

Official Journal

of the European Communities

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1588/81

of 15 June 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 12 June 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 16 June 1981.

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

Done at Brussels, 15 June 1981.

For the Commission

The President

Gaston THORN

⁽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 15 June 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	85.91
10.01 B	Durum wheat	116.25 ⁽¹⁾ ⁽²⁾
10.02	Rye	17.62 ⁽⁶⁾
10.03	Barley	73.51
10.04	Oats	22.69
10.05 B	Maize, other than hybrid maize for sowing	60.16 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	53.03 ⁽⁴⁾
10.07 C	Grain sorghum	61.77 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	135.26
11.01 B	Rye flour	39.69
11.02 A I a)	Durum wheat groats and meal	193.78
11.02 A I b)	Common wheat groats and meal	143.86

⁽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 1589/81

of 15 June 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 organization 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 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 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 12 June 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 16 June 1981.

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

Done at Brussels, 15 June 1981.

For the Commission

The President

Gaston THORN

⁽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 15 June 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 6	1st period 7	2nd period 8	3rd period 9
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	2.38	2.38	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

CCT heading No	Description	(ECU/tonne)				
		Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
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	4.24	4.24	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	3.17	3.17	0	0
11.07 B	Roasted malt	0	3.69	3.69	0	0

COMMISSION REGULATION (EEC) No 1590/81

of 10 June 1981

repealing a national anti-dumping duty on louvre doors, originating in Taiwan,
imposed under the transitional provisions of the 1972 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 January 1980 the Commission received a
request containing evidence justifying the review of
the 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 louvre doors
originating in Taiwan;

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

Whereas the Commission has given the parties
directly concerned the opportunity to make known
their views in writing and to be heard;

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

Whereas in the preliminary examination of injury the
Commission carried out inspections at the premises of
the producers in the United Kingdom, viz.: Staff-
woods Ltd, Wolverhampton; Patco Louvres Ltd, Thet-
ford; Le Page Ltd, London; Myndwood Ltd, Church
Stretton; Johnson Aldridge Ltd, Knutsford; West
Dowels and Mouldings Ltd, Salford;

Whereas in the course of the review the Commission
also examined information submitted by the exporters
concerned, viz.: Greenland Lumber Co. Ltd, Kaoh-
siung; Great Society Industries Co. Ltd, Taipei; Sky-
scraper Enterprises Co. Ltd, Taipei; Green River

Wood & Lumber Mfg Ltd, Taiwan, Hsing Hong Enter-
prise Co. Ltd, Taiwan and several other small manufac-
turers; whereas, however, no verification of this infor-
mation was possible as the Commission's services are
not in a position to carry out on-the-spot investiga-
tions in Taiwan;

Whereas for the producers and exporters concerned it
was concluded that there were no sales of the like
product in the ordinary course of trade on their
domestic markets and the normal value was, therefore,
based on the constructed value, i.e., the costs in the
ordinary course of trade of materials, manufacture and
overheads in Taiwan plus a 10 % margin for profit,
which was considered reasonable by the Commission
and not disputed by the Taiwanese; whereas the infor-
mation presented to the Commission on raw material
costs was contradictory and unsubstantiated; whereas,
therefore, this cost was established on information
available to the Commission with appropriate adjust-
ments to meet the situation obtaining in Taiwan;
whereas to make an examination of the existison of
dumping by Taiwanese producers a comparison was
made of their export prices to the Community with
the normal value; whereas those comparisons were
made at the fob Taiwan level for sales during the last
three-quarters of 1979 and the first quarter of 1980;

Whereas the preliminary examination of the facts
showed that in the investigation period there was
dumping in respect of exports to the Community by
all the manufacturers concerned, the dumping margin
varying from 16 % to 40 %;

Whereas, with regard to injury caused to the Commu-
nity industry, the evidence available to the Commis-
sion shows that Taiwanese exports of louvre doors
were concentrated on the United Kingdom, where
they reached 254 000 pieces in 1979; whereas these
exports had fallen in 1980 because the Taiwanese
experienced difficulties in obtaining raw materials;
whereas, however, the Taiwanese exporters had them-
selves indicated that it was their intention to supply
300 000 pieces per annum to the United Kingdom
market when these difficulties were resolved, which
they now appear to be;

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No C 77, 27. 3. 1980, p. 5.

Whereas, in the absence of separate production and import figures relating to louvre doors alone, it is difficult to gauge exactly the size of the Community market for such units; whereas, nevertheless, the best information available suggests that the total Community market has remained relatively static from 1978 to 1980; whereas the market share held by imports of louvre doors, originating in Taiwan, in the United Kingdom was approximately 18 % in 1979 and was likely to be approximately 20 % in 1981;

Whereas the resale prices of the products imported into the United Kingdom from Taiwan were substantially lower than those of the Community producers;

Whereas the consequent impact on the Community industry is characterized by depression of Community prices or prevention of price increases which otherwise would have occurred;

Whereas most of the Community firms are consequently making considerably reduced profits on louvre doors and the profitability of this industry as a whole is, therefore, at risk; whereas the best information available suggests that since 1979 there has been a reduction of 15 % in the numbers employed directly in the manufacture of louvre doors; whereas, furthermore, the number of hours worked in the Community industry has been reduced by between 34 % and 40 %;

Whereas injuries caused by other factors which could adversely affect the Community industry, such as the volume and prices of other imports, 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 louvre doors from Taiwan, and that there is sufficient evidence of consequent material injury;

Whereas the Taiwanese 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 has therefore determined that it is not now necessary to take protective action in respect of the imports originating in Taiwan 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 louvre doors originating in Taiwan is not now necessary,

HAS ADOPTED THIS REGULATION:

Article 1

The undertakings given by the Taiwanese exporters in respect of exports of louvre doors⁽¹⁾ to the United Kingdom are hereby accepted.

Article 2

The anti-dumping duty of 30 % imposed under the transitional provisions of the Act of Accession on exports to the United Kingdom of louvre doors originating in Taiwan⁽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, 10 June 1981.

For the Commission

Étienne DAVIGNON

Vice-President

⁽¹⁾ NIMEXE code ex 44.23-51. Common Customs Tariff subheading ex 44.23.

⁽²⁾ Anti-dumping Duty Order 1975 (SI 1975 No 368).

COMMISSION REGULATION (EEC) No 1591/81

of 10 June 1981

imposing a provisional anti-dumping duty on paraxylene (*p*-xylene) originating in Puerto Rico, the United States of America and the US Virgin Islands

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 11 thereof,

After consultations within the Advisory Committee set up under Regulation (EEC) No 3017/79,

Whereas in September 1980 the Commission received a complaint lodged by the European Council of Chemical Manufacturers' Federations (CEFIC) on behalf of manufacturers accounting for the major part of the Community production of paraxylene;

Whereas since the complaint provided sufficient evidence of dumping in respect of the like product originating in Puerto Rico, the United States of America and the US Virgin Islands and of material injury resulting therefrom, 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 paraxylene originating in Puerto Rico, the United States of America and the US Virgin Islands, 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 country and the complainants;

Whereas the Commission has given all parties directly concerned the opportunity to make known their views in writing and to be heard orally; whereas several of the importing and exporting parties known to be concerned have taken the opportunity to make known their views in writing; whereas certain traders and exporters did not reply to the questionnaires addressed to them by the Commission and, in particular, there was no response from those traders and exporters dealing with the US Virgin Islands except

for one company which had, however, ceased trading with the Community;

Whereas, in order to arrive at a preliminary determination of dumping and injury, the Commission sought to obtain and verify all information which it deemed to be necessary and carried out inspections at the premises of the major US producers namely: Amoco Chemicals Corporation, Chicago, Illinois; Shell Chemical Company, Houston, Texas; Arco Chemical Company, Philadelphia, Pennsylvania; Sun Petroleum Products Company, Philadelphia, Pennsylvania; whereas inspections were also carried out at the premises of Phillips Petroleum Chemicals NV/SA, Overijse, Belgium in connection with sales made by two related exporters, International Petroleum Sales Inc, Panama and Phillips Paraxylene Inc, Puerto Rico; whereas all the other firms named in the complaint either did not reply to the Commission's request for information or stated that they were not exporters to the Community of the product in question, or that they did not consider themselves an interested party;

Whereas the Commission also carried out inspections at the premises of all the complainant producers, viz., Deutsche Shell Chemie GmbH, Frankfurt; Veba Oel, Gelsenkirchen; Deutsche BP und California, Düsseldorf; BP California, London; Shell International Chemical Company Ltd, London; ICI Ltd, Wilton; ANIC, Milan; Montedison, Milan and Total Chimie, Paris;

Whereas, for the preliminary examination of dumping, the Commission compared export prices to the Community with domestic prices on the US market, except for Amoco Chemical Corporation which did not have sales of the like product in the ordinary course of trade on the domestic market and whose exports were made to an associated company in the EEC — in this case the average US domestic price of the other manufacturers was used in comparison with an export price constructed on the basis of the price at which the imported product was first resold to an independent buyer; whereas in those cases where producers did not sell directly to the European Community the export price was taken as that at

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No C 286, 5. 11. 1980, p. 2.

which they sold to traders or dealers for onward export to the EEC; whereas for these comparisons weighted average fob prices were used for the last three-quarters of 1980, with account being taken, where appropriate, of differences affecting price comparability such as differences in the level of trade;

Whereas given the particular situation of Puerto Rico including the minimal size of its internal market and the fact that most sales from this area were handled by US mainland organizations and were made to the United States, the normal value was established on the basis of prices charged on sales from Puerto Rico to the USA; whereas for the US Virgin Islands the only information available to the Commission was from a single exporter who had ceased trading with the Community and it was, therefore, considered appropriate that the preliminary findings for the US Virgin Islands should be based on the information obtained during the investigation in the USA;

Whereas with respect to specific companies investigated the preliminary results were as follows:

<i>Company</i>	<i>Weighted average dumping margin</i>
— Shell	2.37 %
— Arco	14.70 %
— Sun Petroleum	6.14 %
— Phillips Petroleum	7.6 %
— Amoco: The vast majority of Amoco's exports were for the captive requirements of their plant at Geel, Belgium. The constructed export price based on the price at which the imported product was first sold to an independent buyer showed that Amoco had been dumping on the free market at a weighted average margin of 3.6 %;	

Whereas, with regard to the injury caused by the dumped imports to the Community industry, the evidence available to the Commission during the preliminary investigation showed that total imports of paraxylene from the sources concerned into the Community increased from approximately 129 000 tonnes in 1978 to approximately 157 000 tonnes in 1980; whereas it was shown that approximately 80 % of these imports were made at dumped prices;

Whereas the market share of these dumped imports in the Community was approximately 16 % in 1980;

Whereas, since most of the importers concerned were not willing to provide information to the Commission, the Commission was unable to verify the resale prices of paraxylene imported at dumped prices;

Whereas, however, the resale prices of the EEC industry had steadily fallen in 1980 and there was evidence that customers had cancelled their contracts with the Community industry to buy dumped material from the areas concerned, thus further depressing the EEC producers' prices; whereas all the Community industry has suffered heavy losses in 1980;

Whereas production of paraxylene in the Community has fallen from 626 000 tonnes in 1978 to 423 000 tonnes in 1980 and capacity utilization from 54.4 % in 1978 to 36.7 % in 1980; whereas BP California, London, had been obliged to cease production of paraxylene at its plant in Scotland;

Whereas the Commission has considered the injury caused by other factors which, individually or in combination, may also be affecting the Community industry; whereas it was determined that the level of demand and consumption in the Community remained relatively stable; whereas imports from countries other than those named in the complaint have been fairly constant and at considerably lower volumes than those from Puerto Rico, the United States of America and the US Virgin Islands;

Whereas in view of the foregoing the Commission has provisionally concluded that the dumped imports are causing material injury;

Whereas in these circumstances and in order to prevent further injury being caused during the proceeding, the interests of the Community call for immediate intervention consisting in the imposition of a provisional anti-dumping duty on imports of paraxylene originating in Puerto Rico, the United States of America and the US Virgin Islands, at a rate which, having regard to the extent of injury caused, should be equal to the dumping margin provisionally established; whereas the Commission has also considered the effects which any protective measures would have on the downstream products for which paraxylene is one of the raw materials; whereas those effects, coupled with the level of the provisional duty, have not led to other conclusions;

Whereas three of the parties concerned, Amoco Chemicals Corporation, Arco Chemical Company and Phillips Petroleum Chemicals have meanwhile voluntarily undertaken to increase their prices to levels which eliminate the dumping margins found; whereas the Commission considers these undertakings to be acceptable; whereas it is consequently appropriate to exclude the imports of the products manufactured and exported by these companies from the application of the duty,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on paraxylene falling within Common Customs Tariff subheading 29.01 D I and corresponding to NIMEXE code 29.01-67 originating in Puerto Rico, the United States of America and the US Virgin Islands.

2. This duty shall not apply to paraxylene exported by :

- Amoco Chemicals Corporation,
- Arco Chemical Company,
- Phillips Paraxylene Inc and International Petroleum Sales Inc, Panama, members of the Phillips Petroleum Group.

3. The rate of the duty shall be 14.7 % 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⁾, except for exports made by the following companies for which the rate of duty shall be :

- | | |
|---|--------|
| — Shell Chemical Company, Houston, Texas : | 2.37 % |
| — Sun Petroleum Chemicals Co., Philadelphia, Pennsylvania : | 6.14 % |

4. The provisions in force concerning customs duties shall apply for the application of this duty.

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

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 3017/79, the parties concerned may make known their views, and apply to be heard orally by the Commission, within a month of the entry into force of this Regulation.

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 3017/79, this Regulation shall be applicable for four months or until the adoption by the Council of definitive measures.

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, 10 June 1981.

For the Commission

Étienne DAVIGNON

Vice-President

⁽¹⁾ OJ No L 134, 31. 5. 1980, p. 1.

COMMISSION REGULATION (EEC) No 1592/81

of 15 June 1981

amending various Regulations within the common agricultural policy following the repeal of Regulation (EEC) No 1380/75 laying down detailed rules for the application of monetary compensatory amounts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

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 10 (3) and Article 28 thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽²⁾, as last amended by Regulation (EEC) No 1187/81⁽³⁾, and in particular Articles 16 (6), 23 and 24 thereof, and the corresponding provisions of the other Regulations on the common organization of the market in respect of agricultural products,

Whereas Commission Regulation (EEC) No 1371/81 of 19 May 1981 laying down detailed rules for the administration of monetary compensatory amounts⁽⁴⁾ largely repeats the provisions of Commission Regulation (EEC) No 1380/75⁽⁵⁾ concerning import and export and adapts them to reflect experience; whereas it is therefore necessary to adapt Commission Regulation (EEC) No 1624/76 of 2 July 1976 concerning special arrangements for the payment of aid for skimmed-milk powder denatured or processed into compound feedingstuffs on the territory of another Member State⁽⁶⁾, as last amended by Regulation (EEC) No 3474/80⁽⁷⁾, and Commission Regulation (EEC) No 476/79 of 9 March 1979 laying down detailed rules for the application of the subsidy on deliveries of feed cereals to Italy and repealing Regulation (EEC) No 446/69⁽⁸⁾, as amended by Regulation (EEC) No 1134/81⁽⁹⁾, in which reference is made to the repealed Regulations;

Whereas the measures provided for in this Regulation are in accordance with the opinion of all the relevant management committees,

1. The expressions given in point 2 of Article 4 (2) of Regulation (EEC) No 476/79 are hereby replaced by the following :

- Til indførsel i Italien. Tilskudet betales af udførselsmedlemsstaten (forordning (EØF) nr. 476/79),
- Πρός είσαγωγή στην Ίταλία. Η επίδότηση χορηγείται από τό Κράτος μέλος προελεύσεως (κανονισμός (ΕΟΚ) άριθ. 476/79),
- Zur Einfuhr nach Italien. Die Subvention ist von dem Herkunftsmitgliedstaat zu gewähren (Verordnung (EWG) nr. 476/79),
- For import into Italy. Subsidy to be granted by Member State of consignment (Regulation (EEC) No 476/79),
- Destiné à l'importation en Italie. Subvention à octroyer par l'État membre de provenance [règlement (CEE) n° 479/79],
- Destinato all'importazione in Italia. La sovvenzione sarà concessa dallo Stato membro di provenienza [regolamento (CEE) n. 479/79],
- Bestemd voor invoer in Italië. Subsidie toe te kennen door de Lid-Staat van herkomst (Verordening (EEG) nr. 476/79).'

2. Article 2 (2a) of Regulation (EEC) No 1624/76 and Article 4 (3) of Regulation (EEC) No 476/79 are hereby replaced by the following :

'The expressions provided for in paragraph 2 shall be entered on the control copy referred to in Article 15 (1) of Regulation (EEC) No 1371/81 where the said Article 15 is applied.'

3. Article 5 of Regulation (EEC) No 476/79 is hereby replaced by the following :

Article 5

The provisions of Article 1 (2) (b), of Article 5 (1), of Article 15 (5) and of Article 17 of Regulation (EEC) No 1371/81 shall apply.'

Article 2

This Regulation shall enter into force on 1 July 1981.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 121, 5. 5. 1981, p. 1.

⁽⁴⁾ OJ No L 138, 25. 5. 1981, p. 1.

⁽⁵⁾ OJ No L 139, 30. 5. 1975, p. 37.

⁽⁶⁾ OJ No L 180, 16. 7. 1976, p. 9.

⁽⁷⁾ OJ No L 363, 31. 12. 1980, p. 50.

⁽⁸⁾ OJ No L 59, 10. 3. 1979, p. 19.

⁽⁹⁾ OJ No L 118, 30. 4. 1981, p. 35.

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

Done at Brussels, 15 June 1981.

For the Commission

The President

Gaston THORN

COMMISSION REGULATION (EEC) No 1593/81

of 15 June 1981

amending Regulation (EEC) No 902/81 as regards certain monetary compensatory amounts and coefficients for milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 974/71 of 12 May 1971 on certain measures of conjunctural policy to be taken in agriculture following the temporary widening of the margins of fluctuation for the currencies of certain Member States ⁽¹⁾, as last amended by Regulation (EEC) No 876/81 ⁽²⁾, and in particular Article 6 thereof,

Whereas the monetary compensatory amounts provided for in Regulation (EEC) No 974/71 were

fixed by Commission Regulation (EEC) No 902/81 ⁽³⁾, as last amended by Regulation (EEC) No 1568/81 ⁽⁴⁾;

Whereas in Parts 1 and 5 of Annex I to Regulation (EEC) No 902/81 certain amounts and coefficients were fixed to take account of the aid granted when skimmed-milk powder is used as animal feed; whereas the level of the said aid was altered by Commission Regulation (EEC) No 1584/81 ⁽⁵⁾; whereas the monetary compensatory amounts and associated coefficients should accordingly be adapted;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

Part 5 of Annex I to Regulation (EEC) No 902/81 is hereby amended as follows:

(a) in the first subparagraph of Note ⁽¹⁾, the coefficient '0.59' is replaced by '0.58';

(b) Note ⁽²⁾ is replaced by the following:

'⁽²⁾ In intra-Community trade, where the product has been denatured in accordance with Article 2 of Regulation (EEC) No 990/72 (OJ No L 115, 17. 5. 1972), or with Article 3 of Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979), the basic amount and any additional amount shall be replaced by a single amount of:

- DM 6.50 per 100 kg for Germany,
- £ 5.817 per 100 kg for the United Kingdom,
- Lit 938 per 100 kg for Italy.'

(c) Note ⁽⁶⁾ is replaced by the following:

'⁽⁶⁾ When completing customs formalities, the party concerned shall state in the declaration provided for this purpose:

- the skimmed-milk powder content, by weight,
- the content by weight of the added whey and/or lactose, and
- the lactose content of the added whey,

per 100 kg of the finished product.

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 88, 2. 4. 1981, p. 28.

⁽³⁾ OJ No L 94, 6. 4. 1981, p. 3.

⁽⁴⁾ OJ No L 157, 15. 6. 1981, p. 1.

⁽⁵⁾ OJ No L 154, 13. 6. 1981, p. 46.

If the milk products contain powdered or granulated milk (excluding whey) the amount shown shall be increased by the following supplementary amounts :

Content by weight in powdered or granulated milk (excluding whey) in the finished product of :	Germany DM/100 kg	Belgium/ Luxembourg Bfrs/Lfrs/ 100 kg	Nether- lands Fl/100 kg	United Kingdom £/100 kg	Ireland £ Irl/100 kg	Italy Lit/100 kg	France FF/100 kg	Greece Dr/100 kg
More than 12 but less than 30 %	1.30			1.163		188		
30 or more but less than 50 %	2.60			2.327		375		
50 or more but less than 70 %	3.90			3.490		563		
70 or more but less than 80 %	4.87			4.363		704		
80 % or more	5.52			4.945		797		

In trade with non-member countries, the coefficient 1.73 shall be applied to the supplementary amounts indicated above.

In intra-Community trade, where the product has not been produced in accordance with Regulation (EEC) No 990/72 (OJ No L 115, 17. 5. 1972), or with Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979), the coefficient 1.73 shall be applied to the supplementary amounts indicated above. However, this coefficient shall not be applied to products consigned to Italy from another Member State in accordance with Regulation (EEC) No 1624/76 (OJ No L 180, 6. 7. 1976).'

Article 2

Note⁽⁸⁾ of Part 1 of Annex I to Regulation (EEC) No 902/81 is replaced by the following :

⁽⁸⁾ If the product contains powdered or granulated milk (excluding whey), the amount shown shall be increased by the following supplementary amount :

Content by weight in powdered or granulated milk (excluding whey) in the finished product of :	Germany DM/t	Belgium/ Luxembourg Bfrs/Lfrs/t	Nether- lands Fl/t	United Kingdom £/t	Ireland £ Irl/t	Italy Lit/t	France FF/t	Greece Dr/t
More than 12 % but less than 30 %	13.00			11.635		1 876		
30 % or more but less than 50 %	26.00			23.270		3 752		

(a) In trade with non-member countries, the coefficient 1.73 shall be applied to the supplementary amounts indicated above.

(b) When completing customs formalities, the applicant shall state on the declaration provided for this purpose the content, expressed in actual weight per tonne of finished product, of :

- powdered or granulated milk (excluding whey),
- powdered or granulated whey,
- added casein or caseinate.'

Article 3

This Regulation shall enter into force on 17 June 1981.

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

Done at Brussels, 15 June 1981.

For the Commission

The President

Gaston THORN

COMMISSION REGULATION (EEC) No 1594/81**of 15 June 1981****altering the basic amount of the import levy on syrups and certain other sugar products**

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 15 (7) thereof,

Whereas the basic amount of the import levy on syrups and certain other sugar products was fixed by Regulation (EEC) No 1429/81⁽³⁾, as last amended by Regulation (EEC) No 1555/81⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1429/81 to the information known to the Commission that the basic

amount of the levy at present in force should be altered to the amount set out below,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amount of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 3330/74 shall be, per 100 kilograms of product, 0.1740 ECU per percentage point of sucrose content.

Article 2

This Regulation shall enter into force on 16 June 1981.

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

Done at Brussels, 15 June 1981.

For the Commission

The President

Gaston THORN

⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.

⁽²⁾ OJ No L 360, 31. 12. 1980, p. 17.

⁽³⁾ OJ No L 142, 28. 5. 1981, p. 33.

⁽⁴⁾ OJ No L 152, 11. 6. 1981, p. 25.

COMMISSION REGULATION (EEC) No 1595/81
of 15 June 1981
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 15 (7) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1439/81 ⁽³⁾, as last amended by Regulation (EEC) No 1586/81 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1439/81 to the information known to the Commission that the levies

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 15 (1) of Regulation (EEC) No 3330/74 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 June 1981.

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

Done at Brussels, 15 June 1981.

For the Commission

The President

Gaston THORN

- ⁽¹⁾ OJ No L 359, 31. 12. 1974, p. 1.
⁽²⁾ OJ No L 360, 31. 12. 1980, p. 17.
⁽³⁾ OJ No L 142, 28. 5. 1981, p. 55.
⁽⁴⁾ OJ No L 154, 13. 6. 1981, p. 48.

ANNEX

to the Commission Regulation of 15 June 1981 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form:	
	A. White sugar: flavoured or coloured sugar	17.40
	B. Raw sugar	11.74 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 April 1981

authorizing the French Republic not to apply Community treatment to gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, impregnated or coated with artificial plastic materials originating in Taiwan

(Only the French text is authentic)

(81/409/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular the first paragraph of Article 115 thereof,

Having regard to Commission Decision 80/47/EEC of 20 December 1979 on surveillance and protective measures which Member States may be authorized to take in respect of imports of certain products originating in third countries and put into free circulation in another Member State ⁽¹⁾, and in particular Article 3 thereof,

Whereas on 30 March 1981 a request was made under the first paragraph of Article 115 of the Treaty by the French Government to the Commission of the European Communities for authorization not to apply Community treatment to gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, impregnated or coated with artificial plastic materials, falling within subheading ex 60.02 A of the Common Customs Tariff (category 10), originating in Taiwan and in free circulation in the other Member States;

Whereas the importation into the Community of the products in question originating in Taiwan is subject, under Commission Regulation (EEC) No 3020/77 ⁽²⁾, as last amended by Regulation (EEC) No 2604/78 ⁽³⁾, to a Community quantitative quota;

Whereas the differences in market conditions within the Community and the particular sensitivity of this branch of Community industry have been taken into account in allocating the abovementioned Community quota between the Member States;

Whereas, for this reason, disparities still exist between the conditions governing the importation of the products in question into the different Member States; whereas uniformity can only be brought about gradually;

Whereas these disparities in the commercial policy measures applied by the Member States have resulted in deflections of trade, in that since 1 January 1981 France has admitted the products in question in free circulation, originating in the said third country, which amount to approximately 30 % of the quota;

Whereas with regard to the situation of the industry concerned, the information received by the Commission indicates that total imports of the products in question originating in third countries amounted to 10 792 000 pairs in 1978, 15 502 000 pairs in 1979 and 14 048 700 pairs in 1980; whereas the market share taken by those imports has risen from 73.8 % in 1978 to 82 % in 1979;

Whereas the prices of the products in question originating in Taiwan are considerably below the prices of like products manufactured in France;

⁽¹⁾ OJ No L 16, 22. 1. 1980, p. 14.

⁽²⁾ OJ No L 357, 31. 12. 1977, p. 51.

⁽³⁾ OJ No L 317, 10. 11. 1978, p. 1.

Whereas output of like products in France is stagnant at 2 800 000 pairs ;

Whereas these products are manufactured in a less-favoured region and provide the principal employment for a largely non-specialist workforce which could not be easily re-trained ;

Whereas further indirect imports, in addition to those already admitted or planned, would be likely to aggravate these difficulties and jeopardize the aims of the abovementioned commercial policy measures ;

Whereas it is not possible to set in motion rapidly the machinery for bringing about the necessary cooperation from the other Member States ;

Whereas authorization should accordingly be given for the application of protective measures under the first paragraph of Article 115, subject to the conditions laid down in Decision 80/47/EEC, and in particular Article 3 thereof ;

Whereas applications for import documents covering 31 920 pairs are duly pending with the authorities of the Member State having made the request ; whereas in view of the amount involved, these applications do not need to be covered by such authorization,

HAS ADOPTED THIS DECISION :

Article 1

The French Republic is authorized not to apply Community treatment to the products indicated

below, originating in Taiwan and in free circulation in the other Member States, in respect of which applications for import licences were lodged after 23 March 1981.

CCT heading No	Description
ex 60.02 A (NIMEXE code 60.02-40) (category 10)	Gloves, mittens and mitts, knitted or crocheted, not elastic or rubberized, impregnated or coated with artificial plastic materials

Article 2

This Decision shall apply until 31 October 1981.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 8 April 1981.

For the Commission

Antonio GIOLITTI

Member of the Commission

COMMISSION DECISION

of 21 May 1981

fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EEC) No 3024/80

(81/410/EEC)

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,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽²⁾, and in particular Article 5 thereof,

Whereas an invitation to tender for the levy and/or refund for the export of common wheat was issued under Commission Regulation (EEC) No 3024/80⁽³⁾,

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 279/75⁽⁴⁾, as amended by Regulation (EEC) No 2944/78⁽⁵⁾, the Commission, acting under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, may decide to fix a maximum export refund; whereas in fixing this maximum the criteria provided for in Articles 2 and 3 of Regulation (EEC) No 2746/75 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on common wheat to be exported pursuant to the invitation to tender for the export of common wheat issued in Regulation (EEC) No 3024/80 is hereby fixed on the basis of the tenders submitted by 21 May 1981 at 63.01 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 May 1981.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽³⁾ OJ No L 317, 25. 11. 1980, p. 12.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION**of 21 May 1981****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EEC) No 3026/80**

(81/411/EEC)

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,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽²⁾, and in particular Article 5 thereof,

Whereas an invitation to tender for the levy and/or refund for the export of common wheat was issued under Commission Regulation (EEC) No 3026/80⁽³⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 279/75⁽⁴⁾, as amended by Regulation (EEC) No 2944/78⁽⁵⁾, the Commission, acting under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, may decide to fix a maximum export refund; whereas in fixing this maximum the criteria provided for in Articles 2 and 3 of Regulation (EEC) No 2746/75 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS DECISION :

Article 1

The maximum export refund on common wheat to be exported pursuant to the invitation to tender for the export of common wheat issued in Regulation (EEC) No 3026/80 is hereby fixed on the basis of the tenders submitted by 21 May 1981 at 63.01 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 May 1981.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽³⁾ OJ No L 317, 25. 11. 1980, p. 18.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION

of 21 May 1981

fixing the maximum export refund on barley in connection with the invitation
to tender issued in Regulation (EEC) No 3023/80

(81/412/EEC)

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 organiza-
tion of the market in cereals⁽¹⁾, as last amended by
the Act of Accession of Greece,

Having regard to Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general
rules for granting export refunds on cereals and
criteria for fixing the amount of such refunds⁽²⁾, and
in particular Article 5 thereof,

Whereas an invitation to tender for the levy and/or
refund for the export of barley was issued under
Commission Regulation (EEC) No 3023/80⁽³⁾;

Whereas, pursuant to Article 5 of Commission Regula-
tion (EEC) No 279/75⁽⁴⁾, as amended by Regulation
(EEC) No 2944/78⁽⁵⁾, the Commission, acting under
the procedure laid down in Article 26 of Regulation
(EEC) No 2727/75, may decide to fix a maximum
export refund; whereas in fixing this maximum the
criteria provided for in Articles 2 and 3 of Regulation
(EEC) No 2746/75 must be taken into account;
whereas a contract is awarded to any tenderer whose
tender is equal to or less than the maximum export
refund;

Whereas the application of the abovementioned
criteria to the current market situation for the cereal
in question results in the maximum export refund
being fixed at the amount specified in Article 1;

Whereas the measures provided for in this Decision
are in accordance with the opinion of the Manage-
ment Committee for Cereals,

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on barley to be exported
pursuant to the invitation to tender for the export of
barley issued in Regulation (EEC) No 3023/80 is
hereby fixed on the basis of the tenders submitted by
21 May 1981 at 49.50 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 May 1981.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽³⁾ OJ No L 317, 25. 11. 1980, p. 9.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION DECISION

of 21 May 1981

fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EEC) No 3025/80

(81/413/EEC)

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,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽²⁾, and in particular Article 5 thereof,

Whereas an invitation to tender for the export refund on barley was issued under Commission Regulation (EEC) No 3025/80⁽³⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EEC) No 279/75⁽⁴⁾, as amended by Regulation (EEC) No 2944/78⁽⁵⁾, the Commission, acting under the procedure laid down in Article 26 of Regulation (EEC) No 2727/75, may decide to fix a maximum export refund; whereas in fixing this maximum the criteria provided for in Articles 2 and 3 of Regulation (EEC) No 2746/75 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund on barley to be exported pursuant to the invitation to tender for the export of barley issued in Regulation (EEC) No 3025/80 is hereby fixed on the basis of the tenders submitted by 21 May 1981 at 49.50 ECU per tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 May 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽³⁾ OJ No L 317, 25. 11. 1980, p. 15.

⁽⁴⁾ OJ No L 31, 5. 2. 1975, p. 8.

⁽⁵⁾ OJ No L 351, 15. 12. 1978, p. 16.

COMMISSION OPINION**of 25 May 1981****addressed to the Government of the Federal Republic of Germany on the implementation of Council Directive 79/116/EEC concerning minimum requirements for certain tankers entering or leaving Community ports**

(81/414/EEC)

1. In a letter dated 27 November 1979, the Permanent Representation of the Federal Republic of Germany sent the Commission the following documents in connection with Article 3 of Directive 79/116/EEC⁽¹⁾:

- a collection of amendments to the 'Seeschiffsstraßen-Ordnung', published in the Bundesgesetzblatt of 22 June 1977,
- a 'Bekanntmachung der Wasser- und Schifffahrtsdirektion Nordwest zur Seeschiffsstraßen-Ordnung', published in the Bundesanzeiger of 5 April 1978,
- a 'Bekanntmachung der Wasser- und Schifffahrtsdirektion Nord zur Seeschiffsstraßen-Ordnung', published in the Bundesanzeiger of 5 August 1978,
- a second 'Verordnung zur Änderung der Allgemeinen Lotsordnung', published in the Bundesgesetzblatt of 30 December 1978,
- a 'Verordnung zur Änderung der Lotsordnungen Ems und Weser/Jade', published in the Bundesanzeiger of 16 August 1977.

2. Having examined these documents the Commission can confirm that the Government of the Federal Republic of Germany is entirely in line with the provisions of the Directive in question.

Done at Brussels, 25 May 1981.

For the Commission

Georges CONTOGEOORGIS

Member of the Commission

⁽¹⁾ OJ No L 33, 8. 2. 1979, p. 33.

COMMISSION DECISION

of 25 May 1981

establishing that the apparatus described as 'JEOL-electron microscope, model JEM-200CX', may not be imported free of Common Customs Tariff duties

(81/415/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials ⁽¹⁾, as amended by Regulation (EEC) No 1027/79 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2784/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1798/75 ⁽³⁾, and in particular Article 7 thereof,

Whereas, by letter dated 17 November 1980, Belgium has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'JEOL-electron microscope, model JEM-200CX', to be used for microstructural research of the transformation and deformation of metallic materials and in particular for the determination of the cell structure after deformation, onset of metal fatigue, phase-boundary displacements, intense shear bands, stress-relieved structure of steel and adhesion of dispersoids after deformation, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being manufactured in the Community;

Whereas, in accordance with the provisions of Article 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 28 April 1981 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is an electron microscope;

Whereas its objective technical characteristics such as the very high resolution power in the field of the microanalysis and the use to which it is put make it specially suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for scientific activities; whereas it must therefore be considered to be a scientific apparatus;

Whereas, however, on the basis of information received from Member States, apparatus of scientific value equivalent to the said apparatus, capable of being used for the same purposes, are currently being manufactured in the Community; whereas this applies, in particular, to the apparatus 'EM 400' manufactured by Philips Nederland BV, NL-Boschdijk, 525, Eindhoven,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'JEOL-electron microscope, model JEM-200CX', which is the subject of an application by Belgium of 17 November 1980, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 May 1981.

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 134, 31. 5. 1979, p. 1.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

COMMISSION DECISION**of 27 May 1981****on the appointment of two members to the Scientific and Technical Committee
for Fisheries**

(81/416/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Decision 79/572/EEC of 8 June 1979 relating to the institution of a Scientific and Technical Committee for Fisheries ⁽¹⁾, and in particular Article 4 thereof,

Whereas the accession of Greece to the European Communities has made it necessary to appoint two new members to the Committee ;

Whereas the appointments of the new members should expire on the same date as those of the other members of the Committee ⁽²⁾,

HAS DECIDED AS FOLLOWS :

Sole Article

N. Tsimenides and M. Kanakas are appointed members of the Scientific and Technical Committee for Fisheries for the period expiring on 11 September 1981.

Done at Brussels, 27 May 1981.

For the Commission

Georges CONTOGEOORGIS

Member of the Commission

⁽¹⁾ OJ No L 156, 23. 6. 1979, p. 29.⁽²⁾ The members of the Scientific and Technical Committee for Fisheries are listed in OJ No C 264, 19. 10. 1979, p. 3.

COMMISSION DECISION**of 27 May 1981****fixing the maximum export refund for the 63rd partial invitation to tender for white sugar issued under Regulation (EEC) No 561/80**

(81/417/EEC)

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 19 (4) thereof,

Whereas Commission Regulation (EEC) No 561/80 of 5 March 1980 on a standing invitation to tender to determine levies and/or refunds on export of white sugar⁽³⁾, as last amended by Regulation (EEC) No 3274/80⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 561/80, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 63rd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum export refund for the 63rd partial invitation to tender for white sugar issued under Regulation (EEC) No 561/80 is hereby fixed at 16.741 ECU per 100 kg.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 May 1981.

For the Commission

Poul DALSGER

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 61, 6. 3. 1980, p. 18.

⁽⁴⁾ OJ No L 343, 18. 12. 1980, p. 13.

COMMISSION DECISION

of 27 May 1981

fixing the maximum export refund for the 43rd partial invitation to tender for
raw beet sugar issued under Regulation (EEC) No 1216/80

(81/418/EEC)

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 3455/80 ⁽²⁾, and in particular
Article 19 ⁽⁴⁾ thereof,

Whereas Commission Regulation (EEC) No 1216/80
of 14 May 1980 on a standing invitation to tender to
determine levies and/or refunds on export of raw beet
sugar ⁽³⁾, as amended by Regulation (EEC) No
3274/80 ⁽⁴⁾, requires partial invitations to tender to be
issued for the export of this sugar ;

Whereas, pursuant to Article 9 (1) of Regulation (EEC)
No 1216/80, a maximum export refund shall be fixed,
as the case may be, account being taken in particular
of the state and foreseeable development of the
Community and world markets in sugar, for the
partial invitation to tender in question ;

Whereas, following an examination of the tenders
submitted in response to the 43rd partial invitation to
tender, the provisions set out in Article 1 should be
adopted ;

Whereas the measures provided for in this Decision
are in accordance with the opinion of the Manage-
ment Committee for Sugar,

HAS ADOPTED THIS DECISION :

Article 1

The maximum export refund for the 43rd partial invi-
tation to tender for raw beet sugar issued under Regu-
lation (EEC) No 1216/80 is hereby fixed at 14.291
ECU per 100 kg.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 May 1981.

For the Commission

Poul DALSGER

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 122, 15. 5. 1980, p. 29.

⁽⁴⁾ OJ No L 343, 18. 12. 1980, p. 13.

