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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1101/82

of 4 May 1982

opening, allocating and providing for the administration of a Community tariff quota for processing work in respect of certain textile products under Community outward-processing traffic

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas, on 1 August 1969, the Community concluded an arrangement with Switzerland on processing traffic in textiles; whereas under that arrangement the Community undertook to open, on 1 September of every year, an annual duty-free Community tariff quota for processed goods of 1 870 000 units of account of added value, apportioned as follows:

- (a) 1 650 000 units of account for processing work on woven fabrics falling within Chapters 50 to 57 of the Common Customs Tariff;
- (b) 143 000 units of account for the twisting or throwing, cabling and texturizing (whether or not combined with other processing work) of yarns falling within Chapters 50 to 57 of the Common Customs Tariff;
- (c) 77 000 units of account for processing work on products falling within heading Nos 58.04, 58.05, 58.07, 58.08, 58.09 and 60.01 of the Common Customs Tariff;

Whereas, in order to facilitate administration of this tariff quota, it was decided no longer to allocate a quota, provisionally, to each of the above three categories of processing; whereas the quota in question should therefore be opened for the period 1 September 1982 to 31 August 1983, according to the procedure provided for under the above arrangement, as amended and in compliance with the provisions of Council Regulation (EEC) No 2779/78 of 23

November 1978 on the procedure for applying the European unit of account (EUA) to legal acts adopted in one customs sphere⁽¹⁾, and in particular Article 2 thereof, and the provisions of 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 provision should be made in particular to ensure equal and continuous access for those concerned with this quota and consistent application of the rate of duty, prescribed for the said quota until the quota is exhausted, to all goods re-imported into any of the Member States and which have received one or other of the treatments listed above; whereas, in the light of these principles, arrangements for the utilization of the quota based on an allocation among the Member States would seem to be consistent with the Community character of the said quota; whereas it therefore seems advisable to make the allocation on the basis of the amount of the traffic under the previous bilateral Agreements, but without precluding participation by Member States not previously involved in such traffic;

Whereas, to safeguard the Community character of the quota, provision should be made to meet requirements which may arise in those Member States permitting them to draw adequate amounts from the Community reserve;

Whereas, to take account of possible developments in the traffic in question in the various Member States, the total quota volume of 1 870 000 ECU should be divided into two instalments, the first being allocated among certain Member States and the second held as a

⁽¹⁾ OJ No L 333, 30. 11. 1978, p. 5.

⁽²⁾ OJ No L 345, 20. 12. 1980, p. 1.

reserve to cover the subsequent requirements of Member States when one of their initial shares has been exhausted, and also requirements which may arise in certain Member States in respect of processing work for which no initial share of the quota was allocated; whereas, in order to give the parties concerned in each Member State some degree of certainty, it would seem appropriate to fix the first instalment of the Community quota at a relatively high level, namely 1 640 000 ECU;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 September 1982 to 31 August 1983 a Community tariff quota of 1 870 000 ECU of value added shall be opened in respect of goods resulting from processing work as provided for in the arrangement with Switzerland on processing traffic in textiles as follows:

- (a) processing work on woven fabrics falling within Chapters 50 to 57 of the Common Customs Tariff;
- (b) twisting or throwing, cabling and texturizing (whether or not combined with other processing work) of yarns falling within Chapters 50 to 57 of the Common Customs Tariff;
- (c) processing work on products falling within the following headings of the Common Customs Tariff:

58.04 Woven pile fabrics and chenille fabrics (other than terry towelling or similar terry fabrics of cotton falling within heading No 55.08 and fabrics falling within heading No 58.05);

58.05 Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No 58.06;

58.07 Chenille yarn (including flock chenille yarn), gimped yarn (other than metallized yarn of heading No 52.01 and gimped horsehair yarn); braids and ornamental trimmings in the piece; tassels, pompons and the like;

58.08 Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), plain (a);

58.09 Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), figured; hand or mechanically made lace, in the piece, in strips or in motifs;

60.01 Knitted or crocheted fabric, not elastic or rubberized.

2. For the purposes of this Regulation:

(a) 'processing work' means:

— for the purposes of paragraph 1 (a) and (c): bleaching, dyeing, printing, flocking, impregnating, dressing and other work which changes the appearance or quality of the goods, without however changing their nature,

— for the purposes of paragraph 1 (b): twisting or throwing, cabling and texturizing, whether or not combined with reeling, dyeing or other work which changes the appearance, quality or finish of the goods, without however changing their nature;

(b) 'value added' means the difference between the value for customs purposes as defined in Community Regulations on this subject at the time of re-importation and the value for customs purposes as it would be if the products were re-imported in the state in which they were exported.

3. Within this tariff quota, the Common Customs Tariff duties shall be totally suspended.

Within the same limits, Greece shall apply customs duties calculated in accordance with the provisions of the 1979 Act of Accession and of the protocols concluded by reason of that accession.

4. Re-imports of products, resulting from this processing work may not be charged to the tariff quota if they are already free of customs duties under other preferential tariff arrangements.

Article 2

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

The first instalment, 1 640 000 ECU, shall be allocated as set out below among the Member States listed in the above arrangement; the shares, subject to Article 6, shall be valid from 1 September 1982 to 31 August 1983:

	(ECU)
Benelux	20 000
Germany	1 080 000
France	520 000
Italy	20 000

2. The second instalment, which amounts to 230 000 ECU, shall constitute a Community reserve.

Article 3

In case of need in the other Member States the State concerned shall, to the extent that the reserve so permits, draw from such reserve a sufficient share of the quota.

Article 4

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (1), or that share minus any portion returned to the reserve pursuant to Article 6, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the relevant reserve so permits, equal to 10 % of its initial share, rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall, in accordance with the conditions laid down in paragraph 1, draw a third share equal to 5 % of its initial share.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall in accordance with the

same conditions, draw a fourth share equal to the third.

This process shall continue to apply until the reserve is exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 5

Additional shares drawn pursuant to Article 4 shall be valid until 31 August 1983.

Article 6

The Member States referred to in Article 2 (1) shall, not later than 1 July 1983 return to the reserve the unused portion of their initial share which, on 15 June 1983, is in excess of 20 % of the initial amount. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 July 1983, notify the Commission of the total quantities of the product in question re-imported up to and including 15 June 1983 and charged against the Community quota and of any portion of their initial quota returned to the reserve.

Article 7

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2, 3 and 4 and shall, as soon as the information reaches it, inform each Member State of the extent to which the reserve has been used up.

It shall, not later than 5 July 1983, inform the Member States of the amounts still in reserve following any return of shares pursuant to Article 6.

It shall ensure that when an amount exhausting this reserve is drawn the amount so drawn does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 8

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 4 are opened in such a way that re-importation may be charged without interruption against their accumulated shares of the Community tariff quota.

2. Every Member State shall ensure that all persons established in its territory involved in the processing traffic have free access to the shares allocated to it.

3. The extent to which a Member State has used up its shares shall be determined on the basis of the value added, as established when upon re-importation the products concerned are entered with the customs authorities for free circulation.

Article 9

At the request of the Commission, the Member States shall inform it of any re-importations of the products in question actually charged against their share.

Article 10

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

Article 11

This Regulation shall enter into force on 1 September 1982.

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

Done at Brussels, 4 May 1982.

For the Council

The President

M. EYSKENS

COMMISSION REGULATION (EEC) No 1102/82**of 10 May 1982****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 organi-
zation of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 3808/81 ⁽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 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 import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 2196/81 ⁽⁵⁾ and subsequent amending
Regulations ;

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

— in the case of currencies which are maintained in
relation to each other at any given moment within

a band of 2.25 %, a rate of exchange based on
their central rate,

— 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
7 May 1982 ;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2196/81 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 11 May 1982.

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

Done at Brussels, 10 May 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 7.

ANNEX

to the Commission Regulation of 10 May 1982 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	107.28
10.01 B II	Durum wheat	153.25 ⁽¹⁾ ⁽²⁾
10.02	Rye	63.29 ⁽⁶⁾
10.03	Barley	85.72
10.04	Oats	67.51
10.05 B	Maize, other than hybrid maize for sowing	94.82 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	101.27 ⁽⁴⁾
10.07 C	Grain sorghum	89.78 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	165.37
11.01 B	Rye flour	103.80
11.02 A I a)	Durum wheat groats and meal	251.16
11.02 A I b)	Common wheat groats and meal	176.17

⁽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 1103/82
of 10 May 1982**

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 3808/81⁽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
2197/81⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2.25 % a rate of exchange based on their
central rate,

- 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
7 May 1982;

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 11 May 1982.

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

Done at Brussels, 10 May 1982.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 382, 31. 12. 1981, p. 37.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 10.

ANNEX

to the Commission Regulation of 10 May 1982 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 5	1st period 6	2nd period 7	3rd period 8
10.01 B I	Common wheat, and meslin	0	7.47	7.47	4.60
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0.99
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0.72	0.72	1.68
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	1.94	1.94	3.88
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	10.47	10.47	6.44

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	13.30	13.30	8.19	8.19
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	9.94	9.94	6.12	6.12
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	1.76	1.76
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	1.32	1.32
11.07 B	Roasted malt	0	0	0	1.53	1.53

COMMISSION RECOMMENDATION No 1104/82/ECSC**of 6 May 1982****imposing a provisional anti-dumping duty on certain sheets and plates, of iron or steel, originating in Brazil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 74 and 86 thereof,

Having regard to Commission recommendation No 3018/79/ECSC of 21 December 1979 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community⁽¹⁾, and in particular Article 11 thereof,

After consultations within the Advisory Committee provided for by recommendation No 3018/79/ECSC,

Whereas in March 1982 the Commission received a complaint, lodged by the Walzstahl-Vereinigung, Düsseldorf, on behalf of almost all Community producers of sheets and plates, of iron or steel, hot-rolled or cold-rolled, of a thickness of less than 3 mm ;

Whereas, since the complaint provided sufficient evidence of dumping in respect of the like product originating in Brazil and of the threat 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 sheets and plates, of iron or steel, originating in Brazil 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 all exporting and several of the importing parties known to be concerned have taken the opportunity to make known their views in writing ; whereas the exporting parties concerned also availed themselves of the opportunity to present their views orally ;

Whereas the Commission has published basic prices⁽³⁾ based on the lowest normal prices or costs of production in the supplying countries where normal conditions of competition prevail, including the costs of transport, insurance and customs duties ; whereas the Brazilian exporters did not submit any evidence which would lead the Commission to doubt the appropriateness of these basic prices ; whereas, moreover, the allegations made by the Brazilian exporters that export prices of the product concerned to the Community are above domestic prices in Brazil and that these prices cover all costs of production were not supported by any evidence ;

Whereas, therefore, for its preliminary determination of dumping the Commission compared the prices of imports into the Community of the products under consideration with the basic prices ;

Whereas this comparison shows that between December 1981 and March 1982 most of these products, originating in Brazil, have been offered for importation within the Community at prices lower than the basic prices and that dumping has taken place the margin of which is constituted by this undercutting ; whereas the margin has varied, reaching more than 22 % in some instances ; whereas this undercutting has occurred despite the arrangement on trade in iron and steel products concluded between Brazil and the Community by which the Brazilian Government has undertaken to ensure that in respect of the products in question Community basic prices would be respected by Brazilian exporters ;

Whereas, with regard to injury to the Community industry concerned, the evidence available to the Commission shows that in 1980 imports into the Community of the products concerned originating in Brazil amounted to approximately 30 000 tonnes ;

Whereas from December 1981 to March 1982 import licence applications for 98 058 tonnes of the products in question originating in Brazil have been received by the German authorities and applications for more than 20 000 tonnes by the British authorities ; whereas

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 15.

⁽²⁾ OJ No C 70, 19. 3. 1982, p. 3.

⁽³⁾ OJ No L 372, 29. 12. 1981, p. 1, OJ No L 290, 31. 10. 1980, p. 1, as amended by OJ No L 184, 4. 7. 1981, p. 19 and OJ No L 216, 1. 8. 1981, p. 1.

during the period December 1981 to February 1982, 34 644 tonnes of these products were already actually imported into the Federal Republic of Germany;

Whereas the average monthly quantity of the products concerned originating in Brazil, for which import licences were issued between December 1981 and March 1982, represents 3 % of average monthly consumption in the Community in 1980; whereas the average monthly quantity for which import licences were issued during the same period solely by the German authorities represents 13.2 % of average monthly consumption in Germany in the first 10 months of 1981;

Whereas the information obtained from certain importers shows that the prices at which considerable quantities of these imports are resold within the Community are significantly below the abovementioned basic prices and below the price level which would permit the Community producers to cover their costs; whereas these prices are forcing the Community industry either to lose sales or to align its prices downwards;

Whereas the Community industry manufacturing the products concerned is in a crisis situation characterized by a fall in production of 11 % between 1977 and 1980, a very low capacity utilization estimated at below 50 % in some instances and reduced profits or increased losses; whereas, in addition, the numbers employed in the Community steel industry fell by 244 780 or 30.8 % between 1974 and 1981; whereas the importation of the quantities licensed and their resale at low prices seriously jeopardizes the attempt being made at present by the Community authorities and producers to reduce output and increase prices to profitable levels;

Whereas the Commission has also considered the injury caused by other factors which, individually or in combination are also affecting the Community industry; whereas it has found in this context that the level of consumption in the Community has declined; whereas the volume of imports from other sources has fallen at a much greater rate, however from 1 430 000 tonnes in 1977 to 753 000 tonnes in 1981; whereas the influence of the dumped imports has been isolated from the other factors adversely affecting the industry; whereas taking into account the restructuring efforts being undertaken at present by the Community steel industry the Commission has reached the preliminary conclusion that the dumped imports are causing or threatening to cause material injury to a Community industry;

Whereas since December 1981 a number of consultations have been held in the context of the abovementioned arrangement between the Community and

Brazil regarding the imports under consideration; whereas these consultations did not result in a suitable solution;

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; whereas the evidence at present available to the Commission indicates that dumping has only occurred in respect of imports of cold-rolled sheets and plates; whereas it is appropriate, therefore, to limit the provisional duty to imports of these products; whereas having regard to the extent of injury caused the rate of this duty should be equal to the difference between the basic prices published by the Commission for these products and their price on importation into the Community;

Whereas, in order to prevent evasion of the anti-dumping duty, it is necessary to establish another basis for calculating such duty where the products in question are not put into free circulation by the first purchaser in the Community; whereas the method used should take account of the average margin between import prices and resale prices charged by Community importers for these products originating in Brazil, such margin having been provisionally determined in the course of the preliminary investigation carried out by the Commission;

Whereas a time limit should be fixed within which the parties concerned may, following the imposition of the provisional duty, make their views known and apply to be heard orally by the Commission,

MAKES THE FOLLOWING RECOMMENDATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on sheets and plates, of iron or steel, not further worked than cold-rolled, of a thickness of less than 3 mm falling within Common Customs Tariff subheadings 73.13 B II b) and c) and corresponding to NIMEXE codes 73.13-43, 45, 47 and 49, originating in Brazil.

2. The amount of this duty shall be equal to the amount by which the effective price (basic price plus extras) established by contract, free-at-frontier, duty-paid, is lower than the most recent effective price (basic price plus extras) published by the Commission for these products.

3. (a) Where the products defined in paragraph 1 are not put into free circulation on the basis of the price to the first purchaser in the Community, the amount of duty shall be equal the amount by which the effective price (basic price plus extras) established by contract, free-at-frontier duty-paid, is lower than the most recent effective price (basic price plus extras), published by the Commission for these products, increased by 15 %.

(b) However, where the declarant is able to give proof to the satisfaction of the customs authorities of the price paid by the first purchaser, paragraph 2 shall apply.

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

1. Without prejudice to Article 7 (4) (b) and (c) of recommendation No 3018/79/ECSC, 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 recommendation.

2. Subject to Articles 11, 12 and 14 of recommendation No 3018/79/ECSC, this recommendation shall be applicable for four months or until the adoption by the Commission of definitive measures.

Article 3

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

Done at Brussels, 6 May 1982.

For the Commission

Wilhelm HAFERKAMP

Vice-President

COMMISSION REGULATION (EEC) No 1105/82

of 6 May 1982

on arrangements governing imports into France and Ireland of certain textile products originating in Egypt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3059/78 of 21 December 1978 on common rules for imports of certain textile products originating in third countries ⁽¹⁾, as last amended by Regulation (EEC) No 661/82 ⁽²⁾, and in particular Articles 11 and 15 thereof,

Whereas Article 11 of Regulation (EEC) No 3059/78 lays down the conditions under which quantitative limitations may be established; whereas imports into France and Ireland of under garments, knitted or crocheted (category 4), originating in Egypt, have exceeded the respective levels referred to in paragraph 3 of the said Article 11;

Whereas, in accordance with paragraph 5 of the said Article 11, Egypt was notified of a request for consultations; whereas, following these consultations, the products in question should be subjected to quantitative limits in respect of France and Ireland for 1982;

Whereas paragraph 13 of the Article in question provides for compliance with the quantitative limits to be ensured by means of a double-checking system in accordance with Annex V to the Regulation concerned;

Whereas the products in question exported from Egypt to France and Ireland between 1 January 1982 and the date of entry into force of this Regulation must be set off against the quantitative limits for 1982;

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

HAS ADOPTED THIS REGULATION:

Article 1

Importation into France and Ireland of the category of products originating in Egypt specified in the Annex hereto shall be subject to the quantitative limits given in that Annex, subject to the provisions of Article 2 (1).

Article 2

1. Products as referred to in Article 1 shipped from Egypt to France and Ireland before the date of entry into force of this Regulation which have not yet been released for free circulation shall be so released on production of a bill of lading or other transport document proving that shipment actually took place before that date.

2. Imports of products shipped from Egypt to France and Ireland after the entry into force of this Regulation shall be subject to the double-checking system laid down in Annex V to Regulation (EEC) No 3059/78.

3. For purposes of paragraph 2, all quantities of products shipped from Egypt to France and Ireland between 1 January 1982 and the date of entry into force of this Regulation and released for free circulation shall be set off against the quantitative limits established for 1982.

Article 3

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

It shall apply until 31 December 1982.

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

Done at Brussels, 6 May 1982.

For the Commission

Wilhelm HAFFERKAMP

Vice-President

⁽¹⁾ OJ No L 365, 27. 12. 1978, p. 1.

⁽²⁾ OJ No L 82, 29. 3. 1982, p. 1.

ANNEX

Category	CCT heading No	NIMEXE code (1982)	Description	Member States	Units	Quantitative limits from 1 January to 31 December 1982
4	60.04		Under garments, knitted or crocheted, not elastic or rubberized :	F IRL	1 000 pieces	550
	B I				1 000 pieces	60
	II a)	60.04-19 ;	Shirts, T-shirts, lightweight fine knit roll, polo or turtle necked jumpers and pullovers, undervests and the like, knitted or crocheted, not elastic or rubberized, other than babies' garments, of cotton or synthetic textile fibres ; T-shirts and lightweight fine knit roll, polo or turtle necked jumpers and pullovers, of regenerated textile fibres, other than babies' garments			
	b)	20 ; 22 ; 23 ;				
	c)	24 ; 26 ; 41 ;				
	IV b) 1 aa)	50 ; 58 ; 71 ;				
	dd)	79 ; 89				
	2 ee)					
	d) 1 aa)					
	dd)					
	2 dd)					

COMMISSION REGULATION (EEC) No 1106/82
of 10 May 1982
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
1785/81 of 30 June 1981 on the common
organization of the markets in the sugar sector⁽¹⁾, as
last amended by Regulation (EEC) No 606/82⁽²⁾, and
in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1808/81⁽³⁾,
as last amended by Regulation (EEC) No 1096/82⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1808/81 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 16 (1) of Regu-
lation (EEC) No 1785/81 shall be, in respect of white
sugar and standard quality raw sugar, as set out in the
Annex hereto.

Article 2

This Regulation shall enter into force on 11 May 1982.

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

Done at Brussels, 10 May 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 181, 2. 7. 1981, p. 24.

⁽⁴⁾ OJ No L 126, 8. 5. 1982, p. 13.

ANNEX

to the Commission Regulation of 10 May 1982 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	32.07
	B. Raw sugar	28.96 ⁽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.

COMMISSION REGULATION (EEC) No 1107/82**of 10 May 1982****altering the import levies on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 3808/81⁽²⁾, and in particular
Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice⁽³⁾, as last amended by the Act of
Accession of Greece⁽⁴⁾, and in particular Article 12 (4)
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⁽⁵⁾, as last amended by Regulation (EEC)
No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary
Committee,

Whereas the import levies on products processed from
cereals and rice were fixed by Regulation (EEC) No
963/82⁽⁷⁾, as last amended by Regulation (EEC) No
1097/82⁽⁸⁾;

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

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

Done at Brussels, 10 May 1982.

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2.25 %, a rate of exchange based on
their central rate,
- 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
7 May 1982;

Whereas the levy on the basic product as last fixed
differs from the average levy by more than 3.02 ECU
per tonne of basic product; whereas, pursuant to
Article 1 of Regulation (EEC) No 1579/74⁽⁹⁾, the
levies at present in force must therefore 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 processed
from cereals and rice covered by Regulation (EEC) No
2744/75⁽¹⁰⁾, as last amended by Regulation (EEC) No
1783/81⁽¹¹⁾, as fixed in the Annex to amended Regula-
tion (EEC) No 963/82, are hereby altered to the
amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 May 1982.

For the Commission

Poul DALSGER

Member of the Commission

(¹) OJ No L 281, 1. 11. 1975, p. 1.
(²) OJ No L 382, 31. 12. 1981, p. 37.
(³) OJ No L 166, 25. 6. 1976, p. 1.
(⁴) OJ No L 291, 19. 11. 1979, p. 17.
(⁵) OJ No 106, 30. 10. 1962, p. 2553/62.
(⁶) OJ No L 263, 19. 9. 1973, p. 1.
(⁷) OJ No L 114, 28. 4. 1982, p. 14.
(⁸) OJ No L 126, 8. 5. 1982, p. 14.

(⁹) OJ No L 168, 25. 6. 1974, p. 7.
(¹⁰) OJ No L 281, 1. 11. 1975, p. 65.
(¹¹) OJ No L 176, 1. 7. 1981, p. 10.

ANNEX

to the Commission Regulation of 10 May 1982 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.02 B II a) ⁽²⁾	145.70	142.68
11.02 C I ⁽²⁾	174.67	171.65
11.02 D I ⁽²⁾	112.45	109.43
11.02 E II a) ⁽²⁾	199.14	193.10
11.02 F I ⁽²⁾	199.14	193.10
11.02 G I	86.50	80.46
11.07 A I a)	201.84	190.96
11.07 A I b)	153.56	142.68
11.08 A III	202.29	181.74
11.09	511.78	330.44
23.02 A I a)	28.65	28.65
23.02 A I b)	91.69	91.69
23.02 A II a)	22.92	22.92
23.02 A II b)	91.69	91.69

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1.6 % for rice, 2.5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 6 May 1982

terminating the review of the anti-dumping proceedings concerning imports of
a herbicide from Romania

(82/285/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 9 thereof,

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

Whereas on 17 May 1979 the Council, by Regulation
(EEC) No 955/79⁽²⁾, imposed a definitive anti-
dumping duty on imports of a herbicide⁽³⁾ originating
in Romania, DNBP technical (Dinoseb);

Whereas, in April 1981, the European Council of
Chemical Manufacturers' Federations, on behalf of
Community manufacturers accounting for more than
60 % of Community production, requested a review of
the Regulation imposing the definitive duty;

Whereas, since the request provided positive informa-
tion substantiating the need for review, the Commis-
sion announced by a notice published in the *Official
Journal of the European Communities*⁽⁴⁾ the

re-opening of the anti-dumping proceedings concer-
ning imports of a herbicide from Romania and
commenced investigation of the matter;

Whereas the Commission so advised the exporter and
importers concerned, 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 the exporter
and importer and the complainants have taken this
opportunity;

Whereas the complainants, the exporter and the
importers known to be concerned and the representa-
tives of the exporting country have had the opportu-
nity to inspect non-confidential information made
available to the Commission but did not avail them-
selves of this opportunity;

Whereas in order to determine the existence of
dumping with regard to the abovementioned imports,
the Commission had to take account of the fact that in
Romania trade is on a basis of near or total monopoly
and that prices are fixed by the State; whereas, there-
fore, a comparison between the export price of the
product to the Community and its domestic price is
not appropriate;

Whereas, in these circumstances, the Commission has
decided to base its dumping calculations on the prices
at which a like product of a market economy country
is sold for consumption on the home market of that
country;

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 121, 17. 5. 1979, p. 5.

⁽³⁾ CCT subheadings ex 29.07 C III and ex 38.11 D;
NIMEXE codes 29.07-61 and ex 38.11-70.

⁽⁴⁾ OJ No C 208, 18. 8. 1981, p. 3.

Whereas, according to the information obtained by the Commission, the United States is the only market economy country apart from the Member States in which DNBP technical is produced; whereas for this reason the Commission chose the prices of this country as a basis calculation;

Whereas the calculations were made at ex-factory level, and in respect of sales made as nearly as possible at the same time and due allowance was made, on their merits, for transport and ancillary costs, packaging, duties and taxation and for other factors affecting price comparability;

Whereas this examination of the matter shows that dumping has taken place since the imposition of the definitive duty but the margin found was not significantly different from that found in the original investigation;

Whereas, as regards injury, the Commission received no new evidence to alter its view that the continued application of the existing duty was necessary in order to eliminate injury and to prevent its recurrence;

Whereas, in these circumstances, no alteration to the definitive duty is required and the review proceedings concerning imports of Dinoseb from Romania accordingly should be terminated,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceedings in respect of a herbicide originating in Romania are hereby terminated.

Done at Brussels, 6 May 1982.

For the Commission

Wilhelm HAFERKAMP

Vice-President

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