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Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC) No 348/81 of 20 January 1981 on common rules for imports of whales or other cetacean products 1**
- ★ **Council Regulation (EEC) No 349/81 of 9 February 1981 imposing a definitive anti-dumping duty on certain chemical fertilizer originating in the United States of America 4**
- Commission Regulation (EEC) No 350/81 of 11 February 1981 fixing the import levies on cereals and on wheat or rye flour, groats and meal 8
- Commission Regulation (EEC) No 351/81 of 11 February 1981 fixing the premiums to be added to the import levies on cereals, flour and malt 10
- Commission Regulation (EEC) No 352/81 of 11 February 1981 fixing the import levies on rice and broken rice 12
- Commission Regulation (EEC) No 353/81 of 11 February 1981 fixing the premiums to be added to the import levies on rice and broken rice 14
- ★ **Commission Regulation (EEC) No 354/81 of 10 February 1981 establishing the standard average values for customs purposes of citrus fruits and apples and pears 16**
- Commission Regulation (EEC) No 355/81 of 11 February 1981 fixing for the United Kingdom the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving that Member State 19
- Commission Regulation (EEC) No 356/81 of 10 February 1981 on the sale by special tendering procedure of boned beef and veal held by certain intervention agencies . . 22

(Continued overleaf)

Contents (continued)

Commission Regulation (EEC) No 357/81 of 10 February 1981 postponing the date for the take-over and amending certain selling prices of beef and veal offered for sale by the intervention agencies under Regulation (EEC) No 298/80	23
Commission Regulation (EEC) No 358/81 of 11 February 1981 amending Regulation (EEC) No 3265/80 in respect of the quantities of butter intended for export to Poland	26
★ Commission Regulation (EEC) No 359/81 of 11 February 1981 reintroducing the levying of customs duties applicable to fabric and other articles of asbestos, falling within subheadings 68.13 B II and III and originating in South Korea, benefiting from the tariff preferences provided for by Council Regulation (EEC) No 3322/80	28
Commission Regulation (EEC) No 360/81 of 11 February 1981 fixing the export levy on white sugar and raw sugar.	29
Commission Regulation (EEC) No 361/81 of 11 February 1981 altering the export refunds on rice and broken rice.	31
Commission Regulation (EEC) No 362/81 of 11 February 1981 fixing the export levies on rice	33

II *Acts whose publication is not obligatory*

Commission

81/35/EEC :

★ Commission Decision of 9 February 1981 accepting undertakings in connection with the anti-dumping proceedings concerning certain chemical fertilizer originating in the United States of America	35
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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 348/81
of 20 January 1981
on common rules for imports of whales or other cetacean products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

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 3 (1) thereof,

Having regard to Council Regulation (EEC) No 827/68 of 28 June 1968 on the common organization of the market in certain products listed in Annex II to the Treaty ⁽³⁾, as last amended by Regulation (EEC) No 1117/78 ⁽⁴⁾, and in particular Article 2 (1) thereof,

Having regard to the proposal from the Commission ⁽⁵⁾,

Having regard to the opinion of the European Parliament ⁽⁶⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁷⁾,

Whereas the conservation of cetacean species calls for measures which will restrict international trade; whereas these should be Community-level measures and should at the same time respect the Community's international obligations;

Whereas, pending the adoption at Community level of more general measures concerning the supervision of trade in species of wild fauna and flora, imports of the main whale or other cetacean products should be subject, in an initial stage, to import permits, while the possibility of extending the list of these products is also reserved; whereas, in order to clarify the situation, it may be useful to note that, pending this

possible extension, the Member States continue to be competent for taking, in compliance with the Treaty, measures for the protection of the species relating to imports of products not covered by this Regulation; whereas the competent authorities should not issue such permits unless they have assured themselves that the products in question are not to be used for commercial purposes,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January 1982 the introduction into the Community of the products listed in the Annex shall be subject to the production of an import licence. No such licence shall be issued in respect of products to be used for commercial purposes.

2. Member States shall notify the Commission before 1 July 1981 of the names and addresses of the authorities competent to issue the import licences referred to in paragraph 1. The Commission shall immediately inform the other Member States thereof.

Article 2

1. A Committee on Cetacean Products, hereinafter referred to as 'the Committee' is hereby set up, consisting of representatives of the Member States with a representative of the Commission as chairman.

The Committee shall adopt its own rules of procedure.

It may examine any question relating to the application of this Regulation, including the question of control, submitted to it by its chairman either on his own initiative or at the request of the representative of a Member State.

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

⁽²⁾ OJ No L 186, 19. 7. 1980, p. 1.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 16.

⁽⁴⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽⁵⁾ OJ No C 121, 20. 5. 1980, p. 5.

⁽⁶⁾ OJ No C 291, 10. 11. 1980, p. 46.

⁽⁷⁾ OJ No C 300, 18. 11. 1980, p. 13.

2. The following procedure shall be adopted for implementing this Regulation :

- (a) the Commission representative shall submit to the Committee a draft of the provisions to be adopted. The Committee shall deliver an opinion on the draft within a time limit set by the chairman having regard to the urgency of the matter. Decisions shall be taken by a majority of 45 votes, the votes of the Member States being weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.
- (b) The Commission shall adopt the provisions envisaged if they are in accordance with the opinion of the Committee.
- (c) If the provisions envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal with regard to the provisions to be adopted. The Council shall act by a qualified majority. If, within

three months of the proposal being submitted to it, the Council has not acted, the proposed provisions shall be adopted by the Commission.

Article 3

- 1. At the earliest opportunity, the Commission shall submit to the Council a report on whether the list of products in the Annex to this Regulation should be extended, and on the possibilities for supervising compliance with its provisions, together with proposals, as the case may be.
- 2. The Council acting by qualified majority on a proposal from the Commission may decide to extend the list referred to in paragraph 1.
- 3. Pending such decision, Member States may take, in compliance with the Treaty, measures concerning whales or other cetacean products not covered by this Regulation for the protection of the species.

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

Done at Brussels, 20 January 1981.

For the Council

The President

Ch. A. van der KLAAUW

ANNEX

CCT heading No	Description
ex 02.04 C	Meat and edible meat offals of cetaceans, fresh, chilled or frozen
ex 02.06 C	Meat and edible meat offals of cetaceans, salted, in brine, dried or smoked
ex 05.09	Whalebone and the like, unworked or simply prepared but not cut to shape, and hair and waste of these products
ex 05.15 B	Meat and meat offals of cetaceans, unfit for human consumption
ex 15.04	Fats and oils of cetaceans, whether or not refined
ex 15.08	Oils of cetaceans, boiled, oxidized, dehydrated, sulphurized, blown, or polymerized by heat in vacuum or in inert gas, or otherwise modified
ex 15.12	Oils and fats of cetaceans, wholly or partly hydrogenated or solidified or hardened by any other process, whether or not refined, but not further prepared
15.15 A	Spermaceti, crude, pressed or refined, whether or not coloured
ex 16.03	Extracts and juices of the meat of cetaceans
ex 23.01 A	Flours and meals of the meat and offals of cetaceans, unfit for human consumption
ex Chapter 41	Leather treated with oil, whether or not modified, of whales or of other cetaceans

All the products listed below which have been treated with oil, whether or not modified, of whales or of other cetaceans or which have been made from leather treated with such oil :

ex Chapter 42	Articles of leather ; saddlery and harness ; travel goods, handbags and similar containers
ex Chapter 43	Fur skins and manufactures thereof
ex Chapter 64	Footwear, gaiters and the like ; parts of such articles.

COUNCIL REGULATION (EEC) No 349/81

of 9 February 1981

imposing a definitive anti-dumping duty on certain chemical fertilizer originating in the United States of America

THE COUNCIL 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 European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultation with the Advisory Committee set up under Article 6 of Regulation (EEC) No 3017/79,

Whereas in December 1979 the Commission received a complaint lodged by the Comité 'Marché Commun' de l'Industrie des Engrais Azotés et Phosphatés on behalf of manufacturers accounting for a major part of the Community production of urea ammonium nitrate solution fertilizer; whereas the complaint contained evidence of the existence of dumping in respect of the like product originating in the United States of America, and of material injury resulting therefrom, especially in France and the Federal Republic of Germany;

Whereas the said information supplied provided sufficient evidence to justify initiating a proceeding; whereas 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 certain chemical fertilizer originating in the United States of America, and commenced an investigation of the matter at Community level;

Whereas during its preliminary investigation, which was based on an investigation period covering the calendar year 1979, the Commission took account of the fact that all US companies known to be concerned which are selling the product in question on the domestic market, with the exception of Allied Chemical Corporation, did not furnish the information deemed necessary to establish normal value and did not agree to on-the-spot investigations at their prem-

ises; whereas, therefore, the Commission had to base its determination of normal value on the evidence provided by Allied Chemical Corporation; whereas, in respect of export prices, information was available from Allied Chemical Corporation and a number of brokers; whereas having established, on this basis, that the exports of the product in question were dumped at a weighted average margin of 12.2 % and since there was sufficient evidence of injury resulting from their entry for consumption into the Community and since the interests of the Community called for immediate intervention in order to prevent further injury being caused during the proceeding, the Commission, by Regulation (EEC) No 2182/80⁽³⁾, imposed a provisional anti-dumping duty on certain chemical fertilizer originating in the United States of America; whereas Allied Chemical Corporation had offered an acceptable undertaking to increase its export prices and was therefore exempted from the provisional duty; whereas, subsequent to the re-examination of the normal value, Allied Chemical Corporation has renounced this undertaking;

Whereas the period of validity of this provisional duty was extended for a period not exceeding two months by Council Regulation (EEC) No 3144/80⁽⁴⁾;

Whereas, in the course of the subsequent examination of the matter, completed after the imposition of the provisional anti-dumping duty, the interested parties had the opportunity to make known their views in writing, to be heard by the Commission and to develop their views orally, to inspect non-confidential information relevant to the defence of their interests and to be informed of the essential facts and considerations on the basis of which it was intended to make a final determination; whereas the complainants and most of the exporters and importers concerned availed themselves of these possibilities by making known their views in writing and orally;

Whereas a number of producers and exporters from whom the Commission had sought information during the preliminary investigation now came forward and offered to provide the information on normal value and export prices; whereas, therefore

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No C 47, 26. 2. 1980, p. 2.

⁽³⁾ OJ No L 212, 15. 8. 1980, p. 43.

⁽⁴⁾ OJ No L 330, 6. 12. 1980, p. 1.

the Commission decided to carry out inspections at the premises of Agrico Chemical Company (Tulsa), Kaiser Aluminum Domestic and International Sales Corporation (Savannah), Columbia Nitrogen Corporation (Augusta) and BCM Incorporated (Memphis) and to carry out a further inspection at the premises of Allied Chemical Corporation (Morristown) in order to update the information originally received; whereas the Commission obtained further information from International Ore and Fertilizer Corporation (New York), Transcontinental Fertilizer Corporation (Philadelphia) and from Unifert Europe SA, Comagri SA, Essochem Belgium Unie van Kunstmestfabrieken and Helm Düngemittel GmbH within the EEC;

Whereas, in seeking to determine the existence of dumping the Commission compared the export prices to the Community with the normal value; whereas, for those companies selling nitrogen solution fertilizer on the US domestic market, normal value was established on the basis of their prices on the American market in the period from 1 January to 30 September 1980 excluding sales through company-owned retail outlets because these sales were not considered to be at the same level of trade as export sales to EEC distributors;

Whereas for Columbia Nitrogen Corporation however, whose domestic sales of the product in question were found to have been made at a loss during the abovementioned investigation period the normal value was established on the basis of costs of production including a reasonable margin for overheads and profit for the third quarter of 1980, this being the period during which the company's only 1980 export sale was made and when its new production plant was operating for the first time under normal conditions; whereas, given the particular debt equity ratio of this company, a profit margin of only 1 % was considered reasonable;

Whereas, in the case of export sales made by brokers who neither sell the product on the United States' domestic market nor sell it in any significant quantity to third countries, normal value was established on the basis of the price at which they purchased the quantities destined for export from their suppliers;

Whereas export prices were determined on the basis of prices actually paid or payable for the product concerned sold for export to the Community;

Whereas, in the case of imports made by Essochem Belgium and UKF the export price had to be constructed on the basis of the price at which the imported product was first resold to independent buyers because both importers had associations with their respective exporters; whereas, for the purposes of this construction, allowance was made for a reasonable margin for overheads and profit, a 3 % margin being considered reasonable;

Whereas the comparisons were made transaction by transaction on an ex-factory basis for all of the producers visited; whereas for BCM Inc., a trader selling both for export and on the domestic market, the comparison was made at an ex-shipping point level, this being either ex-factory producer or ex-terminal;

Whereas most of the companies visited claimed that, for the purpose of a fair comparison, account should be taken of differences in distribution and selling costs on domestic and export markets and differences in payment terms;

Whereas the Commission took account of the differences affecting price comparability with respect to variable distribution and selling costs, salesmen's salaries and payment conditions and of cash discounts where claims in these areas could be satisfactorily demonstrated;

Whereas this examination showed that exports made by Agrico Chemical Company during the investigation period were not dumped; whereas for the other companies visited the dumping margins found were for Allied Chemical Corporation 6.5 %, for Kaiser Aluminum Domestic and International Sales Corporation 5.0 %, for Columbia Nitrogen Corporation 10.0 % and for BCM Incorporated 7.6 %;

Whereas for brokers who may buy the product from various United States' producers for export to the EEC, and for all other exporters not known to the Commission, the dumping margin was determined as being the weighted average dumping margin of those companies investigated which were found to have been dumping; whereas the dumping margin thus established was 6.5 %;

Whereas, as regards the injury caused by the dumped imports to the Community and in particular to the French industry, the considerations which led to the imposition of the provisional duty remain valid; whereas further information received by the Commission after the imposition of the provisional duty showed that dumped imports into France of the product in question originating in the United States of America for the four-month period from June to September 1980 amounted to 206 835 tonnes, excluding 21 600 tonnes of the product exported by Agrico Chemical Company and deemed not to have been dumped, compared to 137 950 tonnes for the same period in 1979, representing an increase of at least 50 %;

Whereas, although there was a considerable increase in the price of United States' exports during 1980, the resale price of imported nitrogen solution fertilizer in France still does not permit French producers to sell their product at above cost, owing to a further increase in feedstock prices in August 1980;

Whereas the Commission also followed up the contention of various exporters and importers that the French industry was working at full capacity but was concentrating primarily on solid nitrogen fertilizer and was, therefore, unable to produce more nitrogen solution; whereas the facts as established by the Commission show that the French industry could significantly increase its production of solution even if present output of solid nitrogen fertilizer was maintained;

Whereas the Commission has considered whether there is injury caused by other factors which, individually or in combination are also affecting the Community industry;

Whereas it has established in this context that the level of consumption of nitrogen solution fertilizer in Germany and especially in France, the main outlets for US exports in the Community, has considerably increased in recent years; whereas, moreover, the volume of non-dumped imports from Agrico Chemical Company was relatively small compared to total imports, and represented less than 17 % thereof in 1980; whereas the influence of these non-dumped imports on the nitrogen solution fertilizer market has been isolated from the dumped imports; whereas the substantial and sudden increase of imports of dumped nitrogen solution fertilizer since 1978 and the prices at which they were offered for sale in the Community led the Commission to determine that the US exports of dumped nitrogen solution fertilizer have caused material injury to the Community industry concerned;

Whereas, in these circumstances, protection of the Community's interests calls for the imposition of a definitive anti-dumping duty on nitrogen solution fertilizer originating in the United States of America which, having regard to the extent of injury caused, should be equal to the dumping margins found, and for the definitive collection of the amounts secured by way of provisional duty in respect of the product concerned up to the rate of the dumping margins found on transactions made by those companies from which undertakings have been accepted by the Commission and at the rate of the definitive duty on all other imports;

Whereas it is appropriate to exclude imports of the product exported by Agrico Chemical Company from the application of the duty and the definitive collection of the amounts secured by way of provisional

duty because these exports were not found to have been dumped;

Whereas Allied Chemical Corporation, Kaiser Aluminum Domestic and International Sales Corporation, Columbia Nitrogen Corporation, BCM Incorporated, International Ore and Fertilizer Corporation, Interore Corporation Inc., and Transcontinental Fertilizer Corporation have voluntarily undertaken to increase their prices to a level eliminating but not exceeding the dumping margins found; whereas the Commission has accepted these undertakings;

Whereas it is consequently appropriate to exclude the imports of the product concerned exported by these companies from the application of the duty,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on urea ammonium nitrate solution fertilizer, falling within Common Customs Tariff subheading ex 31.02 C and corresponding to NIMEXE code ex 31.02-90, originating in the United States of America.
2. The rate of the duty shall be 6.5 % on the basis of the customs value determined in accordance with Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes⁽¹⁾.
3. The provisions in force for the application of customs duties shall apply to this duty.

Article 2

The definitive anti-dumping duty imposed by Article 1 shall not apply to urea ammonium nitrate solution fertilizer exported by the following United States' companies: Agrico Chemical Company, BCM Incorporated, Kaiser Aluminum Domestic and International Sales Corporation, Columbia Nitrogen Corporation, Allied Chemical Corporation, International Ore and Fertilizer Corporation, Interore Corporation Inc. and Transcontinental Fertilizer Corporation.

Article 3

The amounts secured by way of provisional duty pursuant to Regulation (EEC) No 2182/80 shall be definitively collected at a rate of:

- 10 % for imports made by Unie van Kunstmestfabrieken, from Columbia Nitrogen Corporation,
- 7.6 % for imports made by Essochem Belgium from Exxon Chemical International Supply Company,

⁽¹⁾ OJ No L 134, 31. 5. 1980, p. 1.

- 5 % for imports of Kaiser product made by Comagri SA, from Transcontinental Fertilizer Corporation,
- 6.5 % for all other imports with the exception of imports of Agrico product made by Helm Düngemittel GmbH, from Intsel Corporation, New York and all imports of urea ammonium nitrate solution fertilizer exported by Agrico Chemical

Company on which the amounts secured shall not be definitively collected.

Article 4

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, 9 February 1981.

For the Council

The President

G. BRAKS

COMMISSION REGULATION (EEC) No 350/81

of 11 February 1981

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 the Act of Accession of Greece⁽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 10 February 1981;

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 12 February 1981.

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

Done at Brussels, 11 February 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽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 11 February 1981 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	55.38
10.01 B	Durum wheat	55.54 ⁽¹⁾ ⁽²⁾
10.02	Rye	19.85 ⁽⁶⁾
10.03	Barley	26.62
10.04	Oats	0
10.05 B	Maize, other than hybrid maize for sowing	61.97 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	43.40 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	91.71
11.01 B	Rye flour	41.27
11.02 A I a)	Durum wheat groats and meal	99.44
11.02 A I b)	Common wheat groats and meal	97.73

⁽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 351/81
of 11 February 1981**

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
the Act of Accession of Greece ⁽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
10 February 1981;

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 12 February
1981.

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

Done at Brussels, 11 February 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽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 11 February 1981 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 2	1st period 3	2nd period 4	3rd period 5
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	22.67
10.02	Rye	0	11.16	11.16	11.16
10.03	Barley	0	0	0	5.35
10.04	Oats	0	0	0.47	8.55
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

CCT heading No	Description	(ECU/tonne)				
		Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
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	9.52	9.52
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	7.12	7.12
11.07 B	Roasted malt	0	0	0	8.29	8.29

COMMISSION REGULATION (EEC) No 352/81
of 11 February 1981
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice ⁽¹⁾, as last amended by the Act of
Accession of Greece ⁽²⁾, and in particular Article 11 (2)
thereof,

Whereas the import levies on rice and broken rice
were fixed by Regulation (EEC) No 2269/80 ⁽³⁾, as last
amended by Regulation (EEC) No 294/81 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2269/80 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 the products listed
in Article 1 (1) (a) and (b) of Regulation (EEC) No
1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 February
1981.

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

Done at Brussels, 11 February 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 228, 30. 8. 1980, p. 5.

⁽⁴⁾ OJ No L 33, 5. 2. 1981, p. 5.

ANNEX

to the Commission Regulation of 11 February 1981 fixing the import levies on rice and broken rice

(ECU/tonne)			
CCT heading No	Description	Third countries ⁽¹⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾
ex 10.06	Rice :		
	B. Other :		
	I. Paddy rice ; husked rice :		
	a) Paddy rice :		
	1. Round grain	11.81	2.28
	2. Long grain	5.06	0
	b) Husked rice :		
	1. Round grain	14.76	3.75
	2. Long grain	6.32	0
	II. Semi-milled or wholly milled rice :		
	a) Semi-milled rice :		
	1. Round grain	39.44	7.76
	2. Long grain	169.67	72.91
	b) Wholly milled rice :		
	1. Round grain	42.00	8.61
	2. Long grain	181.89	78.56
	III. Broken rice	0	0

⁽¹⁾ Subject to the application of the provisions of Article 10 of Regulation (EEC) No 435/80.

⁽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⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 353/81**of 11 February 1981****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice ⁽¹⁾, as last amended by the Act of
Accession of Greece ⁽²⁾, and in particular Article 13 (6)
thereof,

Whereas the premiums to be added to the levies on
rice and broken rice were fixed by Regulation (EEC)
No 2270/80 ⁽³⁾, as last amended by Regulation (EEC)
No 295/81 ⁽⁴⁾;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the import levies fixed
in advance in respect of rice and broken rice shall be
as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 February
1981.

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

Done at Brussels, 11 February 1981.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 228, 30. 8. 1980, p. 8.

⁽⁴⁾ OJ No L 33, 5. 2. 1981, p. 7.

ANNEX

to the Commission Regulation of 11 February 1981 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)			
		Current 2	1st period 3	2nd period 4	3rd period 5
ex 10.06	Rice :				
	B. Other				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Husked rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Wholly milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 354/81**of 10 February 1981****establishing the standard average values for customs purposes of citrus fruits and apples and pears**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 1570/70 of 3 August 1970 establishing a system of standard average values for citrus fruits⁽¹⁾, as last amended by Regulation (EEC) No 223/78⁽²⁾, and in particular Article 2 thereof,

Having regard to Commission Regulation (EEC) No 1641/75 of 27 June 1975 establishing a system of standard average values for the determination of the value for customs purposes of apples and pears⁽³⁾, as amended by Regulation (EEC) No 224/78⁽⁴⁾, and in particular Article 2 thereof,

Whereas it follows from the application of the notes and criteria laid down by Regulations (EEC) No

1570/70 and (EEC) No 1641/75 to the elements communicated to the Commission in accordance with Article 4 (1) of Regulation (EEC) No 1570/70 and Article 4 (1) of Regulation (EEC) No 1641/75 that the standard average values should be fixed as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard average values provided for in Article 2 (1) of Regulation (EEC) No 1570/70 and in Article 2 (1) of Regulation (EEC) No 1641/75 shall be as shown in the tables in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 13 February 1981.

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

Done at Brussels, 10 February 1981.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 171, 4. 8. 1970, p. 10.

⁽²⁾ OJ No L 32, 3. 2. 1978, p. 7.

⁽³⁾ OJ No L 165, 28. 6. 1975, p. 45.

⁽⁴⁾ OJ No L 32, 3. 2. 1978, p. 10.

ANNEX

Table I : Citrus fruits

Code	Description	Amount of standard average values/100 kg gross							
		Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
1.	Lemons :								
1.1	— Spain	1 858	354.66	115.64	266.45	31.00	54 773	125.38	23.12
1.2	(deleted)								
1.3	— Countries in southern Africa.	1 411	269.30	87.81	202.32	23.54	41 590	95.20	17.56
1.4	— Other African countries and countries on the Mediterranean	1 732	330.70	107.83	248.45	28.90	51 072	116.91	21.56
1.5	— USA	1 807	344.89	112.46	259.11	30.14	53 264	121.93	22.48
1.6	— Other countries	—	—	—	—	—	—	—	—
2.	Sweet oranges :								
2.1	— Countries on the Mediterranean :								
2.1.1	— Navels (with the exception of Navel sanguines), Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese blondes, Shamoutis, Ovalis, Trovita, Hamlins	1 154	220.28	71.83	165.49	19.25	34 020	77.87	14.36
2.1.2	— Sanguines and semi-sanguines, including Navel sanguines and Maltese sanguines	1 625	310.15	101.13	233.01	27.11	47 898	109.64	20.22
2.1.3	— Other	831	158.72	51.75	119.24	13.87	24 512	56.11	10.34
2.2	— Countries in southern Africa.	—	—	—	—	—	—	—	—
2.3	— USA	—	—	—	—	—	—	—	—
2.4	— Brazil	—	—	—	—	—	—	—	—
2.5	— Other countries	1 517	289.61	94.43	217.57	25.31	44 726	102.38	18.88
3.	Grapefruit and pomelos :								
3.1	(deleted)								
3.2	— Cyprus, Egypt, Gaza, Israel, Turkey	1 134	216.57	70.61	162.70	18.93	33 446	76.56	14.12
3.3	— Countries in southern Africa.	—	—	—	—	—	—	—	—
3.4	— USA	1 798	343.30	111.94	257.92	30.00	53 019	121.36	22.38
3.5	— Other American countries.	1 098	209.66	68.36	157.51	18.32	32 379	74.12	13.67
3.6	— Other countries	906	172.99	56.41	129.97	15.12	26 717	61.15	11.28
4.	Clementines.	1 626	310.40	101.21	233.20	27.13	47 938	109.73	20.24
5.	Mandarines, including Wilkins	1 563	298.46	97.32	224.23	26.09	46 094	105.51	19.46
6.	Monreales and satsumas	1 082	206.53	67.34	155.16	18.05	31 895	73.01	13.46
7.	Tangerines, tangelos, tangors and other citrus fruits falling within subheading 08.02 B of the Common Customs Tariff, not elsewhere specified or included	2 262	431.73	140.77	324.35	37.73	66 675	152.63	28.15

Table II : Apples and pears

Code	Description	Amount of standard average values/100 kg gross							
		Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
8.	Apples :								
8.1	— Countries of the southern hemisphere	—	—	—	—	—	—	—	—
8.2	— European third countries	1 005	191·87	62·56	144·15	16·77	29 632	67·83	12·51
8.3	— Countries of the northern hemisphere other than European countries	2 033	388·00	126·51	291·49	33·91	59 921	137·16	25·29
9.	Pears :								
9.1	— Countries of the southern hemisphere	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾	— ⁽¹⁾
9.2	— European third countries	—	—	—	—	—	—	—	—
9.3	— Countries of the northern hemisphere other than European countries	2 194	418·79	136·55	314·62	36·60	64 676	148·05	27·30

(¹) The standard average value for this code number is established by Regulation (EEC) No 2451/80 of 24 September 1980 (OJ No L 253, 26. 9. 1980).

COMMISSION REGULATION (EEC) No 355/81

of 11 February 1981

fixing for the United Kingdom the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving that Member State

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 3446/80⁽²⁾,

Having regard to Commission Regulation (EEC) No 2661/80 of 17 October 1980 laying down detailed rules for applying the variable slaughter premium for sheep⁽³⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas Article 3 (1) of Regulation (EEC) No 2661/80 lays down that the level of the variable slaughter premium for each Member State concerned shall be fixed weekly by the Commission ;

Whereas Article 4 (1) of Regulation (EEC) No 2661/80 lays down that the amount to be charged on products leaving the Member States concerned shall be fixed weekly by the Commission ;

Whereas, since the United Kingdom is paying the variable slaughter premium, it is necessary for the Commission to fix the level of the premium and the amount to be charged on products leaving that Member State for the week commencing 19 January 1981 ;

Whereas it follows from the application of the rules laid down in Article 9 (1) of Regulation (EEC) No

1837/80 and in Article 4 (1) and (3) of Regulation (EEC) No 2661/80 that the variable slaughter premium for sheep certified as eligible in the United Kingdom, and the amounts to be charged on products leaving that Member State, during the week commencing 19 January 1981, shall be as set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION :

Article 1

For sheep or sheepmeat certified in the United Kingdom as eligible for the variable slaughter premium during the week commencing 19 January 1981, the level of the premium shall be as set out in Annex I hereto.

Article 2

For products referred to in Article 1 (a) of Regulation (EEC) No 1837/80 which left the territory of the United Kingdom during the week commencing 19 January 1981, the amounts to be charged shall be as set out in Annex II hereto.

Article 3

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*. It shall apply with effect from 19 January 1981.

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

Done at Brussels, 11 February 1981.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 359, 31. 12. 1980, p. 16.

⁽³⁾ OJ No L 276, 20. 10. 1980, p. 19.

ANNEX I

Level of variable slaughter premium for certified sheep in the United Kingdom for the week commencing 19 January 1981

Description	Premium
Certified sheep or sheepmeat	70.566 ECU per 100 kg of estimated or actual dressed carcase weight ⁽¹⁾

⁽¹⁾ Within the weight limits laid down by the United Kingdom.

ANNEX II

Amount to be charged for products which left the territory of the United Kingdom during
the week commencing 19 January 1981

(ECU/100 kg)

CCT heading No	Description	Charge
		Live weight
01.04 B	Live sheep and goats other than pure-bred breeding animals	33.166
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	70.566
	2. Short forequarters	49.396
	3. Chines and/or best ends	77.623
	4. Legs	91.736
	5. Other :	
	(aa) Unboned (bone-in)	91.736
	(bb) Boned or boneless	128.430
02.01 A IV b)	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	52.925
	2. Short forequarters	37.048
	3. Chines and/or best ends	58.218
	4. Legs	68.803
	5. Other :	
	(aa) Unboned (bone-in)	68.803
	(bb) Boned or boneless	96.324
02.06 C II a)	Meat of sheep or goats, salted in brine, dried or smoked :	
	1. Unboned (bone-in)	91.736
	2. Boned or boneless	128.430

COMMISSION REGULATION (EEC) No 356/81**of 10 February 1981****on the sale by special tendering procedure of boned beef and veal held by
certain intervention agencies**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
805/68 of 27 June 1968 on the common organization
of the market in beef and veal ⁽¹⁾, as last amended by
the Act of Accession of Greece ⁽²⁾, and in particular
Article 7 (3) thereof,

Whereas the Danish, German, Irish and United
Kingdom intervention agencies are holding stocks of
boned intervention meat; whereas an extension of the
period of storage for the meat should be avoided on
account of the ensuing high costs; whereas, in
consequence, it is advisable to make use of the peri-
odic tendering procedure provided for by Commission
Regulation (EEC) No 2326/79 ⁽³⁾;

Whereas the measures provided for in this Regulation
are in accordance with the opinion of the Manage-
ment Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. The sale shall take place of approximately:

- 500 tonnes of boned beef and veal held by the
Danish intervention agency and put into store
before 1 June 1980,

- 3 000 tonnes of boned beef and veal held by the
German intervention agency and put into store
before 1 March 1980,

- 3 000 tonnes of boned beef and veal held by the
Irish intervention agency and put into store before
1 August 1980,

- 1 500 tonnes of boned beef held by the United
Kingdom intervention agency and put into store
before 1 May 1980.

2. The sale shall take place by means of a tendering
procedure, in accordance with Regulation (EEC) No
2326/79.

3. Only those tenders may be taken into considera-
tion which reach the intervention agencies concerned
no later than 9 March 1981 at 12 noon.

Article 2

This Regulation shall enter into force on 18 February
1981.

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

Done at Brussels, 10 February 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 266, 24. 10. 1979, p. 6.

COMMISSION REGULATION (EEC) No 357/81**of 10 February 1981****postponing the date for the take-over and amending certain selling prices of
beef and veal offered for sale by the intervention agencies under Regulation
(EEC) No 298/80**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
805/68 of 27 June 1968 on the common organization
of the market in beef and veal⁽¹⁾, as last amended by
the Act of Accession of Greece⁽²⁾, and in particular
Article 7(3) thereof,

Whereas Commission Regulation (EEC) No
298/80⁽³⁾, as last amended by Regulation (EEC) No
66/81⁽⁴⁾, fixed certain conditions for selling beef and
veal taken over by the intervention agencies before 1
July 1980 and intended for export; whereas the situa-
tion regarding these stocks is such that this date
should be replaced by 1 August 1980;

Whereas, in the light of current market trends, the
selling price of certain forequarters and hindquarters
should be altered;

Whereas, taking into account the situation in Italy
and especially the necessity to supply the inhabitants
affected by the earthquake of 23 November 1980, it is
necessary to allow the Italian authorities to reserve
certain quantities of beef for this use;

Whereas it seems appropriate to derogate from the
first sentence of the second subparagraph of Article 2
(2) of Regulation (EEC) No 2173/79⁽⁵⁾, taking into
account the administrative difficulties which the appli-
cation of this rule raises in certain Member States;

Whereas the Management Committee for Beef and
Veal has not delivered an opinion within the time
limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 (1) of Regulation (EEC) No 298/80, the
date '1 July 1980' is hereby replaced by '1 August
1980'.

Article 2

Annex I to Regulation (EEC) No 298/80 is hereby
replaced by the Annex to this Regulation.

Article 3

By derogation from Article 1 (1) of Regulation (EEC)
No 298/80 the Italian authorities are authorized to
reserve certain quantities of frozen beef, taken into
charge before the date provided for in Article 1, for
supply to the victims in the south of Italy following
the earthquake of 23 November 1980.

Article 4

By way of derogation from the first sentence of the
second subparagraph of Article 2(2) of Regulation
(EEC) No 2173/79, the purchase applications shall not
name the coldstore or stores where the products
applied for are stored.

Article 5

This Regulation shall enter into force on 16 February
1981.

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

Done at Brussel, 10 February 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 32, 9. 2. 1980, p. 23.

⁽⁴⁾ OJ No L 10, 10. 1. 1981, p. 12.

⁽⁵⁾ OJ No L 251, 5. 10. 1979, p. 12.

ANNEXE — ANHANG — ΠΑΡΑΡΤΗΜΑ — ALLEGATO — BIJLAGE — ANNEX —
BILAG

Prix de vente en Écus par 100 kg de produits ⁽¹⁾
Verkaufspreise in ECU je 100 kg des Erzeugnisses ⁽¹⁾
Τιμή πώλησεως εις ENM ανά 100 χγρ προϊόντων ⁽¹⁾
Prezzi di vendita in ECU per 100 kg di prodotti ⁽¹⁾
Verkoopprijzen in Ecu per 100 kg produkt ⁽¹⁾
Selling price in ECU per 100 kg of product ⁽¹⁾
Salgspris i ECU pr. 100 kg af produkterne ⁽¹⁾

DEUTSCHLAND

— <i>Vorderviertel, auf 8 Rippen geschnitten, stammend von:</i>	
Bullen A	180,000
— <i>Hinterviertel, auf 5 Rippen geschnitten, stammend von:</i>	
Bullen A	238,000

DANMARK

— <i>Forfjerdinger, udskåret med 5 ribben, idet slag og bryst bliver siddende på forfjerdingeren, af:</i>	
Kvier 1	151,500
Stude 1	153,000
Tyre P	159,700
Ungtyre 1	170,000
— <i>Bagfjerdinger, udskåret med 8 ribben, såkaldte »pistoler«, af:</i>	
Kvier 1	230,400
Stude 1	233,000
Tyre P	244,400
Ungtyre 1	261,000

FRANCE

— <i>Quartiers avant, découpe à 5 côtes, caparaçons faisant partie du quartier avant, provenant des:</i>	
Bœufs U, R et O	178,280
Jeunes bovins U, R et O	169,639
— <i>Quartiers arrière, découpe à 8 côtes, dite « pistola » provenant des:</i>	
Bœufs U et R	257,327
Bœufs O	239,000
Jeunes bovins U et R	247,117
Jeunes bovins O	230,520

⁽¹⁾ Au cas où les produits sont stockés en dehors de l'État membre dont relève l'organisme d'intervention détenteur, ces prix sont ajustés conformément aux dispositions du règlement (CEE) n° 1805/77.

⁽¹⁾ Falls die Lagerung der Erzeugnisse außerhalb des für die betreffende Interventionsstelle zuständigen Mitgliedstaats erfolgt, werden diese Preise gemäß den Vorschriften der Verordnung (EWG) Nr. 1805/77 angepaßt.

⁽¹⁾ Στην περίπτωση που τα προϊόντα αποθεματοποιούνται εκτός του Κράτους μέλους, στο όποιο υπάρχει ο οργανισμός παρεμβάσεως που κατέχει αυτά, οι τιμές αυτές προσαρμόζονται σύμφωνα με τις διατάξεις του κανονισμού (ΕΟΚ) αριθ. 1805/77.

⁽¹⁾ Qualora i prodotti siano immagazzinati fuori dello Stato membro da cui dipende l'organismo d'intervento detentore, detti prezzi vengono ritoccati in conformità del disposto del regolamento (CEE) n. 1805/77.

⁽¹⁾ In geval dat de produkten zijn opgeslagen buiten de Lid-Staat waaronder het interventiebureau dat deze produkten onder zich heeft ressorteert, worden deze prijzen aangepast overeenkomstig de bepalingen van Verordening (EEG) nr. 1805/77.

⁽¹⁾ Where the products are stored outside the Member State where the intervention agency responsible for them is situated, these prices shall be adjusted in accordance with Regulation (EEC) No 1805/77.

⁽¹⁾ Såfremt produkterne er oplagrede uden for den medlemsstat, hvor det interventionsorgan, der ligger inde med produkterne, er hjemmehørende, tilpasses disse priser i overensstemmelse med bestemmelserne i forordning (EØF) nr. 1805/77.

IRELAND

— *Forequarters, straight cut at 10th rib, from:*

Heifers 2	173,600
Steers 1	180,000
Steers 2	180,000

— *Hindquarters, straight cut at third rib, from:*

Heifers 2	228,200
Steers 1	236,000
Steers 2	236,000

ITALIA

— *Quarti anteriori, taglio a 8 costole, il pancettone fa parte del quarto anteriore, provenienti dai:*

Vitelloni 1	165,000
Vitelloni 2	158,000

— *Quarti posteriori, taglio a 5 costole, detto pistola, provenienti dai:*

Vitelloni 1	251,000
Vitelloni 2	240,800

NEDERLAND

— *Voorvoeten, recht afgesneden op 8 ribben, afkomstig van:*

Stieren, 1e kwaliteit	180,000
Vaarzen, 1e kwaliteit	172,000

— *Achtersvoeten, recht afgesneden op 5 ribben, afkomstig van:*

Stieren, 1e kwaliteit	238,000
Vaarzen, 1e kwaliteit	227,000

UNITED KINGDOM

A. Great Britain

— *Forequarters, straight cut at 10th rib, from:*

Steers M	155,000
Steers H	155,000
Heifers M/H	153,000

— *Hindquarters, straight cut at third rib, from:*

Steers M	261,000
Steers H	261,000
Heifers M/H	258,300

B. Northern Ireland

— *Forequarters, straight cut at 10th rib, from:*

Steers L/M	155,000
Steers L/H	155,000
Steers T	155,000
Heifers T	149,600

— *Hindquarters, straight cut at third rib, from:*

Steers L/M	261,000
Steers L/H	261,000
Steers T	261,000
Heifers T	253,700

COMMISSION REGULATION (EEC) No 358/81

of 11 February 1981

amending Regulation (EEC) No 3265/80 in respect of the quantities of butter
intended for export to PolandTHE COMMISSION OF THE EUROPEAN
COMMUNITIES,Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No
804/68 of 27 June 1968 on the common organization
of the market in milk and milk products⁽¹⁾, as last
amended by the Act of Accession of Greece, and in
particular Article 6 (7) thereof,Having regard to Council Regulation (EEC) No
985/68 of 15 July 1968 laying down general rules for
intervention on the market in butter and cream⁽²⁾, as
last amended by Regulation (EEC) No 1272/79⁽³⁾, and
in particular Article 7a thereof,Whereas, in the context of the supply before 1 July
1981 of 30 000 tonnes of butter by the Community to
Poland, Commission Regulation (EEC) No
3265/80⁽⁴⁾, provided for the sale of 10 000 tonnes of
butter by the German intervention agency; whereas,
in order to achieve the objective fixed, the quantity to
be made available by the German intervention agency
should be increased and the United Kingdom inter-
vention agency should be entrusted with the sale of a
further 10 000 tonnes;Whereas, in order to satisfy a request by the Polish
authorities, the time limits fixed in Regulation (EEC)
No 3265/80 for taking over and exporting the butter
in question should be adapted; whereas, in respect of
the quantities for which no contract of sale has yet
been concluded, the export security should be
increased, on account of the movement in the market
price for butter;Whereas the measures provided for in this Regulation
are in accordance with the opinion of the Manage-
ment Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*Regulation (EEC) No 3265/80 is hereby amended as
follows:

1. In Article 1, the text of paragraph 3 is replaced by
the following:

⁽¹⁾ OJ No L 146, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 169, 18. 7. 1968, p. 1.⁽³⁾ OJ No L 161, 29. 6. 1979, p. 13.⁽⁴⁾ OJ No L 342, 17. 12. 1980, p. 28.

'3. The total quantity of butter which may be sold
under this Regulation by the German interven-
tion Agency shall be limited to 20 000 tons.'

2. In Article 3 (1), the amount '205 ECU' is replaced
by '210 ECU'.

3. In Article 3 (2), the date '1 February 1981' in the
first and third subparagraphs is replaced by the
date '1 June 1981'.

4. In Article 3 (3), the date '1 March 1981' is replaced
by '1 July 1981'.

5. The following Article 9a is inserted:

'Article 9a

1. The United Kingdom intervention agency
shall sell 10 000 tonnes of butter bought in in
accordance with Article 6 (1) of Regulation (EEC)
No 804/68, taken into stock as from 1 January
1980 and complying with the requirements fixed
in Article 1 (3) (a) (bb) of Regulation (EEC) No
985/68.

2. The sale by the United Kingdom intervention
agency and the exportation of the said butter shall
be carried out in accordance with same provisions
as those governing the butter sold by the German
intervention agency, with the exception of the
following detailed provisions:

- (a) the butter shall be sold, ex coldstore, at a price
of 104 ECU per 100 kg.

- (b) the endorsements which must appear on the
packaging of the butter, pursuant to Article 4,
shall be as follows:

"EEC butter for export to Poland (Regulation
(EEC) No 3265/80)";

"Masło z EWG na wywóz do Polski (Rozporząd-
zenie (EWG) nr. 3265/80)."

Article 2

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

However, the provisions of Article 1 (2) shall not
concern butter in respect of which the German inter-
vention agency has concluded a contract of sale before
that date.

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

Done at Brussels, 11 February 1981.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 359/81

of 11 February 1981

reintroducing the levying of customs duties applicable to fabric and other articles of asbestos, falling within subheadings 68.13 B II and III and originating in South Korea, benefiting from the tariff preferences provided for by Council Regulation (EEC) No 3322/80

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3322/80 of 16 December 1980 establishing a multi-annual scheme of generalized tariff preferences and its application for 1981 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 10 thereof,

Having regard to Council Regulation (EEC, Euratom) No 3308/80 of 16 December 1980 on the replacement of the European unit of account by the ECU in Community legal instruments⁽²⁾,

Whereas, in pursuance of Articles 1 and 9 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex C, other than those listed in column 4 of Annex A, within the framework of the preferential tariff ceiling fixed in column 9 of Annex A;

Whereas, as provided for in Article 10 (1) of that Regulation, as soon as the individual ceilings in question are reached at Community level, the Commission, either acting on its own initiative or once a Member State has requested it to do so, shall reintroduce the levying of customs duties on imports of the products in question;

Whereas, in the case of fabric and other articles of asbestos, falling within subheadings 68.13 B II and III, the individual ceiling was fixed at 850 000 ECU; whereas, on 10 February 1981, the amounts of imports into the Community of the products in question, originating in South Korea, reached the ceiling in question; whereas Germany has requested that the levying

of the customs duties be reintroduced; whereas the customs duties in respect of the products in question must therefore be reintroduced in respect of South Korea,

HAS ADOPTED THIS REGULATION:

Article 1

As from 15 February 1981 the levying of customs duties, suspended in pursuance of Council Regulation (EEC) No 3322/80, shall be reintroduced on imports into the Community of the following products, originating in South Korea:

CCT heading No	Description
68.13	Fabricated asbestos and articles thereof (for example, asbestos board, thread and fabric; asbestos clothing, asbestos jointing), reinforced or not, other than goods falling within heading No 68.14; mixtures with a basis of asbestos and mixtures with a basis of asbestos and magnesium carbonate and articles of such mixtures: B. Articles of asbestos: II. Fabric III. Other

Article 2

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

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

Done at Brussels, 11 February 1981.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 354, 29. 12. 1980, p. 114.

⁽²⁾ OJ No L 345, 20. 12. 1980, p. 1.

COMMISSION REGULATION (EEC) No 360/81
of 11 February 1981
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 organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 3455/80 ⁽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⁾, as amended by the Act of Accession of Greece ⁽⁴⁾, 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 ⁽⁵⁾, as last amended by Regulation (EEC) No 343/81 ⁽⁶⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in Regulation (EEC)

No 2005/80 to the information at present available 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 Regulation.

Article 2

This Regulation shall enter into force on 12 February 1981.

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

Done at Brussels, 11 February 1981.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.
⁽²⁾ OJ No L 360, 31. 12. 1980, p. 17.
⁽³⁾ OJ No L 75, 28. 3. 1972, p. 5.
⁽⁴⁾ OJ No L 291, 19. 11. 1979, p. 17.
⁽⁵⁾ OJ No L 195, 29. 7. 1980, p. 33.
⁽⁶⁾ OJ No L 38, 11. 2. 1981, p. 10.

ANNEX

to the Commission Regulation of 11 February 1981 fixing the export levy on white sugar and raw sugar

<i>(ECU/100 kg)</i>		
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	9.19
	ex B. Raw sugar other than candy sugar	12.76 ⁽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 361/81
of 11 February 1981
altering the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organiza-
tion of the market in rice ⁽¹⁾, as last amended by the
Act of Accession of Greece ⁽²⁾, and in particular the
fifth subparagraph of Article 17 (2) thereof,

Whereas the export refunds on rice and broken rice
were fixed by Regulation (EEC) No 172/81 ⁽³⁾, as
amended by Regulation (EEC) No 303/81 ⁽⁴⁾;

Whereas it follows from applying the rules, criteria
and other provisions contained in Regulation (EEC)
No 172/81 to the information at present available to
the Commission, that the export refunds at present in

force should be altered as shown in the Annex to this
Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1
of Regulation (EEC) No 1418/76, with the exception
of those listed in paragraph 1 (c) of that Article,
exported in the natural state and fixed in the Annex
to amended Regulation (EEC) No 172/81, are hereby
altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 12 February
1981.

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

Done at Brussels, 11 February 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 20, 23. 1. 1981, p. 8.

⁽⁴⁾ OJ No L 33, 5. 2. 1981, p. 24.

ANNEX

to the Commission Regulation of 11 February 1981 altering the export refunds on rice and broken rice

(ECU/tonne)		
CCT heading No	Description	Amount of refund
ex 10.06	Rice : B. I. Paddy rice ; husked rice : b) Husked rice : 1. Round grain 2. Long grain for export to : — Austria, Liechtenstein, Portugal, Switzerland and the communes of Livigno and Campione d'Italia — Other third countries II. Semi-milled or wholly milled rice : a) Semi-milled rice : 1. Round grain 2. Long grain b) Wholly milled rice : 1. Round grain 2. Long grain for export to : — Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia as well as destinations mentioned in Article 3 of Commission Regulation (EEC) No 192/75 ⁽¹⁾ — Zone I — Other third countries III. Broken rice	— 6.00 — — — — 7.50 40.00 — —

⁽¹⁾ OJ No L 25, 17. 1. 1975, p. 1.

NB: The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977).

COMMISSION REGULATION (EEC) No 362/81

of 11 February 1981

fixing the export levies on rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by the Act of Accession of Greece ⁽²⁾,

Having regard to Council Regulation (EEC) No 1432/76 of 21 June 1976 laying down general rules to be applied in the event of the rice market being disturbed ⁽³⁾, and in particular Article 4 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 21 of Regulation (EEC) No 1418/76 provides that measures may be taken when the quotations or prices on the world market for one or more products reach the level of Community prices; whereas that situation is likely to continue and to deteriorate, thereby disturbing or threatening to disturb the Community market;

Whereas Regulation (EEC) No 1432/76 specifies that the quotations or prices on the world market shall be regarded as having reached the level of Community prices when they approach or exceed the threshold price; whereas the continuation and the deterioration of that situation may be regarded as being likely to continue where an imbalance between supply and demand is established and where this imbalance is likely to persist, having regard to foreseeable production and market price trends;

Whereas the high level of prices in international trade could impede importation of rice into the Community or provoke exportation from the Community;

Whereas the situation described above can be said to exist at the present time; whereas to ensure supplies in the Community an export levy should be introduced for certain categories of rice;

Whereas the threshold prices for husked rice, wholly milled rice and broken rice were fixed for the 1980/81 marketing year by Regulation (EEC) No 2121/80 ⁽⁴⁾;

Whereas Article 3 of Regulation (EEC) No 1432/76 specifies that when the export levy is being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice on the Community market on the one hand, and prices for rice and products processed from it on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium of supplies and trade on rice markets and furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 1418/76 the specific factors set out in Article 3 (2) of Regulation (EEC) No 1432/76 must also be taken into account;

Whereas the export levy may be varied if the world market situation or the specific requirements of certain markets make this necessary;

Whereas, if the levy system is to operate normally, the following should be used to calculate the levies:

- for currencies the exchange rates for which are kept at any given moment within a band of 2.25 %, a conversion rate based on their actual parity;
- for other currencies a conversion rate based on the arithmetic mean of the spot market rates for each of these currencies against the Community currencies referred to in the preceding paragraph over a specified period;

Whereas it follows from applying the rules outlined above to the present situation on the market in rice, and in particular to quotations or prices for these products within the Community and on the world market, that the export levies should be fixed as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The export levy referred to in the first indent of Article 2 (1) of Regulation (EEC) No 1432/76 is hereby fixed as shown in the Annex for the products listed therein.

Article 2

This Regulation shall enter into force on 12 February 1981.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 39.

⁽⁴⁾ OJ No L 206, 8. 8. 1980, p. 23.

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

Done at Brussels, 11 February 1981.

For the Commission
Poul DALSAGER
Member of the Commission

ANNEX

to the Commission Regulation of 11 February 1981 fixing the export levies on rice

(ECU/tonne)

CCT heading No	Description	Levies
ex 10.06 B III	Broken rice	16.00

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 February 1981

accepting undertakings in connection with the anti-dumping proceedings concerning certain chemical fertilizer originating in the United States of America

(81/35/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 European Economic Community⁽¹⁾, and in particular Article 12 thereof,

After consulting the Advisory Committee set up under that Regulation,

Whereas in December 1979 the Commission received a complaint lodged by the Comité Marché Commun de l'Industrie des Engrais Azotés et Phosphates on behalf of manufacturers accounting for a major part of the Community production of urea ammonium nitrate solution fertilizer; whereas the complaint contained evidence of the existence of dumping in respect of the like product originating in the United States of America, and of material injury resulting therefrom, especially in France and the Federal Republic of Germany;

Whereas the said information supplied provided sufficient evidence to justify initiating a proceeding; whereas the Commission accordingly announced, by a notice published in the *Official Journal of the European Communities* ⁽²⁾, the invitation of a proceeding

concerning imports of certain chemical fertilizer originating in the United States of America, and commenced an investigation of the matter at Community level;

Whereas during its preliminary investigation, which was based on an investigation period covering the calendar year 1979, the Commission took account of the fact that all US companies known to be concerned which are selling the product in question on the domestic market, with the exception of Allied Chemical Corporation, did not furnish the information deemed necessary to establish normal value and did not agree to on-the-spot investigations at their premises; whereas, therefore, the Commission had to base its determination of normal value on the evidence provided by Allied Chemical Corporation; whereas, in respect of export prices, information was available from Allied Chemical Corporation and a number of brokers; whereas having established, on this basis, that the exports of the product in question were dumped at a weighted average margin of 12.2 % and since there was sufficient evidence of injury resulting from their entry for consumption into the Community and since the interests of the Community called for immediate intervention in order to prevent further injury being caused during the proceeding, the Commission, by Regulation (EEC) No 2182/80 ⁽³⁾, imposed a provisional anti-dumping duty on certain chemical fertilizer originating in the United States of America; whereas Allied Chemicals Corporation had

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No C 47, 26. 2. 1980, p. 2.

⁽³⁾ OJ No L 212, 15. 8. 1980, p. 43.

offered an acceptable undertaking to increase its export prices and was therefore exempted from the provisional duty; whereas, subsequent to the re-examination of the normal value, Allied Chemical Corporation has renounced this undertaking;

Whereas the period of validity of this provisional duty was extended for a period not exceeding two months by Council Regulation (EEC) No 3144/80⁽¹⁾;

Whereas in the course of the subsequent examination of the matter, completed after the imposition of the provisional anti-dumping duty, the interested parties had the opportunity to make known their views in writing, to be heard by the Commission and to develop their views orally, to inspect non-confidential information relevant to the defence of their interests and to be informed of the essential facts and considerations on the basis of which it was intended to make a final determination; whereas the complainants and most of the exporters and importers concerned availed themselves of these possibilities by making known their views in writing and orally;

Whereas a number of producers and exporters from whom the Commission had sought information during the preliminary investigation now came forward and offered to provide the information on normal value and export prices; whereas, therefore, the Commission decided to carry out inspections at the premises of Agrico Chemical Company (Tulsa), Kaiser Aluminum Domestic and International Sales Corporation (Savannah), Columbia Nitrogen Corporation (Augusta) and BCM Incorporated (Memphis) and to carry out a further inspection at the premises of Allied Chemical Corporation (Morristown) in order to update the information originally received; whereas the Commission obtained further information from International Ore and Fertilizer Corporation (New York), Transcontinental Fertilizer Corporation (Philadelphia) and from Unifert Europe SA, Comagri SA, Essochem Belgiu., Unie van Kunstmestfabrieken and Helm Düngemittel GmbH within the EEC;

Whereas, in seeking to determine the existence of dumping, the Commission compared the export prices to the Community with the normal value; whereas, for those companies selling nitrogen solution fertilizer on the US domestic market, normal value was established on the basis of their prices on the American market in the period from 1 January to 30 September 1980 excluding sales through company-owned retail outlets, because these sales were not considered to be at the same level of trade as export sales to EEC distributors;

Whereas for Columbia Nitrogen Corporation, however, whose domestic sales of the product in question were found to have been made at a loss during the abovementioned investigation period, the normal

value was established on the basis of costs of production including a reasonable margin for overheads and profit for the third quarter of 1980, this being the period during which the company's only 1980 export sale was made and when its new production plant was operating for the first time under normal conditions; whereas, given the particular debt equity ratio of this company, a profit margin of only 1 % was considered reasonable;

Whereas, in the case of export sales made by brokers who neither sell the product on the US domestic market nor sell it in any significant quantity to third countries, normal value was established on the basis of the price at which they purchased the quantities destined for export from their suppliers;

Whereas export prices were determined on the basis of prices actually paid or payable for the product concerned, sold for export to the Community;

Whereas, in the case of imports made by Essochem Belgium and UKF, the export price had to be constructed on the basis of the price at which the imported product was first resold to independent buyers because both importers had associations with their respective exporters; whereas, for the purposes of this construction, allowance was made for a reasonable margin for overheads and profit, a 3 % margin being considered reasonable;

Whereas the comparisons were made transaction by transaction on an ex-factory basis for all of the producers visited; whereas, for BCM Inc., a trader selling both for export and on the domestic market, the comparison was made at an ex-shipping point level, this being either ex-factory producer or ex-terminal;

Whereas most of the companies visited claimed that, for the purpose of a fair comparison, account should be taken of differences in distribution and selling costs on domestic and export markets and differences in payment terms;

Whereas the Commission took account of the differences affecting price comparability with respect to variable distribution and selling costs, salesmen's salaries and payment conditions and of cash discounts where claims in these areas could be satisfactorily demonstrated;

Whereas this examination showed that exports made by Agrico Chemical Company during the investigation period were not dumped; whereas, for the other companies visited, the dumping margins found were for Allied Chemical Corporation 6.5 %, for Kaiser Aluminum Domestic and International Sales Corporation 5.0 %, for Columbia Nitrogen Corporation 10.0 % and for BCM Incorporated 7.6 %;

⁽¹⁾ OJ No L 330, 6. 12. 1980, p. 1.

Whereas, for brokers who may buy the product from various US producers for export to the EEC and for all other exporters not known to the Commission, the dumping margin was determined as being the weighted average dumping margin of those companies investigated which were found to have been dumping; whereas the dumping margin thus established was 6.5 %;

Whereas, as regards the injury caused by the dumped imports to the Community and in particular to the French industry, the considerations which led to the imposition of the provisional duty remain valid; whereas further information received by the Commission after the imposition of the provisional duty showed that dumped imports into France of the product in question, originating in the United States of America, for the four month period from June to September 1980 amounted to 206 835 tonnes, excluding 21 600 tonnes of the product exported by Agrico Chemical Company and deemed not to have been dumped, compared to 137 950 tonnes for the same period in 1979, representing an increase of at least 50 %;

Whereas, although there was a considerable increase in the price of US exports during 1980, the resale price of imported nitrogen solution fertilizer in France still does not permit French producers to sell their product at above cost owing to a further increase in feedstock prices in August 1980;

Whereas the Commission also followed up to contention of various exporters and importers that the French industry was working at full capacity but was concentrating primarily on solid nitrogen fertilizer and was therefore unable to produce more nitrogen solution; whereas the facts as established by the Commission show that the French industry could significantly increase its production of solution even if present output of solid nitrogen fertilizer was maintained;

Whereas the Commission has considered whether there is injury caused by other factors which, individually or in combination, are also affecting the Community industry; whereas it has established in this context that the level of consumption of nitrogen solution fertilizer in Germany and especially in France, the main outlets for US exports in the Community,

has considerably increased in recent years; whereas, moreover, the volume of non-dumped imports from Agrico Chemical Company was relatively small compared to total imports, and represented less than 17 % thereof in 1980; whereas the influence of these non-dumped imports on the nitrogen solution fertilizer market has been isolated from the dumped imports; whereas the substantial and sudden increase in imports of dumped nitrogen solution fertilizer since 1978 and the prices at which they were offered for sale in the Community led the Commission to determine that the US exports of dumped nitrogen solution fertilizer have caused material injury to the Community industry concerned;

Whereas, in these circumstances, protection of the Community's interests calls for Community intervention;

Whereas Allied Chemical Corporation, Kaiser Aluminum-Domestic and International Sales Corporation, Columbia Nitrogen Corporation, BCM Incorporated, International Ore and Fertilizer Corporation, Interore and Corporation Inc. and Transcontinental Fertilizer Corporation have voluntarily undertaken to increase their prices to a level eliminating but not exceeding the dumping margins found;

Whereas the Commission considers these undertakings to be valid and has decided to accept them,

HAS DECIDED AS FOLLOWS:

Sole Article

The Commission hereby accepts the undertakings offered in connection with the anti-dumping proceedings concerning urea ammonium nitrate solution fertilizer, falling within Common Customs Tariff subheading ex 31.02 C and corresponding to NIMEXE code ex 31.02-90, originating in the United States of America.

Done at Brussels, 9 February 1981.

For the Commission

Wilhelm HAFERKAMP

Member of the Commission