

Official Journal

of the European Communities

ISSN 0378-6978

L 331

Volume 23

9 December 1980

English edition

Legislation

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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3162/80

of 4 December 1980

opening, allocating and providing for the administration of a Community tariff quota for ferro-silicon, falling within subheading 73.02 C of the Common Customs Tariff (1981)

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, as regards ferro-silicon, falling within subheading 73.02 C, the European Economic Community has undertaken to open an annual duty-free tariff quota of 20 000 tonnes; whereas this should however be reduced to 11 100 tonnes to take account of the traditional imports from EFTA countries which have been free of customs duty under the Agreements concluded with those countries; whereas the tariff quota concerned should therefore be opened on 1 January 1981 and allocated among the Member States;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate of duty for the tariff quota should be applied consistently to all imports until the quota is exhausted;

Whereas arrangements for the utilization of the Community tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, to correspond as closely as possible to the actual trend of the market in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistics of imports from third countries during a representative reference period and to the economic outlook for the quota period in question;

Whereas, during the last three years for which complete statistics are available, the corresponding imports into each of the Member States represented

the following percentages of total imports of the product in question:

	1977	1978	1979
Benelux	13.61	9.26	8.97
Denmark	0.97	0.92	0.18
Germany	43.43	46.30	49.17
Greece	0.68	0.70	0.49
France	2.08	2.34	2.86
Ireland	0	0	0
Italy	21.02	18.04	10.63
United Kingdom	18.21	22.43	27.70

Whereas, in view of these factors and of market forecasts for ferro-silicon for 1981, the initial percentage shares in the quota volume can be expressed approximately as follows:

Benelux	9.70
Denmark	0.44
Germany	46.36
Greece	0.59
France	2.82
Ireland	0.07
Italy	16.23
United Kingdom	23.79

Whereas, to take account of future import trends for the products concerned, the quota should be divided into two instalments, the first being allocated and the second held as a reserve to cover subsequently the requirements of Member States which have used up their initial share; whereas, to give importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case should be approximately 95 % of the volume of the quota;

Whereas initial shares may be used up at different rates; whereas to avoid disruption of supplies on this account it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas each time its additional share is almost used up a Member State should draw a further share, and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, which latter must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused, it is essential that that Member State should return a significant proportion to the reserve, in order to prevent a part of the Community quota remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1981 a Community tariff quota of 11 100 tonnes shall be opened in the Community for ferro-silicon falling within subheading 73.02 C of the Common Customs Tariff.

2. Imports of the product in question may not be charged against this tariff quota if they are already free of customs duties under other preferential tariff arrangements.

3. Within this quota the Common Customs Tariff duty shall be totally suspended.

4. Within the limits of this tariff quota, Greece shall apply duties calculated in accordance with the relevant provisions in the Act of Accession of 1979.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment of 10 600 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid from 1 January to 31 December 1981, shall be as follows:

	(tonnes)
Benelux	1 028
Denmark	47
Germany	4 914
Greece	63
France	299
Ireland	7
Italy	1 720
United Kingdom	2 522

3. The second instalment of 500 tonnes shall constitute the reserve.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (2), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 5 % of its initial share rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 2.5 % of its initial share rounded up as necessary to the next whole number.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1 to 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1981.

Article 5

Member States shall, not later than 1 October 1981, return to the reserve the unused portion of their initial share which, on 15 September 1981, is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1981, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1981 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

Member States may restrict the charging of imports against their shares to products for certain intended uses. In that case the Community provisions on the matter shall be applied for checking that the product has been used for the stipulated purpose.

Article 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall not later than 5 October 1981, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 8

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their aggregate shares of the Community quota.

2. Member States shall ensure that importers of the product in question established in their territory have free access to the shares allocated to them.

3. The extent to which the Member States have used up their shares shall be determined on the basis of the imports of the products in question entered with the customs authorities for free circulation.

Article 9

At the Commission's request, Member States shall inform it of imports actually charged against their shares.

Article 10

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

Article 11

This Regulation shall enter into force on 1 January 1981.

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

Done at Brussels, 4 December 1980.

For the Council

The President

J. BARTHEL

COUNCIL REGULATION (EEC) No 3163/80**of 4 December 1980**

opening, allocating and providing for the administration of a Community tariff quota for ferro-silico-manganese, falling within subheading 73.02 D of the Common Customs Tariff (1981)

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, as regards ferro-silico-manganese, falling within subheading 73.02 D, the European Economic Community has undertaken to open an annual duty-free Community tariff quota of 50 000 tonnes; whereas this should however be reduced to 18 550 tonnes to take account of the traditional imports from EFTA countries which have been free of customs duty under the Agreements concluded with those countries; whereas the tariff quota concerned should therefore be opened on 1 January 1981 and allocated among the Member States;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate of duty for the tariff quota should be applied consistently to all imports until the quota is used up; whereas in the light of the principles outlined above, arrangements for the utilization of the Community tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, in order that it may correspond as closely as possible to the actual market trends in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistical data on imports from third countries during a representative reference period and to the economic prospects for the quota period in question;

Whereas during the last three years for which complete statistics are available, the corresponding imports into each of the Member States represented the following percentages of the total imports of the product in question:

	1977	1978	1979
Benelux	0.05	0.52	2.12
Denmark	0	0	0
Germany	68.41	67.22	67.11
Greece	5.71	8.08	5.31
France	0.03	0.06	3.81
Ireland	0	0	0
Italy	13.17	12.52	14.04
United Kingdom	12.63	11.60	7.61

Whereas, in view of these factors and of market forecasts for ferro-silico-manganese for 1981, the initial percentage shares in the quota volume can be expressed approximately as follows:

Benelux	1.77
Denmark	0.03
Germany	63.92
Greece	7.01
France	4.42
Ireland	0.03
Italy	13.47
United Kingdom	9.35

Whereas, to take account of future trends in imports of the product in question, the quota should be divided into two instalments, the first being allocated and the second forming a reserve intended to cover any subsequent requirements of Member States which have used up their initial share; whereas, in order to give importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case should be approximately 95 % of the volume of the quota;

Whereas initial shares may be used up at different rates; whereas to avoid disruption of supplies on this account it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas each time its additional share is almost used up a Member State should draw a further share, and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, which latter must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused, it is essential that that Member State should return a significant proportion to the reserve, in order to avoid a part of the Community quota remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure

concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January to 31 December 1981 a Community tariff quota of 18 550 tonnes shall be opened in the Community for ferro-silico-manganese, falling within subheading 73.02 D of the Common Customs Tariff.

2. Imports of the product in question may not be charged against this tariff quota if they are already free of customs duties under other preferential tariff arrangements.

3. Within this quota the Common Customs Tariff duty shall be totally suspended.

4. Within the limits of this tariff quota, Greece shall apply duties calculated in accordance with the relevant provisions in the Act of Accession of 1979.

Article 2

1. A first instalment of 17 650 tonnes of this Community tariff quota shall be allocated among the Member States ; the shares, which subject to Article 5 shall be valid from 1 January to 31 December 1981, shall be as follows :

	(tonnes)
Benelux	313
Denmark	5
Germany	11 282
Greece	1 237
France	780
Ireland	5
Italy	2 378
United Kingdom	1 650

2. The second instalment of 900 tonnes shall constitute the reserve.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share rounded up as necessary to the next whole number.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1 to 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1981.

Article 5

Member States shall, not later than 1 October 1981, return to the reserve the unused portion of their initial share which, on 15 September 1981, is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1981, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1981, and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

Member States may restrict the charging of imports against their shares to products for certain intended uses. In that case the Community provisions on the matter shall be applied for checking that the product has been used for the stipulated purpose.

Article 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 5 October 1981, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 8

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their aggregate shares of the Community quota.
2. Member States shall ensure that importers of the product in question established in their territory have free access to the shares allocated to them.
3. Member States shall charge imports of the product in question against their shares as and when

the product is entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its shares shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 9

At the Commission's request, Member States shall inform it of the importers actually charged against their shares.

Article 10

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

Article 11

This Regulation shall enter into force on 1 January 1981.

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

Done at Brussels, 4 December 1980.

For the Council

The President

J. BARTHEL

COUNCIL REGULATION (EEC) No 3164/80

of 4 December 1980

opening, allocating and providing for the administration of a Community tariff quota for ferro-chromium containing not more than 0.10 % by weight of carbon and more than 30 % but not more than 90 % by weight of chromium (super-refined ferro-chromium), falling within subheading ex 73.02 E I of the Commons Customs Tariff (1981)

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, as regards ferro-chromium containing by weight not more than 0.10 % of carbon and more than 30 % but not more than 90 % of chromium (super-refined ferro-chromium), falling within subheading 73.02 E I, the European Economic Community has undertaken to open an annual duty-free tariff quota of 3 000 tonnes; whereas this should however be reduced to 2 950 tonnes to take account of the traditional imports from EFTA countries which have been free of customs duty under the Agreements concluded with those countries; whereas the tariff quota concerned should therefore be opened on 1 January 1981 and allocated among the Member States;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate of duty for the tariff quota should be applied consistently to all imports until the quota is used up; whereas arrangements for the utilization of the Community tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, to correspond as closely as possible to the actual trend of the market in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistics of imports from third countries during a representative reference period and to the economic outlook for the quota period in question;

Whereas ferro-chromium of this quite specific quality is not singled out in the Member States statistical nomenclatures; whereas their corresponding imports from third countries, not already benefiting from an equivalent preferential arrangement, could not be detailed in their entirety for the abovementioned reference period;

Whereas, taking into account the foreseeable evolution of the market in such ferro-chromium for the year 1981 and in particular the forecasts made by the Member States, the initial percentage shares in the quota volume can be expressed approximately as follows:

Benelux	19.93
Denmark	0.21
Germany	32.71
Greece	0.18
France	8.18
Ireland	0.04
Italy	12.39
United Kingdom	26.36

Whereas, to take account of future import trends for the products concerned, the quota should be divided into two instalments; the first being allocated and the second held as a reserve to cover subsequently the requirements of Member States which have exhausted their initial share; whereas, to give importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case should be approximately 95 % of the volume of the quota;

Whereas initial shares may be used up at different rates; whereas to avoid disruption of supplies on this account it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas each time its additional share is almost used up a Member State should draw a further share, and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; this form of administration requires close collaboration between the Member States and the Commission, which latter must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused, it is essential that that Member State

should return a significant proportion to the reserve, in order to prevent a part of the Community quota remaining unused in one Member State while it could be used in others ;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January to 31 December 1981 a Community tariff quota of 2 950 tonnes shall be opened in the Community for ferro-chromium containing by weight not more than 0.10 % of carbon and more than 30 % but not more than 90 % of chromium (super-refined ferro-chromium), falling within subheading 73.02 E I of the Common Customs Tariff.

2. Imports of the product in question may not be charged against this tariff quota if they are already free of customs duties under other preferential tariff arrangements.

3. Within this quota, Common Customs Tariff duty shall be totally suspended.

4. Within the limits of this tariff quota, Greece shall apply duties calculated in accordance with the relevant provisions in the Act of Accession of 1979.

Article 2

1. A first instalment of 2 800 tonnes of this Community tariff quota shall be allocated among the Member States ; the shares, which subject to Article 5 shall be valid from 1 January to 31 December 1981, shall be as follows :

	(tonnes)
Benelux	558
Denmark	6
Germany	916
Greece	5
France	229
Ireland	1
Italy	347
United Kingdom	738

2. The second instalment of 150 tonnes shall constitute the reserve.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (1), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share rounded up as necessary to the next whole number.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1 to 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1981.

Article 5

Member States shall, not later than 1 October 1981, return to the reserve the unused portion of their initial share which, on 15 September 1981, is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1981, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1981, and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

Member States may restrict the charging of imports against their shares to products for certain intended uses. In that case the Community provisions on the matter shall be applied for checking that the product has been used for the stipulated purpose.

Article 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 5 October 1981, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

It shall ensure that when the drawing which exhausts the reserve does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 8

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their aggregate share of the Community quota.

2. Member States shall ensure that importers of the product in question established in their territory have free access to the shares allocated to them.

3. The extent to which the Member States have used up their shares shall be determined on the basis of imports of the products in question entered with the customs authorities for free circulation.

Article 9

At the Commission's request, Member States shall inform it of the imports actually charged against their shares.

Article 10

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

Article 11

This Regulation shall enter into force on 1 January 1981.

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

Done at Brussels, 4 December 1980.

For the Council

The President

J. BARTHEL

COUNCIL REGULATION (EEC) No 3165/80**of 4 December 1980****opening, allocating and providing for the administration of a Community tariff quota for raw silk (not thrown), falling within heading No 50.02 of the Common Customs Tariff (1981)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas Community production of raw silk (not thrown) falling within heading No 50.02 of the Common Customs Tariff does not cover the needs of the user industries; whereas the supply of the latter therefore depends to a great extent on imports from non-member countries; whereas it is in the interests of the Community to suspend totally the Common Customs Tariff duty on the product in question, within the limits of an appropriate Community tariff quota;

Whereas it is desirable at the present time to avoid final measures which could lead to the halting of action taken in the sector over a number of years to increase Community production; whereas, under such conditions, it is advisable to extend the tariff system in force in 1980;

Whereas Community production does not appear to have changed considerably when compared with 1980; whereas, taking account of this production and of the forecasts for 1981, the imports needed to satisfy consumption within the Community can be estimated at 4 800 tonnes; whereas the fixing of the quota amount at this level does not preclude an adjustment within the quota period;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the tariff quota should be applied consistently to all imports of the product in question until the quota is used up; whereas a system of utilization of the Community tariff quota based on an allocation between the Member States concerned would, in the light of the principles outlined above, appear consistent with the Community nature of the quota;

Whereas, in view of these factors, the initial percentage shares in the quota volume for 1981 can be expressed approximately as follows:

Benelux	0.11
Denmark	0.11
Germany	4.59
Greece	0.11
France	22.89
Ireland	0.11
Italy	68.65
United Kingdom	3.43

Whereas, to take account of future trends in imports of the product in question in the various Member States, the quota should be divided into two instalments, the first being distributed among the Member States and the second to form a reserve intended to cover any subsequent requirements of Member States who have used up their initial shares; whereas, in order to ensure a certain degree of security for importers of each Member State the first instalment should in this case be fixed at about 90 % of the total quota;

Whereas the initial shares may be used up at different rates; whereas, therefore, to avoid disruption of supplies, any Member State which has almost used up its initial share should draw a supplementary share from the reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary shares must be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the tariff quota has been used up and inform the Member States accordingly;

Whereas, if at a given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that that Member State should return a significant percentage thereof to the reserve, so as to avoid a part of the Community tariff quota remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1981, the autonomous duty of the Common Customs Tariff for raw silk (not thrown), falling within heading No 50.02, shall be totally suspended within a Community tariff quota of 4 800 tonnes.

2. Within the limits of the tariff quota referred to in paragraph 1, Greece shall apply duties calculated in accordance with the relevant provisions of the Act of Accession of 1979.

Article 2

1. A first instalment of 4 370 tonnes of this Community tariff quota shall be allocated among the Member States; Member States' shares, which, subject to Article 5, shall be valid until 31 December 1981, shall be as follows:

	(tonnes)
Benelux	5
Denmark	5
Germany	200
Greece	5
France	1 000
Ireland	5
Italy	3 000
United Kingdom	150

2. The second instalment of 430 tonnes shall constitute the reserve.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), or of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 10 % of its initial share, rounded up where necessary to the next whole number, to the extent permitted by the amount of the reserve.

2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State

has been used up, that Member State shall forthwith, in accordance with the conditions set out in paragraph 1, draw a third share equal to 5 % of its initial share.

3. If, after its second share has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall forthwith, in accordance with the same conditions, draw a fourth share equal to the third.

This process shall continue to apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw lower shares than those specified therein if there are grounds for believing that those specified may not be used up. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

Supplementary shares drawn pursuant to Article 3 shall be valid until 31 December 1981.

Article 5

Member States shall return to the reserve, not later than 1 October 1981, the unused portion of their initial share which, on 15 September 1981, is in excess of 30 % of the initial amount. They may return a larger quantity if there are grounds for believing that such quantity might not be used.

Member States shall notify the Commission, not later than 1 October 1981, of the total quantities of raw silk imported up to and including 15 September 1981 and charged against the Community quota and of any portion of their initial share returned to the reserve.

Article 6

The Commission shall keep an amount of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1981, of the amount in the reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve is limited to the balance available and to this end shall specify the amount thereof to the Member State making the last drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.
2. Member States shall ensure that importers of the product in question established in their territory have free access to the shares allocated to them.
3. Member States shall charge imports of the product in question against their shares as and when the product is entered with the customs authorities for free circulation.
4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the Commission's request, Member States shall inform it of the imports actually charged against their shares.

Article 9

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1981.

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

Done at Brussels, 4 December 1980.

For the Council

The President

J. BARTHEL

COUNCIL REGULATION (EEC) No 3166/80**of 4 December 1980**

opening, allocating and providing for the administration of a Community tariff quota for yarn, entirely of silk, other than yarn of noil or other waste silk, not put up for retail sale, falling within heading No ex 50.04 of the Common Customs Tariff (1981)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas silk yarn is produced in the Community; whereas, although that production could cover all the Community requirements by reason of its overall volume, this does not apply with regard to yarn entirely spun from silk; whereas there is, as a result, an insufficient supply in the Community;

Whereas, consequently, Community supplies of those qualities of yarn depend to a considerable extent on imports; whereas full application of the Common Customs Tariff duty would result in those products being subjected to a considerable customs charge while products manufactured from silk yarn face powerful competition from similar products manufactured from other material; whereas an insufficient supply, added to competition at finished product level, might have adverse effects on the Community's processing industries;

Whereas the Common Customs Tariff duty applicable to imports of the silk yarn in question in 1981 is 6.5 %; whereas, when fixing the quota duty, it is appropriate to take into account, on the one hand, the situation of the Community silk yarn producing industry and, on the other, that of the silk yarn processing industries with regard to their supplies on favourable terms; whereas a quota duty of 2.5 % could best meet the abovementioned requirements;

Whereas the trends in imports during recent years suggest that the import requirements for the yarns in question might be in the region of 65 tonnes for 1981; whereas the opening of a Community tariff quota of that volume is unlikely to harm Community production;

Whereas equal and continuous access to the quota should be ensured for all importers and the rate laid down for the tariff quota should be applied consistently to all imports of the product in question until the quota is used up; whereas a system of utilization of the Community tariff quota based on an allocation between the Member States concerned would, in the light of the principles outlined above, appear consistent with the Community nature of the quota;

Whereas, in view of these factors and of the forecasts which it is possible to make, the initial percentage shares in the quota volume can be expressed approximately as follows:

Benelux	2.08
Denmark	2.08
Germany	20.83
Greece	2.08
France	25.00
Ireland	2.08
Italy	41.67
United Kingdom	4.18

Whereas, to take account of future trends in imports of the product in question in the various Member States, the quota should be divided into two instalments, the first being distributed among the Member States and the second to form a reserve intended to cover any subsequent requirements of Member States who have used up their initial shares; whereas in order to ensure a certain degree of security for importers of each Member State the first instalment should in this case be 74 % of the total quota;

Whereas the initial shares may be used up at different rates; whereas, therefore, to avoid disruption of supplies, any Member State which has almost used up its initial share should draw a supplementary share from the reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary shares must be valid until the end of the quota period; whereas this form of administration requires close

collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the tariff quota has been used up and inform the Member States accordingly ;

Whereas if, at a given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that that Member State should return a significant percentage thereof to the reserve, so as to avoid a part of the Community tariff quota remaining unused in one Member State when it could be used in others ;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 1 January to 31 December 1981, the autonomous duty of the Common Customs Tariff for yarn entirely of silk, other than yarn of noil or other waste silk, not put up for retail sale, falling within heading No ex 50.04, shall be suspended at 2.5 % within a Community tariff quota of 65 tonnes.

2. Within the limits of the tariff quota referred to in paragraph 1, Greece shall apply duties calculated in accordance with the relevant provisions of the Act of Accession of 1979.

Article 2

1. A first instalment of 48 tonnes of this Community tariff quota shall be allocated among the Member States ; Member States' shares, which, subject to Article 5, shall be valid until 31 December 1981, shall be as follows :

	(tonnes)
Benelux	1
Denmark	1
Germany	10
Greece	1
France	12
Ireland	1
Italy	20
United Kingdom	2

2. The second instalment of 17 tonnes shall constitute the reserve.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), or of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 10 % of its initial share, rounded up where necessary to the next whole number, to the extent permitted by the amount of the reserve.

2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall forthwith, in accordance with the conditions set out in paragraph 1, draw a third share equal to 5 % of its initial share.

3. If, after its second share has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall forthwith, in accordance with the same conditions, draw a fourth share equal to the third.

This process shall continue to apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw lower shares than those specified therein if there are grounds for believing that those specified may not be used up. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

Supplementary shares drawn pursuant to Article 3 shall be valid until 31 December 1981.

Article 5

Member States shall return to the reserve, not later than 1 October 1981, the unused portion of their initial share which, on 15 September 1981, is in excess of 20 % of the initial amount. They may return a larger quantity if there are grounds for believing that such quantity might not be used.

Member States shall notify the Commission, not later than 1 October 1981, of the total quantities of silk yarn imported up to and including 15 September 1981 and charged against the Community quota and of any portion of their initial share returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1981, of the amount in the reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve is limited to the balance available and to this end shall specify the amount thereof to the Member State making the last drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. Member States shall ensure that importers of the product in question established in their territory have free access to the shares allocated to them.

3. Member States shall charge imports of the product in question against their shares as and when the product is entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the Commission's request, Member States shall inform it of the imports actually charged against their shares.

Article 9

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1981.

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

Done at Brussels, 4 December 1980.

For the Council

The President

J. BARTHEL

COUNCIL REGULATION (EEC) No 3167/80
of 4 December 1980

opening, allocating and providing for the administration of a Community tariff quota for yarn, spun entirely from waste silk other than noil, not put up for retail sale, falling within subheading 50.05 A of the Common Customs Tariff (1981)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas yarn spun from waste silk is produced in the Community; whereas, although that production should cover all the Community requirements by reason of its overall volume, this does not apply with regard to yarn spun entirely from waste silk; whereas there is, as a result, an insufficient supply in the Community;

Whereas, consequently, Community supplies of those qualities of yarn depend to a considerable extent on imports; whereas full application of the Common Customs Tariff duty would result in those products being subjected to a considerable customs charge while products manufactured from silk yarn face powerful competition from similar products manufactured from other material; whereas an insufficient supply, added to competition at finished product level, might have adverse effects on the Community's processing industries;

Whereas the Common Customs Tariff duty applicable to imports of the yarn spun from waste silk in question is 3.4 %; whereas, when fixing the quota duty, it is appropriate to take into account, on the one hand, the situation of the Community industry producing yarn spun from waste silk and, on the other, that of the industries processing yarn spun from waste silk with regard to their supplies on favourable terms; whereas a zero quota duty could best meet the above-mentioned requirements;

Whereas the trends in imports in recent years suggest that Community import requirements for the yarns in question might be in the region of 270 tonnes for 1981; whereas the opening of a Community tariff quota of that volume is unlikely to harm Community production;

Whereas equal and continuous access to the quota should be ensured for all importers, and the rate laid down for the tariff quota should be applied consistently to all imports of the product in question until the quota is used up; whereas a system of utilization of the Community tariff quota based on an allocation between the Member States concerned would, in the light of the principles outlined above, appear consistent with the Community nature of the quota;

Whereas, in view of these factors and of the forecasts which it is possible to make, the initial percentage shares in the quota volume can be expressed approximately as follows:

Benelux	2.08
Denmark	2.08
Germany	20.83
Greece	2.08
France	25.00
Ireland	2.08
Italy	41.67
United Kingdom	4.18

Whereas, to take account of future trends in imports of the product in question in the various Member States the quota should be divided into two instalments, the first being distributed among the Member States and the second to form a reserve intended to cover any subsequent requirements of Member States who have used up their initial shares; whereas in order to ensure a certain degree of security for importers of each Member State the first instalment should be fixed at approximately 80 % of the total quota;

Whereas the initial shares may be used up at different rates; whereas, therefore, to avoid disruption of supplies, any Member State which has almost used up its initial share should draw a supplementary share from the reserve; whereas this must be done by each Member State as each one of its supplementary shares is almost used up, and as many times as the reserve allows; whereas the initial and supplementary shares must be valid until the end of the quota period; whereas this form of administration requires close

collaboration between the Member States and the Commission, and the Commission must be in a position to follow the extent to which the tariff quota has been used up and inform the Member States accordingly;

Whereas if, at given date in the quota period, a considerable quantity of the initial share is left over in a Member State, it is essential that that Member State should return a significant percentage thereof to the reserve, so as to avoid a part of the Community tariff quota remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1981 the autonomous duty of the Common Customs Tariff for yarn spun entirely from waste silk other than noil, not put up for retail sale, falling within subheading 50.05 A, shall be totally suspended within a Community tariff quota of 270 tonnes.

2. Within the limits of the tariff quota referred to in paragraph 1, Greece shall apply duties calculated in accordance with the relevant provisions of the Act of Accession of 1979.

Article 2

1. A first instalment of 214 tonnes of this Community tariff quota shall be allocated among the Member States; Member States' shares, which, subject to Article 5, shall be valid until 31 December 1981, shall be as follows:

	(tonnes)
Benelux	1
Denmark	1
Germany	10
Greece	1
France	60
Ireland	1
Italy	100
United Kingdom	40

2. The second instalment of 56 tonnes shall constitute the reserve.

Article 3

1. If 90 % or more of a Member State's initial share as specified in Article 2 (1), or of that share minus the portion returned to the reserve where Article 5 is applied, has been used up, that Member State shall forthwith, by notifying the Commission, draw a second share equal to 10 % of its initial share, rounded up where necessary to the next whole number, to the extent permitted by the amount of the reserve.

2. If, after its initial share has been used up, 90 % or more of the second share drawn by a Member State has been used up, that Member State shall forthwith, in accordance with the conditions set out in paragraph 1, draw a third share equal to 5 % of its initial share.

3. If, after its second share has been used up, 90 % or more of the third share drawn by a Member State has been used up, that Member State shall forthwith, in accordance with the same conditions, draw a fourth share equal to the third.

This process shall continue to apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw lower shares than those specified therein if there are grounds for believing that those specified may not be used up. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

Supplementary shares drawn pursuant to Article 3 shall be valid until 31 December 1981.

Article 5

Member States shall return to the reserve not later than 1 October 1981 the unused portion of their initial share which, on 15 September 1981, is in excess of 20 % of the initial amount. They may return a larger quantity if there are grounds for believing that such quantity might not be used.

Member States shall notify the Commission, not later than 1 October 1981, of the total quantities of yarn spun entirely from waste silk imported up to and including 15 September 1981 and charged against the Community quota and of any portion of their initial share returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserve has been used up.

It shall inform the Member States, not later than 5 October 1981 of the amount in the reserve after amounts have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve is limited to the balance available and to this end shall specify the amount thereof to the Member State making the last drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that supplementary shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. Member States shall ensure that importers of the product in question established in their territory have free access to the shares allocated to them.

3. Member States shall charge imports of the product in question against their shares as and when the product is entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the Commission's request, Member States shall inform it of the imports actually charged against their shares.

Article 9

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 1 January 1981.

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

Done at Brussels, 4 December 1980.

For the Council

The President

J. BARTHEL

COUNCIL REGULATION (EEC) No 3168/80
of 4 December 1980

opening, allocating and providing for the administration of a Community tariff
quota for rosin, including 'brais résineux', falling within subheading 38.08 A of
the Common Customs Tariff (1981)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Article 28
thereof,

Having regard to the draft Regulation submitted by
the Commission,

Whereas production in the Community of rosin
falling within subheading 38.08 A of the Common
Customs Tariff is currently insufficient to meet the
requirements of the processing industries in the
Community; whereas, consequently, Community
supplies of products of this type currently depend to a
considerable extent on imports from third countries;
whereas the most urgent Community requirements
for the products in question should be met immedi-
ately on the most favourable terms; whereas a nil duty
Community tariff quota should therefore be opened
within the limits of an appropriate amount corres-
ponding to 25 % of the Community's imports from
third countries not associated with or linked to the
Community by a preferential agreement during the
last year for which statistics are available;

Whereas, in 1979, imports of rosin from third coun-
tries not associated with or linked to the Community
by a preferential agreement were as follows:

	(tonnes)
Benelux	13 953
Denmark	123
Germany	26 802.6
Greece	0
France	8 835
Ireland	2 500
Italy	8 836.7
United Kingdom	18 784
Total	79 834.3

Whereas 25 % of this total represents 19 959 tonnes;

Whereas, in view of the negligible size of such a quota
in comparison with the Community's requirements, a
system of utilization should, without derogating from
the Community nature of the tariff quota, be provided
for based on a single allocation between the Member

States; whereas this allocation may be calculated by
the same method as is used to establish the total
quota of 25 % of the imports of each Member State
from the same third countries; whereas, in order to
safeguard the Community nature of the quota, a share
should be allocated to Greece by levying the same
percentage on the share allocated to each of the other
Member States; whereas, calculated in such a manner,
this allocation is as set out in Article 2;

Whereas, since the Kingdom of Belgium the
Kingdom of the Netherlands and the Grand Duchy of
Luxembourg are united within and jointly represented
by the Benelux Economic Union, any measure
concerning the administration of the shares allocated
to that economic union may be carried out by any
one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1981 the
Common Customs Tariff duty for rosin including
'brais résineux' falling within subheading 38.08 A
shall be totally suspended within the limits of a
Community tariff quota of 19 959 tonnes.
2. Within the limits of this tariff quota, Greece
shall apply duties calculated in accordance with the
relevant provisions laid down in the Act of Accession
of 1979.

Article 2

The Community tariff quota referred to in Article 1
shall be allocated as follows among the Member
States:

	(tonnes)
Benelux	3 487
Denmark	30
Germany	6 700
Greece	7
France	2 208
Ireland	624
Italy	2 208
United Kingdom	4 695

Article 3

1. Member States shall take all appropriate measures to ensure that importers of the product in question established in their territory have free access to the shares allocated to them.

2. The extent to which a Member State has used up its share shall be determined on the basis of the imports of the product in question entered with the customs authorities for home use.

Article 4

At the Commission's request, Member States shall inform it of the imports actually charged against their shares.

Article 5

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on 1 January 1981.

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

Done at Brussels, 4 December 1980.

For the Council

The President

J. BARTHEL

COMMISSION REGULATION (EEC) No 3169/80**of 8 December 1980****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 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 1870/80⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation No 129 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 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Regulation (EEC) No 2035/80⁽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 effective parity ;

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent ;

Whereas these exchange rates being those recorded on 5 December 1980 ;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2035/80 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 December 1980.

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

Done at Brussels, 8 December 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 184, 17. 7. 1980, p. 1.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 200, 1. 8. 1980, p. 1.

ANNEX

to the Commission Regulation of 8 December 1980 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	50.80
10.01 B	Durum wheat	64.84 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	31.89 ⁽⁶⁾
10.03	Barley	34.42
10.04	Oats	16.22
10.05 B	Maize, other than hybrid maize for sowing	65.81 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	47.83 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	84.90
11.01 B	Rye flour	58.45
11.02 A I a)	Durum wheat groats and meal	113.74
11.02 A I b)	Common wheat groats and meal	90.82

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1.81 ECU/tonne.

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

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

**COMMISSION REGULATION (EEC) No 3170/80
of 8 December 1980**

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 Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1870/80 ⁽²⁾, and in particular
Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy ⁽³⁾, as last amended by Regulation (EEC)
No 2543/73 ⁽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 Regulation (EEC) No
2036/80 ⁽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
effective parity,

- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies in relation to the Community
currencies referred to in the previous indent ;

Whereas these exchange rates being those recorded on
5 December 1980 ;

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

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 shall be
as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 December
1980.

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

Done at Brussels, 8 December 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 184, 17. 7. 1980, p. 1.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 200, 1. 8. 1980, p. 4.

ANNEX

to the Commission Regulation of 8 December 1980 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 12	1st period 1	2nd period 2	3rd period 3
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 12	1st period 1	2nd period 2	3rd period 3	4th period 4
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3171/80
of 4 December 1980

repealing a national anti-dumping duty on saccharin and its salts originating in the Republic of Korea imposed under the transitional provisions of the Act of Accession

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from countries not members of the Community⁽¹⁾, and in particular Article 14 thereof,

After consultation within the Advisory Committee set up under that Regulation,

Whereas in October 1979 the Commission received a request to review a national anti-dumping duty imposed by the United Kingdom under the transitional provisions of Section VI (1) of Annex VII to the Act of Accession on exports to the United Kingdom of saccharin and its salts originating in the Republic of Korea; whereas such review was warranted;

Whereas the Commission accordingly announced by a notice published in the *Official Journal of the European Communities* ⁽²⁾ the initiation of a review proceeding and commenced a review of the national anti-dumping duty;

Whereas the Commission officially so advised the exporters and importers known to be concerned as well as the representatives of the exporting country;

Whereas the Commission has given the parties directly concerned the opportunity to make known their views in writing, to be heard orally and to meet so that opposing views might be presented and rebuttal arguments put forward;

Whereas most of the importing parties and all the exporting parties concerned have taken this opportunity;

Whereas in the course of the review the Commission sought and verified all information it deemed necessary and carried out investigations at the premises of the principal producers and exporters in the Republic of Korea, namely Choheung Chemical Industrial Co. Ltd (Seoul), Jeil Moolsan Co., Inc. (Seoul), Kedong Industrial Co. Ltd (Seoul) and Kum Yang Co. Ltd (Seoul);

Whereas when reviewing the existence of dumping by the Korean producers and exporters it was concluded

on the basis of the information obtained that the prices of saccharin and its salts on the domestic market in the Republic of Korea in 1979 did not permit recovery of all costs ordinarily incurred in their production; whereas, therefore, these sales were considered as not having been made in the normal course of trade; whereas, therefore, the normal value was determined on the basis of the comparable prices of the like product when exported to a third country; whereas, to review the extent of dumping, the export prices to the Community were compared with the weighted averages of each exporters sales to Australia or the United States of America in 1979 and the first quarter of 1980;

Whereas, to ensure the export prices and the normal value were on a comparable basis, allowance was made where appropriate, for differences claimed in respect of the conditions and terms of sale on each market and in particular for differences in the costs of credit and packaging;

Whereas the examination of the facts showed that in 1979 dumping existed only in respect of exports to the Community by Kedong Industrial Co. Ltd, the margin of dumping being 9.4 %; whereas the examination also showed that in the first quarter of 1980 dumping existed in respect of all the Korean exporters' sales to the Community, the dumping margins varying from 1.9 to 4.2 %;

Whereas, with regard to the injury caused to the Community industry, the evidence available to the Commission shows that the market share of imports of saccharin and its salts from the Republic of Korea in the Community decreased from 46.5 % in 1976 to 41.8 % in 1979; whereas, however, following the imposition of the UK national duty, the market share of Korean imports in the United Kingdom decreased in the same period from 11.8 to 1.1 %;

Whereas the resale prices of the products imported into the United Kingdom from the Republic of Korea were substantially lower than those of the Community producer;

Whereas the consequent impact of these imports on the Community industry, together with dumped imports from China and the United States of America is characterized by a fall in production, by low capacity utilization and by a loss of market share

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No C 303, 4. 12. 1979, p. 4.

between 1976 and 1979 leading to a reduction of profits or to losses during the same period ;

Whereas injuries caused by other factors which could adversely affect the Community industry, such as the volume and prices of other imports or the overall demand for saccharin and its salts have been examined in the review and any adverse effects caused by these factors have not been attributed to the imports under consideration ;

Whereas, in view of the foregoing, the review shows the continued existence of dumping in respect of imports of saccharin and its salts from the Republic of Korea, and that there is sufficient evidence of consequent material injury ;

Whereas the Korean exporters were informed of the findings of the review ; whereas undertakings were subsequently offered by these exporters in respect of exports to the United Kingdom ; whereas the effect of these undertakings will be to increase export prices to the United Kingdom to levels eliminating but not exceeding the margins of dumping ;

Whereas the Commission, having regard to the capacity of the Community producer, has therefore determined that it is not now necessary to take protective action in respect of imports originating in the Republic of Korea and has decided to accept the undertakings offered and to terminate the review without the imposition of anti-dumping duties ;

Whereas, in the light of the abovementioned undertakings, the Commission has concluded that the national anti-dumping duty imposed by the United Kingdom under the transitional provisions of the Act of Accession on exports into the United Kingdom of saccharin and its salts originating in the Republic of Korea is not now necessary,

HAS ADOPTED THIS REGULATION :

Article 1

The undertakings given by the Korean exporters in respect of exports of saccharin and its salts ⁽¹⁾ to the United Kingdom are hereby accepted.

Article 2

The anti-dumping duty of £ 0.5511 per kilogram imposed under the transitional provisions of the Act of Accession on exports to the United Kingdom of saccharin and its salts originating in the Republic of Korea ⁽²⁾ is hereby repealed.

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, 4 December 1980.

For the Commission

Wilhelm HAFERKAMP

Vice-President

⁽¹⁾ CCT subheading 29.26 A I ; NIMEXE code 29.26-11.

⁽²⁾ The Anti-Dumping and Countervailing Duties Order 1973 (SI 1973/2037).

COMMISSION REGULATION (EEC) No 3172/80**of 5 December 1980****laying down implementing rules in respect of the system of consumption aid
for olive oil**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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
1917/80⁽²⁾, and in particular Article 11 (8) thereof,

Whereas the minimum packaging capacity and period
of activity required for the approval of plants must be
set at levels such as will ensure that such plants carry
on packaging as their main activity and on a contin-
uous basis ;

Whereas the stock records kept by approved plants
must include all the particulars necessary to enable
checks to be made as to entitlement to consumption
aid ; whereas, in order to ensure effective checks, non-
approved plants which put up imported oil in small
containers should also be required to keep stock
records ;

Whereas, for the purposes of carrying out checks, it
may in certain cases also prove necessary to inspect
the accounts of the plant concerned and, where appro-
priate, to carry out other checks on undertakings
upstream or downstream of the plant ; whereas provi-
sion should also be made for extending checks to
accounts relating to the packaging of seed oil ;

Whereas, to ensure that the system of aid operates
correctly, the aid must be reserved for oil put up in
the small containers for which there is traditionally a
demand from consumers ;

Whereas, in the interests of good administration, the
reuse of used packaging should be forbidden ;
whereas, however, undertakings using the returnable
packaging system should be allowed a certain period
for adaptation ;

Whereas Article 11 of Regulation No 136/66/EEC
provides that the aid is to be granted for oil produced
and marketed in the Community ; whereas, in the
interests of sound administration, the concept of
marketing in the Community should be defined ;

Whereas applications for aid should include a
minimum of particulars necessary for checking entitle-
ment to aid ;

Whereas the minimum quantity applied for in each
case should be set at a level permitting rational
administration of the aid system ;

Whereas, to the same end, special provisions should
be laid down in respect of oil leaving establishments
at the end of the marketing year ;

Whereas, in order to ensure uniform application of
the aid system, the procedures for paying the aid
should be defined ;

Whereas, in order to ensure that the system operates
correctly, advance payment of the aid should be
subject to the lodging of a security, to be released on
recognition of entitlement to the aid ;

Whereas there is some risk that substantial quantities
of olive oil put up in small containers may be
imported into the Community or may be the subject
of intra-Community trade, which may give rise to
fraud ; whereas, in order to deal with this situation,
this trade should be made subject to suitable measures
to verify use ; whereas, for the same reason, it should
be prohibited to decant oils put up in small
containers, and penalties for failure to comply with
this requirement should be laid down ; whereas the
penalty should also be imposed if the use of the oil
cannot be proved ;

Whereas Article 9 of Council Regulation (EEC) No
3089/78⁽³⁾, as amended by Regulation (EEC) No
2762/80⁽⁴⁾, provides that all placing into free circula-
tion of imported olive oil shall be subject to the
lodging of a security which shall be released as soon
as the oil has been rendered ineligible for aid ;
whereas detailed rules for the application of the
system of securities should be laid down ;

Whereas, in order to ensure that these arrangements
for checking imported oil operate correctly, the uses
which render the oil ineligible for the aid should be
defined ; whereas, for the same reason, provision
should be made for the issuing by the Member State
concerned of a document certifying that the oil has
been put to one of the uses in question ;

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

⁽²⁾ OJ No L 186, 19. 7. 1980, p. 1.

⁽³⁾ OJ No L 369, 29. 12. 1978, p. 12.

⁽⁴⁾ OJ No L 287, 30. 10. 1980, p. 2.

Whereas Regulation (EEC) No 557/79⁽¹⁾ should be repealed ;

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

For the purposes of obtaining the approval referred to in Article 2 of Regulation (EEC) No 3089/78, a packaging plant must have a packaging capacity of at least six tonnes of oil per eight-hour working day.

Article 2

For the purposes of obtaining approval, a plant must undertake :

- (a) except in cases of *force majeure*, to carry on packaging operations for olive oil for at least 150 days in every marketing year ;
- (b) except in cases of *force majeure*, to package during the period referred to under (a) a total quantity of at least 60 tonnes of olive oil.

As regards plants which commence operations during a marketing year, the minimum figures under (a) and (b) shall be fixed according to the number of months remaining until the end of the marketing year in question.

Article 3

Each packaging plant shall, from the date on which it is approved, keep daily stock records giving at least the following information :

- (a) the stocks of olive oil, by origin and packaging, existing at the date on which it was approved ;
- (b) the quantity and quality of each consignment of olive oil entering the plant, by origin and packaging ;
- (c) the number of the purchase invoice for each consignment, or, where appropriate, the number of the receipt note or of any other equivalent document ;
- (d) the number of immediate containers entering the plant, by capacity ; as well as the number of the purchase invoice for each consignment, or, where appropriate, the number of the receipt note or of any other equivalent document ;
- (e) the number of immediate containers used, by capacity ;
- (f) the quantity and quality of olive oil packaged ;
- (g) the quantity and quality of olive oil leaving the plant, by lot ;

(h) for each consignment leaving the plant, the number of the sales invoice or, where appropriate, the number of the exit note or of any other equivalent document ;

(i) the movements of oils inside the area referred to in Article 7 (2) (a) and between this area and the storage place referred to in Article 7 (2) (b).

Where an olive oil packaging undertaking also packs seed oil, that undertaking shall keep a separate daily stock record for the latter activity.

Article 4

1. The identification number referred to in Article 2 (2) of Regulation (EEC) No 3089/78 shall be preceded by the following letters :

- (CEE)-F, for plants situated in France,
- (CEE)-ITA, for plants situated in Italy,
- (EEC)-IRL, for plants situated in Ireland,
- (EWG)-D, for plants situated in Germany,
- (EØF)-DK, for plants situated in Denmark,
- (EEG)-NL, for plants situated in Netherlands,
- (CEE)-(EEG)-B, for plants situated in Belgium,
- (CEE)-L, for plants situated in Luxembourg,
- (EEC)-UK, for plants situated in the United Kingdom.

2. This identification number shall be marked indelibly on all immediate containers as referred to in Article 6 containing olive oil intended to be placed on the Community market and qualify for consumption aid.

Article 5

Member States shall check by sampling, using the methods set out in the Annexes to Regulation (EEC) No 1058/77, that the oil put up in an immediate container complying with the provisions of Article 6 accords with one of the definitions referred to in Article 4 (1) (a) of Regulation (EEC) No 3089/78.

Article 6

To qualify for aid, olive oil must be put up in an immediate container of a net content of five litres or less, fitted with a non-reusable sealing device and bearing the identification number referred to in Article 4.

Reuse of immediate packing is forbidden.

However, reuse of immediate packaging in glass shall be authorized up to 31 October 1981.

⁽¹⁾ OJ No L 73, 24. 3. 1979, p. 13.

Article 7

1. For the purposes of this Regulation, all olive oil leaving an approved packaging plant after being packaged in accordance with Article 6 shall be deemed to have been placed on the market in the Community.

2. For the purposes of this Regulation oil shall be deemed to have left the packaging plant where, after packaging it has left:

- (a) the area of the establishment where packaging took place, or
- (b) if the oil is not stored in that area, any storage place outside it.

The storage place referred to in (b) must permit a proper check to be kept upon the products stored and must have been approved in advance by the relevant supervisory body.

Article 8

The Member States shall take all such measures as may be necessary to ensure compliance with the condition laid down in Article 4 (1) (c) of Regulation (EEC) No 3089/78.

Member States shall inform the Commission of the measures they have taken pursuant to the preceding paragraph.

Article 9

1. Every application for aid shall relate to the total quantity of olive oil leaving the packaging plant during a given month. Each application shall be submitted no later than the end of the second month following that to which the application refers. Each application shall relate to at least 15 tonnes.

If the quantity is not achieved during the course of a given month, the aid application shall be lodged no later than the end of the second month following that in which the minimum quantity is achieved.

However, for the total quantities leaving the establishment at the end of a marketing year for which the aid application has not been lodged in accordance with the preceding paragraphs, an aid application shall be lodged at the latest during the two months following the end of the marketing year in question.

Any aid application lodged after the expiry of the required date shall not be accepted.

2. Applications for aid shall contain at least the following information:

- the name and address of the applicant plant,
- the plant's identification number,
- the quantity of oil in respect of which aid is applied for, broken down by month.

3. The Member State shall pay the aid within 150 of the submission of the aid application.

Article 10

For the purposes of this Regulation, one litre of olive oil shall correspond to 0.916 kilograms of that product.

Article 11

1. The amount of the aid shall be advanced to the party concerned as soon as he submits an application for aid together with a certificate showing that a security equal to the amount of the aid has been lodged.

2. The security shall be lodged in the form of a guarantee by an establishment meeting the criteria laid down by the Member State to which application for aid is made.

3. The security shall be released as soon as the competent authority of the Member State has recognized entitlement to the aid in respect of the quantities shown in the application.

If entitlement to the aid is not recognized in respect of all or part of the quantities shown in the application, the security shall be forfeit in proportion to the quantities in respect of which the conditions giving entitlement to the aid were not complied with.

Article 12

1. For the purposes of the checks referred to in Article 7 of Regulation (EEC) No 3089/78, the Member States shall systematically inspect the stock records of approved packaging plants.

If the plant packages both olive oil and seed oil, the checks referred to in this Article may be extended to stock records and accounts in respect of the packaging of oils other than olive oil.

If any doubt arises as to the accuracy of the information given in the application for aid, the applicant's accounts may be checked and, where appropriate, additional checks may be carried out among persons supplying oil to the packaging plants and among those to whom the packaged oil has been supplied.

2. For the purpose of investigations to discover fraud, all operators purchasing or selling olive oil put up in immediate containers of a net content not exceeding five litres, with the exception of retailers and direct consumers, shall be subject to possible checks by the Member State.

3. The decantation of olive oil put up in an immediate container of a net content not exceeding five litres shall be prohibited except where prior authorization is given.

4. In case of unauthorized decantation, the operator shall pay to the Member State in which the operation is carried out an amount equal to the consumption aid applicable to the quantities involved.

Where an operator is unable to furnish, to the satisfaction of the Member State concerned, proof of the use of oil purchased in immediate containers of a net content not exceeding five litres, the operator involved shall pay to the Member State an amount equal to the consumption aid applicable to the quantities involved.

The amount paid to the Member States shall be deducted from claims made on the EAGGF by the paying services or authorities of the Member States.

Article 13

1. On completion of the customs formalities for release for consumption within a Member State of olive oil in immediate packaging with net contents not exceeding five litres, the importer must provide the customs authorities of that Member State with a copy of the purchase invoice for the product, or any other relevant document containing information relating to the quantity, nature and packaging of the product.

These documents shall be stamped by the customs authorities and sent by them to the authorities responsible for supervision of the consumption aid. Such latter authorities shall take the necessary steps to ensure compliance with the provisions of Article 12 (3).

2. The Member States concerned shall assist one another in carrying out the checks provided for in this Article.

Article 14

1. The release into free circulation in the Community of olive oil falling within subheading 15.07 A of the Common Customs Tariff, shall be subject to the production of proof that the security referred to in Article 9 of Regulation (EEC) No 3089/78 has been lodged.

If the oil to be put into free circulation is packaged in an immediate container of a net content not exceeding five litres, the packaging shall bear, from 1 February 1981, indelible markings indicating that the oil has been packaged in a third country.

2. The security shall be equal to the amount of the consumption aid paid to the beneficiary. It shall be lodged in respect of the totality of the quantity of olive oil to be imported.

However:

(a) as regards olive oil falling within subheading 15.07 A I b) of the Common Customs Tariff originating

in and transported directly from the following countries to the Community, the quantity in respect of which the security is to be lodged shall be equal:

- in the case of Turkey, to 86 %,
- in the case of Greece, Morocco and Tunisia, to 91 %,
- in the case of other countries, to 97 % of the total quantity to be imported;

(b) as regards olive oil falling within subheading 15.07 A I c) of the Common Customs Tariff, the quantity in respect of which the security is to be lodged shall be equal to 78 % of the total quantity to be imported.

3. This security shall be lodged, at the option of the applicant, in cash or in the form of a guarantee given by an establishment satisfying the requirements laid down by the Member State with which the security is lodged.

4. The security shall be released on presentation, save in cases of *force majeure*, within six months of the date of release into free circulation of the original copy of the certificate referred to in Article 15 (3) in respect of the quantity which that certificate shows to have been rendered ineligible for consumption aid.

However, as regards the export of olive oil of subheading 15.07 A I b) or 15.07 A I c) referred to in Article 15 (1) (b), the quantity in respect of which the security shall be released shall be equal to 86 and 78 % respectively of the quantity shown on the certificate.

Where the time limit referred to above is not complied with the security shall be forfeit.

However, if the certificate referred to in Article 15 (3) is presented not later than the ninth month following the expiry date of the period referred to in paragraph 1, the security shall be repaid, subject to the deduction of an amount equal to 10 % of the security for each delay of a month or part of a month in presenting the certificate.

Where the conditions laid down in this Article are satisfied in respect of part only of the oil concerned, the security shall be released in proportion to the quantity in respect of which they are satisfied.

Article 15

1. The oil referred to in Article 14 (1) shall be deemed to have been made ineligible for consumption aid within the meaning of Article 9 (2) of Regulation (EEC) No 3089/78 when:

- (a) it has, in a plant situated in the Community, been put up in immediate containers of a net content of five litres or less which do not bear the identification number provided for in Article 4, and has left that plant; or

- (b) it has left the geographical territory of the Community, either in bulk or in immediate containers of a net content of more than five litres which do not bear an identification number; or
- (c) it has been used in the manufacture of preserved fish or vegetables without benefiting from the production refund for olive oil of Community origin used in such manufacture; or
- (d) it has been demonstrated to the satisfaction of the Member State concerned that the oil, imported in immediate packages with contents not exceeding five litres, bearing the indications required by Article 14 (1), has been taken over without further treatment by the retail trade or has been used for industrial purposes.

2. Plants proposing to use the oil referred to in Article 14 (1) in accordance with the conditions set out in paragraph 1 (a) and (c) shall inform the authorities of the Member States concerned in advance.

Plants other than approved plants which propose to use the oil as specified in paragraph 1 (a) shall keep stock records in accordance with the provision of points (b) to (i) of Article 3 and shall indicate the stocks of olive oil existing at the date on which the competent authorities were notified in accordance with the preceding paragraph.

Plants using oil in accordance with paragraph 1 (c) shall comply with the provisions of Regulation (EEC) No 1963/79.

3. At the request of the plants, the competent authorities shall issue a certificate, using the model set out in the Annex hereto, after checking that the plants concerned have in fact used the oil in accordance with the conditions set out in paragraph 1 (a), (c) and (d).

4. If the oil is exported, proof of export shall be furnished in accordance with the rules for granting

export refunds. This proof must be submitted to the competent authorities of the Member State in which the export formalities shall issue the certificate referred to in paragraph 3.

If the oil was exported to Switzerland or Austria under the Community internal transit procedure, or if the oil crossed these countries under this procedure on its way to the country of destination, the certificate shall be issued on condition that proof is furnished that the oil concerned has been placed in free circulation in a non-member country, except where it has been destroyed in transit as a result of *force majeure*.

5. Olive oil in respect of which a certificate has been issued in accordance with paragraph 4 may not qualify for aid under Regulation (EEC) No 754/76 unless the certificate in question is cancelled or a new security lodged in accordance with Article 14.

Article 16

1. Member States shall inform the Commission of all the arrangements they make for the implementation of this Regulation.

2. Each month they shall notify to the Commission:

- the quantities of olive oil in respect of which aid was applied for in the preceding month,
- the amounts of the securities as referred to in Article 14 forfeited during the preceding month.

Article 17

Regulation (EEC) No 557/79 is hereby repealed.

Article 18

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, 5 December 1980.

For the Commission

Finn GUNDELACH

Vice-President

ANNEX

CERTIFICATE Regulation (EEC) No 3172/80	EC EG EF CE
Issuing body (name and address) :	No : Original/Copy
	Holder (name, address and Member State) :
Description :	Net weight (in figures) :
	CCT heading No :
Net weight (in words) :	

Declaration by the issuing body :

This is to certify that the olive oil described above has been made ineligible for consumption aid in accordance with Article 14 (1) of Regulation (EEC) No 3172/80 (packaged/exported/used in preserved products/released on the market for consumption without further treatment/used for industrial purposes)⁽¹⁾

(Place), (Date)

(Signature)

(Stamp)

⁽¹⁾ Delete as appropriate.

COMMISSION REGULATION (EEC) No 3173/80**of 8 December 1980****fixing, for certain products processed from fruit and vegetables, the export
refunds provided for in Article 6 of Regulation (EEC) No 516/77**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
516/77 of 14 March 1977 on the common organiza-
tion of the market in products processed from fruit
and vegetables⁽¹⁾, as last amended by Regulation
(EEC) No 2021/80⁽²⁾, and in particular the third
subparagraph of Article 6 (2) thereof,

Whereas Article 6 of Regulation (EEC) No 516/77
provides that, where required in order to permit the
exportation on the basis of prices ruling in interna-
tional trade of economically important products not
containing added sugar being products listed in
Article 1, the difference between the aforesaid prices
and Community prices may be covered by an export
refund;

Whereas Article 2 of Council Regulation (EEC) No
519/77 of 14 March 1977 laying down general rules
for granting export refunds on products processed
from fruit and vegetables and criteria for fixing the
amount of such refunds⁽³⁾ provides that refunds are to
be fixed taking into account the existing situation and
future trends with regard, on the one hand, to prices
and availabilities on the Community market of
products processed from fruit and vegetables and, on
the other hand, to prices ruling in international trade;
whereas account also has to be taken of the costs
referred to in (b) of the said Article and of the
economic aspect of the proposed exports;

Whereas Article 3 of Regulation (EEC) No 519/77
provides that when prices on the Community market
are being determined account shall be taken of the

ruling prices which are most favourable from the
point of view of exportation; whereas when prices in
international trade are being determined account is to
be taken of the prices referred to in paragraph 2 of the
said Article;

Whereas orange juice and stalked and stoned cherries
preserved in a sulphurous solution and certain grilled
hazelnuts are economically important products to
which no sugar has been added; whereas, in order to
enable export of hard cherries preserved by sugar, the
refund provided for in Article 6 of Regulation (EEC)
No 516/77 should also be applied;

Whereas it follows from applying these rules and
criteria to the present situation on the market, and in
particular to prices within the Community and on the
world market for products processed from fruit and
vegetables, that the refund should be fixed as indi-
cated below;

Whereas the Management Committee for Products
Processed from Fruit and Vegetables has not delivered
an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds provided for in Article 6 of Regula-
tion (EEC) No 516/77 shall be as specified in the
Annex hereto.

Article 2

This Regulation shall enter into force on 9 December
1980.

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

Done at Brussels, 8 December 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 198, 31. 7. 1980, p. 1.

⁽³⁾ OJ No L 73, 21. 3. 1977, p. 24.

ANNEX

to the Commission Regulation of 8 December 1980 fixing, for certain products processed from fruit and vegetables, the export refunds provided for in Article 6 of Regulation (EEC) No 516/77

CCT heading No	Description	Amount in ECU/100 kg of product (including immediate packings)
ex 08.11 E	Stalked and stoned cherries preserved in a sulphurous solution	12.09 ⁽¹⁾
ex 20.04	Hard cherries preserved by sugar (drained, glacé or crystallized)	30.22 ⁽¹⁾
ex 20.06 A	Common hazelnuts, fruit of <i>Corylus avellana</i> , with the exception of mixtures	14.51
ex 20.07	Pure orange juice, with no other substances added :	
	— Not concentrated (between 10 and 12 degrees Brix value)	2.10
	— Concentrated :	
	— Per unit of concentration (11 degrees Brix value)	2.10

⁽¹⁾ For exports to all third countries, with the exception of North America.

COMMISSION REGULATION (EEC) No 3174/80
of 8 December 1980
fixing the export levy 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 Council Regulation (EEC) No
3330/74 of 19 December 1974 on the common organi-
zation of the market in sugar⁽¹⁾, as last amended by
Regulation (EEC) No 1396/78⁽²⁾, and in particular
Article 17 (6) thereof,

Having regard to Council Regulation (EEC) No
608/72 of 23 March 1972 laying down rules to be
applied in cases of considerable price rises on the
world sugar market⁽³⁾, and in particular Article 1 (2)
thereof,

Whereas the export levy on white sugar and raw sugar
was fixed by Regulation (EEC) No 2005/80⁽⁴⁾, as last
amended by Regulation (EEC) No 3160/80⁽⁵⁾;

Whereas it follows from applying the rules, criteria
and other provisions contained in the Regulation
(EEC) No 2005/80 to the information at present avail-
able to the Commission, that the export levy at
present in force should be altered as shown in the
Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The export levy on sugar provided for in the first
subparagraph of Article 17 (1) of Regulation (EEC) No
3330/74 is fixed as shown in the Annex to this Regula-
tion.

Article 2

This Regulation shall enter into force on 9 December
1980.

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

Done at Brussels, 8 December 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 170, 27. 6. 1978, p. 1.

⁽³⁾ OJ No L 75, 28. 3. 1972, p. 5.

⁽⁴⁾ OJ No L 195, 29. 7. 1980, p. 33.

⁽⁵⁾ OJ No L 330, 6. 12. 1980, p. 28.

ANNEX

to the Commission Regulation of 8 December 1980 fixing the export levy on white sugar
and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Amount of the export levy
17.01	Beet sugar and cane sugar, solid :	
	ex A. White sugar other than candy sugar, flavoured or coloured sugar	4.87
	ex B. Raw sugar other than candy sugar	9.09 ⁽¹⁾

⁽¹⁾ This amount applies to raw sugar with a 92 % yield. If the yield of the exported raw sugar is different from 92 % the levy to be applied shall be calculated in conformity with Article 2 of Regulation (EEC) No 825/75.

COMMISSION REGULATION (EEC) No 3175/80
of 8 December 1980
altering the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as amended by Regulation (EEC) No 368/76⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas the export refunds in the egg sector were last fixed by Commission Regulation (EEC) No 2585/80 of 8 October 1980⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2585/80 to the

information known to the Commission that the export refunds for the products listed in the Annex hereto should be altered to the amounts set out therein,

HAS ADOPTED THIS REGULATION:

Article 1

The list of products for which the export refund referred to in Article 9 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund, are hereby fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 December 1980.

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

Done at Brussels, 8 December 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 2.

⁽³⁾ OJ No L 265, 9. 10. 1980, p. 22.

(a) Only poultry eggs which fulfil the conditions stipulated by the competent authorities of the European Communities are eligible for entry under this subheading.

COMMISSION REGULATION (EEC) No 3176/80
of 8 December 1980
altering the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as amended by Regulation (EEC) No 369/76⁽²⁾, and in particular the second sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas the export refunds on poultrymeat were last fixed by Commission Regulation (EEC) No 2572/80 of 7 October 1980⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2572/80 to the

information known to the Commission that the export refunds for the products listed in the Annex hereto should be altered to the amounts set out therein,

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund referred to in Article 9 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 December 1980.

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

Done at Brussels, 8 December 1980.

For the Commission

Finn GUNDELACH

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 45, 21. 2. 1976, p. 3.

⁽³⁾ OJ No L 264, 8. 10. 1980, p. 15.

ANNEX

to the Commission Regulation of 8 December 1980 altering the export refunds on poultry-meat

CCT heading No	Description	Refund
		ECU/100 units
01.05	Live poultry, that is to say, fowls, ducks, geese, turkeys and guinea fowls : For all exports except to the United States of America : A. Of a weight not exceeding 185 g, known as 'chicks' : I. Turkeys and geese II. Other	3.50 1.70
		ECU/100 kg
02.02	Dead poultry (that is to say fowls, ducks, geese, turkeys and guinea fowls) and edible offals thereof (except liver), fresh, chilled or frozen : For all exports except to the United States of America : A. Whole poultry : I. Fowls : a) Plucked and gutted, with heads and feet, known as '83 % chickens' b) Plucked and drawn, without heads and feet but with hearts, livers and gizzards, known as '70 % chickens' c) Plucked and drawn, without heads and feet and without hearts, livers and gizzards, known as '65 % chickens' II. Ducks : a) Plucked, bled, not drawn or gutted with heads and feet, known as 85 % ducks b) Plucked and drawn without heads and feet, with hearts, livers and gizzards known as 70 % ducks c) Plucked and drawn without heads and feet, without hearts, livers and gizzards, known as 63 % ducks IV. Turkeys B. Poultry cuts (excluding offals) : II. Unboned (bone-in) : a) Halves or quarters : 1. Of fowls 2. Of ducks 4. Of turkeys b) Whole wings, with or without tips d) Breasts and cuts of breasts : 2. Of turkeys 3. Of other poultry e) Legs and cuts of legs : 2. Of turkeys aa) Drumsticks and cuts of drumsticks bb) Other 3. Of other poultry	15.00 15.00 15.00 22.00 22.00 22.00 15.00 20.00 26.00 16.00 15.00 24.00 28.00 13.00 23.00 26.00

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 December 1980

accepting undertakings offered by the exporters of saccharin and its salts originating in China and the United States of America and terminating the proceedings concerning imports of saccharin and its salts from China, Japan and the United States of America

(80/1116/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from countries not members of the Community⁽¹⁾, and in particular Articles 9 and 10 thereof,

After hearing the opinions expressed by the Advisory Committee set up under that Regulation,

Whereas in May 1979 the Commission received a complaint lodged by the Boots Company Ltd of Nottingham, England, the sole Community producer of saccharin and its salts; whereas the complaint contained evidence of the existence of dumping in respect of like products originating in China, Japan and the United States of America, and of material injury resulting therefrom;

Whereas, since the said evidence was sufficient to justify the initiation of proceedings, the Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of a proceeding concerning imports of saccharin and its salts originating in China, Japan and the United States of America, and commenced an investigation of the matter at Community level;

Whereas the Commission officially so advised the exporters and importers known to be concerned as well as the representatives of the exporting countries;

Whereas the Commission has given the parties directly concerned the opportunity to make known their views in writing, to be heard orally and to meet so that opposing views might be presented and rebuttal arguments put forward;

Whereas most of the importing parties and all the exporting parties concerned have taken this opportunity;

Whereas in the course of these proceedings the Commission sought and verified all information it deemed to be necessary and carried out investigations at the premises of the principal producers and exporters including, in Japan, Aisan Chemical Co. Ltd (Nagoya), Daito Chemical Industrial Co. Ltd (Kawasaki), Daiwa Chemical Co. Ltd (Osaka), Kanematsu Goshu Co. Ltd (Tokyo) and in the United States of America, the Sherwin Williams Company (Cleveland, Ohio); whereas the Commission also carried out an investigation at the premises of the complainant Community producer;

Whereas to make an examination of the existence of dumping by the Japanese producers and exporters the Commission compared the export prices of soluble saccharin to the Community in the period 1 August 1978 to 31 July 1979 with the weighted average prices ruling on the Japanese domestic market; whereas because there are no sales of insoluble saccharin on

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No C 207, 17. 8. 1979, p. 4.

the Japanese domestic market the Commission compared the export prices to the Community for this type of saccharin in the same period with a normal value constructed by taking the Japanese producers' costs of materials and manufacture and adding an amount for overheads as well as a 6 % profit margin, considered to be reasonable, for the market under consideration; whereas account was taken of the fact that insoluble saccharin produced by Ikuwa Chemical Co. Ltd in Japan was exported to the Community by another Japanese producer and that certain saccharin produced by the Japanese producers appeared to be exported by companies related to these producers; whereas, therefore, the export prices were constructed on the basis of the prices at which the products were first sold to an independent buyer; whereas comparisons were made at the ex-factory level;

Whereas, in order to establish whether imports from China were dumped, the Commission had to take account of the fact that this country is not a market economy; whereas, therefore, the Commission determined the normal value on the basis of the prices at which the like product of a market economy third country was sold to other countries; whereas it was considered appropriate to compare the average export prices of the Chinese exporter to the Community with the weighted average prices of Korean exports to Australia and the United States of America; whereas such comparison was made at the fob level on sales made in 1979 and the first quarter of 1980;

Whereas during the examination of the existence of dumping by the American producer a claim was made that the domestic prices in the United States of America should be based on the price of their sales to their sole distributor on the American market; whereas, however, the Commission concluded on the basis of information supplied by the American producer that the prices of these sales in 1979 did not permit recovery of all costs ordinarily incurred in their production and considered these sales as not having been made in the normal course of trade; whereas, therefore, the Commission compared the export prices of the American producer with the weighted average price of all sales on the domestic market during the period 1 August 1978 to 31 July 1979; whereas this comparison was made at the ex-factory level;

Whereas, to ensure that export prices and normal values were on a comparable basis, allowance has been made, where appropriate, for differences claimed in the conditions and terms of sale on each market, and in particular to differences in the costs of credit and packaging; whereas, however, in the case of exports by the American producer no allowance was made for differences claimed in respect of the costs of administration and technical research, since these costs were not considered to bear a direct relationship to sales in the domestic market only;

Whereas it emerged from the examination of dumping by the Japanese producers and exporters that in no case during the reference period were the Japanese export prices to the Community lower than the corresponding prices on their domestic market and that the export prices exceeded their normal value by 0.4 to 15.6 %;

Whereas consequently no dumping existed in the case of exports from Japan of saccharin and its salts to the Community;

Whereas in these circumstances it is appropriate to terminate the proceedings concerning imports into the Community of saccharin and its salts originating in Japan;

Whereas, however, the examination of the facts shows the existence of dumping in respect of imports of saccharin and its salts from China, the margin of dumping in 1979 being 13.9 % for all exports to the Community and 15.2 % for exports to the United Kingdom; whereas such examination shows also the existence of dumping in respect of imports from the United States of America, the margins of dumping being 40 and 51 % in respect of exports to the United Kingdom and 51 % in respect of exports to France and Germany;

Whereas with regard to the injury caused to the Community industry, the evidence available to the Commission shows that the market share of imports from China in the Community increased from 3.9 % in 1976 to 16.5 % in 1979, and that in the same period the market share of imports from the United States of America in the Community increased from 2.9 to 6.0 %; whereas during the same period the share of imports from China in the market in the United Kingdom, the market most affected by these imports, rose from 3.4 to 22.1 % and the market share of imports from the United States of America increased from 3.2 to 5.2 %;

Whereas the resale prices of the products imported into the United Kingdom from China and the United States of America are substantially lower than those of the Community producer;

Whereas the consequent impact on the Community industry is characterized by a fall in production by low capacity utilization and by a loss of market share from 1976 to 1979, leading to a reduction of profits or to losses during the same period;

Whereas injuries caused by other factors which would adversely affect the Community industry, such as the volume and prices of other imports or the overall demand for saccharin and its salts, have been examined and any adverse effects caused by these factors have not been attributed to the imports under consideration;

Whereas, in view of the foregoing, the examination of the facts shows the existence of dumping in respect of imports from China and the United States of America and that there is sufficient evidence of consequent material injury ;

Whereas the producers and exporters concerned were informed of the findings of the investigation and commented on them ; whereas undertakings were subsequently offered by the American and Chinese exporters in respect of exports to the United Kingdom ; whereas the effect of these undertakings will be to increase export prices to the United Kingdom to levels eliminating but not exceeding the margins of dumping ;

Whereas, having regard to the capacity of the Community industry, the Commission has therefore determined that it is not now necessary to take protective action in respect of imports originating in China and the United States of America and has decided to accept the undertakings offered and to terminate the proceedings without the imposition of anti-dumping duties,

HAS DECIDED AS FOLLOWS :

Article 1

The Commission hereby accepts the undertakings given in connection with the anti-dumping proceedings concerning saccharin and its salts ⁽¹⁾ originating in China and the United States of America.

Article 2

The anti-dumping proceedings concerning imports of saccharin and its salts originating in China, Japan and the United States of America are hereby terminated.

Done at Brussels, 4 December 1980.

For the Commission

Wilhelm HAERKAMP

Vice-President

⁽¹⁾ CCT subheading 29.26 A I ; NIMEXE code 29.26-11.

