economy and the Commission therefore had to base its determination on the normal value in a market economy country. In this connection, the complainant had suggested the constructed value of the product at King Island, Australia.
- (11) One independent importer, who also processes the product in question, objected to this suggestion arguing that sales of tungsten concentrates are based on prices published in the *London Metal Bulletin*, a specialist non-ferrous metals publication, and these prices were generally accepted as a good guide to the price of tungsten concentrates on the free market and should be taken as a basis for determining normal value.

The Commission was unable to accept this proposal, in the case of exports from a country which does not have a market economy, normal value is to be determined on the basis of the market price or constructed value in a market economy third country, in accordance with the

provisions of Article 2 (5) of Regulation (EEC) No 2423/88. The Commission also had reason to believe the price quotations in the *London Metal Bulletin* did not cover production costs in market economy countries.

- (12) The same importer also objected to the suggested use of the Australian mine on the grounds that the mine in question produced concentrate from scheelite ore whereas the majority of Chinese exports to the Community, and the Community production, is based on concentrates from wolframite ore.

The Commission was also unable to accept this objection. Firstly, tungsten concentrate is traded on the basis of tungsten oxide (WO_3) content, which is contained in both scheelite and wolframite. Secondly, whereas there are constantly fluctuating price differences between the concentrates from the two mineral ores, scheelite and wolframite concentrates are sufficiently chemically similar as to be interchangeable for the majority of end use applications and, as such, the prices of concentrates from scheelite and wolframite are closely related. Finally, the costs of mining and producing a concentrate are very similar between scheelite and wolframite as only a small proportion of the costs of mining and processing of these ores are dependent on the mineralogy.

- (13) Furthermore, the Commission on-the-spot investigation in Australia showed that the selling prices of the mine were less than the production costs since the mine was forced to sell, in order to continue its business operations, at prices which did not permit recovery of all production costs in 1988. As the mine in question can be considered as being one of the most efficient in market economy producing countries, the Commission therefore concluded that it would be appropriate and reasonable to determine normal value on the basis of the constructed value in Australia for the purposes of the preliminary determination.
- (14) Export prices were determined on the basis of the prices actually paid or payable for the products sold for export to the Community.
- (15) In comparing normal value with export prices, the Commission took account, where appropriate, of differences affecting prices comparability, such as payment terms, transport and insurance costs. All comparisons were made at an ex-works level.
- (16) The preliminary examination of the facts shows that imports of tungsten ores and concentrates originating in the People's Republic of China were being dumped, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the

Community. The margins of dumping varied according to the exporter, and the weighted average margins, as a percentage of the cif price of the product at the Community frontier were as follows:

CNIEC	47,4 %
Minmetals	53,2 %.

- (17) For those exporters that did not make themselves known, dumping was determined on the basis of the facts available in accordance with the provisions of Article 7 (7) (b) of Regulation (EEC) No 2423/88. In this connection, the Commission considered that the results of its investigation provide the most appropriate basis for determination of the margin of dumping and that it would create an opportunity for circumvention of the duty to hold that the dumping margin for these exporters was any lower than the highest dumping margin of 53,2 % determined above. For this reason it is considered appropriate to use this latter dumping margin for this group of exporters.

E. INJURY

(a) Volume and price of imports

- (18) With regard to the injury caused by the dumped imports, the Commission has established that imports into the Community from China of tungsten ores and concentrates, after falling from 2 268 tonnes tungsten content in 1984 to 477 tonnes tungsten content in 1986, have subsequently increased to 1 414 tonnes tungsten content in 1988. In terms of market share, these imports fell from 37 % in 1984 to 13 % in 1986 and have now risen to reach 47 % in 1988.
- (19) An examination of the development of prices in 1984 to 1986 showed a sharp decline in prices in the Community market. China is the major world supplier of tungsten and thus has a considerable influence on selling prices. The Commission considers that the price decreases can be largely attributed to the decentralization of export sales in China, where numerous organizations and agencies at national and provincial level began to market tungsten concentrates to earn foreign currency and this strong internal price competition between suppliers in China led to a resultant sharp prices fall in the tungsten market. The prices of the Chinese product during this period were well below the level required to cover the costs of Community producers and several Community mines were forced to discontinue production. Whilst actions taken by the Chinese authorities towards the end of 1986 to make sales on a more centralized basis through CNIEC and Minmetals has caused some price recovery in the Community

marketplace, the prices of the Chinese imports in 1987 and 1988 were still well below the level required by the sole remaining Community producer to cover its costs and provide a reasonable profit.

(b) Impact on the Community industry

- (20) The Commission examined whether the dumped imports had affected production, capacity utilization and market share of the sole Community producer and found that, for these factors, the situation had improved from 1984 to 1986, before declining so that, in 1988, production, capacity utilization, and market share were virtually identical to the 1984 levels. The Commission, however, found that the impact of the dumped imports had depressed the levels of prices on the Community market, where the Community producer was forced to align its prices to those of the Chinese exporters. As a result, to maintain its market share, the Community producer had suffered substantial financial losses during the period 1986 to 1988 and had been forced to reduce the level of employment by over 40 % or some 500 employees. These heavy financial losses were also incurred despite the fact that the ore at the Community producer is a high grade deposit and that unit costs of production have been reduced by over 25 % from 1984 to 1988.

(c) Causality

- (21) Given the development of the volume of the dumped imports and the relationship between the prices of the dumped imports and those of the Community industry (recital 19), the Commission has concluded that the injury suffered by the Community industry, principally its heavy financial losses, was caused by the effect of dumped imports, originating in the People's Republic of China, into the Community.
- (22) The Commission examined whether other factors might have been responsible for the injury to the Community industry.

Consumption in the Community of tungsten ores and concentrates has in fact substantially fallen during the period 1984 to 1988, in which injury was examined, due to substitution effects of other tungsten source products and reduced demand for certain end uses. The reduction in consumption has caused both a fall in the level of sales of the Community producer and a fall in the level of Chinese imports from 1984 to 1988. The Community producer, however, had maintained its market share in 1988 compared to that in 1984, whilst the Chinese imports had increased their relative share of the Community market from 37 % to 47 % during the same period.

The Commission also examined the impact of imports originating in other third countries. It found that imports from these countries had steadily decreased during the period 1984 to 1988, from 2 428 tonnes tungsten content to 514 tonnes tungsten content, representing a fall in market share from 40 % to 17 %. The prices at which these other imports have been sold were in line with those of the Chinese imports, as other suppliers have aligned their prices to those of the Chinese in view of the dominant role of the Chinese exporters in determining prices.

Although these factors may have had some effect on the Community industry, the Commission considers that their impact could only explain a minor part of the injury suffered by the Community industry.

(d) Conclusion

- (23) In these circumstances, the Commission has concluded that the volume of Chinese dumped imports, and the prices at which they are offered for sale in the Community, taken in isolation, have to be considered as causing material injury to the Community industry concerned.

F. COMMUNITY INTEREST

(a) General considerations

- (24) The purpose of anti-dumping measures is to eliminate dumping which is causing injury to the Community industry and thus re-establish a situation of open and fair competition on the Community market which is fundamentally in the general Community interest.

While the Commission recognizes that the imposition of anti-dumping measures will affect price levels for the Chinese exporters concerned and consequently may have some influence on the relative competitiveness of their products, it does not expect competition amongst companies selling tungsten ores and concentrates on the Community market to be substantially reduced, as there are currently other alternative exporting countries, besides the sole Community producer, supplying the product in question to the Community. The only effect on competition on the Community market will be the removal of the unfair advantages gained by the dumping practices of the Chinese exporters.

- (25) The Commission has also considered the effects of anti-dumping measures on tungsten ores and concentrates imported from the People's Republic of China in relation to the specific interests of the Community industry and other interested parties including processors.

(b) Interests of Community industry

- (26) In 1985, there were 11 mines (two in France, two in Spain and seven in Portugal) producing tungsten

ores and concentrates in the Community and sales by these Community producers inside the Community represented 25 % of the market share in 1985 and 50 % of the market share in 1986. 10 of these mines have been closed down because of the impact of Chinese imports at depressed prices. Only one mine in Portugal continues in production and this mine continues to have losses despite significantly lowering its operating costs and reducing the level of employment by some 500 employees. The market share in the Community held by this one remaining producer was equal to 6,5 % in 1988, but this low market share is a result of the injury caused to the tungsten mining industry by Chinese imports over the last five years.

In the absence of any protection against the injurious effects of the Chinese dumped imports, the viability of the sole Community producer would be jeopardized and the Community would become entirely dependent on outside sources of tungsten concentrates.

- (27) An importer has claimed that it would be difficult for the sole Community producer to satisfy consumption in the Community in the event that supply from the People's Republic of China might decrease.

Evidence available to the Commission, however, shows that the Community industry has the ability to respond to an eventual increase in demand arising from the re-establishment of normal competitive conditions, and that the remaining Community mine has sufficient production capacity and could divert existing export sales to sales within the Community to replace the existing level of Chinese imports into the Community.

(c) Interests of other parties

- (28) An importer, who also processes the product in question, has argued that the imposition of anti-dumping measures on Chinese imports of ores and concentrates would increase the costs of the processing industry for tungsten intermediate products, mainly ammonium paratungstate, and that this will affect their competitive position compared to producers and exporters of tungsten intermediate products to the Community of third countries, who will continue to have access to Chinese ores and concentrates at low prices.

Whilst this might appear to be an attractive argument for the processing industry in the short term, it cannot justify the total elimination of the Community industry for the production of tungsten ores and concentrates, where the continued existence of the sole remaining producer is currently at stake. Community processors cannot also expect to continue to benefit from price advantages resulting from unfair competition

Furthermore, there is no guarantee for processors that they will continue to benefit from dumped prices as, in the event of the discontinuation of Community production, the position of the Chinese exporters concerned would become even more dominant with all its possible negative affects on the situation regarding the supply of tungsten ores and concentrate in the Community. The Commission considers that the limited disadvantages to processors of possible price increases are outweighed by the medium and long-term benefits of safeguarding the Community tungsten ore and concentrate industry against unfair trading practices and maintaining a Community source of supply to the tungsten processing industry.

- (29) Concerning other possible interested parties, for example, eventual end users of the processed products, mainly tungsten carbides and hard metals, the proposed measures for tungsten ores and concentrates are expected to have a limited increase on the purchase costs of the final processed product. The Commission also considers that the price advantages which these end users have previously enjoyed have originated from unfair trading practices and that there is no justification for allowing these unfair low prices to continue.

(d) Conclusions

- (30) Having considered the various arguments of interested parties and the general Community interest, and in view of the serious difficulties facing the Community industry with the economic and strategic importance of this activity, the Commission has come to the conclusion that it is in the Community's interest that action be taken. In order to prevent further injury being caused during the remainder of the proceeding, the action should take the form of provisional anti-dumping duties.

G. RATE OF DUTY

- (31) Having regard to the extent of the injury caused, the rate of such duty should be less than the dumping margins provisionally established but adequate to remove the injury caused. The rate of duty should enable the Community producer to cover its total costs of production and to provide it with a reasonable margin for profit. In view of the level of capital invested by the Community producer, the normal rate of return and the risk involved for mining projects, the Commission considered that a return of 15 % on sales was an appropriate and reasonable profit margin.
- (32) Production costs, plus this profit margin, were compared with free-at-Community-frontier export

prices and the difference between the two was taken as the level of injury to be removed. The Commission considered that, to ensure the effectiveness of the protective measures and to facilitate customs clearance, the provisional duty should take the form of an *ad valorem* duty.

H. TERMINATION

- (33) With regard to imports originating from Hong Kong, and taking into account the conclusion set out at 9 above, the Commission considered that it was appropriate to terminate the proceeding without adopting protective measures. The complainant was informed of the main facts and consideration on the basis of which the Commission intended to terminate the proceeding and raised no objections. This solution also met with no objection within the Advisory Committee.

I. TIME-LIMIT

- (34) Following the imposition of the provisional anti-dumping duty, a period should be fixed within which the interested parties may make their views known and apply to be heard orally by the Commission,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of tungsten ores and concentrates falling within CN code 2611 00 00 and originating in the People's Republic of China.
2. The rate of duty shall be 42,4 % of the net free-at-Community-frontier price, before duty (Taric additional code: 8433), with the exception of imports of the products specified in paragraph 1 which are sold for export to the Community by the following organization, the rate of duty applicable to which is set out below :

— China National Non-Ferrous Metals	37,0 %
Import & Export Corporation (CNIEC)	
(Taric additional code : 8432).	
3. The provisions in force with regard to customs duties shall apply.
4. The release for free circulation in the Community of the products originating in the People's Republic of China referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 2

The proceeding is terminated with regard to imports of tungsten ores and concentrates falling within CN code 2611 00 00 and originating in Hong Kong.

Article 3

Without prejudice to Article 7 (4) (b) of Regulation (EEC) No 2423/88, the parties concerned may make their views known in writing and request a hearing from the

Commission within one month from the entry into force of this Regulation.

Article 4

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*. Subject to Articles 11, 12 and 13 of Regulation (EEC) No 2423/88, it shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

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

Done at Brussels, 26 March 1990.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 762/90

of 26 March 1990

imposing a provisional anti-dumping duty on imports of tungstic oxide and tungstic acid originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾ and in particular Article 11 thereof,

After consultation with the Advisory Committee as provided for in the above Regulation,

Whereas :

A. PROCEDURE

- (1) In July 1988 the Commission received a written complaint lodged by the EEC Liaison Committee for the Non-Ferrous Metal Industries on behalf of producers representing most of the Community production of tungstic oxide and tungstic acid.

The complaint contained evidence of dumping and consequent injury which was judged sufficient to justify the initiation of a proceeding.

In a notice published in the *Official Journal of the European Communities*⁽²⁾, the Commission accordingly announced the initiation of an anti-dumping proceeding concerning imports into the Community of tungstic oxide and tungstic acid falling within CN code 2825 90 40 and originating in the People's Republic of China.

- (2) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants.

It called on the parties concerned to reply to the questionnaires sent to them, and gave them the opportunity to make their views known in writing and request a hearing.

- (3) All the Community producers on whose behalf the complaint was lodged replied to the questionnaires, made their views known in writing and requested and were granted hearings by the Commission.

- (4) None of the three main Chinese export bodies, their 28 regional offices nor any of the eight Chinese producers to which the Commission sent the questionnaires returned them completed, even partially.

However, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters, henceforward referred to as the 'China Chamber of Commerce', brought itself to the attention of the Commission and informed it that it intended to reply to the questionnaires on behalf of all the Chinese exporters and producers referred to above. On two occasions the China Chamber of Commerce requested and obtained from the Commission an extension of the deadline to prepare a reply to the questionnaires. However, in lieu of a specific reply to the questionnaires all that was received by the Commission was a general position paper.

The China Chamber of Commerce also requested and was granted a hearing, at which it put forward both general arguments and arguments relating to other intermediate tungsten products for which separate anti-dumping proceedings had been instituted.

None of the nine companies listed in the complaint as importers of tungstic oxide and tungstic acid originating in China replied to the questionnaires sent out by the Commission.

- (5) As a result, in the case of the parties which had neither replied nor given any other reaction, findings were made, in accordance with Article 7 (7) (b) of Regulation 2423/88, on the basis of the facts available here, the information provided by the complainant and the Community's official statistics.
- (6) Using as a source the parties which had agreed to cooperate with it, the Commission sought and verified all the information it deemed necessary for the purposes of making a preliminary determination of dumping and consequent injury. To these ends it carried out inspections at the premises of :

a. Community producers

- Hermann C. Stark Berlin GmbH & Co. KG, Düsseldorf and Goslar, Germany,
- Murex Ltd, Rainham, United Kingdom,
- Eurotungstène Poudres SA, Grenoble, France ;

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 322, 15. 12. 1988, p. 5.

b. *Reference country*

- Korea Tungsten Mining Co. Ltd (KTMC), Seoul and Taegu.

The Commission also sought information from the producer in the reference country suggested by the complainant, Wolfram Bergbau- und Hüttengesellschaft GmbH of Vienna, Austria.

- (7) The dumping investigation covered the period 1 January to 30 September 1988.

This proceeding overran the one-year period laid down in Article 7 (9) (a) of Regulation (EEC) No 2423/88 because of the duration of Advisory Committee consultations.

B. THE PRODUCT — COMMUNITY INDUSTRY

- (8) Tungstic oxide is a compound of tungsten and oxygen (WO_3), usually produced by heat treatment (calcination) of ammonium paratungstate.

Tungstic acid (or tungsten hydroxide) is a compound of tungsten, hydrogen and oxygen (H_2WO_4) produced either by precipitation from a sodium tungstate solution or by the decomposition of calcium tungstate. Tungstic acid is marketed either untreated or following thermal decomposition in the form of industrial-quality tungstic oxide.

These are intermediate products used to produce others in the tungsten chain.

- (9) They fall within the CN code indicated in the notice of initiation referred to earlier (2825 90 40). However, since the code covers all tungsten oxides and hydroxides, the Commission noted that tungstic oxide and tungstic acid should be considered as falling within CN code ex 2825 90 40. This change has not affected the course of the proceeding, since according to the Commission's information trade in the other tungsten oxides and hydroxides may be considered statistically negligible.
- (10) The products in question have very similar chemical characteristics:
- they are nearly alike in terms of tungsten content (approximately 99 % of WO_3 in the case of tungstic oxide and 93 % in that of tungstic acid),
 - their industrial uses after specific processing are very similar.

In the light of the above and the fact that during the reference period approximately 90 % of imports from China falling within CN code ex 2825 90 40 were of tungstic oxide, the Commission

considered that tungstic oxide and tungstic acid could be considered like products within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

Moreover, according to the information gathered by the Commission, the products exported by China and those manufactured by Community producers may be considered to be like products within the meaning of the abovementioned Article.

- (11) The Commission observed that during the reference period the Community producers on whose behalf the complaint had been lodged had accounted for the bulk — about 90 % — of Community production of tungstic oxide and tungstic acid.

The Commission therefore considered that the complainant Community producers constituted the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

C. NORMAL VALUE

- (12) In order to establish that imports of tungstic oxide and tungstic acid from China were being dumped, the Commission had to take account of the fact that China does not have a market economy and it accordingly based its calculations on the normal value of the products in a country with a market economy; to this end, the complainant suggested taking the constructed value calculated on the basis of the cost of production of tungstic oxide in Austria.
- (13) The representatives of the China Chamber of Commerce indicated their opposition to the complainant's suggestion, arguing that Austria's economic structure was different from that of China, but failing to suggest any other reference country.
- (14) The Korean producer of intermediate tungsten products, Korea Tungsten Mining Co. Ltd (KTMC), had agreed before and during on-the-spot enquiries in connection with other proceedings to cooperate with the Commission during this investigation.
- (15) The Commission verified the two production costs being considered (Austrian and Korean) and found that:
- both the South Korean exporter and the Austrian exporter were fully integrated producers, i.e. they owned their own mines and produced all the intermediate products of tungsten,

- the products exported by China and those of the Korean producer could be considered like products within the Meaning of Article 2 (12) of Regulation (EEC) No 2423/88,
- the calculations made it necessary to determine normal value for both Austria and Korea on the basis of a constructed value,
- the Korean producer's manufacturing process was efficient, modern and profitable,
- the cost of production in South Korea was more suitable for the purposes of determining normal value for China since the two countries' economies were less dissimilar; moreover, South Korea's standards for the product were comparable to those of China.

(16) Since KTMC did not sell any of the product concerned on its domestic or export markets during the investigation period, although it had manufactured the product as an intermediate stage in its production of tungsten metal powder, the Commission determined normal value on the basis of the constructed value, calculated by adding together the cost of production and a reasonable margin of profit.

The cost of production was obtained by adding all costs, both fixed and variable, of:

- materials (i.e. the cost of producing the tungsten concentrate or ore which KTMC extracts from its mine at Sang Dong),
- manufacture in the country of origin.

To these costs were added selling, administrative and other general expenses, calculated, in the absence of data on other producers or exporters in the country of origin, by reference to sales of tungsten metal powder by KTMC on its domestic market during the reference period.

The same reference was used for the profit margin, but it was considered reasonable to restrict this to 10 % in the light of the general profit level of the Korean producer and to take account of the very strong pressure on tungstic oxide and tungstic acid prices on the world market. In the Commission's view, the Korean market was subject to the same pressure and profits on the product in question would therefore be below those established for

tungsten metal sold by KTMC on its domestic market during the investigation period.

(17) The Commission accordingly concluded that it was appropriate and not unreasonable to determine the normal value of the Chinese tungstic oxide and tungstic acid on the basis of the South Korean producer's production costs.

D. EXPORT PRICE

(18) In the absence of a reply from the Chinese exporters and producers or Community importers, the export price was determined on the basis of the information available, namely the information on average prices published by Eurostat (cif at Community frontier).

E. COMPARISON

(19) In comparing normal value with export prices the Commission took account of differences affecting the comparability of prices.

The normal value had been calculated ex-works, while the export price obtained from the average prices published by Eurostat (cif at Community frontier) included costs incurred between the time at which the goods left the factories in China and their entry into the Community.

In this connection, given the lack of cooperation from the Chinese exporters and producers and from the Community importers, the necessary adjustments, relating particularly to shipping and insurance, handling and selling costs, were made on the basis of the information on Korea gathered during the investigations relating to ammonium paratungstate and tungsten metal powder.

(20) Comparisons were made at the ex-works stage, globally for the whole of the reference period.

F. DUMPING MARGINS

(21) The preliminary examination of the facts showed that exporters in China were dumping their products, the dumping margin being equal to the difference between the established normal value and the export price to the Community.

(22) On the basis of the cif Community frontier price the dumping margin for tungstic oxide and tungstic acid originating in China was 85,84 %.

G. INJURY

1. Volume and market share

a. People's Republic of China

- (23) According to the figures published by Eurostat, which are the best available for China, imports from China have risen substantially, from six tonnes in 1984 to 95 tonnes in 1987, and 216 tonnes during the reference period.
- (24) The Commission considered that the share of the Community market held by imports from China of the products concerned should be assessed on the basis of total quantities traded in the Community (i.e. the Community producers' sales plus total imports originating in non-Community countries).

On this basis it appeared that the Chinese exporters' market share had risen substantially, from 5 % in 1984 to 79 % during the reference period.

b. Other third country suppliers

- (25) Imports originating in other non-Community countries fell considerably between 1984 and 1988, from 64 tonnes to 11 tonnes, i.e. a fall in market share from 51 to 4 %, assessed according to the method described in the preceding recital.

The figures show that in the space of less than five years China was able to turn the structure of the Community market in tungstic oxide and tungstic acid to its advantage.

2. Prices

- (26) Between 1984 and 1988 the Chinese exporters, taken as a whole, reduced their prices by over 42 %.
- (27) To determine the price differential in the Community between tungstic oxide and acid from China and that produced by the Community industry, the Commission compared the average price of the imports from China (at the free-at-Community-frontier duty paid stage) and the weighted average selling price, excluding transport, of the products sold by Community producers.

Through this comparison the Commission found that producers in the Community had been unable to match the prices set on the market by the Chinese exporters, since the price differentials during the reference period had been over 40 %.

3. Other economic factors to be taken into consideration

a. Production

- (28) The Commission found that Community output of tungstic oxide and tungstic acid, taking as a basis the index 1984 = 100, was 108 in 1985, 91 in 1986, 93 in 1987 and 107 during the reference period. The figures show a slight recovery of Community production in 1988, but this was not sufficient to restore it to 1985 levels.

b. Capacity utilization

- (29) Viewed as a whole, the Community producers slightly increased their capacity in 1985 and 1986. Calculated on the basis of the capacity actually available each year from 1984 to 1987 and during the reference period, the capacity utilization rate of the Community producers fell between 1985 and 1987 from 67 to 56 %. The rate improved slightly during the first nine months of 1988, but remained below that reached in 1985.

c. Sales

- (30) Community producers' sales on the Community market, taking as basis the index 1984 = 100, were 200 in 1985, 68 in 1986, 84 in 1987 and 107 during the first nine months of 1988 (figures for this latter period having been adjusted for the year). It can therefore be seen that the rise observed in 1987/88 was not large enough to bring about a return to 1985 levels, not themselves exceptionally high in terms of the tonnage sold.

d. Market share

- (31) The market share of the Community producers, calculated in the same way as those of China and the other non-Community countries, fell from 44 % in 1984 to 17 % during the reference period, while the volume of transactions rose in the Community between 1984 and 1988.

Although this figure must be qualified with the observation that the Community producers use most of their output of tungstic oxide and tungstic acid to manufacture products further down the chain of tungsten production, the loss of market share cannot be considered negligible.

e. Prices

- (32) Although they dropped their prices, the Community producers were unable to match those set on the market by China's producers of tungstic oxide and tungstic acid. As a result, their market share decreased and they could no longer resist the price pressure being exerted by the Chinese suppliers.

f. Profits

- (33) The Commission found that the Community industry's financial results worsened in 1985 and 1986 and improved somewhat in 1987 and during the reference period. However, because sales of the products concerned decreased over this period, profits too fell in absolute terms.

4. Cause and effect and other factors

- (34) The Commission examined the volume and price trends of the dumped imports from China side-by-side with the sales and market share of the Community industry. Investigation revealed that the growth of these Chinese imports had coincided with the deterioration of the Community producers' sales and market shares.
- (35) The Commission also checked whether or not the injury to the Community industry had been caused by other factors such as the volume and prices of imports originating in other non-Community countries or by a drop in demand.

The Commission found in this connection that:

- the sales and market shares of the other non-Community countries which traditionally supplied tungstic oxide and tungstic acid to the Community had decreased substantially from 1984 to 1988; they were pushed out of the market in 1987, and their share of imports during the reference period was only 5 %;
 - Community consumption of tungstic oxide and tungstic acid had increased between 1984 and 1988.
- (36) All the above factors indicate that during the reference period the only gainer from dumped imports in terms of sales volume and market share had been China.

5. Conclusion

- (37) On the basis of the detailed figures in recitals 28 to 36, the Commission considered that the impact of dumped Chinese imports had been most pronounced on:
- the Community industry's sales volume and market share,
 - that industry's price and profits.

In the light of these considerations, the Commission concluded that imports of tungstic oxide and tungstic acid originating in the People's Republic of China had inflicted material injury on the Community industry in question.

H. COMMUNITY INTEREST

- (38) Some manufacturing industries which use intermediate tungsten products, largely in the form of carbides, to produce hard metal components (sintered carbide cutting tools, high-wear components and drills, for the most part), argued that it would not be in the Community's interest to institute protective measures.

The representatives of these industries claimed that by increasing the cost of tungstic oxide and tungstic acid in the Community, and therefore the cost of products further down the chain of tungsten production, the measures would make them less competitive.

- (39) The Commission did not dispute the validity of this argument from a short-term point of view, but considered that it failed to take account of the medium- and long-term prospects of the Community tungsten industry as a whole.

If no steps are taken to counter the effects of dumped Chinese imports Community producers will be obliged to cut back their output of tungstic oxide and tungstic acid, the second stage in the chain of production of intermediate tungsten products. Such a reduction in their range of activity will place the whole of the industry and therefore its own long-term viability under threat.

At the same time, the Chinese exporters would assume an ever more dominant position in this particular segment of the market, with predictably damaging effects for the competitiveness of Community producers further down the chain (especially producers of hard metal components).

It should be emphasized in this connection that the imports from China have already affected the structure of the Community market for tungstic oxide and tungstic acid, having all but eliminated the use of other non-Community countries as a source of supply.

- (40) The Commission noted that the the general aim of anti-dumping measures was to remedy the distortions in competition brought about by unfair trading practices, and thus restore open and fair competition to the Community market, which is fundamentally in the Community's overall interest.

In the case under examination, measures against imports of tungstic oxide and tungstic acid from China would do just that. The short-term drawbacks for the industries further down the chain,

which are not disputed by the Commission, should be offset by the benefits brought by the continued existence of a viable tungstic oxide and tungstic acid industry in the Community and sufficiently diverse outside sources of supply.

- (41) The Commission also considers it necessary to bear in mind that the low prices hitherto available to buyers are the result of unfair trading practices, and there are no grounds for allowing them to continue.
- (42) In the light of the above, the Commission concluded that it was in the Community's interest to take steps to remove the material injury to the Community industry caused by imports of tungstic oxide and tungstic acid originating in the People's Republic of China.

In order to prevent further injury being caused during the remainder of the proceeding, these steps should take the form of a provisional anti-dumping duty.

I. PROVISIONAL ANTI-DUMPING DUTY ON IMPORTS FROM THE PEOPLE'S REPUBLIC OF CHINA

- (43) To determine the rate of the provisional duty, the Commission took into account the size of the dumping margins and the level of duty needed to remove the injury caused.

To this end it compared the import prices of tungstic oxide and tungstic acid originating in the People's Republic of China with the production cost of the most representative Community producer plus a reasonable profit margin.

The Community producer was chosen with regard to the size of the firm, the efficiency of its production facilities and its overall production costs.

Production costs were calculated by adding together the cost of the tungsten ore or concentrate bought by the producer during the reference period and the producer's processing costs for the same period.

It was considered reasonable to set the profit margin at 10 % of the cost of production. This appeared to be the minimum level needed to enable a producer of tungstic oxide and tungstic acid to keep a plant running under acceptable operating conditions and give him a return on invested capital which was approaching that generally required in the sector.

The cost of production plus the profit margin was compared with the free-at-Community-frontier export price plus customs clearance charges. This gave an injury threshold of 35 % of the net free-at-Community-frontier price calculated for tungstic

oxide and tungstic acid originating in the People's Republic of China.

The amount of anti-dumping duty to be levied must therefore be high enough to remove the injury caused. This would be less than the dumping margin calculated.

J. FINAL PROVISIONS

- (44) In the interests of proper management a reasonable deadline should be allowed for the parties concerned to make their views known in writing and request a hearing from the Commission,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of tungstic oxide (Taric code 2825 90 40 * 10) and tungstic acid (hydroxide) (Taric code 2825 90 40 * 20), corresponding to CN code ex 2825 90 40 and originating in the People's Republic of China.

2. The duty shall be 35 % of the net free-at-Community-frontier price of the product before duty.

The free-at-Community-frontier price shall be net if the actual conditions of payment provide for payment within 30 days of the arrival of the goods on the customs territory of the Community. It shall be increased by 1 % for each further month by which the period for payment is extended.

3. The provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1 originating in the People's Republic of China, shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing and apply to be heard by the Commission within one month of the entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2423/88, it shall apply for a period of four months, unless the Council adopts definitive measures before that period has elapsed.

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

Done at Brussels, 26 March 1990.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 763/90
of 26 March 1990

imposing a provisional anti-dumping duty on imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China and terminating the anti-dumping proceeding concerning imports of those products from the Republic of Korea

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 June 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 9 and 11 thereof,

After consultation with the Advisory Committee as provided for in the above Regulation,

Whereas :

A. PROCEDURE

(1) In July 1988 the Commission received a written complaint lodged by the EEC Liaison Committee for the Non-Ferrous Metal Industries on behalf of producers representing most of the Community production of tungsten carbide and fused tungsten carbide.

The complaint contained evidence of dumping and consequent injury which was judged sufficient to justify the initiation of a proceeding.

In a notice published in the *Official Journal of the European Communities*⁽²⁾, the Commission accordingly announced the initiation of an anti-dumping proceeding concerning imports into the Community of tungsten carbide and fused tungsten carbide falling within CN code 2849 90 30 originating in the People's Republic of China or the Republic of Korea.

(2) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants.

It called on the parties concerned to reply to the questionnaires sent to them, and gave them the opportunity to make their views known in writing and request a hearing.

(3) All the Community producers on whose behalf the complaint was lodged replied to the questionnaires, made their views known in writing and requested and were granted hearings by the Commission.

(4) None of the three main Chinese export bodies, their 20 regional offices nor any of the eight Chinese producers to which the Commission sent questionnaires returned them completed, even partially. However, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters, hereinafter referred to as 'the China Chamber of Commerce', brought itself to the attention of the Commission and informed it that it intended to reply to the questionnaires on behalf of all the Chinese exporters and producers referred to above. On two occasions the China Chamber of Commerce requested and obtained from the Commission an extension of its deadline to prepare a reply to the questionnaire. However, in lieu of a specific reply to the questionnaires all that was received by the Commission was a general position paper.

The China Chamber of Commerce also requested and was granted a hearing, at which it put forward both general arguments and arguments relating to other intermediate tungsten products for which separate anti-dumping proceedings had been instituted.

None of the nine companies listed in the complaint as importers of tungsten carbide and fused tungsten carbide originating in China replied to the questionnaires sent out by the Commission.

(5) The Korean producer and exporter Korea Tungsten Mining Co. Ltd (KTMC), of Seoul and Taegu, replied in full to the Commission's questionnaires on its own behalf and that of its sales offices in the Community.

KTMC also requested and was granted a hearing, and made its views known in writing, particularly on the question of its responsibility for the injury alleged by the complainants.

(6) Accordingly, the findings for those parties which failed to reply and did not make themselves known by other means were made in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88,

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 322, 15. 12. 1988, p. 7.

on the basis of the facts available, namely the information supplied by the complainant and official Community statistics.

- (7) The Commission sought and verified all the information it deemed necessary for the purposes of making a preliminary determination of dumping and consequent injury for the parties which agreed to cooperate. To these ends it carried out inspections at the premises of:

(a) *Community producers*

- Hermann C. Stark Berlin GmbH & Co. KG, Düsseldorf and Goslar, Germany,
- Murex Ltd, Rainham, United Kingdom,
- Eurotungstène Poudres SA, Grenoble, France;

(b) *Korean producer/exporter*

- Korea Tungsten Mining Co. Ltd, (KTMC), Seoul and Taegu.

It also sought information from the producer in the reference country suggested by the complainant, Wolfram Bergbau- und Hüttengesellschaft mbH, Vienna, Austria.

- (8) The dumping investigation lasted from 1 January 1988 to 30 September 1988.

This proceeding overran the one-year period laid down in Article 7 (9) (a) of Regulation (EEC) No 2423/88 because of the duration of Advisory Committee consultations.

B. THE PRODUCT — COMMUNITY INDUSTRY

- (9) Tungsten carbide and fused tungsten carbide are compounds of carbon and tungsten produced by heat treatment (carburization in the first case, fusion in the second).

They are intermediate products used in the manufacture of hard metal components (sintered carbide cutting tools, high-wear components, drills and so on).

- (10) The products concerned, which both fall within CN code 2849 90 30, have identical chemical characteristics and come from the same stage in the tungsten production chain — between tungsten metal powder and sintered carbide products. They are, moreover, put to similar uses in industry.

The Commission concluded that tungsten carbide and fused tungsten carbide could be considered to

be like products within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88, since:

- their chemical composition is identical (approximately 94 % tungsten metal and 6 % carbon),
- they have similar end-uses.

Moreover, according to the information gathered by the Commission, the products exported by China and Korea and those manufactured by Community producers may be considered to be like products within the meaning of the abovementioned Article.

- (11) The Commission observed that during the reference period the Community producers on whose behalf the complaint had been lodged had accounted for the bulk — about 85 % — of Community production of tungsten carbide and fused tungsten carbide.

The Commission therefore considered that the complainant Community producers constituted the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

C. NORMAL VALUE

1. Republic of Korea

(a) *Tungsten carbide*

- (12) During the reference period, tungsten carbide made up 98,7 % of Korea's exports to the Community of goods falling within CN code 2849 90 30. The Commission observed that during that period:

- KTMC had sold tungsten carbide on its domestic market, and
- these domestic sales had been made at a profit and in sufficient quantity to provide a valid comparison.

The Commission therefore determined the normal value of tungsten carbide on the basis of the prices charged in the domestic sales made during the first nine months of 1988.

(b) *Fused tungsten carbide*

- (13) During the reference period, fused tungsten carbide made up 1,3 % of Korea's exports to the Community of goods falling within CN code 2849 90 30.

Since KTMC sold no fused tungsten carbide on its domestic market during the investigation period, the Commission determined normal value on the basis of the constructed value, calculated by adding together the cost of production and a reasonable margin of profit.

The cost of production was obtained by adding all costs, both fixed and variable, of :

- materials (i. e. the cost of producing the tungsten concentrate or ore which KTMC extracts from its mine at Sang Dong), and
- manufacture in the country of origin.

To these costs were added selling, administrative and other general expenses, calculated, in the absence of data on other producers or exporters in the country of origin, by reference to sales of tungsten carbide by KTMC on its domestic market during the reference period.

As regards the profit margin, in the case of fused tungsten carbide it was considered reasonable once again to look at domestic sales of tungsten carbide.

2. People's Republic of China

- (14) In order to establish that imports from China were being dumped, the Commission had to take account of the fact that China does not have a market economy and thus it based its calculations on the normal value of the products in question in a country with a market economy ; to that end, the complainant suggested taking the constructed value calculated on the basis of the cost of production in Austria.
- (15) However, the Commission observed that the Austrian producer did not manufacture fused tungsten carbide. Moreover, the representatives of the China Chamber of Commerce indicated their opposition to the complainant's suggestion, arguing that Austria's economic structure was different from that of China, but failing to suggest any other reference country.
- (16) The Commission therefore considered it appropriate to determine normal value for tungsten carbide and fused tungsten carbide originating in China on the basis of the data collected during the investigation relating to the Korean exporter, since :
- the products exported by China and Korea could be considered like products within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88,
 - South Korea's technical standards for the product were comparable to those of China,
 - the economies of the Republic of Korea and the People's Republic of China were less dissi-

milar than those of Austria and the People's Republic of China.

- (17) However, because the Chinese export price had to be determined using the information published by Eurostat, which, like the figures collected by the Member States themselves, makes no distinction between tungsten carbide and fused tungsten carbide, and because there were no grounds to believe that Chinese sales of the two products differed from Korean sales of similar products, it seemed reasonable to establish a normal value valid for both tungsten carbide and fused tungsten carbide.

To that end, the Commission considered it appropriate to refer to the available figures on the breakdown between tungsten carbide and fused tungsten carbide in Community trade with third countries.

In the absence of information from exporters in China and Community importers, the only available information on the subject related to Korea. The Commission therefore thought it appropriate and not unreasonable to take the proportions of tungsten carbide and fused tungsten carbide falling within CN code 2849 90 30 exported by China to be similar to those indicated by the figures for Korea.

The Commission accordingly calculated normal value for China by averaging :

- the weighted average domestic price of the tungsten carbide sold by the Korean exporter during the reference period, and
- the constructed value determined for fused tungsten carbide on the basis of the Korean exporter's production costs during the same period.

The average was based on the proportion of each of the two types of tungsten carbide sold in the Community by the Korean exporter during the first nine months of 1988.

No objection was made to that proposal.

D. EXPORT PRICE

1. Republic of Korea

- (18) Although carried out with the assistance of its liaison offices in the Community, all KTMC's exports are direct sales to independent importers in the Community. The sole task of the liaison offices is to carry out commercial surveys and to draw up final invoices on KTMC's behalf; they never operate as importers themselves.

The export price was therefore calculated on the basis of the price actually paid or payable for the tungsten carbide and fused tungsten carbide sold for export to the Community, net of all taxes, discounts and rebates actually granted and directly related to the sales under consideration.

To that end the Commission verified all the transactions carried out during the investigation period.

2. People's Republic of China

- (19) In the absence of a reply from the Chinese exporters and producers or Community importers, the export price was determined on the basis of the information available, viz. the information on average prices published by Eurostat (cif at Community frontier).

E. COMPARISON

1. Republic of Korea

- (20) In comparing the normal value of tungsten carbide and fused tungsten carbide with export prices for those products, the Commission took account, where appropriate, of differences affecting the comparability of prices, such as credit conditions, transport, insurance and handling costs and other ancillary costs.
- (21) An appropriate adjustment was made to selling costs to take account of the expense incurred by KTMC on account of its liaison offices in the Community.
- (22) All the adjustments made were based on statistical data verified during inspection at the premises. All comparisons were made at the ex-works stage, on a transaction-by-transaction basis.

2. People's Republic of China

- (23) In comparing normal value and export prices, the Commission took account of differences affecting price comparability.

The normal value had been calculated ex-works, while the export price obtained from the average prices published by Eurostat (cif at Community frontier) included costs incurred between the time at which the goods left the factories in China and their entry into the Community.

In that connection, given the lack of cooperation from the Chinese exporters and producers and from the Community importers, the necessary adjustments, relating particularly to shipping and

insurance, handling and selling costs, were made on the basis of the information on Korea gathered during the investigation.

- (24) Comparisons were made at the ex-works stage, globally for the whole of the reference period.

F. DUMPING MARGINS

- (25) The preliminary examination of the facts showed that imports from China and Korea were being dumped, the dumping margin being equal to the difference between the established normal value and the export price to the Community.
- (26) On the basis of the cif Community frontier price of tungsten carbide and fused tungsten carbide, the weighted average margins were as follows:
- 73,13 % in the case of China, and
 - 48,20 % in the case of Korea.

G. INJURY

1. Volume and market share

(a) Republic of Korea

- (27) In its reply to the questionnaire, KTMC gave figures for the volume of its sales of tungsten carbide and fused tungsten carbide in the Community which were slightly higher than those for imports originating in Korea as published by Eurostat.

In the light of the evidence relating to its sales of tungsten carbide and fused tungsten carbide in the Community provided by KTMC during the inspection at its premises, the Commission considered that for the purposes of this investigation the figures for KTMC's actual deliveries to the Community between 1984 and 1987 and in the first nine months of 1988 should be used in lieu of the figures published by Eurostat which were cited in the complaint.

- (28) On that basis, it appeared that imports of these products originating in Korea, which totalled 257 metric tonnes in 1986, fell to 126 metric tonnes during the reference period, i. e. a level below that of each of the years 1985 to 1987, taken on an annual basis.

The Commission considered that the share of the Community market held by the Korean imports should be assessed on the basis of total quantities traded in the Community (i. e. the Community producers' sales plus total imports originating in non-Community countries).

On that basis it appeared that Korea's market share, which had stood at 6,6 % in 1984 and 9,4 % in 1986, has now fallen to 5,7 %.

(b) *People's Republic of China*

- (29) According to the figures published by Eurostat, which are the best available for China, imports from China have risen substantially, from seven metric tonnes in 1984 to 100 metric tonnes in 1987, and 117 metric tonnes during the reference period.

In terms of market share calculated on the basis explained above, these imports, which represented 0,29 % in 1984, rose to 3,9 % in 1987 and reached 5,3 % during the reference period.

(c) *Other third country suppliers*

- (30) Imports originating in other non-Community countries remained stable between 1984 and 1988 (at an average of 1 200 metric tonnes per year).

2. Prices

- (31) Between 1984 and 1988 the Korean exporter reduced its selling price in the Community by 1,7 %, a small reduction compared to the general downturn in the prices of imported tungsten carbide and fused tungsten carbide during the same period, which resulted in a drop of 16,5 %.
- (32) Between 1984 and 1988, China's exporters, taken as a whole, reduced their selling prices in the Community by over 41 %.
- (33) To determine the price differential in the Community between tungsten carbide and fused tungsten carbide from China or Korea and that produced within the Community, the Commission compared the average price of imports from China and the weighted average selling price of imports from Korea (at the free-at-Community-frontier duty paid stage) and the weighted average selling price, excluding transport, of the products sold by the Community producers.

Through this comparison the Commission found that producers in the Community had been unable to match the prices set on the market by the Chinese exporters, and that the price differentials during the reference period were as much as

35,34 %. In the case of KTMC, however, the difference had been limited to 3,73 %.

3. Other economic factors to be taken into consideration

(a) *Production*

- (34) The Commission found that Community output of tungsten carbide and fused tungsten carbide, taking as a basis the index 1984 = 100, was 101 in 1985, 100 in 1986, 83 in 1987 and 96 during the reference period. The figures show a slight recovery of Community production in 1988 compared to the preceding year, but this was not sufficient to restore it to 1984 to 1986 levels.

(b) *Capacity utilization*

- (35) Calculated on the basis of the capacity actually available each year from 1984 to 1987 and during the reference period, the capacity utilization rate of the Community producers fell between 1984 and 1987 from 81 to 62 % and rose again to 76 % during the first nine months of 1988.
- (36) The Commission sought the reason for this slight recovery during the reference period, and found that it was a result of a rise in the amount of what is termed 'conversion' being performed by the Community producers.

The conversion work is carried out on commission under contracts whereby the Community producers process raw materials belonging to a customer to produce tungsten carbide.

The Commission observed that this activity was linked to the existence of stocks of tungsten ore or concentrate, generally Chinese, purchased and cleared through customs by certain operators, and was not the main activity of the undertakings in question.

The Commission therefore concluded that the slight improvement the Community producers' capacity utilization during the reference period was not a genuine or lasting upturn and that it did not cast doubt on the findings for the period from 1984 to 1987.

(c) *Stocks*

- (37) The Commission noted that stocks had risen slightly between 1984 and 1988, from the equivalent of six weeks' production in 1984 to two months' production during the reference period

(d) Sales

- (38) Community producers' sales on the Community market decreased from 1984 onwards, and reached their low in 1987. They recovered slightly during the reference period thanks to an improvement in the state of the market.

(e) Market share

- (39) The market share of Community producers, calculated in the same way as those of China and Korea, fell from 51 % in 1984 to 43,6 % in 1987 and rose to 46,9 % during the first nine months of 1988, while, following a period of fluctuation between 1984 and 1987, the volume of tungsten carbide and fused tungsten carbide traded in the Community rose during the reference period to a level higher than that of the preceding year.

(f) Prices

- (40) Community producers were unable to match the prices set on the market by China's producers of tungsten carbide. As a result, their market share decreased and they could no longer resist the price pressure being exerted by the Chinese suppliers. In such a situation, Community producers are faced with a choice between continuing to lose market share and dropping their prices, either course threatening profitability, and, in the longer term, viability.

(g) Profits

- (41) The Commission found that the Community industry's financial results deteriorated in 1986 and 1987 and improved somewhat during the reference period. The observation on conversion found in recital 36 is also of relevance to financial performance.

The Commission established that most of the profits (or curbing of losses) in the Community industry could be put down to the viability of their conversion operations.

4. Possibility of a cumulative effect

- (42) In order to establish the impact of dumping on the Community industry, the Commission examined the effects of all dumped imports originating in the two countries to which this investigation relates.

KTMC, the Korean exporter of tungsten carbide and fused tungsten carbide, had claimed in a note

which was not part of its reply to the questionnaire that Chinese and Korean imports should be considered separately and not jointly. The Commission sought to determine whether this should be the case.

To that end, in the absence of any notable differences affecting the comparability of the Chinese and Korean products, the Commission examined how far the imports concerned had contributed to the material injury suffered by the Community. It looked at the volume of imports, the market shares of the Chinese and Korean exporters, the upward or downward trend of those market shares, and the exporters' pricing policies.

The Commission found that the import volume and market shares held by each had been at comparable levels during the reference period.

It ascertained, however, that the figures were in fact the result of diametrically opposed progressions, since while Chinese imports had tripled in 1986 to 1987 and further increased by over 80 % in 1987 to 1988, Korean imports had remained steady between 1985 and 1987, and had fallen by approximately 20 % in 1987 to 1988.

Similarly, the Commission found that the Chinese exporters had pushed their share of the market up by a factor of 3,4 in 1986 to 1987, and that it had risen by another 35 % in 1987 to 1988, while the Korean exporter had lost over 40 % of its share between 1987 and the reference period. Compared to the 1985 figures, the figures for the reference period (on an annual basis) showed that the Korean exporter had lost over 30 % of its market share, i. e. KTMC suffered a loss of market held for several years.

With regard to the pricing policies referred to in recital 33, the Commission found market differences:

- first, in terms of the behaviour of prices between 1984 and 1988, as the Korean exporter's selling prices in the Community had remained virtually steady, while those of the Chinese exporters had decreased considerably,
- second, in terms of the undercutting observed during the reference period, since the price differential in the Korean exporter's case had been 3,5 % on average and that of the Chinese exporters as a whole over 35 %.

The Commission consequently concluded that consideration of the prices showed that the Chinese and Korean products could not be regarded as competing with each other, and that the marketing strategies of the Chinese and Korean exporters differed from one another.

In the light of these considerations, the Commission took the view that injury to the Community industry from imports of tungsten carbide and fused tungsten carbide from China and Korea should be evaluated separately.

5. Cause and effect and other factors

- (43) The Commission examined the volume and price trends of the dumped imports (for China and Korea separately) side-by-side with the sales and market share of the Community industry.

In the case of tungsten carbide and fused tungsten carbide originating in China, investigation revealed that the growth of Chinese imports had coincided with the deterioration of the Community producers' sales and market shares.

In the case of imports of these products originating in Korea, however, it was found that prices had remained relatively stable and undercutting had been by a very small margin, and that both the volume and the market share had markedly declined. These imports could therefore not be said to be responsible in any large measure for the injury to the Community industry.

- (44) The Commission also checked whether or not the injury to the community industry had been caused by other factors such as the volume and prices of imports originating in other non-Community countries or by a drop in demand.

The Commission found in that connection that:

- the volume of sales and market share of the other non-Community countries (notably Austria and the United States) which traditionally supplied tungsten carbide to the Community had remained stable between 1984 and 1988,
- the prices charged on sales to the Community by exporters in these countries could not be considered, on the basis of the figures available, to indicate dumping, and did not significantly

undercut the prices charged by Community producers,

- following a period of fluctuation between 1984 and 1987, consumption of tungsten carbide in the Community had risen during the reference period to a level higher than that of the preceding year.

Accordingly, the Commission judged that the injury to the Community industry could not be ascribed to these producers, who, while they had held a substantial share of the Community market for several years, did not seem to have retained it, on the basis of the figures available, by resorting to unfair trade practices.

- (45) All the above factors indicate that during the reference period virtually the only gainer from dumped imports in terms of sales volume and market share had been China.

(6) Conclusion

- (46) On the basis of the detailed figures in recitals 34 to 41, the Commission considered that dumped Chinese imports, taken in isolation, had inflicted material injury on the Community industry in question. The impact of such imports had been most pronounced on:

- the Community industry's sales volume and market share,
- the activity of the sector producing intermediate tungsten products, since Chinese imports, which until 1986 had been at a low level, began a determined push onto the Community market in 1987.

This market penetration further increased in 1988 and threatens to surge again in the future, judging by the rate at which exports to the Community grew between 1984 and the reference period, and the capacity available in China, as indicated by the figures collected during the investigation.

- (47) With regard to imports of tungsten carbide and fused tungsten carbide originating in Korea, the Commission noted that there had been no heavy undercutting of the Community producers' prices and that examination revealed a very marked downward trend in the volume and market share of these imports.

The Commission therefore considered that the imports in question had not caused material injury to the Community industry.

H. COMMUNITY INTEREST

- (48) Some manufacturing industries which use intermediate tungsten products, largely in the form of carbides, to produce hard metal components (sintered carbide cutting tools, high-wear components and drills, for the most part), argue that it would not be in the Community's interest to institute protective measures.

The representatives of these industries claimed that by increasing the cost of tungsten carbide and fused tungsten carbide in the Community, and therefore the cost of products further down the chain of tungsten production, the measures would make them less competitive.

- (49) The Commission did not dispute the validity of this argument from a short-term point of view, but considered that it failed to take account of the medium and long-term prospects of the Community tungsten industry as a whole.

If no steps are taken to counter the effects of dumped Chinese imports Community producers will be obliged to cut back their output of tungsten carbide, the last and therefore most vulnerable link in the chain of production of intermediate tungsten products. Such a reduction in their range of activity will paralyse the whole of the industry and therefore their own long-term viability under threat.

At the same time, the Chinese exporters would assume an ever more dominant position in this particular segment of the market, with predictably damaging effects for the competitiveness of Community producers further down the chain (especially producers of hard metal components).

- (50) The Commission noted that the general aim of anti-dumping measures was to remedy the distortions in competition brought about by unfair trading practices, and thus restore open and fair competition to the Community market, which is fundamentally in the Community's overall interest.

In the case under examination, measures against imports of tungsten carbide and fused tungsten carbide from China would do just that. The short-term drawbacks for the industries further down the chain, which are not disputed by the Commission, should be offset by the benefits brought by the

continued existence of a viable tungsten carbide industry in the Community.

- (51) The Commission also considers it necessary to bear in mind that the low prices hitherto available to buyers are the result of unfair trading practices, and there are no grounds for allowing them to continue.

- (52) In the light of the foregoing, the Commission concluded that it was in the Community's interest to take steps to remove the material injury to the Community industry caused by imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China.

In order to prevent further injury being caused during the remainder of the proceeding, these steps should take the form of a provisional anti-dumping duty.

I. PROVISIONAL ANTI-DUMPING DUTY ON IMPORTS FROM THE PEOPLE'S REPUBLIC OF CHINA

- (53) To determine the rate of the provisional duty, the Commission took into account the size of the dumping margins and the level of duty needed to remove the injury caused.

To that end it compared the import prices of tungsten carbide and fused tungsten carbide originating in the People's Republic of China with the production cost of the most representative Community producer plus a reasonable profit margin.

The Community producer was chosen with regard to the size of the undertaking, the efficiency of its production facilities and its overall production costs.

Production costs were calculated by adding together the cost of the tungsten ore or concentrate bought by the producer during the reference period and the producer's processing costs for the same period.

It was considered reasonable to set the profit margin at 10 % of the cost of production. This appeared to be the minimum level needed to enable a producer of tungsten carbide and fused tungsten carbide to keep a plant running under acceptable operating conditions and give him a return on invested capital somewhat near the rate generally required in the sector.

The cost of production plus the profit margin was compared with the free-at-Community-frontier export price plus customs clearance charges. This gave an injury threshold of 33 % of the net free-at-Community-frontier price calculated for tungsten carbide and fused tungsten carbide originating in the People's Republic of China.

The amount of anti-dumping duty to be levied must therefore be high enough to remove the injury caused. This would be less than the dumping margin calculated.

J. TERMINATION OF THE PROCEEDING REGARDING IMPORTS ORIGINATING IN THE REPUBLIC OF KOREA

- (54) In the light of the findings set out in recitals 27, 28, 31, 33, 42, 43 and 47 regarding causation of injury, in respect of imports of tungsten carbide and fused tungsten carbide originating in the Republic of Korea the Commission considers that the proceeding should be terminated without protective measures being imposed.
- (55) No objections to this conclusion were raised in the Advisory Committee.
- (56) The complainant was informed of the facts and principal considerations on the basis of which the Commission intended to terminate the proceeding concerning imports originating the Republic of Korea and did not contest them.

K. FINAL PROVISIONS

- (57) In the interests of proper management a reasonable deadline should be allowed for the parties concerned to make their views known in writing and request a hearing from the Commission,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of tungsten carbide and fused tungsten

carbide falling within CN code 2849 90 30, originating in the People's Republic of China.

2. The duty shall be 33 % of the net free-at-Community-frontier price of the product before duty.

The free-at-Community-frontier price shall be net if the actual conditions of payment provide for payment within 30 days of the arrival of the goods on the customs territory of the Community. It shall be increased by 1 % for each further month by which the period for payment is extended.

3. The provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 2

The anti-dumping proceeding concerning imports of tungsten carbide and fused tungsten carbide originating in the Republic of Korea is hereby terminated.

Article 3

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing and apply to be heard by the Commission within one month of the entry into force of this Regulation.

Article 4

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2423/88, it shall apply for a period of four months, unless the Council adopts definitive measures before that period has elapsed.

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

Done at Brussels, 26 March 1990.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 764/90
of 29 March 1990

amending Regulation (EEC) No 3993/89 on the issuing of a standing invitation of tender for the resale on the internal market of 150 000 tonnes of barley held by the intervention agency of the United Kingdom

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 201/90 ⁽²⁾, and in particular Article 7 (6) thereof,

Having regard to Council Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 2418/87 ⁽⁴⁾,

Whereas as last partial invitation to tender under Commission Regulation (EEC) No 3993/89 ⁽⁵⁾, as amended by Regulation (EEC) No 178/90 ⁽⁶⁾, should be postponed;

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

Article 2 (2) of Regulation (EEC) No 3993/89 is replaced by the following:

'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 29 May 1990.'

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, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 11. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 380, 29. 12. 1989, p. 48.

⁽⁶⁾ OJ No L 21, 26. 1. 1990, p. 29.

COMMISSION REGULATION (EEC) No 765/90
of 29 March 1990

amending Regulation (EEC) No 350/90 increasing to 97 000 tonnes the quantity of durum wheat held by the Italian intervention agency for which a standing invitation to tender for export has been opened

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 201/90⁽²⁾, and in particular Article 7(5) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 2418/87⁽⁴⁾,

Whereas Commission Regulation (EEC) No 350/90⁽⁵⁾, opened a standing invitation to tender for the export of 67 000 tonnes of durum wheat held by the Italian intervention agency; whereas, in a communication of 22 March 1990, Italy informed the Commission of the intention of its intervention agency to increase by 30 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of durum wheat held by the Italian intervention agency for which a standing invitation to tender for export has been opened should be increased to 97 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 350/90 must therefore be amended;

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

Article 2 of Regulation (EEC) No 350/90 is replaced by the following:

Article 2

1. This invitation to tender shall cover a maximum of 97 000 tonnes of durum wheat to be exported to all third countries.

2. The regions in which the 97 000 tonnes of durum wheat are stored are listed in Annex I hereto.

Article 2

Annex I to Regulation (EEC) No 350/90 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 38, 10. 2. 1990, p. 27.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Bologna	100
Florence	100
Foggia	3 340
Bari	17 327
Matera	5 000
Potenza	19 740
Messina	392
Palermo	6 444
Trapani	3 223
Caltanissetta	17 477
Siracuse	1 000
Ferrara	9 000
Macerata	10 093
Teramo	2 997

COMMISSION REGULATION (EEC) No 766/90

of 29 March 1990

amending Regulation (EEC) No 177/90 and increasing to 90 000 tonnes the amount of common wheat held by the United Kingdom intervention agency for which a standing invitation to tender for resale has been opened

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 201/90 ⁽²⁾, and in particular Article 7 (6) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 2418/87 ⁽⁴⁾,

Whereas Commission Regulation (EEC) No 177/90 ⁽⁵⁾ opened a standing invitation to tender for the resale of 45 000 tonnes of common wheat held by the United Kingdom intervention agency;

Whereas in the present situation on the market the quantity of common wheat held by the United Kingdom intervention agency put up for sale on the internal market of the Community should be increased to 90 000 tonnes and the last partial invitation to tender should be postponed;

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

Regulation (EEC) No 177/90 is hereby amended as follows:

1. In Article 1 'of 45 000 tonnes' is replaced by 'of 90 000 tonnes'.
2. Article 2 (2) is replaced by the following:
'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 29 May 1990.'

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, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 21, 26. 1. 1990, p. 28.

COMMISSION REGULATION (EEC) No 767/90
of 29 March 1990
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

— the need to avoid disturbances on the Community market, and

Having regard to the Treaty establishing the European Economic Community,

— the economic aspect of the proposed exports ;

Having regard to the Act of Accession of Spain and Portugal,

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of :

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3879/89 ⁽²⁾, and in particular Article 17(5) thereof,

- (a) prices ruling on third country markets ;
- (b) the most favourable prices in third countries of destination for third country imports ;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries ; and
- (d) free-at-Community-frontier offer prices ;

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund ;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination ;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of :

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks ; whereas the amount of the refund may, however, remain at the same level for more than four weeks ;

— the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,

— marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,

— the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 222/88 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose ; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community ;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

Whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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 1069/89⁽²⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as last amended by Regulation (EEC) No 222/88, laid down

additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to Portugal, including the Azores and Madeira for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 30 March 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

ANNEX

to the Commission Regulation of 29 March 1990 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0401 10 10 000		4,55
0401 10 90 000		4,55
0401 20 11 100		4,55
0401 20 11 500		7,63
0401 20 19 100		4,55
0401 20 19 500		7,63
0401 20 91 100		10,51
0401 20 91 500		12,44
0401 20 99 100		10,51
0401 20 99 500		12,44
0401 30 11 100		16,29
0401 30 11 400		25,72
0401 30 11 700		39,20
0401 30 19 100		16,29
0401 30 19 400		25,72
0401 30 19 700		39,20
0401 30 31 100		46,90
0401 30 31 400		73,85
0401 30 31 700		81,55
0401 30 39 100		46,90
0401 30 39 400		73,85
0401 30 39 700		81,55
0401 30 91 100		93,10
0401 30 91 400		137,37
0401 30 91 700		160,47
0401 30 99 100		93,10
0401 30 99 400		137,37
0401 30 99 700		160,47
0402 10 11 000		50,00
0402 10 19 000		50,00
0402 10 91 000		0,5000
0402 10 99 000		0,5000
0402 21 11 200		50,00
0402 21 11 300		86,71
0402 21 11 500		92,17
0402 21 11 900		100,00
0402 21 17 000		50,00
0402 21 19 300		86,71
0402 21 19 500		92,17
0402 21 19 900		100,00
0402 21 91 100		100,83
0402 21 91 200		101,62
0402 21 91 300		103,07
0402 21 91 400		111,43
0402 21 91 500		114,29
0402 21 91 600		125,18
0402 21 91 700		131,75
0402 21 91 900		139,03
0402 21 99 100		100,83

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0402 21 99 200		101,62
0402 21 99 300		103,07
0402 21 99 400		111,43
0402 21 99 500		114,29
0402 21 99 600		125,18
0402 21 99 700		131,75
0402 21 99 900		139,03
0402 29 15 200		0,5000
0402 29 15 300		0,8671
0402 29 15 500		0,9217
0402 29 15 900		1,0000
0402 29 19 200		0,5000
0402 29 19 300		0,8671
0402 29 19 500		0,9217
0402 29 19 900		1,0000
0402 29 91 100		1,0083
0402 29 91 500		1,1143
0402 29 99 100		1,0083
0402 29 99 500		1,1143
0402 91 11 110		4,55
0402 91 11 120		10,51
0402 91 11 310		17,83
0402 91 11 350		22,30
0402 91 11 370		27,65
0402 91 19 110		4,55
0402 91 19 120		10,51
0402 91 19 310		17,83
0402 91 19 350		22,30
0402 91 19 370		27,65
0402 91 31 100		21,87
0402 91 31 300		32,67
0402 91 39 100		21,87
0402 91 39 300		32,67
0402 91 51 000		25,72
0402 91 59 000		25,72
0402 91 91 000		93,10
0402 91 99 000		93,10
0402 99 11 110		0,0455
0402 99 11 130		0,1051
0402 99 11 150		0,1796
0402 99 11 310		20,57
0402 99 11 330		25,13
0402 99 11 350		34,08
0402 99 19 110		0,0455
0402 99 19 130		0,1051
0402 99 19 150		0,1796
0402 99 19 310		20,57
0402 99 19 330		25,13
0402 99 19 350		34,08
0402 99 31 110		0,2380
0402 99 31 150		35,55
0402 99 31 300		0,4690
0402 99 31 500		0,8155
0402 99 39 110		0,2380
0402 99 39 150		35,55
0402 99 39 300		0,4690

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0402 99 39 500		0,8155
0402 99 91 000		0,9310
0402 99 99 000		0,9310
0403 10 11 100		4,55
0403 10 11 300		7,63
0403 10 13 000		10,51
0403 10 19 000		16,29
0403 10 31 100		0,0455
0403 10 31 300		0,0763
0403 10 33 000		0,1051
0403 10 39 000		0,1629
0403 90 11 000		50,00
0403 90 13 000		50,00
0403 90 19 000		100,83
0403 90 31 000		0,5000
0403 90 33 000		0,5000
0403 90 39 000		1,0083
0403 90 51 100		4,55
0403 90 51 300		7,63
0403 90 53 000		10,51
0403 90 59 110		16,29
0403 90 59 140		25,72
0403 90 59 170		39,20
0403 90 59 310		46,90
0403 90 59 340		73,85
0403 90 59 370		81,55
0403 90 59 510		93,10
0403 90 59 540		137,37
0403 90 59 570		160,47
0403 90 61 100		0,0455
0403 90 61 300		0,0763
0403 90 63 000		0,1051
0403 90 69 000		0,1629
0404 90 11 100		50,00
0404 90 11 910		4,55
0404 90 11 950		17,83
0404 90 13 120		50,00
0404 90 13 130		86,71
0404 90 13 140		92,17
0404 90 13 150		100,00
0404 90 13 911		4,55
0404 90 13 913		10,51
0404 90 13 915		16,29
0404 90 13 917		25,72
0404 90 13 919		39,20
0404 90 13 931		17,83
0404 90 13 933		22,30
0404 90 13 935		27,65
0404 90 13 937		32,67
0404 90 13 939		34,19
0404 90 19 110		100,83
0404 90 19 115		101,62
0404 90 19 120		103,07
0404 90 19 130		111,43
0404 90 19 135		114,29

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0404 90 19 150		125,18
0404 90 19 160		131,75
0404 90 19 180		139,03
0404 90 19 900		—
0404 90 31 100		50,00
0404 90 31 910		4,55
0404 90 31 950		17,83
0404 90 33 120		50,00
0404 90 33 130		86,71
0404 90 33 140		92,17
0404 90 33 150		100,00
0404 90 33 911		4,55
0404 90 33 913		10,51
0404 90 33 915		16,29
0404 90 33 917		25,72
0404 90 33 919		39,20
0404 90 33 931		17,83
0404 90 33 933		22,30
0404 90 33 935		27,65
0404 90 33 937		32,67
0404 90 33 939		34,19
0404 90 39 110		100,83
0404 90 39 115		101,62
0404 90 39 120		103,07
0404 90 39 130		111,43
0404 90 39 150		114,29
0404 90 39 900		—
0404 90 51 100		0,5000
0404 90 51 910		0,0455
0404 90 51 950		20,57
0404 90 53 110		0,5000
0404 90 53 130		0,8671
0404 90 53 150		0,9217
0404 90 53 170		1,0000
0404 90 53 911		0,0455
0404 90 53 913		0,1051
0404 90 53 915		0,1629
0404 90 53 917		0,2572
0404 90 53 919		0,3920
0404 90 53 931		20,57
0404 90 53 933		25,13
0404 90 53 935		34,08
0404 90 53 937		35,55
0404 90 53 939		—
0404 90 59 130		1,0083
0404 90 59 150		1,1143
0404 90 59 930		0,5652
0404 90 59 950		0,8155
0404 90 59 990		0,9310
0404 90 91 100		0,5000
0404 90 91 910		0,0455
0404 90 91 950		20,57
0404 90 93 110		0,5000
0404 90 93 130		0,8671
0404 90 93 150		0,9217

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,0000
0404 90 93 911		0,0455
0404 90 93 913		0,1051
0404 90 93 915		0,1629
0404 90 93 917		0,2572
0404 90 93 919		0,3920
0404 90 93 931		20,57
0404 90 93 933		25,13
0404 90 93 935		34,08
0404 90 93 937		35,55
0404 90 93 939		—
0404 90 99 130		1,0083
0404 90 99 150		1,1143
0404 90 99 930		0,5652
0404 90 99 950		0,8155
0404 90 99 990		0,9310
0405 00 10 100		—
0405 00 10 200		128,54
0405 00 10 300		161,71
0405 00 10 500		165,85
0405 00 10 700		170,00
0405 00 90 100		170,00
0405 00 90 900		215,00
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	...	84,94
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	...	113,25
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	...	120,33
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	...	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
...	48,68	
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
...	71,42	

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	120,00
	404	—
	...	126,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 15 900		—

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	732	139,68
...	151,68	
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
...	135,35	
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
...	135,35	
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 31 159		—
0406 90 31 900		—
0406 90 33 111		—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 159		—
0406 90 33 911		—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 959		—
0406 90 35 110		—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
...	158,54	

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	...	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	151,00
	0406 90 75 100	
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	...	125,96
	0406 90 77 100	028
032		24,00
036		—
038		—
400		58,77
404		—
...		110,79

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	732	123,35
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
	0406 90 81 100	
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
	0406 90 83 100	
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	39,03
	404	—
	...	47,97
	0406 90 83 990	
0406 90 83 990	028	—
	032	—
	400	39,03
	404	—
	...	47,97
	0406 90 85 100	
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
...	135,35	
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	151,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	732	123,35
	...	135,35
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	732	123,35
	...	135,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	...	21,06
	0406 90 91 510	028
032		—
036		—
038		—
400		37,62
404		—
...		35,97
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	...	43,62
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		15,00
2309 10 15 300		20,00
2309 10 15 400		25,00
2309 10 15 500		30,00
2309 10 15 700		35,00

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		15,00
2309 10 19 300		20,00
2309 10 19 400		25,00
2309 10 19 500		30,00
2309 10 19 600		35,00
2309 10 19 700		37,50
2309 10 19 800		40,00
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		15,00
2309 10 70 200		20,00
2309 10 70 300		25,00
2309 10 70 500		30,00
2309 10 70 600		35,00
2309 10 70 700		40,00
2309 10 70 800		44,00
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		15,00
2309 90 35 300		20,00
2309 90 35 400		25,00
2309 90 35 500		30,00
2309 90 35 700		35,00
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		15,00
2309 90 39 300		20,00
2309 90 39 400		25,00
2309 90 39 500		30,00
2309 90 39 600		35,00
2309 90 39 700		37,50
2309 90 39 800		40,00
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		15,00
2309 90 70 200		20,00
2309 90 70 300		25,00
2309 90 70 500		30,00
2309 90 70 600		35,00
2309 90 70 700		40,00
2309 90 70 800		44,00
2309 90 70 900		—

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 3639/86 (OJ No L 336, 29. 11. 1986, p. 46).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by "".

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 768/90
of 29 March 1990
fixing the sluice-gate prices and levies for pigmeat

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 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Articles 8 and 12 (1) thereof,

Whereas sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2759/75, must be fixed in advance for each quarter in accordance with the methods of calculation laid down in Commission Regulation (EEC) No 1755/89 of 20 June 1989 fixing the levies and sluice-gate prices on pigmeat⁽³⁾;

Whereas, since sluice-gate prices and levies for pigmeat were last fixed by Commission Regulation (EEC) No 3930/89⁽⁴⁾ for the period 1 January to 31 March 1990, they must be fixed anew for the period 1 April to 30 June 1990; whereas such prices and levies should in principle be fixed by reference to feed grain prices for the period 1 October 1989 to 28 February 1990;

Whereas, when the sluice-gate price applicable from 1 October, 1 January and 1 April is being fixed, trends in world market prices for feed grain are to be taken into account only if the value of the quantity of feed grain required varies by at least a specified minimum in relation to that used in calculating the sluice-gate price for the preceding quarter; whereas this minimum was fixed by Regulation (EEC) No 2766/75 of the Council⁽⁵⁾, as last amended by Regulation (EEC) No 3906/87⁽⁶⁾, at 3 %;

Whereas the value of the quantity of feed grain varies by more than 3 % from that used for the preceding quarter; whereas trends in world market prices for feed grain must therefore be taken into account when fixing sluice-gate prices for the period 1 April to 30 June 1990;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, trends in world

market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is being fixed;

Whereas, since a new sluice-gate price has been fixed trends in world market prices for feed grain must be taken into account in fixing the levies;

Whereas, in the case of pigment products, in respect of which the rate of duty has been bound within GATT, the levies should be limited to the amounts resulting from that binding;

Whereas, by Council Regulation (EEC) No 3899/89 of 18 December 1989 reducing for 1990 the levies on certain agricultural products originating in developing countries⁽⁷⁾ and Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) or the overseas countries and territories (OCT)⁽⁸⁾, special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain pigmeat products;

Whereas Commission Regulation (EEC) No 616/86 of 28 February 1986 on the application of import levies on pigmeat products from Portugal⁽⁹⁾ suspended the application of import levies on pigmeat products from Portugal owing to the minimal difference between the prices obtaining in the Community on the one hand and in Portugal on the other hand; whereas the situation still pertains;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 April to 30 June 1990, the sluice-gate prices and the levies provided for in Articles

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 172, 21. 6. 1989, p. 8.

⁽⁴⁾ OJ No L 375, 23. 12. 1989, p. 78.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 25.

⁽⁶⁾ OJ No L 370, 30. 12. 1987, p. 11.

⁽⁷⁾ OJ No L 383, 30. 12. 1989, p. 125.

⁽⁸⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁹⁾ OJ No L 58, 1. 3. 1986, p. 45.

12 and 8 respectively of Regulation (EEC) No 2759/75 for the products specified in Article 1 (1) of that Regulation shall be as shown in the Annex.

2. Provided that, in the case of products falling within CN codes 0206 30 21, 0206 30 31, 0206 41 91, 0206 49 91, 1501 00 11, 1601 00 10, 1602 10 00, 1602 20 90 or 1602 90 10, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.

3. For imports from Portugal of products specified in paragraph 1 and in free circulation in that Member State,

application of the levies specified in paragraphs 1 and 2 shall be suspended.

Article 2

This Regulation shall enter into force on 1 April 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 March 1990 fixing the sluice-gate prices and levies on pigmeat

CN code	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
0103 91 10	80,94	45,08	—
0103 92 11	68,83	38,34	—
0103 92 19	80,94	45,08	—
0203 11 10	105,25	58,62	—
0203 12 11	152,61	84,99	—
0203 12 19	117,88	65,65	—
0203 19 11	117,88	65,65	—
0203 19 13	170,51	94,96	—
0203 19 15	91,57	51,00	—
0203 19 55	170,51	94,96	—
0203 19 59	170,51	94,96	—
0203 21 10	105,25	58,62	—
0203 22 11	152,61	84,99	—
0203 22 19	117,88	65,65	—
0203 29 11	117,88	65,65	—
0203 29 13	170,51	94,96 ⁽¹⁾	—
0203 29 15	91,57	51,00	—
0203 29 55	170,51	94,96 ⁽¹⁾	—
0203 29 59	170,51	94,96	—
0206 30 21	127,35	70,93	7
0206 30 31	92,62	51,58	4
0206 41 91	127,35	70,93	7
0206 49 91	92,62	51,58	4
0209 00 11	42,10	23,45	—
0209 00 19	46,31	25,79	—
0209 00 30	25,26	14,07	—
0210 11 11	152,61	84,99 ⁽¹⁾	—
0210 11 19	117,88	65,65	—
0210 11 31	296,81	165,30	—
0210 11 39	233,66	130,13	—
0210 12 11	91,57	51,00 ⁽¹⁾	—
0210 12 19	152,61	84,99	—
0210 19 10	134,72	75,03	—
0210 19 20	147,35	82,06	—
0210 19 30	117,88	65,65	—
0210 19 40	170,51	94,96 ⁽¹⁾	—
0210 19 51	170,51	94,96	—
0210 19 59	170,51	94,96	—
0210 19 60	233,66	130,13	—
0210 19 70	293,65	163,54	—
0210 19 81	296,81	165,30	—
0210 19 89	296,81	165,30	—
0210 90 31	127,35	70,93	—
0210 90 39	92,62	51,58	—
1501 00 11	33,68	18,76	3
1501 00 19	33,68	18,76	—
1601 00 10	147,35	99,30 ⁽²⁾	24
1601 00 91	247,34	170,14 ^{(1) (2)}	—

CN code	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
1601 00 99	168,40	112,95 ⁽¹⁾ ⁽²⁾	—
1602 10 00	117,88	86,44	26
1602 20 90	136,83	97,47	25
1602 41 10	257,86	179,68	—
1602 42 10	215,76	146,05	—
1602 49 11	257,86	186,05	—
1602 49 13	215,76	152,85	—
1602 49 15	215,76	150,49 ⁽¹⁾	—
1602 49 19	142,09	95,42 ⁽¹⁾	—
1602 49 30	117,88	84,97	—
1602 49 50	70,52	60,36	—
1602 90 10	136,83	97,47	26
1602 90 51	142,09	95,42	—
1902 20 30	70,52	65,17	—

⁽¹⁾ The levy on products originating in the developing countries and listed in the Annex to Regulation (EEC) No 3899/89 is reduced by 50 % within the limits of the fixed amounts referred to in that Annex.

⁽²⁾ The levy on products originating in the ACP States/OCT countries and listed in Article 8 of Regulation (EEC) No 715/90 reduced by 50 % within the limits of the quotas referred to in that Regulation.

NB: The CN codes and the footnotes are defined in amended Commission Regulation (EEC) No 2658/87 (OJ No L 256, 7. 9. 1987, p. 1).

COMMISSION REGULATION (EEC) No 769/90
of 29 March 1990
fixing the sluice-gate prices and levies for poultrymeat

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 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Articles 3 and 7 (1) thereof,

Whereas the sluice-gate prices and levies for the products specified in Article 1 (1) of Regulation (EEC) No 2777/75 must be fixed quarterly in advance in accordance with methods of calculation laid down in Council Regulation (EEC) No 2778/75 of 29 October 1975 laying down rules for calculating the levy and the sluice-gate price for poultrymeat⁽³⁾, as last amended by Regulation (EEC) No 3986/87⁽⁴⁾;

Whereas, since the sluice-gate prices and levies for poultrymeat were, by Commission Regulation (EEC) No 3931/89⁽⁵⁾, last fixed for the period 1 January to 31 March 1990, they must be fixed anew for the period 1 April to 30 June 1990; whereas such prices and levies should in principle be calculated by reference to feed-grain prices for the period 1 October 1989 to 28 February 1990;

Whereas, when the sluice-gate prices applicable from 1 October, 1 January and 1 April are being fixed, trends in world market prices for feed grain are to be taken into account only if the price of the quantity of feed grain required varies by at least a specified minimum in relation to that used to calculate the sluice-gate price for the preceding quarter; whereas, by Regulation (EEC) No 2778/75, this minimum was set at 3 %;

Whereas the price of the quantity of feed grain required varies by more than 3 % from that used for the preceding quarter; whereas this variation must accordingly be taken

into account in fixing sluice-gate prices for the period 1 April to 30 June 1990;

Whereas, when the levies applicable from 1 October, 1 January and 1 April are being fixed, changes in world market prices for feed grain should be taken into account only if at the same time a new sluice-gate price is fixed;

Whereas, since a new sluice-gate price has been fixed, changes in world market prices for feed grain must be taken into account in fixing the levies;

Whereas Commission Regulation (EEC) No 631/86 of 28 February 1986 on the application of import levies on products from Portugal and amending Regulation (EEC) No 177/86⁽⁶⁾ suspended the application of import levies on poultrymeat products from Portugal owing to the minimal difference between the prices obtaining in the Community on the one hand and in Portugal on the other; whereas that situation still pertains;

Whereas, by Council Regulations (EEC) No 3899/89 of 18 December 1989 reducing for 1990 the levies on certain agricultural products originating in developing countries⁽⁷⁾ and (EEC) 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) or the overseas countries and territories (OCT)⁽⁸⁾, special import arrangements were introduced involving a reduction to 50 % in levies within the framework of fixed amounts or annual quotas, in particular for certain poultry meat products;

Whereas Council Regulation (EEC) No 3898/89 of 18 December 1989 applying generalized tariff preferences for 1990 in respect of certain agricultural products originating in developing countries⁽⁹⁾ partially or totally suspends Common Tariff duties, in particular on certain poultry meat products;

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

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 84.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁵⁾ OJ No L 375, 23. 12. 1989, p. 82.

⁽⁶⁾ OJ No L 60, 1. 3. 1986, p. 11.

⁽⁷⁾ OJ No L 383, 30. 12. 1989, p. 125.

⁽⁸⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁹⁾ OJ No L 383, 30. 12. 1989, p. 90.

HAS ADOPTED THIS REGULATION:

Article 1

1. In respect of the products specified in Article 1 (1) of Regulation (EEC) No 2777/75, the levies provided for in Article 3 thereof and the sluice-gate prices provided for in Article 7 thereof shall be as shown in the Annex hereto.

2. However, in the case of products falling within CN codes 0207 31, 0207 39 90, 0207 50, 0210 90 71,

0210 90 79, 1501 00 90, 1602 31, 1602 39 19, 1602 39 30 and 1602 39 90, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.

3. For imports of products specified in paragraph 1 from Portugal, application of the levies specified in the Annex is suspended.

Article 2

This Regulation shall enter into force on 1 April 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 March 1990 fixing the sluice-gate prices and levies for poultrymeat⁽¹⁾

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 units	ECU/100 units	%
0105 11 00	23,06	5,90	—
0105 19 10	101,19	19,59	—
0105 19 90	23,06	5,90	—
	ECU/100 kg	ECU/100 kg	
0105 91 00	79,65	24,40	—
0105 99 10	91,88	36,74	—
0105 99 20	117,52	36,95	—
0105 99 30	105,83	27,88	—
0105 99 50	123,23	38,57	—
0207 10 11	100,08	30,65	—
0207 10 15	113,79	34,85	—
0207 10 19	123,99	37,97	—
0207 10 31	151,18	39,83	—
0207 10 39	165,72	43,66	—
0207 10 51	108,09	43,22	—
0207 10 55	131,25	52,48	—
0207 10 59	145,83	58,30 ⁽²⁾	—
0207 10 71	167,88	52,78	—
0207 10 79	159,36	56,02 ⁽²⁾	—
0207 10 90	176,04	55,10	—
0207 21 10	113,79	34,85	—
0207 21 90	123,99	37,97	—
0207 22 10	151,18	39,83	—
0207 22 90	165,72	43,66	—
0207 23 11	131,25	52,48	—
0207 23 19	145,83	58,30 ⁽²⁾	—
0207 23 51	167,88	52,78	—
0207 23 59	159,36	56,02 ⁽²⁾	—
0207 23 90	176,04	55,10	—
0207 31 00	1 678,80	527,80	3 ⁽³⁾
0207 39 11	294,76	99,71	—
0207 39 13	136,39	41,77	—
0207 39 15	95,11	30,98	—
0207 39 17	65,84	21,45	—
0207 39 21	187,75	57,50	—
0207 39 23	176,37	54,02	—
0207 39 25	292,64	95,32	—
0207 39 27	65,84	21,45	—
0207 39 31	317,48	83,64	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 39 33	182,29	48,03	—
0207 39 35	95,11	30,98	—
0207 39 37	65,84	21,45	—
0207 39 41	241,89	63,73	—
0207 39 43	113,39	29,87	—
0207 39 45	204,09	53,77	—
0207 39 47	292,64	95,32	—
0207 39 51	65,84	21,45	—
0207 39 53	334,66	117,64 (?)	—
0207 39 55	294,76	99,71	—
0207 39 57	160,41	64,13	—
0207 39 61	175,30	61,62 (?)	—
0207 39 63	193,64	60,61	—
0207 39 65	95,11	30,98 (?)	—
0207 39 67	65,84	21,45 (?)	—
0207 39 71	239,04	84,03 (?)	—
0207 39 73	187,75	57,50	—
0207 39 75	231,07	81,23 (?)	—
0207 39 77	176,37	54,02	—
0207 39 81	203,43	75,95 (?)	—
0207 39 83	292,64	95,32	—
0207 39 85	65,84	21,45	—
0207 39 90	168,27	54,81	10
0207 41 10	294,76	99,71	—
0207 41 11	136,39	41,77	—
0207 41 21	95,11	30,98	—
0207 41 31	65,84	21,45	—
0207 41 41	187,75	57,50	—
0207 41 51	176,37	54,02	—
0207 41 71	292,64	95,32	—
0207 41 90	65,84	21,45	—
0207 42 10	317,48	83,64	—
0207 42 11	182,29	48,03	—
0207 42 21	95,11	30,98	—
0207 42 31	65,84	21,45	—
0207 42 41	241,89	63,73	—
0207 42 51	113,39	29,87	—
0207 42 59	204,09	53,77	—
0207 42 71	292,64	95,32	—
0207 42 90	65,84	21,45	—
0207 43 11	334,66	117,64 (?)	—
0207 43 15	294,76	99,71	—
0207 43 21	160,41	64,13	—
0207 43 23	175,30	61,62 (?)	—

CN code	Sluice-gate price	Levy	Conventional rate of duty
	ECU/100 kg	ECU/100 kg	%
0207 43 25	193,64	60,61	—
0207 43 31	95,11	30,98 ^(?)	—
0207 43 41	65,84	21,45 ^(?)	—
0207 43 51	239,04	84,03 ^(?)	—
0207 43 53	187,75	57,50	—
0207 43 61	231,07	81,23 ^(?)	—
0207 43 63	176,37	54,02	—
0207 43 71	203,43	75,95 ^(?)	—
0207 43 81	292,64	95,32	—
0207 43 90	65,84	21,45	—
0207 50 10	1 678,80	527,80	3 ^(?)
0207 50 90	168,27	54,81	10
0209 00 90	146,32	47,66	—
0210 90 71	1 678,80	527,80	3
0210 90 79	168,27	54,81	10
1501 00 90	175,58	57,19	18
1602 31 11	302,36	79,66	17
1602 31 19	321,90	104,85	17
1602 31 30	175,58	57,19	17
1602 31 90	102,42	33,36	17
1602 39 11	290,22	99,22	—
1602 39 19	321,90	104,85	17
1602 39 30	175,58	57,19	17
1602 39 90	102,42	33,36	17

⁽¹⁾ The levy on products covered by CN codes 0207, 1602 31 and 1602 39 originating in the ACP/OCT countries and listed in Article 6 of Regulation (EEC) No 715/90 is reduced by 50 % within the limits of the quotas referred to in that Regulation.

⁽²⁾ The levy on such products originating in the developing countries and listed in the Annex to Regulation (EEC) No 3899/89 is reduced by 50 % within the limits of the fixed amounts referred to in that Annex.

⁽³⁾ The Common Customs Tariff duties on these products originating in the developing countries and listed in Regulation (EEC) No 3898/89 are suspended and no levy is to be collected.

COMMISSION REGULATION (EURATOM) No 770/90

of 29 March 1990

laying down maximum permitted levels of radioactive contamination of feedingstuffs following a nuclear accident or any other case of radiological emergency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (Euratom) No 3954/87 of 22nd December 1987 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency⁽¹⁾, as amended by Regulation (Euratom) No 2218/89⁽²⁾, and in particular Article 7 thereof,

Whereas, in accordance with Regulation (Euratom) No 3954/87, the Commission shall adopt maximum levels of radioactive contamination to be applied to feedingstuffs;

Whereas the group of experts appointed by the Scientific and Technical Committee pursuant to Article 31 of the Euratom Treaty, has been consulted;

Whereas consideration of the relative quantities of individual radionuclides liable to be released in the event of a nuclear accident in conjunction with their half-lives and

transfer from feedingstuffs to animal produce leads to the conclusion that maximum permitted levels of radioactive contamination of feedingstuffs are needed only for the caesium isotopes;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the *ad hoc* Committee instituted by Regulation (Euratom) No 3954/87,

HAS ADOPTED THIS REGULATION:

Article 1

Maximum permitted levels of radioactive contamination of feedingstuffs are set out in the Annex.

Article 2

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

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

Done at Brussels, 29 March 1990.

For the Commission

Carlo RIPA DI MEANA

Member of the Commission

⁽¹⁾ OJ No L 371, 30. 12. 1987, p. 11.

⁽²⁾ OJ No L 211, 22. 7. 1989, p. 1.

ANNEX

Maximum permitted levels of radioactive contamination (caesium-134 and caesium-137) of feedingstuffs

Animal	Bq/kg ⁽¹⁾ ⁽²⁾
Pigs	1 250
Poultry, lambs, calves	2 500
Other	5 000

⁽¹⁾ These levels are intended to contribute to the observance of the maximum permitted levels for foodstuffs; they do not alone guarantee such observance in all circumstances and do not lessen the requirement for monitoring contamination levels in animal products destined for human consumption.

⁽²⁾ These levels apply to feedingstuffs as ready for consumption.

COMMISSION REGULATION (EEC) No 771/90

of 29 March 1990

amending Regulation (EEC) No 1546/88 laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation (EEC) No 804/68

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 3879/89⁽²⁾, and in particular Article 5c (7) thereof,

Whereas producers are likely to receive additional or special reference quantities pursuant to Article 3b of Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector⁽³⁾, as last amended by Regulation (EEC) No 3880/89⁽⁴⁾; whereas Article 14 (1) of Commission Regulation (EEC) No 1546/88⁽⁵⁾, as last amended by Regulation (EEC) No 652/90⁽⁶⁾, should be supplemented accordingly,

Whereas Article 16 (1) of Regulation (EEC) No 1546/88 determines the time limit within which the producers concerned must state the type and quantity of direct sales effected during each 12-month period; whereas experience shows that where that time limit is not met by the producer, the Member States which have opted for the application of Article 16 (3) encounter difficulties in establishing the amount of any levy due, notifying it to the producer and collecting it within the period laid down;

whereas provision should accordingly be made for the possibility of Member States' imposing on the producers concerned a shorter period for declaring direct sales effected;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1546/88 is hereby amended as follows:

1. In Article 14 (1) (b), 'Articles 2, 3, 3a, 4 and 7' is replaced by 'Articles 2, 3, 3a, 3b, 4 and 7'.
2. The following text is added to the first subparagraph of Article 16 (1):

'However, the Member State may fix an earlier date for the forwarding of the statement.'

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, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(¹) OJ No L 148, 28. 6. 1968, p. 13.
(²) OJ No L 378, 27. 12. 1989, p. 1.
(³) OJ No L 90, 1. 4. 1984, p. 13.
(⁴) OJ No L 378, 27. 12. 1989, p. 3.
(⁵) OJ No L 139, 4. 6. 1988, p. 12.
(⁶) OJ No L 71, 17. 3. 1990, p. 14.

COMMISSION REGULATION (EEC) No 772/90
of 29 March 1990
amending Regulation (EEC) No 2775/88 laying down detailed rules for the
application of Article 5a of Council Regulation (EEC) No 729/70

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EEC) No 2048/88 ⁽²⁾, and in particular to Article 5a thereof,

Whereas the re-examination of the existing situation in the Community as far as interest rates are concerned, shows a growing evolution requiring an adjustment of the rate laid down by Commission Regulation (EEC) No 2775/88 ⁽³⁾, as last amended by Regulation (EEC) No 1019/89 ⁽⁴⁾;

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

Done at Brussels, 29 March 1990.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the European Agricultural Guidance and Guarantee Fund Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2775/88 is amended as follows:

1. In Article 1 (1), '7,7 %' is replaced by '8,8 %'.
2. In Article 2 (1), '(0,077)' is replaced by '(0,088)'. ...
3. In Article 2 (2), '0,009892' is replaced by '0,0113'.

Article 2

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

It shall apply to expenditures financed for fiscal year 1990 and the following years.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽³⁾ OJ No L 249, 8. 9. 1988, p. 8.

⁽⁴⁾ OJ No L 109, 20. 4. 1989, p. 18.

COMMISSION REGULATION (EEC) No 773/90

of 29 March 1990

altering the entry price for tomatoes originating in Morocco and the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3488/89 of 21 November 1989 laying down the method of decision for certain provisions laid down for agricultural products in the framework of the Mediterranean agreements⁽¹⁾, and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 1391/87 of 18 May 1987 concerning certain adjustments to the arrangements applied to the Canary Islands⁽²⁾, and in particular Article 8 thereof,

Whereas, in accordance with the agreements concluded with various Mediterranean third countries, the Community may decide to alter the entry price for certain fruit and vegetables originating in such countries, taking account of the annual reviews of trade flows by product and country pursuant to Council Regulation (EEC) No 451/89 of 20 February 1989 concerning the procedure to be applied to certain agricultural products originating in various Mediterranean third countries⁽³⁾;

Whereas, in accordance with Article 8 (2) of Regulation (EEC) No 1391/87, the Commission is to decide whether the entry price of tomatoes originating in the Canary Islands should be altered in 1990 in the light of relevant factors regarding the objective of maintaining traditional patterns of export trade in the context of enlargement of the Community;

Whereas an examination of the prospects for export flows from Morocco and the Canary Islands in the light of the overall trend on the Community market points to the need to alter the entry price for tomatoes;

Whereas the alteration of the entry price must relate to the amount to be deducted for customs duties from the representative prices recorded in the Community for the calculation of the entry price of tomatoes as provided for in Article 24 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽⁴⁾, as last amended by Regulation (EEC) No 1119/89⁽⁵⁾; whereas a reduction of one sixth is likely to achieve this objective; whereas such a reduction

must apply from 1 April 1990 to the end of May 1990 for Moroccan tomatoes and during the period of application of the reference price system for tomatoes from the Canary Islands within the limit of specified quantities, in accordance with the Mediterranean agreements and Regulation (EEC) No 1391/87;

Whereas, in order to ensure that the system is effective, the trend in imports of such products must be monitored; whereas imports of Moroccan tomatoes should therefore be subject to Community surveillance, imports of tomatoes from the Canary Islands being subject to statistical monitoring in the framework of the management of the tariff quota;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of calculating the entry price provided for in Article 24 (3) of Regulation (EEC) No 1035/72 for fresh tomatoes originating in Morocco and the Canary Islands, the amount to be deducted for customs duties from the representative prices recorded shall be reduced by one sixth during the periods and within the limit of the quantities specified in the Annex hereto.

Article 2

1. Imports of tomatoes originating in Morocco shall be subject to Community surveillance.
2. Quantities shall be set against the ceilings as and when the products have been released for free circulation, accompanied by a movement certificate.

Products may be set against a ceiling only if the movement certificate is presented before the date from which these preferential arrangements no longer apply.

The extent to which a ceiling is used up shall be determined at Community level on the basis of the imports set against it in the manner specified in the first and second subparagraphs.

Member States shall inform the Commission, at the intervals and within the time limits specified in paragraph 4, of imports effected in accordance with the above procedures.

⁽¹⁾ OJ No L 340, 23. 11. 1989, p. 2.

⁽²⁾ OJ No L 133, 22. 5. 1987, p. 5.

⁽³⁾ OJ No L 52, 24. 2. 1989, p. 7.

⁽⁴⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁵⁾ OJ No L 118, 29. 4. 1989, p. 12.

3. As soon as a ceiling has been reached, the Commission shall inform the Member States of the date from which these preferential arrangements cease to apply.

4. Member States shall send the Commission statements of the quantities set against a ceiling for periods of 10 days, to be forwarded within five days from the end of each 10-day period.

5. The Commission may take the requisite administrative measures to adapt the administrative procedures set out in subparagraphs 2, 3 and 4.

Article 3

Imports of tomatoes originating in the Canary Islands shall be subject to the Community surveillance intro-

duced for the management of the annual tariff quota provided for in Article 2 of Regulation (EEC) No 1391/87.

Article 4

The Member States and the Commission shall cooperate closely to ensure that this Regulation is applied.

Article 5

This Regulation shall enter into force on 1 April 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Product		Third country concerned	Period of application of the alteration	Quantity concerned (tonnes)
CN code	Description			
0702 00	Tomatoes, fresh or chilled	Morocco	April 1990 May 1990	15 000 10 000
		Canary Islands	1 April to 20 December 1990	Limited by a tariff quota of 173 000

COMMISSION REGULATION (EEC) No 774/90

of 29 March 1990

**fixing advance payments in respect of the production levies in the sugar sector
for the 1989/90 marketing year**

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

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 1069/89 ⁽²⁾, and in particular Article 28 (8) thereof,

Whereas Article 5 of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector ⁽³⁾, as last amended by Regulation (EEC) No 1964/88 ⁽⁴⁾, provides for the fixing before 1 April, and the collection before the following 1 June, of the unit amounts to be paid by sugar producers and isoglucose producers as advance payments of the production levies for the current marketing year; whereas the estimate of the basic production levy and of the B levy, referred to in Article 6 of Regulation (EEC) No 1443/82, gives an amount which is more than 60 % of the maximum amounts indicated in Article 28 (3), (4) and (5) of Regulation (EEC) No 1785/81; whereas, in accordance with Article 6 of Regulation (EEC) No 1443/82, the unit amounts for sugar should therefore be fixed at 50 % of the maximum amounts concerned and for isoglucose the unit amount of the advance payment should therefore be fixed at 40 % of the unit amount of the basic production levy estimated for sugar;

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

HAS ADOPTED THIS REGULATION:

Article 1

The unit amounts referred to in Article 5 (1)(b) of Regulation (EEC) No 1443/82 in respect of the 1989/90 marketing year are hereby fixed as follows:

- (a) the advance payment of the basic production levy for A sugar and B sugar shall be ECU 0,531 per 100 kilograms of white sugar;
- (b) the advance payment of the B levy for B sugar shall be ECU 9,956 per 100 kilograms of white sugar;
- (c) the advance payment of the basic production levy for A isoglucose and B isoglucose shall be ECU 0,425 per 100 kilograms of dry matter.

Article 2

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

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 158, 9. 6. 1982, p. 17.

⁽⁴⁾ OJ No L 173, 5. 7. 1988, p. 10.

COMMISSION REGULATION (EEC) No 775/90
of 29 March 1990

amending Regulation (EEC) No 2776/88 on data to be sent by the Member States with a view to the booking of expenditure financed under the Guarantee Section of the Agricultural Guidance and Guarantee Fund (EAGGF)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the *Traité* establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EEC) No 2048/88 ⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, pursuant to Article 3 (1) of Commission Regulation (EEC) No 2776/88 ⁽³⁾, as amended by Regulation (EEC) No 2735/89 ⁽⁴⁾, the Member States notify to the Commission each week the total expenditure effected from the beginning of the month to the end of the preceding week and notify each month, pursuant to point (a) of Article 3 (6) of the same Regulation, expenditure estimates for the current and the two following months; whereas it is necessary, if budgetary expenditure is to be monitored properly, to receive all required information explaining payment trends which obviously diverge from the forecasts;

Whereas the last subparagraph in point (a) of Article 5 (2) of Regulation (EEC) No 729/70 stipulates that expenditure for October is to be charged to that month if effected from 1 to 15 October; whereas the Member States should, as is the case for the other months, notify expenditure effected for that period within 10 days of its end;

Whereas Article 10 (6) of Commission Regulation (EEC) No 3813/89 of 19 December 1989 laying down detailed rules for the application of the system of transitional aids to agricultural income ⁽⁵⁾ stipulates that if the Member State makes use of capitalization facilities the Community contribution is to be established on the basis of the annual sums that would have been due had the payments been made on a non-capitalized basis;

Whereas Article 9 (7) of Regulation (EEC) No 2776/88 provides that the amounts arising from corrections effected by the Commission to data referred to in Article 6 of that Regulation are to be declared for the month in which the decision was taken; whereas it has been found

that the time limit allowed makes the execution of decisions taken at the end of a month difficult; whereas the time limit should therefore be adjusted;

Whereas Regulation (EEC) No 2776/88 should therefore be amended;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the EAGGF Committee;

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2776/88 is hereby amended as follows:

1. Article 3 (1) is replaced by the following:

'1. Not later than the second working day of each week, the Member States shall telecopy to the Commission:

- details of total expenditure effected from the beginning of the month until the end of the preceding week,
- all information explaining payment trends which obviously diverge from the forecasts which were communicated by applying paragraph 5.'

2. The following subparagraph is added to Article 3 (3):

'However, expenditure effected between 1 and 15 October shall be notified by 25 October at the latest.'

3. The following subparagraph (ba) is added to Article 9 (2):

'(ba) for the amounts referred to in Article 10 (6) of Commission Regulation (EEC) No 3813/89 ⁽⁶⁾:

- for expenditure to be booked under the first year, the date of which the capitalized payments were made,
- for expenditure to be booked under following years, the sixth month of the financial year;

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 185, 15. 7. 1988, p. 1.

⁽³⁾ OJ No L 249, 8. 9. 1988, p. 9.

⁽⁴⁾ OJ No L 263, 9. 9. 1989, p. 17.

⁽⁵⁾ OJ No L 371, 20. 12. 1989, p. 17.

⁽⁶⁾ OJ No L 371, 20. 12. 1989, p. 17.'

4. Article 9 (7) is replaced by the following:

ments or agencies during the month specified in the said decision.'

'7. However, corrections effected by the Commission to data referred to in Article 6 concerning the full year shall be indicated in an annex to a decision relating to advances and shall be booked by the depart-

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, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

**COMMISSION REGULATION (EEC) No 776/90
of 29 March 1990**

laying down certain additional rules for the application of the supplementary trade mechanism to fruit and vegetables as regards tomatoes, lettuce, broad-leaf endives, carrots, artichokes, table grapes, melons and strawberries

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 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables⁽¹⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 816/89⁽²⁾ establishes the list of products subject to the supplementary mechanism applicable to trade in fruit and vegetables from 1 January 1990; whereas those products include tomatoes, lettuce, broad-leaf endives, carrots, artichokes, table grapes, melons and strawberries;

Whereas Commission Regulation (EEC) No 3944/89⁽³⁾, as amended by Regulation (EEC) No 245/90⁽⁴⁾, lays down the detailed rules for applying the supplementary trade mechanism (hereinafter referred to as the 'STM') to fresh fruit and vegetables;

Whereas Commission Regulation (EEC) No 527/90⁽⁵⁾ determines for the abovementioned products a period I, within the meaning of Article 2 of Regulation (EEC) No 3210/89, for the month of March 1990; whereas the outlook for Spanish consignments to the rest of the Community market, excepting Portugal, and the market situation, indicate that a period I should be determined for all the products mentioned above excepting strawberries for the month of April 1990; whereas, as regards strawberries, on the basis of the abovementioned criteria a period III should be determined for that product for the month of April; whereas indicative ceilings should be determined pursuant to Article 3 of Regulation (EEC) No 3210/89 for very short periods given the sensitivity of this product;

Whereas it should be stipulated that the provisions of Regulation (EEC) No 3944/89 relating to statistical moni-

toring, to the use of exit documents for Spanish consignments and to the various communications from the Member States apply in order to ensure that the STM operates;

Whereas the need for accurate information, particularly during the launching phase of the STM, justifies communications to the Commission on the statistical monitoring of trade at more frequent intervals;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For tomatoes covered by CN code 0702 00 10, cabbage lettuce covered by CN code 0705 11 10, lettuce other than cabbage lettuce covered by CN code 0705 19 00, broad-leaf endives covered by CN code ex 0705 29 00, carrots covered by CN code ex 0706 10 00, artichokes covered by CN code 0709 10 00, table grapes covered by CN code 0806 10 15 and melons covered by CN code 0807 10 90, the periods provided for in Article 2 of Regulation (EEC) No 3210/89 shall be as set out in the Annex hereto.

2. For strawberries covered by CN code 0810 10 90:

- the indicative ceilings provided for in Article 83 (1) of the Act of Accession, and
- the periods provided for in Article 2 of Regulation (EEC) No 3210/89 shall be as set out in the Annex hereto.

Article 2

1. For consignments from Spain to the rest of the Community market, with the exception of Portugal, of the products referred to in Article 1, the provisions of Regulation (EEC) No 3944/89, with the exception of Articles 5 and 7 thereof, shall apply.

However, the notification provided for in Article 2 (2) of that Regulation shall be made each Tuesday at the latest in respect of quantities consigned during the preceding week.

⁽¹⁾ OJ No L 312, 27. 10. 1989, p. 6.

⁽²⁾ OJ No L 86, 31. 3. 1989, p. 35.

⁽³⁾ OJ No L 379, 28. 12. 1989, p. 20.

⁽⁴⁾ OJ No L 27, 31. 1. 1990, p. 14.

⁽⁵⁾ OJ No L 53, 1. 3. 1990, p. 87.

2. The notifications provided for in the first paragraph of Article 9 of Regulation (EEC) No 3944/89 for products subject to a period II or to a period III shall be forwarded to the Commission on Tuesday each week at the latest in respect of the preceding week.

During the application of a period I, those notifications shall be made once a month, on the fifth day of each month at the latest in respect of data from the preceding

month; where appropriate, that notification shall bear the word 'nil'.

Article 3

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

It shall apply from 2 April 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Determination of the periods provided for in Article 2 of Regulation (EEC) No 3210/89 and the ceilings provided for in Article 83 of the Act of Accession

Period from 2 to 29 April

Description of product	CN code	Period
Tomatoes	0702 00 10	I
Cabbage lettuce	0705 11 90	I
Lettuce other than cabbage lettuce	0705 19 00	I
Broad-leaf endives	ex 0705 29 00	I
Carrots	ex 0706 10 00	I
Artichokes	0709 10 00	I
Table grapes	0806 10 15	I
Melons	0807 10 90	I

Description of product	CN code	Indicative ceiling (tonnes)	Period
Strawberries	0810 10 90	2 — 8. 4. 1990 : 11 000	III
		9 — 15. 4. 1990 : 9 000	III
		16 — 22. 4. 1990 : 12 000	III
		23 — 29. 4. 1990 : 12 000	III

COMMISSION REGULATION (EEC) No 777/90
of 29 March 1990

**derogating for the 1989/90 wine year from the producers' requirement to notify
the quantities of table wine they must deliver for compulsory distillation**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine⁽¹⁾, as last amended by Regulation (EEC) No 388/90⁽²⁾, and in particular Article 39 (11) thereof,

Whereas Commission Regulation (EEC) No 117/90⁽³⁾ opens compulsory distillation of table wine as provided for in Article 39 of Regulation (EEC) No 822/87 for the 1989/90 wine year; whereas the percentages of table wine production to be delivered for such distillation by each producer subject to compulsory distillation were fixed on 27 February 1990 by Commission Regulation (EEC) No 488/90⁽⁴⁾;

Whereas, in accordance with Article 10 (1) of Commission Regulation (EEC) No 441/88 of 17 February 1988 laying down detailed rules for applying compulsory distillation as referred to in Article 39 of Council Regulation (EEC) No 822/87⁽⁵⁾, as last amended by Regulation (EEC) No 467/90⁽⁶⁾, producers are required to notify the competent authorities by 31 March 1990 at the latest of the quantities of table wine which they must deliver for such distillation;

Whereas it will be impossible for administrative reasons to adopt the provisions governing such notification in certain countries in sufficient time for producers to be able to calculate, under normal conditions, the quantities covered by their obligation and to notify the same within the time limit laid down;

Whereas, in certain cases, the competent national authorities must themselves notify the producers by 31 March 1990 of the quantities which they must deliver; whereas the factors for the calculation of those quantities were decided on 27 February only; whereas, in view of the major number of notifications, the period available to the authorities is likely to be inadequate;

Whereas, so that compulsory distillation may be carried out under satisfactory conditions and may achieve its objectives, provision should be made, for the current marketing year, for producers to make the abovementioned notification by 28 April 1990 and for notifications to be made by the competent authorities by 15 April 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1989/90 wine year and by way of derogation from Article 10 (1) and (2) of Regulation (EEC) No 441/88:

- producers subject to compulsory distillation as provided for in Article 39 of Regulation (EEC) No 822/87 who have submitted the production declaration referred to in Commission Regulation (EEC) No 3929/87⁽⁷⁾ shall calculate, pursuant to Article 8 of Regulation (EEC) No 441/88, the quantities which they must deliver for distillation and shall notify the result by 28 April 1990 at the latest to the intervention agency or to any other competent authority in the Member State,
- where the competent authorities themselves carry out the calculation and notify, pursuant to Article 8 of Regulation (EEC) No 441/88, certain categories of producers of the quantities to be delivered by each of them, notification shall be made by 15 April 1990 at the latest.

Article 2

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

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 42, 12. 2. 1990, p. 9.

⁽³⁾ OJ No L 14, 18. 1. 1990, p. 10.

⁽⁴⁾ OJ No L 52, 28. 2. 1990, p. 8.

⁽⁵⁾ OJ No L 45, 18. 2. 1988, p. 15.

⁽⁶⁾ OJ No L 48, 24. 2. 1990, p. 29.

⁽⁷⁾ OJ No L 369, 29. 12. 1987, p. 59.

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

Done at Brussels, 29 March 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

COMMISSION REGULATION (EEC) No 778/90
of 29 March 1990
fixing the export refunds on olive oil

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 No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3(1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3(1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3(1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾;

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal ; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 March 1990 fixing the export refunds on olive oil

Product code	Amount of refund (1)
1509 10 90 100	63,49
1509 10 90 900	99,50
1509 90 00 100	72,00
1509 90 00 900	105,09
1510 00 90 100	15,39
1510 00 90 900	47,66

(1) For destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1), as well as for exports to third countries.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 779/90
of 29 March 1990

fixing the maximum export refunds on olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89

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

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2902/89 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3246/89 ⁽⁴⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3246/89 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 March 1990.

Article 2

This Regulation shall enter into force on 1 April 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 314, 28. 10. 1989, p. 48.

ANNEX

to the Commission Regulation of 29 March 1990 fixing the maximum export refunds on olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 100	65,00
1509 10 90 900	104,50
1509 90 00 100	74,02
1509 90 00 900	110,09
1510 00 90 100	17,00
1510 00 90 900	—

NB: The products codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 780/90

of 29 March 1990

fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 ⁽²⁾, as last amended by Regulation (EEC) No 1075/89 ⁽³⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89 whereas it is necessary therefore for the Commission to fix, for the week beginning 5 March 1990, the level of the premium and the amount to be charged on products leaving that region;

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

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

Whereas in the Annex to Commission Regulation (EEC) No 3618/89 of 1 December 1989 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat ⁽⁴⁾ the weekly amounts of the guide level are set out pursuant to Article 25 of Regulation (EEC) No 3013/89;

Whereas, pursuant to the provisions of Article 24 (2) and (3) of Regulation (EEC) No 3013/89, for the week beginning 5 March 1990, the variable slaughter premium for

sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 2 February 1988 in Case 61/86, the provisions of Article 9 (5) of Regulation (EEC) No 3013/89 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 12, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions;

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 1, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89, for the variable slaughter premium during the week beginning 5 March 1990, the level of the premium is fixed at ECU 42,427 per 100 kilograms of estimated or actual dressed carcass weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 which left the territory of region 1 during the week beginning 5 March 1990, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 5 March 1990.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽³⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁴⁾ OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 March 1990 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 (1)
	Live weight	Live weight
0104 10 90	19,941	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	42,427	0
0204 21 00	42,427	0
0204 50 11		0
0204 22 10	29,699	
0204 22 30	46,670	
0204 22 50	55,155	
0204 22 90	55,155	
0204 23 00	77,217	
0204 30 00	31,820	
0204 41 00	31,820	
0204 42 10	22,274	
0204 42 30	35,002	
0204 42 50	41,366	
0204 42 90	41,366	
0204 43 00	57,912	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	55,155	
0210 90 19	77,217	
1602 90 71 :		
— unboned (bone-in)	55,155	
— boned or boneless	77,217	

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

COMMISSION REGULATION (EEC) No 781/90
of 29 March 1990
adjusting the agricultural conversion rates for the pigmeat sector in Greece

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

as to avoid the creation of new monetary compensatory amounts ;

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts⁽¹⁾, as amended by Regulation (EEC) No 3063/89⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Article 6a of Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture⁽³⁾, as last amended by Regulation (EEC) No 1889/87⁽⁴⁾, lays down that the agricultural conversion rates of a Member State should be adjusted so

Whereas the movement of the market rate for the Greek drachma during the reference period 21 to 27 March 1990 should, given the adjustment of the agricultural conversion rate determined by Council Regulation (EEC) No 1678/85⁽⁵⁾, as last amended by Commission Regulation (EEC) No 631/90⁽⁶⁾, entail, in accordance with Article 2 of Commission Regulation (EEC) No 3153/85⁽⁷⁾, as last amended by Regulation (EEC) No 3672/89⁽⁸⁾, an increase in the monetary compensatory amounts applicable in the pigmeat sector in Greece effective from 2 April 1990 ; whereas in order to prevent this it is necessary to adjust the agricultural conversion rate so as to prevent the creation of these new monetary compensatory amounts having regard to the criteria in Article 7 of Regulation (EEC) No 3578/88,

HAS ADOPTED THIS REGULATION :

Article 1

In Annex IV to Regulation (EEC) No 1678/85, the line relating to pigmeat is hereby replaced by the following :

Products	Agricultural conversion rates			
	ECU 1 = Dr...	Applicable until	ECU 1 = Dr...	Applicable from
'Pigmeat	215,259	1 April 1990	218,099	2 April 1990'

Article 2

This Regulation shall enter into force on 2 April 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 312, 18. 11. 1988, p. 16.
⁽²⁾ OJ No L 293, 12. 10. 1989, p. 34.
⁽³⁾ OJ No L 164, 24. 6. 1985, p. 6.
⁽⁴⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 11.
⁽⁶⁾ OJ No L 69, 16. 3. 1990, p. 24.
⁽⁷⁾ OJ No L 310, 21. 11. 1985, p. 4.
⁽⁸⁾ OJ No L 358, 8. 12. 1989, p. 28.

COMMISSION REGULATION (EEC) No 782/90
of 29 March 1990
amending Regulation (EEC) No 228/90 introducing a countervailing charge on
fresh lemons originating in Turkey

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

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1119/89 ⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 228/90 ⁽³⁾, as last amended by Regulation (EEC) No 671/90 ⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Turkey;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced 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 fresh lemons originating in Turkey must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 228/90, 'ECU 35,14' is hereby replaced by 'ECU 31,83'.

Article 2

This Regulation shall enter into force on 30 March 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.
⁽³⁾ OJ No L 22, 27. 1. 1990, p. 72.
⁽⁴⁾ OJ No L 73, 20. 3. 1990, p. 27.

COMMISSION REGULATION (EEC) No 783/90
of 29 March 1990
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽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 1920/89 ⁽³⁾, as last amended by Regulation (EEC) No 750/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 March 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 13.

⁽⁴⁾ OJ No L 82, 29. 3. 1990, p. 28.

ANNEX

to the Commission Regulation of 29 March 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	28,62 ⁽¹⁾
1701 11 90	28,62 ⁽¹⁾
1701 12 10	28,62 ⁽¹⁾
1701 12 90	28,62 ⁽¹⁾
1701 91 00	32,81
1701 99 10	32,81
1701 99 90	32,81 ⁽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 (OJ No L 151, 30. 6. 1968, p. 42).

⁽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 784/90

of 29 March 1990

fixing the reducing coefficient for agricultural prices in the 1990/91 marketing year as a result of the monetary realignment of 5 January 1990 and amending the prices and amounts fixed in ecus for that marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 1889/87 ⁽²⁾, and in particular Article 6 (3) thereof,

Whereas Article 6 of Regulation (EEC) No 1677/85 provides for the gradual and automatic dismantlement of negative monetary gaps created between two realignments within the European Monetary System; whereas such dismantlement involves, in particular, the adjustment of the agricultural conversion rates in such a way as to eliminate, at the beginning of the marketing year which follows the realignment, 25 % of any newly created transferred monetary gaps; whereas, in accordance with paragraphs 3 and 4 of the said Article, the prices fixed in ecus and, as far as the need arises, the amounts fixed in ecus under the common agricultural policy are reduced during the dismantling stage in question so as to neutralize the increase in prices in national currency which arises as a result of the adjustment of the agricultural conversion rates;

Whereas the prices fixed in ecus are to be divided by the coefficient reducing agricultural prices referred to in Article 5 of Commission Regulation (EEC) No 3578/88 of 17 November 1988 laying down detailed rules for the application of the system for the automatic dismantlement of negative monetary compensatory amounts ⁽³⁾, as last amended by Regulation (EEC) No 747/90 ⁽⁴⁾; whereas that coefficient should be fixed; whereas a similar adjustment is necessary for certain amounts fixed in ecus pursuant to Article 6 (4) (b) of Regulation (EEC) No 1677/85; whereas, however, to avoid distortion of the market, account should be taken of the provisions of Community regulations regarding the calculation of the prices and the amounts in question;

Whereas prices and amounts fixed in ecus which depend directly on other prices fixed in ecus are directly or indirectly affected by the fall in the latter; whereas the relationships established between those prices or amounts should be respected in the framework of the market organizations;

Whereas the prices and amounts in ecus which are fixed with reference to the prices recorded on the market are

either indirectly affected by the repercussions of the drop in other prices fixed in ecus, or directly linked to the world market situation; whereas in order to avoid undue reductions and to maintain the representativeness of these prices or amounts in relation to the market, they should not be considered as prices fixed in ecus within the meaning of Article 6 (3) of Regulation (EEC) No 1677/85, and the coefficient reducing agricultural prices should not be applied to those prices and amounts;

Whereas the measures provided for in Article 6 (3) of Regulation (EEC) No 1677/85 are motivated by the need to control the equilibrium of the agricultural markets; whereas in order to simplify the administrative implementation of the automatic dismantlement arrangements, the coefficient reducing agricultural prices should not be applied to amounts fixed in ecus which, by their nature or value, have no significant or direct effect on production, such as amounts fixed within the framework of the agricultural structural policy, amounts relating to storage costs and technical or administrative amounts;

Whereas to facilitate administration the list of prices and amounts in question should be adopted in good time;

Whereas the Management Committees concerned have not delivered an opinion within the time limit set by their chairmen,

HAS ADOPTED THIS REGULATION:

Article 1

The reducing coefficient referred to in Article 5 of Regulation (EEC) No 3578/88, shall be 1,001712.

Article 2

For the sectors referred to in the Annex, the prices and amounts mentioned shall be divided by the reducing coefficient referred to in Article 1 and, where appropriate, adjusted in such a way as to comply with the Community regulations on detailed rules for their calculation.

Article 3

The prices and amounts resulting from the adjustments referred to in Article 2 shall be specified with effect from the date of application of that Article in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1677/85.

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 1.

⁽³⁾ OJ No L 312, 18. 11. 1988, p. 16.

⁽⁴⁾ OJ No L 82, 29. 3. 1990, p. 24.

Article 4

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

However, Article 2 shall apply from the date of entry into force of the agricultural conversion rates for the 1990/91 marketing year or from the starting date of the 1990/91 marketing year for the product concerned if later.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

1. CEREALS

Cereals

- 1.1. Intervention price and target price for common wheat, durum wheat, rye, barley, maize and sorghum and the special premium for common wheat and for rye referred to in Article 3 (1) of 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 201/90⁽²⁾.
- 1.2. Intervention price for durum wheat referred to in point 1.1 applicable in Spain.
- 1.3. Threshold price for cereals referred to in Article 5 (1) and (2) of Regulation (EEC) No 2727/75.
- 1.4. Threshold price for cereal flours, groats and meal referred to in Article 5 (3) of Regulation (EEC) No 2727/75.
- 1.5. Co-responsibility levy referred to in Article 4 of Regulation (EEC) No 2727/75.
- 1.6. Overall amount and apportionment per Member State of direct aid to small producers referred to in Article 1 and 2 of Council Regulation (EEC) No 729/89 of 20 March 1989 laying down general rules for the special arrangements applicable to small producers as part of the co-responsibility arrangements in the cereals sector⁽³⁾.
- 1.7. Production aid for durum wheat referred to in Article 10 of Regulation (EEC) No 2727/75.
- 1.8. Production aid for certain varieties of flint maize referred to in Article 10a of Regulation (EEC) No 2727/75.
- 1.9. Aid referred to in point 1.7 applicable in Spain.

Starch products

- 1.10. Minimum price for potatoes, by starch content, referred to in Article 1 (2) of Council Regulation (EEC) No 1008/86⁽⁴⁾, as last amended by Regulation (EEC) No 1123/89⁽⁵⁾.
- 1.11. Premium to potato starch manufacturers referred to in Article 2 of Regulation (EEC) No 1008/86.

Rice

- 1.12. Intervention price for paddy rice and target price for husked rice referred to in Article 3 (1) of Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽⁶⁾, as last amended by Regulation (EEC) No 1806/89⁽⁷⁾.
- 1.13. Prices referred to in point 1.12 applicable in Spain.
- 1.14. Production aid for indica type rice referred to in Article 8a of Regulation (EEC) No 1418/76.
- 1.15. Threshold price for round grain and long grain husked and wholly milled rice referred to in Article 14 of Regulation (EEC) No 1418/76.
- 1.16. Threshold price for broken rice referred to in Article 15 of Regulation (EEC) No 1418/76.

2. SUGAR

- 2.1. Target price for white sugar referred to in Article 2 (2) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in the sugar sector⁽⁸⁾, as last amended by Regulation (EEC) No 1069/89⁽⁹⁾.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 80, 23. 3. 1989, p. 5.

⁽⁴⁾ OJ No L 94, 9. 4. 1986, p. 5.

⁽⁵⁾ OJ No L 128, 11. 5. 1989, p. 5.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁷⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁸⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽⁹⁾ OJ No L 114, 27. 4. 1989, p. 1.

- 2.2. Intervention price for white sugar for the non-deficit areas referred to in Article 3 (1) (a) of Regulation (EEC) No 1785/81.
- 2.3. Intervention price for white sugar for the deficit areas referred to in Article 3 (1) (b) of Regulation (EEC) No 1785/81.
- 2.4. Intervention price for raw sugar referred to in Article 3 (2) of Regulation (EEC) No 1785/81.
- 2.5. Basic price for beet referred to in Article 4 (1) of Regulation (EEC) No 1785/81.
- 2.6. Minimum price for A beet and B beet referred to in Article 5 of Regulation (EEC) No 1785/81.
- 2.7. Prices referred to in points 2.2, 2.5, and 2.6 applicable in Spain and Portugal.
- 2.8. Reimbursement referred to in Article 8 of Regulation (EEC) No 1785/81.
- 2.9. Threshold price for molasses referred to in Article 14 (4) of Regulation (EEC) No 1785/81.
- 2.10. Threshold price for white sugar referred to in Article 14 (2) of Regulation (EEC) No 1785/81.
- 2.11. Threshold price for raw sugar referred to in Article 14 (3) of Regulation (EEC) No 1785/81.

3. VEGETABLE OILS AND FATS

Olive oil

- 3.1. Target price for olive oil referred to in Article 4 (1) (a) of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾.
- 3.2. Intervention price for olive oil referred to in Article 4 (1) (a) of Regulation No 136/66/EEC.
- 3.3. Price referred to in point 3.2 applicable in Spain and Portugal.
- 3.4. Price increases and reductions of the intervention price referred to in Article 12 (1) of Regulation No 136/66/EEC.
- 3.5. Representative market price for olive oil referred to in Article 4 (1) (b) of Regulation No 136/66/EEC.
- 3.6. Threshold price for olive oil referred to in Article 4 (1) (b) of Regulation No 136/66/EEC.
- 3.7. Production aid for olive oil and aid for small producers referred to in Article 5 of Regulation No 136/66/EEC.
- 3.8. Aid referred to in point 3.7 applicable in Spain and Portugal.

Rape seed — sunflower seed

- 3.9. Target price for rape seed and for sunflower seed, referred to in Article 22 (1) of Regulation No 136/66/EEC.
- 3.10. Intervention price for rape seed and for sunflower seed, referred to in Article 22 (1) of Regulation No 136/66/EEC.
- 3.11. Prices referred to in points 3.9 and 3.10 applicable in Spain.
- 3.12. Supplement for 'double zero' rape seed referred to in Article 24 a (1) of Regulation No 136/66/EEC.

Soya beans

- 3.13. Guide price for soya beans referred to in Article 1 (1) of Council Regulation (EEC) No 1491/85 of 23 May 1985 laying down special measures in respect of soya beans⁽³⁾, as last amended by Regulation (EEC) No 2217/88⁽⁴⁾.
- 3.14. Minimum price for soya beans referred to in Article 2 (3) of Regulation (EEC) No 1491/85.
- 3.15. Prices referred to in points 3.13 and 3.14 applicable in Spain.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽⁴⁾ OJ No L 197, 26. 7. 1988, p. 11.

Flax seed

- 3.16. Guide price for flax seed referred to in Article 1 (1) of Council Regulation (EEC) No 569/76 of 15 March 1976 laying down special measures for flax seed⁽¹⁾, as last amended by Regulation (EEC) No 4003/87⁽¹⁾.
- 3.17. Prices referred to in point 3.16 applicable in Spain.

4. FRUIT AND VEGETABLES**Fresh fruit and vegetables**

- 4.1. Basic price and buying-in price for each type of fresh fruit and vegetable and for each period, referred to in Article 16 of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾, as last amended by Regulation (EEC) No 1119/89⁽³⁾.
- 4.2. Financial compensation per variety to certain sellers of oranges and mandarins in the Member States which have drawn up a conversion plan, as referred to in Article 7 of Council Regulation (EEC) No 2511/69 of 9 December 1969 laying down special measures for improving the production and marketing of Community citrus fruit⁽⁴⁾, as last amended by Regulation (EEC) No 1130/89⁽⁵⁾.
- 4.3. Minimum price per variety paid to orange producers, referred to in Article 2 of Council Regulation (EEC) No 2601/69 of 18 December 1969 laying down special measures to encourage the processing of certain varieties of oranges⁽⁶⁾, as last amended by Regulation (EEC) No 3848/89⁽⁶⁾.
- 4.4. Financial compensation per variety paid to processors of oranges, referred to in Article 3 of Regulation (EEC) No 2601/69.
- 4.5. Minimum price paid to lemon producers referred to in Article 1 of Council Regulation (EEC) No 1035/77 of 17 May 1977 laying down special measures to encourage the marketing of products processed from lemons⁽⁷⁾, as last amended by Regulation (EEC) No 1124/89⁽⁸⁾.
- 4.6. Financial compensation paid to lemon processors referred to in Article 2 of Regulation (EEC) No 1035/77.
- 4.7. Prices and compensation referred to in points 4.3, 4.4, 4.5 and 4.6 applicable in Spain and Portugal.
- 4.8. Maximum withdrawal prices of certain products, decided pursuant to the last subparagraph of Article 18 (1) of Regulation (EEC) No 1035/72.
- 4.9. Minimum selling price for oranges withdrawn from the market, referred to in Article 2 of Commission Regulation (EEC) No 2448/77 of 8 November 1977, laying down conditions for the disposal of oranges withdrawn from the market to the processing industry and amending Regulation (EEC) No 1687/76⁽¹¹⁾, as last amended by Regulation (EEC) No 713/87⁽¹²⁾.
- 4.10. Reference price for each type of fresh fruit and vegetable and for each period, referred to in Article 23 of Regulation (EEC) No 1035/72.
- 4.11. Community offer price referred to in Article 150 of the Act of Accession.

⁽¹⁾ OJ No L 67, 15. 3. 1976, p. 29.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 46.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 118, 29. 4. 1989, p. 1.

⁽⁵⁾ OJ No L 318, 18. 12. 1969, p. 1.

⁽⁶⁾ OJ No L 119, 29. 4. 1989, p. 22.

⁽⁷⁾ OJ No L 324, 27. 12. 1969, p. 21.

⁽⁸⁾ OJ No L 374, 22. 12. 1989, p. 6.

⁽⁹⁾ OJ No L 125, 19. 5. 1977, p. 23.

⁽¹⁰⁾ OJ No L 118, 29. 4. 1989, p. 28.

⁽¹¹⁾ OJ No L 285, 9. 11. 1977, p. 5.

⁽¹²⁾ OJ No L 70, 13. 3. 1987, p. 21.

Processed fruit and vegetables

- 4.12. Production aid for fruit and vegetables for processing into dried grapes, tomato concentrate, whole peeled, conserved tomatoes, tomato juice, dried figs, prunes, peaches in syrup or Williams and Rocha pears in syrup and fruit juice, referred to in Article 2 of Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1125/89⁽²⁾.
- 4.13. Aid referred to in point 4.12 for processed tomatoes, prunes, peaches and Williams and Rocha pears in syrup and fruit juices, applicable in Spain.
- 4.14. Aid referred to in point 4.12 for processed tomatoes, Williams and Rocha pears in syrup and fruit juices, applicable in Portugal.
- 4.15. Production aid for tinned pineapple referred to in Article 1 of Council Regulation (EEC) No 525/77 of 14 March 1977, establishing a system of production aid for tinned pineapple⁽³⁾, as last amended by Regulation (EEC) No 1699/85⁽⁴⁾.
- 4.16. Aid for lentils, chick-peas and vetches referred to in Article 1 of Council Regulation (EEC) No 762/89 of 20 March 1989 introducing a specific measure for certain grain legumes⁽⁵⁾.
- 4.17. Minimum price paid to producers of dried grapes, tomatoes, figs, 'd'Ente' plums, peaches and Williams and Rocha pears for processing, referred to in Article 3 of Regulation (EEC) No 426/86.
- 4.18. Prices referred to in point 4.17 for tomatoes, 'd'Ente' plums, peaches and Williams and Rocha pears, applicable in Spain.
- 4.19. Prices referred to in point 4.17 for tomatoes and Williams and Rocha pears, applicable in Portugal.
- 4.20. Minimum price paid to producers of pineapples for processing referred to in Article 3 of Regulation (EEC) No 525/77.
- 4.21. Minimum import price referred to in Article 9 (1) of Regulation (EEC) No 426/86.
- 4.22. Countervailing charges to be levied for each type of dried grape and for each category of import price referred to in Article 9 (3) of Regulation (EEC) No 426/86.

5. WINE

- 5.1. Guide price for each type of table wine, referred to in Article 27 (2) of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine⁽⁶⁾, as last amended by Regulation (EEC) No 388/90⁽⁷⁾.
- 5.2. Aid to distillers for each type of product obtained, aid to fortifiers of wine for distillation, buying-in price for each type of neutral alcohol delivered into intervention and reduction of raw alcohol, EAGGF Guarantee Section contribution to intervention expenditure, for the distillation of by-products referred to in Article 35 of Regulation (EEC) No 822/87.
- 5.3. Aid to distillers for each type of product obtained, aid to fortifiers of wine for distillation, buying-in price for neutral alcohol delivered into intervention and reduction of raw alcohol, EAGGF Guarantee Section contribution to intervention expenditure, for the distillation of wine other than table wine, referred to in Article 36 of Regulation (EEC) No 822/87.
- 5.4. Aid to distillers for each type of wine distilled and for each type of product obtained, aid to fortifiers of wine for distillation for each type of wine processed, for the preventive distillation of table wines referred to in Article 38 of Regulation (EEC) No 822/87.
- 5.5. Aid to distillers for each type of wine distilled and for each type of product obtained, aid to fortifiers of wine for distillation for each type of wine processed, for the support distillation of table wines referred to in Article 41 of Regulation (EEC) No 822/87.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 29.

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 48.

⁽⁴⁾ OJ No L 163, 22. 6. 1985, p. 12.

⁽⁵⁾ OJ No L 80, 23. 3. 1989, p. 76.

⁽⁶⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁷⁾ OJ No L 42, 16. 2. 1990, p. 9.

- 5.6. Aid to distillers for each type of wine distilled and for each type of product obtained, aid to fortifiers of wine for distillation for each type of wine processed, for the distillation of table wines under the special price-support guarantee measures, referred to in Article 42 of Regulation (EEC) No 822/87.
- 5.7. Aid for grape must for use in winemaking and feedingstuffs, referred to in Article 45 of Regulation (EEC) No 822/87.
- 5.8. Aid for grape musts for use in the manufacturing of certain products in the United Kingdom and in Ireland, aid for grapes and grape must for use in the manufacturing of grape juice, referred to in Article 46 of Regulation (EEC) No 822/87.
- 5.9. Reductions in the buying-in price for wine delivered for distillation, referred to in Article 44 of Regulation (EEC) No 822/87.
- 5.10. Prices and amounts referred to in points 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 and 5.8 applicable in Spain.
- 5.11. Regulatory amounts applicable to trade in certain wine sector products between the Community of Ten and Spain, provided for in Article 123 of the Act of Accession and by Regulation (EEC) No 480/86.
- 5.12. Reference price for each type of wine, grape juice or grape must, referred to in Article 53 (1) of Regulation (EEC) No 822/87.
- 5.13. Free-at-frontier reference price for each type of wine, grape juice or grape must, and for each third country concerned, resulting from the prices mentioned in point 5.12.

6. FIBRE PLANTS

Flax and hemp

- 6.1. Aid for flax grown for fibre and for hemp referred to in Article 4 of Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp⁽¹⁾, as last amended by Regulation (EEC) No 3995/87⁽²⁾.
- 6.2. Amounts of aid to be withheld with a view to promoting the sale of flax products, referred to in Article 2 of Regulation (EEC) No 1308/70.
- 6.3. Aid and amounts referred to in points 6.1 and 6.2 applicable in Spain and Portugal.

Silkworms

- 6.4. Aid for silkworms referred to in Article 2 (1) of Council Regulation (EEC) No 845/72 of 24 April 1972 laying down special measures to encourage silkworm rearing⁽³⁾, as last amended by Regulation (EEC) No 4005/87⁽⁴⁾.
- 6.5. Aid referred to in point 6.4 applicable in Spain and Portugal.

Cotton

- 6.6. Guide price for unginning cotton referred to in Article 2 of Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽⁵⁾, as last amended by Regulation (EEC) No 79/89⁽⁶⁾.
- 6.7. Minimum price for unginning cotton referred to in Article 9 of Regulation (EEC) No 2169/81.

7. OTHER PLANT PRODUCTS

Seeds

- 7.1. Production aid for each species or group of varieties fixed for the marketing year in question, referred to in Article 3 of Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds⁽⁷⁾, as last amended by Regulation (EEC) No 1239/89⁽⁸⁾.

⁽¹⁾ OJ No L 146, 4. 7. 1970, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 34.

⁽³⁾ OJ No L 100, 27. 4. 1972, p. 1.

⁽⁴⁾ OJ No L 377, 31. 12. 1987, p. 48.

⁽⁵⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽⁶⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁷⁾ OJ No L 246, 5. 11. 1971, p. 1.

⁽⁸⁾ OJ No L 128, 11. 5. 1989, p. 35.

- 7.2. Aid referred to in point 7.1 applicable in Spain and Portugal.
- 7.3. Reference price for hybrid maize and hybrid grain sorghum for sowing, referred to in Article 6 of Regulation (EEC) No 2358/71.

Tobacco

- 7.4. Norm price for each variety, referred to in Article 2 of Council Regulation (EEC) No 727/70 on 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 203/90 ⁽²⁾.
- 7.5. Intervention price and derived intervention price for baled tobacco of each variety, referred to in Article 6 of Regulation (EEC) No 727/70.
- 7.6. Premium for each variety, referred to in Article 3 of Regulation (EEC) No 727/70.

Hemp seed

- 7.7. Aid for hemp seed referred to in Article 1 of Council Regulation (EEC) No 3698/88 of 24 November 1988 laying down special measures for hemp seed ⁽³⁾.

Floriculture

- 7.8. Minimum export prices referred to in Article 7 of Council Regulation (EEC) No 234/68 of 27 February 1968 on the common organization of the market in live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage ⁽⁴⁾, as last amended by Regulation (EEC) No 3991/87 ⁽⁵⁾.

Hops

- 7.9. Aid to hops producers for the groups of aromatic, bitter and other varieties referred to in Article 12 of Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops ⁽⁶⁾, as last amended by Regulation (EEC) No 3808/89 ⁽⁷⁾.

Dried fodder

- 7.10. Guide price for dried fodder referred to in Article 4 (1) of Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder ⁽⁸⁾, as last amended by Regulation (EEC) No 2275/89 ⁽⁹⁾.
- 7.11. Price referred to in point 7.10 applicable in Spain.
- 7.12. Difference between the aid for dehydrated fodder and the aid for fodder otherwise dried, referred to in the second subparagraph of Article 5 (2) of Regulation (EEC) No 1117/78.

Peas, field beans and sweet lupins

- 7.13. Guide price for peas and field beans referred to in Article 1 (1) (b) of Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins ⁽¹⁰⁾, as last amended by Regulation (EEC) No 1104/88 ⁽¹¹⁾.
- 7.14. Activating threshold price for aid for peas and field beans, and for sweet lupins, referred to in Article 1 (1) (a) of Regulation (EEC) No 1431/82.
- 7.15. Minimum prices for peas, field beans and sweet lupins referred to in Article 3 (3) of Regulation (EEC) No 1431/82.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 10.

⁽³⁾ OJ No L 325, 29. 11. 1988, p. 2.

⁽⁴⁾ OJ No L 55, 2. 3. 1968, p. 1.

⁽⁵⁾ OJ No L 377, 31. 12. 1987, p. 19.

⁽⁶⁾ OJ No L 175, 4. 8. 1971, p. 1.

⁽⁷⁾ OJ No L 371, 20. 12. 1989, p. 1.

⁽⁸⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽⁹⁾ OJ No L 218, 28. 7. 1989, p. 1.

⁽¹⁰⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽¹¹⁾ OJ No L 110, 29. 4. 1988, p. 16.

8. MILK AND MILK PRODUCTS

- 8.1. Target price for milk referred to in Article 3 (4) of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3879/89 ⁽²⁾.
- 8.2. Intervention price for butter, skimmed-milk powder, Grana padano and Parmigiano reggiano cheeses referred to in Article 5 (1) of Regulation (EEC) No 804/68.
- 8.3. Intervention price for skimmed-milk powder and butter mentioned in point 8.2 and applicable in Spain.
- 8.4. Threshold price for certain milk products referred to in Article 4 of Regulation (EEC) No 804/68.
- 8.5. Amounts adjusting the threshold prices for products in Group II and referred to in Article 8 of Council Regulation (EEC) No 2915/79 ⁽³⁾, as last amended by Regulation (EEC) No 3884/89 ⁽⁴⁾.
- 8.6. Free-at-frontier values for certain cheeses referred to in Annex I to Commission Regulation (EEC) No 1767/82 ⁽⁵⁾, as last amended by Regulation (EEC) No 107/90 ⁽⁶⁾.
- 8.7. Special levy applicable to New Zealand butter referred to in Article 3 of Council Regulation (EEC) No 2967/89 ⁽⁷⁾, as last amended by Regulation (EEC) No 3894/89 ⁽⁸⁾.
- 8.8. Aid to skimmed milk processed into casein and caseinates referred to in Article 11 of Regulation (EEC) No 804/68.
- 8.9. Range of aid for skimmed-milk powder intended for animal feed referred to in Article 2a (3) of Council Regulation (EEC) No 986/68 ⁽⁹⁾, as last amended by Regulation (EEC) No 1115/89 ⁽¹⁰⁾.
- 8.10. Aids to skimmed milk and skimmed-milk powder intended for animal feed referred to in Article 10 of Regulation (EEC) No 804/68.
- 8.11. Aid for the purchase of butter by non-profitmaking institutions and organizations, referred to in Article 1 of Commission Regulation (EEC) No 2191/81 ⁽¹¹⁾, as last amended by Regulation (EEC) No 1679/89 ⁽¹²⁾.
- 8.12. Aid for the purchase of butter by persons receiving social assistance, referred to in Article 1 of Commission Regulation (EEC) No 2990/82 ⁽¹³⁾, as last amended by Regulation (EEC) No 4109/88 ⁽¹⁴⁾.

9. OTHER ANIMAL PRODUCTS**Beef and veal**

- 9.1. Guide price referred to in Article 3 (1) of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁵⁾, as last amended by Regulation (EEC) No 571/89 ⁽¹⁶⁾.
- 9.2. Intervention price referred to in Article 6 of Regulation (EEC) No 805/68.
- 9.3. Special premium for male bovine referred to in Article 4a of Regulation (EEC) No 805/68.
- 9.4. Premiums referred to in Articles 3 of Council Regulation (EEC) No 1357/80 of 5 June 1980 introducing a system of premiums for maintaining suckler cows ⁽¹⁷⁾, as last amended by Regulation (EEC) No 573/89 ⁽¹⁸⁾.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 378, 27. 12. 1989, p. 9.

⁽⁵⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 13, 17. 1. 1990, p. 13.

⁽⁷⁾ OJ No L 281, 30. 9. 1989, p. 114.

⁽⁸⁾ OJ No L 378, 27. 12. 1989, p. 23.

⁽⁹⁾ OJ No L 169, 18. 7. 1968, p. 4.

⁽¹⁰⁾ OJ No L 118, 29. 4. 1989, p. 7.

⁽¹¹⁾ OJ No L 213, 1. 8. 1981, p. 20.

⁽¹²⁾ OJ No L 164, 15. 6. 1989, p. 14.

⁽¹³⁾ OJ No L 314, 10. 11. 1982, p. 26.

⁽¹⁴⁾ OJ No L 361, 29. 12. 1988, p. 3.

⁽¹⁵⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽¹⁶⁾ OJ No L 61, 4. 3. 1989, p. 24.

⁽¹⁷⁾ OJ No L 140, 5. 6. 1980, p. 1.

⁽¹⁸⁾ OJ No L 61, 4. 3. 1989, p. 43.

Sheepmeat and goatmeat

- 9.5. Basic price for fresh or chilled sheep carcasses, and seasonally adjusted basic price for fresh or chilled sheep carcasses, referred to in Article 3 of Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾.
- 9.6. Guide level, and seasonally adjusted guide level referred to in Article 24 of Regulation (EEC) No 3013/89.

Pigmeat

- 9.7. Basic price for pig carcasses referred to in Article 4 (1) of Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽²⁾, as last amended by Regulation (EEC) No 1249/89 ⁽³⁾.

10. FISHERY PRODUCTS

- 10.1. Guide price for each product and each period, referred to in Article 10 of Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products ⁽⁴⁾ as last amended by Regulation (EEC) No 2886/89 ⁽⁵⁾.
- 10.2. Community withdrawal price and Community selling price referred to in Article 12 of Regulation (EEC) No 3796/81.
- 10.3. Standard value to be deducted from the financial compensation referred to in Article 13 (5) of Regulation (EEC) No 3796/81.
- 10.4. Guide price for each product referred to in Article 15 of Regulation (EEC) No 3796/81.
- 10.5. Community producer price for tuna referred to in Article 17 of Regulation (EEC) No 3796/81.
- 10.6. Guaranteed minimum price referred to in Article 2 of Council Regulation (EEC) No 3117/85 of 4 November 1985 laying down general rules on the granting of compensatory indemnities in respect of sardines ⁽⁶⁾, as last amended by Regulation (EEC) No 3940/87 ⁽⁷⁾.
- 10.7. Compensatory indemnity for Mediterranean sardines referred to in Article 3 of Regulation (EEC) No 3117/85.
- 10.8. Reference price referred to in Articles 21 and 22 of Regulation (EEC) No 3796/81.
- 10.9. Reference price applicable to intra-Community trade in Atlantic sardines and anchovies referred to in Articles 170 and 357 of the Act of Accession of Spain and Portugal.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.
⁽²⁾ OJ No L 282, 1. 11. 1975, p. 19.
⁽³⁾ OJ No L 129, 11. 5. 1989, p. 12.
⁽⁴⁾ OJ No L 379, 31. 12. 1981, p. 1.
⁽⁵⁾ OJ No L 282, 2. 10. 1989, p. 1.
⁽⁶⁾ OJ No L 297, 9. 11. 1985, p. 1.
⁽⁷⁾ OJ No L 373, 31. 12. 1987, p. 6.

COMMISSION REGULATION (EEC) No 785/90

of 29 March 1990

introducing a countervailing charge on cucumbers originating in Bulgaria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

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

Whereas Commission Regulation (EEC) No 234/90 of 29 January 1990 fixing for the 1990 marketing year the reference prices for cucumbers⁽³⁾ fixed the reference price for products of class I at 112,14 ECU per 100 kilograms net for the month of March 1990;

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

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by

Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is necessary to multiply the prices with the coefficient fixed in the first indent of Article 1 (2) of Regulation (EEC) No 234/90;

Whereas, for cucumbers originating in Bulgaria the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these cucumbers;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 49,20 ECU per 100 kilograms net is applied to cucumbers (CN codes 0707 00 11 and 0707 00 19) originating in Bulgaria.

Article 2

This Regulation shall enter into force on 31 March 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 26, 30. 1. 1990, p. 19.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

COMMISSION REGULATION (EEC) No 786/90

of 29 March 1990

fixing the export refunds 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 201/90 ⁽²⁾, and in particular the fourth subparagraph of Article 16 ⁽²⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated,

account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC ⁽⁴⁾, as amended by Regulation (EEC) No 1607/71 ⁽⁵⁾;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

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

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION :

The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 March 1990.

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

Done at Brussels, 29 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 29 March 1990 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	01	10,00
1001 90 91 000	—	—
1001 90 99 000	04	56,00
	05	56,00
	02	10,00
1002 00 00 000	03	60,00
	05	60,00
	02	10,00
1003 00 10 000	06	68,00
	02	0
1003 00 90 000	04	60,00
	02	10,00
1004 00 10 000	07	50,00
	02	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	72,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	93,00
1101 00 00 120	01	93,00
1101 00 00 130	01	86,00
1101 00 00 150	01	83,00
1101 00 00 170	01	81,00
1101 00 00 180	01	77,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	93,00
1102 10 00 200	01	93,00
1102 10 00 300	01	93,00
1102 10 00 500	01	93,00
1102 10 00 900	—	—
1103 11 10 100	01	209,00
1103 11 10 200	01	198,00
1103 11 10 500	01	177,00
1103 11 10 900	01	167,00
1103 11 90 100	01	93,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Zone II (b),
- 06 Hungary, Poland and the USSR,
- 07 Sweden.

NB : The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 March 1990

terminating the anti-dumping proceeding concerning imports of ammonium paratungstate originating in the People's Republic of China and the Republic of Korea

(90/154/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community ⁽¹⁾, and in particular Article 9 thereof,

After consultation with the Advisory Committee as provided for in Regulation (EEC) No 2423/88,

Whereas :

A. PROCEDURE

(1) In July 1988 the Commission received a written complaint lodged by the EEC Liaison Committee for the Non-Ferrous Metal Industries on behalf of producers representing most of the Community production of ammonium paratungstate.

The complaint contained evidence of dumping and consequent injury which was judged sufficient to justify the initiation of a proceeding.

In a notice published in the *Official Journal of the European Communities* ⁽²⁾ the Commission accordingly announced the initiation of an anti-dumping proceeding concerning imports into the Community of ammonium paratungstate falling within CN

code 2841 80 00 originating in the People's Republic of China or the Republic of Korea.

(2) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants.

It called on the parties concerned to reply to the questionnaires sent to them, and gave them the opportunity to make their views known in writing and request a hearing.

(3) All the Community producers on whose behalf the complaint was lodged replied to the questionnaires, made their views known in writing and requested and were granted hearings by the Commission.

(4) None of the three main Chinese export bodies, their 33 regional offices nor any of the eight Chinese producers to which the Commission sent questionnaires returned them completed, even partially. However, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters, hereinafter referred to as 'the China Chamber of Commerce', brought itself to the attention of the Commission and informed it that it intended to reply to the questionnaires on behalf of all the Chinese exporters and producers referred to above. On two occasions the China Chamber of Commerce requested and obtained from the Commission an extension of deadline to prepare a reply to the questionnaires. However, in lieu of a specific reply to the questionnaires all that was received by the Commission was a general position paper.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 322, 15. 12. 1988, p. 4.

The China Chamber of Commerce also requested and was granted a hearing, at which it put forward both general arguments and arguments relating to specific data, the most recent of which were for 1987, and provided the Commission with written evidence in support of its arguments.

None of the nine companies listed in the complaint as importers of ammonium paratungstate originating in China replied to the questionnaires sent out by the Commission. However, an importer not mentioned in the complaint (Cerantungsten Sarl, Differdange, Luxembourg) made itself known to the Commission and sent a complete reply within the time limit allowed.

Cerantungsten also requested and was granted a hearing at which it made known its point of view.

- (5) The Korean producer and exporter Korea Tungsten Mining Co. Ltd (KTMC), of Seoul and Taegu, replied in full to the Commission's questionnaires on its own behalf and that of its sales offices in the Community.

KTMC also requested and was granted a hearing, and made known its views in writing, particularly on the question of its responsibility for the injury alleged by the complainants.

- (6) The Commission sought and verified all the information it deemed necessary for the purposes of making a preliminary determination of dumping and consequent injury. To these ends it carried out inspections at the premises of:

(a) *Community producers:*

- Hermann C. Stark Berlin GmbH & Co. KG, Düsseldorf and Goslar, Germany,
- Murex Ltd, Rainham, United Kingdom,
- Eurotungstène Poudres SA, Grenoble, France;

(b) *Korean producer/exporter:*

- Korea Tungsten Mining Co. Ltd (KTMC), Seoul and Taegu;

(c) *Community importers:*

- Cerantungsten Sarl, Differdange, Luxembourg.

The Commission also carried out inspections at the premises of two of the complainant producers, which had either ceased or reduced their production of ammonium paratungstate and had been

importing it during the period of the anti-dumping investigation.

It also sought information from the producer in the reference country suggested by the complainant, Wolfram Bergbau- und Hüttengesellschaft mbH, Vienna, Austria.

- (7) The dumping investigation covered the period 1 January to 30 September 1988.

This proceeding overran the one-year period laid down in Article 7 (9) (a) of Regulation (EEC) No 2423/88 because of the duration of Advisory Committee consultations.

**B. THE PRODUCT — COMMUNITY INDUSTRY ;
COMPLAINANT BUSINESSES**

- (8) Ammonium paratungstate (APT) is a compound of nitrogen and tungsten produced at the final stage of the chemical processing of tungsten ore. It is an intermediate product used to obtain other products in the tungsten chain. At present, some 90 % of the tungsten processed by chemical means around the world passes through the APT stage.

- (9) The product falls within CN code 2841 80 00, as indicated in the notice of initiation referred to above. However, since this code covers all tungstates, of which APT is only one example, the Commission found that it should be considered as falling within CN code ex 2841 80 00. This alteration did not affect the proceeding, since according to the information obtained by the Commission trade flows of the other tungstates could be regarded as statistically negligible.

According to the information gathered by the Commission, the product exported by the People's Republic of China and the Republic of Korea and that manufactured by the Community industry may be considered to be like products within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

- (10) After the complaint was lodged, and while the preliminary investigations were already under way, one of the complainant Community producers informed the Commission that, having closed its APT shop in July 1987, it no longer wished to be considered a complainant, although it was prepared to be used as a 'reference' for the injury.

The Commission noted this request and took account in the rest of the proceeding of the cessation of activity of that producer.

- (11) It was noted during the investigation that the producer referred to in recital 10 and another Community producer had imported APT originating in China during the reference period. The Commission examined the impact of these imports in relation to the provisions of Article 4 (5) of Regulation (EEC) No 2423/88.

The Commission considered that the producer referred to in recital 10, having closed down its APT shop and become entirely dependent on external purchases, was excluded *de facto* from the Community industry as defined in Article 4 (5), but that since the undertaking was willing, its particular situation should be regarded as part of the economic context relevant to the assessment of the injury being alleged by the Community industry as a whole.

As regards the other producer, which cut back its production in 1987, the Commission noted that its purchases from China had been accompanied by a proportional drop in the rate of utilization of its production capacity. The Commission therefore considered at this stage that these purchases were not such as to justify the exclusion of this producer from the Community industry.

- (12) Two new facts became apparent after the Commission adopted its provisional conclusions and transmitted them to the various parties concerned:

First, the company referred to in recital 10 informed the Commission that it was no longer willing to be used as a 'reference' with regard to the injury; secondly, the producer which had reduced its production and purchased APT from China informed the Commission that it was withdrawing from the complaint.

The Commission noted these decisions, which meant that only one Community business now remained a complainant and itself constituted the 'Community industry' within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88, and that consequently certain data or constituents of the previously alleged injury had to be amended.

- (13) The Commission noted that during the reference period the Community producer which maintained its complaint accounted for about 94 % of Community production of APT.

The Commission therefore considered that the Community producer which had maintained its APT production and its support for the complaint

constituted the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

C. NORMAL VALUE

1. Republic of Korea

- (14) Since KTMC did not sell any APT on its domestic market during the investigation period, the Commission determined normal value on the basis of the constructed value, calculated by adding together the cost of production and a reasonable margin of profit.

The cost of production was obtained by adding all costs, both fixed and variable, of:

- materials (i.e. the cost of producing the tungsten concentrate or ore which KTMC extracts from its mine at Sang Dong), and
- manufacture in the country of origin.

To these costs were added selling, administrative and other general expenses, calculated, in the absence of data on other producers or exporters in the country of origin, by reference to sales of tungsten metal powder by KTMC on its domestic market during the reference period.

The same reference was used for the profit margin, but it was considered reasonable to restrict this to 10 % in the light of the general profit level of the Korean producer, to take account of the very strong pressure on APT prices on the world market.

In the Commission's view, the Korean market was subject to the same pressure and profits on APT would therefore be below those established for tungsten metal powder sold by KTMC on its domestic market during the investigation period.

2. People's Republic of China

- (15) In order to establish that imports from China were being dumped, the Commission had to take account of the fact that China does not have a market economy and thus it based its calculations on the normal value of ammonium paratungstate in a market economy country; to that end, the complainant suggested taking the constructed value calculated on the basis of the cost of production of APT in Austria.

- (16) The representatives of the China Chamber of Commerce indicated their opposition to the complainant's suggestion, arguing that Austria's economic structure was different from that of China, but failing to suggest any other reference country.
- (17) The Commission proposed a normal value determined on the basis of the production cost of the Korean producer, since :
- the products exported by China and Korea could be considered like products within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88,
 - the Austrian producer had not sold any APT on its domestic market during the reference period, which meant that in both Austria and Korea normal value had to be determined on the basis of a constructed value,
 - Korea's technical standards for the product were comparable to those of China.
- (18) One importer of APT into the Community contested the choice of Korea on the grounds that the Korean tungsten market would have been practically closed to foreign companies during the reference period owing to the high rate of duties and charges applicable to imports.
- (19) The Commission verified the two production costs being considered (Austrian and Korean) and found that :
- both the Korean exporter and the Austrian exporter were fully integrated producers, i.e. they owned their own mines and produced all the intermediate products of tungsten,
 - the cost of production of APT by the Korean exporter could not be influenced by the fact that the domestic market was protected by import duties and charges. The manufacturing process was efficient, modern and profitable,
 - the cost of production in Korea was more suitable for the purposes of determining normal value for China since the two countries' economies were less dissimilar.
- (20) The Commission accordingly concluded that it was appropriate and not unreasonable to determine the normal value of the Chinese APT on the basis of the Korean producer's production costs.

D. EXPORT PRICE

1. Republic of Korea

- (21) Although carried out with the assistance of its liaison offices in the Community, all KTMC's exports are direct sales to independent importers in the Community. The sole task of the liaison offices is to carry out commercial surveys and to draw up final invoices on KTMC's behalf; they never operate as importers themselves.

The export price was therefore calculated on the basis of the price actually paid or payable for the APT sold for export to the Community, net of all taxes, discounts and rebates actually granted and directly related to the sales under consideration.

To that end the Commission verified all the transactions carried out during the investigation period.

2. People's Republic of China

- (22) In the absence of a reply from the Chinese exporters, the export price was determined on the basis of the information available, viz. a reply to the questionnaire received from one importer and information gathered during inspections at the premises of the two Community importers which imported APT from China during the investigation period.

Taken together this information covers over 50 % of the imports in question, spread over the whole of the reference period, and was selected in preference to information on average prices published by Eurostat, which were in fact slightly lower.

E. COMPARISON

1. Republic of Korea

- (23) In comparing normal value with export prices the Commission took account, where appropriate, of differences affecting the comparability of prices, such as credit conditions, transport, insurance and handling costs and other ancillary costs.
- (24) An appropriate adjustment was made to selling costs to take account of the expense incurred by KTMC on account of its liaison offices in the Community.
- (25) All the adjustments made in the case of the Korean exporter were based on statistical data verified during inspection at the premises.

2. People's Republic of China

- (26) As regards imports from China, given the lack of cooperation from the Chinese exporters and the inability of the importer which did cooperate to provide information on costs incurred before the goods entered the Community, the necessary adjustments, relating particularly to shipping and insurance, handling and selling costs, were made on the basis of the information on Korea gathered during the investigation.
- (27) All comparisons were made at the ex works stage, on a transaction-by-transaction basis in the case of Korea and globally in the case of China (on the basis of the weighted average unit price resulting from the calculations referred to in recital 22).

F. DUMPING MARGINS

- (28) The preliminary examination of the facts showed that imports from China and Korea were being dumped, the dumping margin being equal to the difference between the established normal value and the export price to the Community.
- (29) On the basis of the cif Community frontier price the weighted average margins were as follows:
- 75,74 % for APT originating in China, and
 - 62,16 % for APT originating in Korea exported by KTMC.

G. INJURY

1. Volume and market share

(a) Republic of Korea

- (30) In its reply to the questionnaire, KTMC gave figures for the volume of its sales of APT in the Community which were different from those for imports originating in Korea as published by Eurostat, particularly with regard to 1984 and 1985.

In view of possible uncertainty at the time as to how APT should be classified in the statistical nomenclature, and taking into account:

- the fact that there seems to be no doubt that during the period in question (January 1984 to September 1988) KTMC was responsible for all exports of APT from the Republic of Korea to the Community, and
- the evidence relating to its sales of APT in the Community which KTMC provided during the inspection at its premises,

the Commission considered that, for the purposes of this investigation, the figures for KTMC's actual deliveries to the Community between 1984 and 1987 and in the first nine months of 1988 should be used in lieu of the figures published by Eurostat which were cited in the complaint.

- (31) On that basis, it appeared that imports of APT originating in Korea, which totalled 336 tonnes in 1987, fell to 157 tonnes during the reference period, i.e. a level below that of 1984, taken on an annual basis.

The Commission considered that the share of the Community market held by the Korean imports should be assessed on the basis of total quantities traded in the Community (i.e. the Community industry's sales plus total imports originating in non-Community countries).

On that basis it appeared that the Korean exporter's market share, which had stood at 20 % in 1984, has now fallen to 4 %.

(b) People's Republic of China

- (32) According to the figures published by Eurostat, which are the best available for China, imports from China have risen substantially, from 167 tonnes in 1984 to 819 tonnes in 1987, and 3 402 tonnes during the reference period.

In terms of market share, these imports, which represented 12 % of the total volume of APT traded in 1984, rose to 47 % in 1987 and reached 89 % during the reference period.

However, these figures should be set against the fact that the growth of imports and the corresponding increase in their market share result very largely from the decision by two Community producers to halt or curb production of APT and to obtain supplies from China.

(c) Other third country suppliers

- (33) Imports originating in other non-Community countries fell considerably between 1984 and 1988, from 587 tonnes to 178 tonnes, i.e. a fall in market share from 43 to 5 %.

2. Prices

- (34) Between 1984 and 1988 the Korean exporter reduced its selling price in the Community by 29 %, while the Chinese exporters, taken as a whole, reduced their prices by over 55 %.

- (35) To determine the price differential in the Community between APT from China or Korea and that produced by the Community industry, the Commission compared the weighted average selling prices of the imports from China and Korea (at the free-at-Community-frontier duty-paid stage) and the weighted average selling price, excluding transport, of the products sold by the Community producer which maintained its complaint.

Through this comparison the Commission found that the price differentials during the reference period were:

- 41,69 % in the case of the Chinese exporters, and
- 26,37 % in the case of the Korean exporter, KTMC.

3. Other economic factors to be taken into consideration

(a) Production

- (36) The Commission found that Community output reached its lowest level in 1987. Production rose during the reference period, exceeding the 1984 level.

(b) Capacity utilization

- (37) The capacity of the Community producer which maintained its complaint remained stable between 1984 and 1988. Calculated on the basis of the capacity actually available each year from 1984 to 1987 and during the reference period, the capacity utilization rate of the Community producer concerned fell between 1985 and 1987 and rose during the first nine months of 1988 to a level higher than that reached in 1985.

(c) Sales

- (38) Sales on the Community market by the Community producer which maintained its complaint fell considerably. Taking as a basis the index 1984 = 100, sales fell to 73 in 1987 then to 36 during the first nine months of 1988 (figures for this latter period having been adjusted on an annual basis). However, it was not established that this loss was attributable to the dumping of imports.

(d) Market share

- (39) The market share of the Community producer which maintained its complaint, calculated in the same way as those of China, Korea and the other

non-Community countries, fell from 24 % in 1984 to 2 % during the reference period.

- (40) As shown in recital 32, the figures for trends in market share have, however, to be seen in their true light. To a large extent they reflect the decision of two Community producers which initially supported the complaint to obtain their supplies of APT from China.

A further decisive factor is the importance of internal consumption in the production of APT. About 85 % of Community production is consumed in the production chain (transformation into tungstic oxide), leaving only 15 % for sale.

(e) Prices

- (41) The Commission established that the prices charged by the Community producer which maintained its complaint fell sharply between 1984 and 1988, owing mainly to the falling cost of raw materials. If average 1984 prices are compared with those of the reference period, the price of APT is found to have fallen by 45 %, at a time when the fall in the price of tungsten ore/concentrate over the same period would automatically have entailed a fall of about 40 % in the price of APT.

(f) Profits

- (42) The Commission found that the Community industry's financial results deteriorated between 1985 and 1987 and improved during the reference period.

(g) Employment

- (43) Leaving aside the effects of the closing of the APT shop of the Community producer which refused to be used as a 'reference' for the injury, between 1984 and 1988 the workforce was reduced by 10 %. However, owing to certain employment fluctuations during the period, the significance of this figure has not been established, any more than a causal link with the dumping of imports. The Commission therefore considered that this reduction in the workforce should not be considered in assessing the injury.

4. Conclusion

- (44) In the light of all the abovementioned economic factors, the Commission reached the conclusion that during the investigation period imports of APT originating in the Republic of Korea and the People's Republic of China, taken individually or together, did not cause material injury to the Community industry as defined subsequent to the new facts set out in recital 12.

- (45) Since the Community producer which maintained its complaint indicated in its reply to the questionnaire that the clear improvement in its situation during the reference period was due to a temporary increase in its own 'conversion' activity, the Commission examined this claim with particular regard to a possible threat of injury.

The conversion work is carried out on commission under contracts whereby the producer processes a customer's tungsten ore/concentrate to produce APT.

The Commission found that the increase in this activity did indeed account for the stocks of ore/concentrate, generally Chinese, purchased and cleared through customs by certain operators, but that such activity itself was not new and that nothing suggested that it would soon cease.

Moreover, the Commission considers that account should be taken of the level of internal consumption of APT by the Community producer in question, since the direct negative effect of dumping is thereby limited to merely a relatively small proportion of production.

- (46) In these circumstances, the Commission considers that a change in the situation whereby Chinese imports would cause injury is neither imminent nor, at this stage, a likely prospect.

H. TERMINATION OF THE PROCEEDING

- (47) Accordingly, the anti-dumping proceeding concerning imports of ammonium paratungstate origin-

ating in the People's Republic of China or the Republic of Korea should be terminated without protective measures being imposed.

- (48) No objections to this conclusion were raised in the Advisory Committee.

- (49) The complainant was informed of the facts and principal considerations on the basis of which the Commission intended to terminate the proceeding and did not dispute them in detail, merely voicing its concern in general terms,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of ammonium paratungstate originating in the People's Republic of China or the Republic of Korea is hereby terminated.

Done at Brussels, 26 March 1990.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 26 March 1990

terminating the anti-dumping proceeding concerning imports of tungsten metal powder originating in the People's Republic of China or the Republic of Korea

(90/155/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 9 thereof,

After consultation within the Advisory Committee as provided for in Regulation (EEC) No 2423/88,

Whereas :

A. PROCEDURE

- (1) In July 1988 the Commission received a written complaint lodged by the EEC Liaison Committee for the Non-Ferrous Metal Industries on behalf of producers representing most of the Community production of tungsten metal powder.

The complaint contained evidence of dumping and consequent injury which was judged sufficient to justify the initiation of a proceeding.

In a notice published in the *Official Journal of the European Communities*⁽²⁾ the Commission accordingly announced the initiation of an anti-dumping proceeding concerning imports into the Community of tungsten metal powder falling within CN code 8101 10 00, originating in the People's Republic of China or the Republic of Korea.

- (2) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants.

It called on the parties concerned to reply to the questionnaires sent to them, and gave them the opportunity to make their views known in writing and request a hearing.

- (3) All the Community producers on whose behalf the complaint was lodged replied to the questionnaires, made their views known in writing and requested and were granted hearings by the Commission.

- (4) None of the three main Chinese export bodies, their 20 regional offices nor any of the eight Chinese producers to which the Commission sent the questionnaires returned them completed, even partially. However, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters, hereinafter referred to as 'the China Chamber of Commerce', made itself known to the Commission and informed it that it intended to reply to the questionnaires on behalf of all the Chinese exporters and producers referred to above. On two occasions the China Chamber of Commerce requested and obtained from the Commission an extension of its deadline in order to prepare a reply to the questionnaires. However, in lieu of a specific reply to the questionnaires, all that was received by the Commission was a general position paper.

The China Chamber of Commerce also requested and was granted a hearing, at which it put forward both general arguments and arguments relating to another intermediate tungsten product on which a separate anti-dumping investigation was being conducted.

None of the nine companies listed in the complaint as importers of tungsten metal powder originating in China replied to the questionnaires sent out by the Commission.

- (5) The Korean producer and exporter Korea Tungsten Mining Co. Ltd (KTMC), of Seoul and Taegu, replied in full to the Commission's questionnaires on its own behalf and that of its sales offices in the Community.

KTMC also requested and was granted a hearing and made its views known in writing.

- (6) Accordingly, the findings for those parties which failed to reply and did not make themselves known by any other means were made in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88, on the basis of the facts available, namely the information supplied by the complainant and official Community statistics.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 322, 15. 12. 1988, p. 6.

- (7) The Commission sought and verified all the information it deemed necessary to reach a preliminary determination of dumping and consequent injury, obtained from those parties which had agreed to cooperate. To this end it carried out inspections at the premises of:

(a) *Community producers*

- Hermann C. Stark Berlin, GmbH & Co. KG, Düsseldorf and Goslar, Germany,
- Murex Ltd, Rainham, United Kingdom,
- Eurotungstène Poudres S.A., Grenoble, France;

(b) *Korean producer/exporter*

- Korea Tungsten Mining Co., Ltd (KTMC), Seoul and Taegu.

It also sought information from the producer in the reference country suggested by the complainant. Wolfram Bergbau- und Hüttengesellschaft mbH of Vienna, Austria.

- (8) The dumping investigation covered by the period 1 January 1988 to 30 September 1988.

This proceeding overran the one-year period laid down in Article 7 (9) (a) of Regulation (EEC) No 2423/88 because of the duration of Advisory Committee consultations.

B. THE PRODUCT; COMMUNITY INDUSTRY

- (9) Tungsten metal powder is obtained by reduction of ammonium paratungstate (APT) or tungstic oxide (generally by exposure to hydrogen in furnaces). Various grades are marketed, depending on the size of the particles, for different purposes.

It is an intermediate product, falling within CN code 8101 10 00, used in the production of tungsten carbides or without further processing to produce certain parts such as electrical contacts.

According to the information gathered by the Commission, the product exported by China and Korea and that manufactured by the Community producers may be considered to be like products within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

- (10) The Commission noted that during the reference period the Community producers on whose behalf the complaint had been lodged accounted for the

bulk of Community production of tungsten metal powder.

The Commission therefore considered that the complainants did constitute the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

C. INJURY

1. Volume and market shares

(a) *Republic of Korea*

- (11) In its reply to the questionnaire, KTMC quoted figures for the volume of its sales of tungsten metal powder in the Community which were slightly different from those for imports originating in Korea as published by Eurostat.

Bearing in mind the evidence relating to its sales of tungsten metal powder in the Community which KTMC provided during the inspection at its premises, the Commission considered that the figures for KTMC's actual deliveries to the Community between 1984 and 1987 and the first nine months of 1988 should be used, for the purposes of this investigation, in lieu of the Eurostat figures which were quoted in the complaint.

- (12) On the basis, it appeared that imports of the product in question originating in Korea, which totalled 118 tonnes in 1986, fell to 58 tonnes during the reference period, i.e. a level below that of 1984, 1986 and 1987, adjusted on an annual basis.

The Commission considered that the share of the Community market held by the Korean imports should be assessed on the basis of the total quantities traded in the Community (i.e. Community industry's sales plus total imports originating in non-Community countries).

On this basis it appeared that the South Korean exporter's market share, which had stood at 5,8 % in 1984, has now fallen to less than 4 %.

(b) *People's Republic of China*

- (13) According to the figures published by Eurostat, which are the best available for China, imports from China started in 1985 and totalled only 35 tonnes during the reference period.

In terms of market share, these imports amounted to less than 3 % of the total volume of tungsten metal powder traded over the whole period 1985 to 1988.

(c) Other non-Community suppliers

- (14) Imports originating in other non-Community countries remained stable between 1984 and 1988, averaging around 900 tonnes a year, and represent some 87 % of the total import market.

2. Prices

- (15) Between 1985 and 1988 the Korean exporter reduced its selling price in the Community by 11 % — a small reduction compared to the general downturn in the prices of imported tungsten metal powder during the same period, which resulted in a drop of 28 %.
- (16) Over the same period the Chinese exporters, taken as a whole, reduced their selling prices in the Community by over 28 %.
- (17) To determine the price differential in the Community between tungsten metal powder from China or Korea and that produced within the Community, the Commission compared the average price of imports from China and the weighted average selling price of imports from Korea (at the free-at-Community-frontier duty-paid stage) and the weighted average selling price, not including transport, of the products sold by Community producers.

Through this comparison the Commission found that, for the Chinese exporters, price differentials during the reference period were as much as 19,5 %, but KTMC, the Korean exporter, had not undercut Community production prices.

3. Other economic factors to be taken into consideration*(a) Production*

- (18) The Commission found that Community output of tungsten metal powder, taking as a basis the index 1984 = 100, rose to 106 in 1985, fell to 96 in 1986 and 91 in 1987, and rose again to 107 during the reference period. These figures highlight the clear recovery of Community production, which in 1988 exceeded its 1985 level.

(b) Capacity utilization

- (19) Calculated on the basis of the capacity actually available each year from 1984 to 1987 and during the reference period, the capacity utilization rate of Community producers fell between 1984 and 1987

from 86 % to 70 %, but rose sharply to 91 % during the first nine months of 1988.

(c) Sales

- (20) Community producers' sales on the Community market, taking as a basis the index 1984 = 100, totalled 122 in 1985, 117 in 1986, 103 in 1987 and 126 during the first nine months of 1988 (figures for this period having been adjusted for the year). It should be noted that between 1985 and 1988 Community producers' sales did not fall below the 1984 level and that 1988 saw a sharp increase compared with the previous year.

(d) Market share

- (21) The market share of the Community producers, calculated in the same way as those of China and Korea, fell slightly in 1986 and 1987 but improved during the reference period, rising above 1984 and 1985 levels.

(e) Profits

- (22) The Commission found that the Community industry's financial results worsened slightly in 1986 but improved significantly during the reference period.

4. Conclusion

- (23) In the light of all the abovementioned economic factors, the Commission reached the conclusion that during the investigation period imports of tungsten metal powder originating in China and Korea, taken individually or together, did not cause injury to the complainant.

D. THREAT OF INJURY

- (24) Since the complaint was in part founded on the threat of injury which the imports in question were alleged to pose to the Community industry, the Commission considered whether a change of conditions likely to bring about a situation in which the alleged dumping would cause material injury was either likely or imminent.

- (25) In this respect the Commission found that :

- in the case of China, the rate of increase of the imports in question had remained low and the quantities involved were very modest if compared, in particular, with those from other supplier countries not suspected of dumping,
- in the case of Korea, the imports in question, also modest, had tended to fall from 1987 onwards.

(26) In these circumstances, the Commission considers that a change in the situation whereby the alleged dumping would cause injury is neither imminent nor, at this stage, a likely prospect.

E. DUMPING

(27) On the basis of the conclusions referred to above concerning injury and the threat of injury, the Commission did not consider it necessary to pursue its enquiry to ascertain whether the imports in question had been dumped.

F. TERMINATION OF THE PROCEEDING

(28) Accordingly, the anti-dumping proceeding concerning imports of tungsten metal powder originating in the People's Republic of China or the Republic of Korea should be terminated without protective measures being imposed.

(29) No objections to this conclusion were raised in the Advisory Committee.

(30) The complainant was informed of the facts and principal considerations on the basis of which the Commission intended to terminate the proceeding and did not dispute the arguments,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of tungsten metal powder originating in the People's Republic of China or the Republic of Korea is hereby terminated.

Done at Brussels, 26 March 1990.

For the Commission

Frans ANDRIESEN

Vice-President

CORRIGENDA

Corrigendum to the Second Council Directive 89/646/EEC of 15 December 1989 on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of credit institutions and amending Directive 77/780/EEC

(Official Journal of the European Communities No L 386 of 30 December 1989)

On page 13 in point 8 of the Annex:

for: '8. Participation in share issues and the provision of services related to such issues.'

read: '8. Participation in securities issues and the provision of services related to such issues.'

Corrigendum to Commission Regulation (EEC) No 435/90 of 19 February 1990 amending the list annexed to Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain areas of the Community

(Official Journal of the European Communities No L 46 of 22 February 1990)

On page 6 in the second table of the Annex delete the entry under 'GERMANY':

'— ZK 19	Solea		Ulrum-Zoutkamp	55'
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and insert the entry under 'NETHERLANDS':

'— ZK 19	Solea		Ulrum-Zoutkamp	55'
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Corrigendum to Commission Directive 90/110/EEC of 19 February 1990 amending the Annexes to Council Directive 70/524/EEC concerning additives in feedingstuffs

(Official Journal of the European Communities No L 67 of 15 March 1990)

On page 45, under point 1 (b) of the Annex (the maximum content in mg/kg of complete feeding-stuff):

for: '100',

read: '80'.
