

Official Journal

of the European Communities

ISSN 0378-6978

L 371

Volume 25

30 December 1982

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3531/82
of 21 December 1982
amending Regulation (EEC) No 3508/80 extending the term of validity of the
arrangements applicable to trade with Malta beyond 31 December 1980

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS REGULATION :

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 Regulation (EEC) No 3508/80 ⁽¹⁾, as last amended by Regulation (EEC) No 1735/82 ⁽²⁾, has extended the arrangements applicable to trade with Malta until 31 December 1982;

Whereas the conditions justifying this extension still exist; whereas the period of validity of the said Regulations should therefore be extended,

Article 1

In Article 1 of Regulation (EEC) No 3508/80, '31 December 1982' is hereby replaced by '30 June 1983'.

Article 2

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

It shall apply with effect from 1 January 1983.

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

Done at Brussels, 21 December 1982.

For the Council

The President

O. MØLLER

⁽¹⁾ OJ No L 367, 31. 12. 1980, p. 86.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 2.

COUNCIL REGULATION (EEC) No 3532/82**of 21 December 1982****amending Regulation (EEC) No 3746/81 laying down the arrangements
applicable to trade with Cyprus beyond 31 December 1981**

THE COMMISSION 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 Regulation (EEC) No 3746/81⁽¹⁾, as last
amended by Regulation (EEC) No 1737/82⁽²⁾, has
extended the arrangements applicable to trade with
Cyprus until 31 December 1982;

Whereas the conditions justifying this extension still
exist; whereas the period of validity of the said Regu-
lations should therefore be extended,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3746/81, '31
December 1982' is hereby replaced by '30 June 1983'.

Article 2

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

It shall apply with effect from 1 January 1983.

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

Done at Brussels, 21 December 1982.

For the Council

The President

O. MØLLER

⁽¹⁾ OJ No L 374, 30. 12. 1981, p. 4.

⁽²⁾ OJ No L 190, 1. 7. 1982, p. 5.

COUNCIL REGULATION (EEC) No 3533/82**of 23 December 1982****extending the period of application of Council Regulation (EEC) No 3310/75 on
agriculture in the Grand Duchy of Luxembourg**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Protocol on the Grand Duchy of
Luxembourg annexed thereto,

Having regard to Council Regulation (EEC) No
3310/75 of 16 December 1975 on agriculture in the
Grand Duchy of Luxembourg ⁽¹⁾, as last amended by
Regulation (EEC) No 3717/81 ⁽²⁾, and in particular
Article 2 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, under the second subparagraph of Article 1
(1) of the Protocol on the Grand Duchy of Luxem-
bourg, Belgium and the Netherlands are to apply the
system provided for in the third paragraph of Article 6
of the Convention on the Economic Union of
Belgium and Luxembourg of 25 July 1921; whereas
the period of application of this system was last
extended by Regulation (EEC) No 3717/81; whereas
the Council has to decide to what extent these provi-
sions should be retained, amended or discontinued;

Whereas the application of the said system in favour
of Luxembourg wines will continue to be of benefit to
the agricultural income of the Grand Duchy of
Luxembourg in the sector concerned;

Whereas having regard to the other reasons set out in
Regulation (EEC) No 3310/75, the period of applica-
tion of the latter Regulation should be extended,

HAS ADOPTED THIS REGULATION:

Article 1

In the first paragraph of Article 2 of Regulation (EEC)
No 3310/75, '31 December 1982' shall be replaced by
'31 December 1983'.

Article 2

This Regulation shall enter into force on 1 January
1983.

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

Done at Brussels, 23 December 1982.

For the Council

The President

N. A. KOFOED

⁽¹⁾ OJ No L 328, 20. 12. 1975, p. 12.

⁽²⁾ OJ No L 373, 29. 12. 1981, p. 3.

COUNCIL REGULATION (EEC) No 3534/82**of 23 December 1982****suspending certain provisions of Regulation (EEC) No 2915/79 as regards the application of a reduced levy to certain types of cheese**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1183/82 ⁽²⁾, and in particular Article 14 (6) thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies for milk and milk products and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾, as last amended by Regulation (EEC) No 3042/82 ⁽⁴⁾, lays down certain conditions for entry into the Community of certain types of cheese falling within heading No 04.04 of the Common Customs Tariff;

Whereas Norway and the European Economic Community have negotiated a temporary arrangement for a concerted discipline in their trade in cheese;

whereas the application of the provisions of this arrangement is meeting with difficulties which prevent Norway from implementing its commitments under these provisions as from 1 January 1983; whereas, for this reason, it is necessary provisionally to suspend application of the measures implementing the said arrangement in the Community,

HAS ADOPTED THIS REGULATION :

Article 1

Application of Article 11 (2) of Regulation (EEC) No 2915/79 is suspended for the product indicated at point (r) of Annex II to that Regulation.

Article 2

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

It shall apply from 1 January 1983.

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

Done at Brussels, 23 December 1982.

For the Council

The President

O. MØLLER

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 322, 18. 11. 1982, p. 1.

COUNCIL REGULATION (EEC) No 3535/82
of 21 December 1982
amending Regulation (EEC) No 1040/82 on the supply of milk fats to certain
developing countries and specialized bodies under the 1982 food-aid programme

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1039/82 of 26 April 1982 laying down general rules
for the supply of milk fats to certain developing coun-
tries and certain specialized bodies under the 1982
food-aid programme ⁽¹⁾, and in particular Articles 3
and 7 thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 1040/82 ⁽²⁾ provides for
the allocation of 3 900 tonnes of milk fats to the
United Nations Relief and Works Agency for Palestine
refugees in the Near East (UNRWA);

Whereas the Community have received a request from
that body, in the context of the Convention therewith,

for the conversion of this food aid into financial assis-
tance totalling 16 million ECU for an education
programme,

HAS ADOPTED THIS REGULATION :

Article 1

A quantity of 3 238 tonnes of the 3 900 tonnes of milk
fats allocated to UNRWA under the 1982 food-aid
programme, by Regulation (EEC) No 1040/82, is
hereby cancelled.

Article 2

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

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

Done at Brussels, 21 December 1982.

For the Council

The President

O. MØLLER

⁽¹⁾ OJ No L 120, 1. 5. 1982, p. 5.

⁽²⁾ OJ No L 120, 1. 5. 1982, p. 7.

COUNCIL REGULATION (EEC) No 3536/82**of 21 December 1982****on the supply of skimmed-milk powder as food aid to the United Nations Relief and Works Agency for Palestine refugees in the Near East (UNRWA)**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1037/82 of 26 April 1982 laying down general rules for the supply of skimmed-milk powder to certain developing countries and specialized bodies under the 1982 food-aid programme⁽¹⁾, and in particular Article 7 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EEC) No 1038/82 of 26 April 1982 on the supply of skimmed-milk powder to certain developing countries and specialized bodies under the 1982 food-aid programme⁽²⁾ provides for a reserve of 10 990 tonnes of skimmed-milk powder; whereas certain quantities are still available under this reserve;

Whereas the Community has received from the United Nations Relief and Works Agency for Palestine

refugees in the Near East (UNRWA), in the context of the Convention, a request for additional food aid in the form of skimmed-milk powder; whereas the needs justify food aid from the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Of the quantity of skimmed-milk powder still available under the reserve provided for by Regulation (EEC) No 1038/82, 435 tonnes shall be allocated to UNRWA as food aid in addition to the 1 360 tonnes already provided for in the said Regulation.

Article 2

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

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

Done at Brussels, 21 December 1982.

For the Council

The President

O. MØLLER

⁽¹⁾ OJ No L 120, 1. 5. 1982, p. 1.

⁽²⁾ OJ No L 120, 1. 5. 1982, p. 3.

COMMISSION REGULATION (EEC) No 3537/82**of 20 December 1982****on the annual updating of the country nomenclature for the external trade statistics of the Community and statistics of trade between Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1736/75 of 24 June 1975 on the external trade statistics of the Community and statistics of trade between Member States ⁽¹⁾, as amended by Regulation (EEC) No 2845/77 ⁽²⁾, and in particular Articles 36 and 41 (b) thereof,

Whereas Article 35 of Regulation (EEC) No 1736/75 requires certain data to be compiled according to the current version of the country nomenclature given in Annex C thereto;

Whereas Article 36 of the said Regulation requires the Commission to publish in the *Official Journal of the European Communities* the country nomenclature in the version valid on 1 January of each year;

Whereas the version valid on 1 January 1981 was annexed to Commission Regulation (EEC) No 3488/80 ⁽³⁾ and remained valid on 1 January 1982 in

accordance with Commission Regulation (EEC) No 3561/81 ⁽⁴⁾;

Whereas it is now necessary to publish the version valid on 1 January 1983;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on External Trade Statistics,

HAS ADOPTED THIS REGULATION :

Article 1

The version valid on 1 January 1983 of the country nomenclature for the external trade statistics of the Community and statistics of trade between Member States is set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1983.

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

Done at Brussels, 20 December 1982.

For the Commission

Richard BURKE

Member of the Commission

⁽¹⁾ OJ No L 183, 14. 7. 1975, p. 3.

⁽²⁾ OJ No L 329, 22. 12. 1977, p. 3.

⁽³⁾ OJ No L 365, 31. 12. 1980, p. 4.

⁽⁴⁾ OJ No L 356, 11. 12. 1981, p. 32.

ANNEX

COUNTRY NOMENCLATURE FOR THE EXTERNAL TRADE STATISTICS OF THE
COMMUNITY AND STATISTICS OF TRADE BETWEEN MEMBER STATES

(Version valid with effect from 1 January 1983)

EUROPE

Community

001	France	Including Monaco
002	Belgium and Luxembourg	
003	Netherlands	
004	Federal Republic of Germany ⁽¹⁾	Including West Berlin and the Austrian territories of Jungholz and Mittelberg; excluding the territory of Büsingen
005	Italy	Including San Marino
006	United Kingdom	Great Britain, Northern Ireland, British Channel Islands and Isle of Man
007	Ireland	
008	Denmark	
009	Greece	

Other European countries

024	Iceland	
025	Faroe Islands	
028	Norway	Including Svalbard Archipelago and Jan Mayen Island
030	Sweden	
032	Finland	Including Åland Islands
036	Switzerland	Including Liechtenstein, the German territory of Büsingen and the Italian parish of Campione d'Italia
038	Austria	Excluding the territories of Jungholz and Mittelberg
040	Portugal	Including Azores and Madeira
042	Spain	Including Balearic Islands; not including the Canary Islands or Ceuta and Melilla
043	Andorra	
044	Gibraltar	
045	Vatican City State	
046	Malta	Including Gozo and Comino
048	Yugoslavia	
052	Turkey	
056	Soviet Union	
058	German Democratic Republic ⁽¹⁾	Including East Berlin
060	Poland	
062	Czechoslovakia	
064	Hungary	
066	Romania	
068	Bulgaria	
070	Albania	

⁽¹⁾ Trade with the German Democratic Republic and East Berlin is not included in the foreign trade statistics of the Federal Republic of Germany.

AFRICA**North Africa**

202 Canary Islands

204 Morocco

205 Ceuta and Melilla

Including Peñon de Vélez de la Gomera, Peñon de Alhucemas and Chafarinas Islands

208 Algeria

212 Tunisia

216 Libya

220 Egypt

224 Sudan

West Africa

228 Mauritania

232 Mali

236 Upper Volta

240 Niger

244 Chad

247 Republic of Cape Verde

248 Senegal

252 Gambia

257 Guinea Bissau

260 Guinea

264 Sierra Leone

268 Liberia

272 Ivory Coast

276 Ghana

280 Togo

284 Benin

288 Nigeria

Central, East and South Africa

302 Cameroon

306 Central African Republic

310 Equatorial Guinea

311 São Tomé and Príncipe

314 Gabon

318 Congo

322 Zaire

324 Rwanda

328 Burundi

329 St Helena and dependencies

Dependencies of St Helena: Ascension and Tristan da Cunha Islands

330 Angola

Including Cabinda

334 Ethiopia

338 Djibouti

342 Somalia

346 Kenya

350	Uganda	
352	Tanzania	Tanganyika, Zanzibar and Pemba
355	Seychelles and dependencies	Mahé, Silhouette, Praslin (including La Digue), Frégate, Mamelles and Récifs, Bird and Denis, Plate and Coëtivy Islands; Amirante, Alphonse, Providence and Aldabra Islands
357	British Indian Ocean Territory	Chagos Archipelago
366	Mozambique	
370	Madagascar	
372	Reunion	Including Europa, Bassas da India, Juan de Nova, Tromelin and Glorieuses Islands
373	Mauritius	Mauritius, Rodrigues, Agalega Islands and Cargados Carajos Shoals (St Brandon Islands)
375	Comoros	Great Comoro, Anjouan and Mohéli
377	Mayotte	Grande Terre and Pamanzi
378	Zambia	
382	Zimbabwe	
386	Malawi	
390	Republic of South Africa and Namibia	
391	Botswana	
393	Swaziland	
395	Lesotho	

AMERICA

North America

400	United States of America	Including Puerto Rico
404	Canada	
406	Greenland	
408	St Pierre and Miquelon	

Central and South America

412	Mexico	
413	Bermuda	
416	Guatemala	
421	Belize	
424	Honduras	Including Swan Islands
428	El Salvador	
432	Nicaragua	Including Corn Islands
436	Costa Rica	
442	Panama	Including the former Canal Zone
448	Cuba	
450	West Indies	West Indies Associated States: St Christopher (St Kitts), Nevis, Anguilla; British Virgin Islands; Montserrat
452	Haiti	
453	Bahamas	
454	Turks and Caicos Islands	
456	Dominican Republic	
457	Virgin Islands of the United States	

458	Guadeloupe	Including Marie-Galante, Îles des Saintes, Petite-Terre Islands, la Désirade, St Barthélemy and northern part of St Martin
459	Antigua and Barbuda	
460	Dominica	
462	Martinique	
463	Cayman Islands	
464	Jamaica	
465	St Lucia	
467	St Vincent	Including Northern Grenadines
469	Barbados	
472	Trinidad and Tobago	
473	Grenada	Including the Southern Grenadines
476	Netherlands Antilles	Curaçao Aruba, Bonaire, St Eustatius, Saba and southern part of St Martin
480	Colombia	
484	Venezuela	
488	Guyana	
492	Surinam	
496	French Guiana	
500	Ecuador	Including Galapagos Islands
504	Peru	
508	Brazil	
512	Chile	
516	Bolivia	
520	Paraguay	
524	Uruguay	
528	Argentina	
529	Falkland Islands and dependencies	Dependencies of the Falkland Islands; South Georgia and South Sandwich Islands

ASIA**Near and Middle East**

600	Cyprus	
604	Lebanon	
608	Syria	
612	Iraq	
616	Iran	
624	Israel	
628	Jordan	
632	Saudi Arabia	
636	Kuwait	
640	Bahrain	
644	Qatar	
647	United Arab Emirates	Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah and Fujairah
649	Oman	
652	North Yemen	
656	South Yemen	

Other Asian countries

660	Afghanistan	
662	Pakistan	
664	India	Including Sikkim
666	Bangladesh	
667	Maldives	
669	Sri Lanka	
672	Nepal	
675	Bhutan	
676	Burma	
680	Thailand	
684	Laos	
690	Vietnam	
696	Kampuchea (Cambodia)	
700	Indonesia	
701	Malaysia	Malaya, Sarawak and Sabah
703	Brunei	
706	Singapore	
708	Philippines	
716	Mongolia	
720	China	
724	North Korea	
728	South Korea	
732	Japan	
736	Taiwan	
740	Hong Kong	
743	Macao	

AUSTRALIA, OCEANIA AND OTHER TERRITORIES

800	Australia	
801	Papua New Guinea	Including New Britain, New Ireland, Lavongai, Admiralty Islands, Bougainville, Buka, Green Islands, d'Entrecasteaux Islands, Trobriand Islands, Woodlark Islands and Louisiade Archipelago with their dependencies
802	Australian Oceania	Cocos (Keeling) Islands, Christmas Island, Heard and McDonald Islands, Norfolk Islands
803	Nauru	
804	New Zealand	Not including Ross Dependency (Antarctica)
806	Solomon Islands	
807	Tuvalu	
808	American Oceania	American Samoa, Midway, Wake and Johnston, Howland and Baker, Guam, Carolines, Mariana and Marshall Islands
809	New Caledonia and dependencies	Dependencies of New Calédonia: Isle of Pines, Loyalty, Huon, Belep, Chesterfield Islands and Walpole Island
811	Wallis and Futuna Islands	Including Alofi Islands

812	Kiribati	
813	Pitcairn	
814	New Zealand Oceania	Tokelau and Niue Islands ; Cook Islands
815	Fiji	
816	Vanuatu	
817	Tonga	
819	Western Samoa	
822	French Polynesia	Marquesas Islands, Society Islands, Gambier Islands, Tubuai Islands and Tuamotu Archipelago ; also Clipperton Island
890	Polar regions	Arctic regions not elsewhere specified or classified ; Antarctica ; also Nouvelle-Amsterdam Island, St Paul Island, Crozet Islands, Kerguelen Islands and Bouvet Island

MISCELLANEOUS

950	Stores and provisions	Optional
958	Countries and territories not determined	Optional
977	Countries and territories not disclosed for commercial or military reasons	Optional

COMMISSION REGULATION (EEC) No 3538/82

of 29 December 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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1451/82⁽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 2118/82⁽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 28 December 1982;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2118/82 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 30 December 1982.

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

Done at Brussels, 29 December 1982.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 223, 31. 7. 1982, p. 44.

ANNEX

to the Commission Regulation of 29 December 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	114.20
10.01 B II	Durum wheat	152.35 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	106.86 ⁽⁶⁾
10.03	Barley	108.43
10.04	Oats	94.84
10.05 B	Maize, other than hybrid maize for sowing	112.20 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	39.04 ⁽⁴⁾
10.07 C	Grain sorghum	104.81 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽²⁾
11.01 A	Wheat or meslin flour	173.93
11.01 B	Rye flour	164.49
11.02 A I a)	Durum wheat groats and meal	249.46
11.02 A I b)	Common wheat groats and meal	186.67

⁽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 3539/82

of 29 December 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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1451/82⁽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 2119/82⁽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 28 December 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 30 December 1982.

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

Done at Brussels, 29 December 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 223, 31. 7. 1982, p. 47.

ANNEX

to the Commission Regulation of 29 December 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 12	1st period 1	2nd period 2	3rd period 3
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0.26	0.26	0.26
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	10.35	10.35	10.35
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 12	1st period 1	2nd period 2	3rd period 3	4th period 4
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 3540/82**of 28 December 1982****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 3063/82 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of that Regulation provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex ;

Whereas the result of applying the rules and criteria laid down in Regulation (EEC) No 1577/81 to the elements communicated to the Commission in accor-

dance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION :

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 December 1982.

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

Done at Brussels, 28 December 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 323, 19. 11. 1982, p. 8.

ANNEX

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net							
				Bfrs/Lfrs	Dkr	DM	FF	£ IrI	Lit	Fl	£
1.10	07.01-13 } 07.01-15 }	07.01 A II	New potatoes	1 392	252.11	72.92	202.61	21.15	40 794	80.43	16.98
1.12	07.01-21 } 07.01-22 }	07.01 B I	Cauliflowers	1 673	300.02	85.00	240.90	25.53	49 107	93.66	21.50
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	590	105.89	30.00	85.02	9.01	17 332	33.05	7.58
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	1 187	214.39	60.36	171.51	18.18	34 831	66.75	15.74
1.20	07.01-31 } 07.01-33 }	07.01 D I	Cabbage lettuce	5 161	931.65	262.31	745.32	79.00	151 360	290.07	68.39
1.22	ex 07.01-36	ex 07.01 D II	Endives	1 119	202.04	56.88	161.63	17.13	32 824	62.90	14.83
1.28	07.01-41 } 07.01-43 }	07.01 F I	Peas	8 189	1 478.24	416.21	1 182.59	125.35	240 161	460.26	108.52
1.30	07.01-45 } 07.01-47 }	07.01 F II	Beans (of the species Phaseolus)	4 366	788.12	221.90	630.50	66.83	128 041	245.38	57.86
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	2 604	470.18	132.38	376.14	39.87	76 388	146.39	34.51
1.40	ex 07.01-54	ex 07.01 G II	Carrots	473	85.66	24.78	68.85	7.18	13 862	27.33	5.77
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	5 042	910.28	256.29	728.22	77.19	147 888	283.42	66.83
1.60	07.01-63	ex 07.01 H	Onions (other than sets)	531	95.98	27.02	76.78	8.13	15 594	29.88	7.04
1.70	07.01-67	ex 07.01 H	Garlic	7 224	1 304.08	367.17	1 043.26	110.58	211 865	406.03	95.74
1.74	ex 07.01-68	ex 07.01 IJ	Leeks	1 771	317.67	90.00	255.07	27.04	51 996	99.16	22.76
1.80		07.01 K	Asparagus :								
1.80.1	ex 07.01-71		— green	18 412	3 301.88	935.45	2 651.25	281.07	540 444	1 030.75	236.64
1.80.2	ex 07.01-71		— other	21 836	3 915.80	1 109.37	3 144.20	333.33	640 929	1 222.40	280.63
1.90	07.01-73	07.01 L	Artichokes	3 297	595.18	167.57	476.14	50.47	96 695	185.31	43.69
1.100	07.01-75 } 07.01-77 }	07.01 M	Tomatoes	2 963	534.94	150.61	427.95	45.36	86 908	166.55	39.27
1.110	07.01-81 } 07.01-82 }	07.01 P I	Cucumbers	3 267	589.79	166.06	471.83	50.01	95 819	183.63	43.30
1.112	07.01-85	07.01 Q II	Chantarelles	31 493	5 647.55	1 600.00	4 534.71	480.74	924 379	1 763.01	404.75
1.118	07.01-91	07.01 R	Fennel	1 389	250.78	70.61	200.63	21.26	40 743	78.08	18.41
1.120	07.01-93	07.01 S	Sweet peppers	2 525	455.91	128.36	364.73	38.66	74 070	141.95	33.47
1.130	07.01-94	ex 07.01 T	Aubergines (Solanum melongena L.)	3 470	626.39	176.36	501.11	53.11	101 765	195.03	45.98
1.140	07.01-96	ex 07.01 T	Vegetable marrows (including courgettes) (Cucurbita pepo L. var. medullosa Alef.)	1 710	308.67	86.90	246.94	26.17	50 148	96.10	22.66
1.150	ex 07.01-99	ex 07.01 T	Celery stalks and leaves	2 367	427.35	120.32	341.88	36.23	69 429	133.06	31.37
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	2 870	514.65	145.80	413.24	43.81	84 238	160.66	36.88
2.10	08.01-31	ex 08.01 B	Bananas, fresh	1 662	300.06	84.48	240.05	25.44	48 749	93.42	22.02
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	3 567	639.67	181.90	514.01	53.79	104 781	199.75	45.03
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	5 440	981.98	276.48	785.59	83.27	159 537	305.75	72.09
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	13 597	2 454.40	691.05	1 963.52	208.13	398 750	764.19	180.19
2.50		08.02 A I	Sweet oranges, fresh :								
2.50.1	08.02-02 } 08.02-06 } 08.02-12 } 08.02-16 }		— Sanguines and semi-sanguines	2 294	414.85	120.20	333.05	34.93	67 623	132.66	28.04

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net							
				Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
2.50.2	08.02-03 08.02-07 08.02-13 08.02-17		— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	1 387	250.44	70.51	200.35	21.23	40 687	77.97	18.38
2.50.3	08.02-05 08.02-09 08.02-15 08.02-19		— others	1 479	271.14	76.04	215.29	22.39	43 384	82.99	17.72
2.60		ex 08.02 B	Mandarins including tangerines and satsumas, fresh, clementines, wilkings and other similar citrus hybrids, fresh :								
2.60.1	08.02-29		— Monreales and satsumas	1 601	289.01	81.37	231.21	24.50	46 954	89.98	21.21
2.60.2	08.02-31		— Mandarins and wilkings	1 395	253.38	72.96	202.89	21.20	40 696	80.30	17.02
2.60.3	08.02-32		— Clementines	2 232	402.96	113.45	322.36	34.17	65 466	125.46	29.58
2.60.4	08.02-34 08.02-37		— Tangerines and others	3 007	545.60	155.25	438.31	45.61	88 825	168.57	36.11
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	1 451	262.03	73.77	209.62	22.22	42 570	81.58	19.23
2.80		ex 08.02 D	Grapefruit, fresh :								
2.80.1	ex 08.02-70		— white	1 392	251.42	70.78	201.13	21.32	40 846	78.28	18.45
2.80.2	ex 08.02-70		— pink	2 666	481.29	135.51	385.03	40.81	78 192	149.85	35.33
2.90	08.04-11 08.04-19 08.04-23	08.04 A I	Table grapes	3 000	541.68	152.51	433.34	45.93	88 003	168.65	39.76
2.95	08.05-50	08.05 C	Chestnuts	4 246	766.54	215.82	613.23	65.00	124 535	238.66	56.27
2.100	08.06-13 08.06-15 08.06-17	08.06 A II	Apples	2 020	364.75	102.70	291.80	30.93	59 259	113.57	26.77
2.110	08.06-33 08.06-35 08.06-37 08.06-38	08.06 B II	Pears	1 264	226.74	64.23	182.06	19.30	37 113	70.78	16.25
2.115	08.06-50	08.06 C	Quinces	2 362	423.56	120.00	340.10	36.05	69 328	132.22	30.35
2.120	08.07-10	08.07 A	Apricots	5 525	997.45	280.84	797.96	84.58	162 050	310.56	73.22
2.130	ex 08.07-32	ex 08.07 B	Peaches	6 302	1 137.62	320.30	910.10	96.47	184 822	354.20	83.52
2.140	ex 08.07-32	ex 08.07 B	Nectarines	10 216	1 844.09	519.22	1 475.27	156.37	299 598	574.17	135.38
2.150	08.07-51 08.07-55	08.07 C	Cherries	4 191	758.00	219.63	608.53	63.82	123 559	242.40	51.24
2.160	08.07-71 08.07-75	08.07 D	Plums	7 199	1 299.49	365.88	1 039.59	110.19	211 120	404.60	95.40
2.170	08.08-11 08.08-15	08.08 A	Strawberries	19 996	3 609.44	1 016.26	2 887.55	306.08	586 402	1 123.83	264.99
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	8 857	1 588.37	450.00	1 275.38	135.20	259 981	495.84	113.83
2.180	08.09-11	ex 08.09	Water melons	740	135.73	38.07	107.77	11.20	21 718	41.54	8.87
2.190	08.09-19	ex 08.09	Melons (other than water melons)	3 751	677.24	190.68	541.79	57.43	110 027	210.86	49.72
2.195	ex 08.09-90	ex 08.09	Pomegranates	3 085	556.99	156.82	445.59	47.23	90 492	173.42	40.89
2.200	ex 08.09-90	ex 08.09	Kiwis	13 062	2 357.83	663.86	1 886.27	199.94	383 062	734.13	173.10
2.205	ex 08.09-90	ex 08.09	Medlars	4 312	773.39	219.10	621.00	65.83	126 587	241.43	55.42

COMMISSION REGULATION (EEC) No 3541/82

of 22 December 1982

imposing a provisional anti-dumping duty on imports of natural magnesite, caustic-burned, originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1580/82⁽²⁾, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for under the abovementioned Regulation,

Whereas in June 1982 the Commission received a complaint lodged by Grecian Magnesite Mining Industrial Shipping and Commercial Co. SA, acting on its own behalf and on behalf of Financial-Mining-Industrial and Shipping Corporation (FIMISCO) and Macedonian Magnesite Mining-Industrial Shipping Inc. (both members of the Scalistiri Group), Mining Trading and Manufacturing Ltd and Magnomin — General Mining Company SA; whereas these four Greek producers represent the total Community production of the product in question; whereas the complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding; whereas the Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of natural magnesite, caustic-burned, falling within NIMEXE code ex 25.19-59 and originating in the People's Republic of China, and commenced an investigation;

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

Whereas the Commission has given the parties directly concerned the opportunity to make known their views in writing and to request an oral hearing;

Whereas the exporters and the majority of the importers and one user mentioned in the complaint have, to some extent, made their views known in writing; whereas one of the importers has requested and been granted an oral hearing;

Whereas, at the request of the complainants, the parties directly concerned or their representatives were given an opportunity to meet in accordance with Article 7 (6) of Regulation (EEC) No 3017/79 in order to discuss the comparability of the products involved within the meaning of Article 2 (12) of the same Regulation, and in particular the characteristics and uses of these products;

Whereas the Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the above complainants as well as of a manufacturer of caustic-burned natural magnesite in Spain;

Whereas it has been argued by an importer that the differences in the products exported by China, on the one hand, and those used for the establishment of dumping and injury, i.e. from Spanish and Greek products respectively, on the other hand, are so great as to prevent them from being regarded as 'like products'; whereas, however, the information so far available to the Commission shows that, although the chemical composition of these products varies, in particular with regard to their contents in Fe_2O_3 , SiO_2 , CaO and Al_2O_3 , they all consist preponderantly of MgO ; whereas the MgO content for all products under consideration lies in a range from 70 to 91 %; whereas variations in the chemical composition and the bulk density, loss on ignition and granular size may be relevant for certain specific uses of these products; whereas, however, despite these differences all the products are used mainly for the same purposes, in particular as an ingredient for fertilizers and cattlefeed as well as in the paper, chemical, pharmaceutical, electrofused magnesia and building industries;

Whereas at the present stage of the investigation the Commission therefore has arrived at the preliminary conclusion that the arguments advanced by several exporters and importers are not sufficiently convincing to refute the *prima-facie* presumption that all the grades of magnesite in question are 'like products';

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 178, 22. 6. 1982, p. 9.

⁽³⁾ OJ No C 162, 29. 6. 1982, p. 2 and OJ No C 192, 27. 7. 1982, p. 7 (corrigendum).

Whereas the Commission's investigation of dumping covered the period 1 July 1981 to 30 June 1982 and was limited to caustic-burned natural magnesite with a MgO content between 70 and 91 % ;

Whereas, in order to establish whether the imports from the People's Republic of China were dumped, the Commission had to take account of the fact that this country does not have a market-economy and the Commission therefore had to base its determination on the normal value in a market-economy country ; whereas, in this connection, the complainants had suggested that prices on the Spanish market should be used for this purpose ;

Whereas it was suggested by an importer that Austria constituted a market more suitable for this purpose ; whereas, however, evidence to support his evidence was only presented at a relatively late stage of the investigation ; whereas, there are still no grounds to believe that the use of Austria as the reference country would substantially influence the outcome of this proceeding ;

Whereas the Commission's preliminary investigation in Spain showed that there is production there on a substantial scale and that, given the financial results of the Spanish producer, the price level of its magnesite is in reasonable proportion to its production costs ;

Whereas it has been argued however that the ore used for Chinese production has an exceptionally high raw magnesite content, thereby giving these producers an exceptional natural competitive advantage as compared to Spanish producers ; whereas it is difficult for the Commission, especially at this preliminary stage of the investigation, to establish whether any natural comparative advantages exist in China, and if so, how normal value should reflect such advantage, if the same conditions existed in the market-economy country used for establishing normal value ; whereas the Commission has therefore not been able to decide whether this factor should be taken into account ; whereas the Commission, in order to ensure that the normal value is established in an appropriate and not unreasonable manner, will continue to examine the question of whether such an adjustment should be made ;

Whereas export prices were determined on the basis of the prices paid or payable for the products exported to the Community ;

Whereas, in comparing normal value with export prices, the Commission took account, where appropriate, of differences affecting price comparability ;

Whereas all comparisons were made at ex-works level ;

Whereas the above preliminary examination of the facts shows the existence of dumping in respect of

China National Metals and Minerals import and Export Corporation and China Metallurgical Import and Export Corporation, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community ;

Whereas in relation to the product concerned the average margin was 24 % ;

Whereas, with regard to exports from China, only several branches of the abovementioned China National Metals and Minerals Import and Export Corporation were named in the complaint ; whereas during the preliminary investigation one of the importers informed the Commission that the China Metallurgical Import and Export Corporation had also exported the product concerned to the Community during the investigation period ;

Whereas the Commission made an effort in order to obtain information concerning the quantities and prices of these imports into the Community ; whereas the Commission has not received precise information in this respect ;

Whereas the Commission considered that the results of its investigation provided an accurate basis for determination of the level of dumping and that it would constitute a bonus for non-cooperation to assume that the dumping margin for China Metallurgical Import and Export Corporation was any lower than the dumping margin of 24 % determined with regard to the other exporter who had cooperated in the investigation ; whereas, for these reasons, it is considered appropriate to use this latter dumping margin for this exporter ;

Whereas, with regard to injury caused by the dumped imports the evidence available to the Commission shows that imports into the Community from the People's Republic of China of caustic-burned natural magnesite increased from 32 794 tonnes in 1978 to 41 380 tonnes in 1979 and 61 931 tonnes in 1980 ; whereas the level dropped slightly to 59 983 tonnes in 1981 and reached 19 636 tonnes during the first half of 1982 ;

Whereas, on the basis of the information available to the Commission, the best estimate shows that the market share held by Chinese exporters has risen from 12.1 % in 1978 to 14.3 % in 1979, to 22.1 % in 1980 and to 23.8 % in 1981 ;

Whereas the average resale prices of the product concerned originating in the People's Republic of China undercut the prices of the Community producers during the investigation period by 7 % ; whereas the resale prices of these imports were lower than those required to cover the costs of Community producers and to provide a reasonable profit ;

Whereas, as regards the impact on the Community industry, the evidence available to the Commission shows that the Community production of the product concerned has dropped from 100 000 tonnes in 1979 to 69 000 tonnes in 1980 and remained at the same level in 1981 and was at 12 000 tonnes during the first quarter of 1982; whereas, however, the latter figure appears not to be representative on a yearly basis;

Whereas the average capacity utilization by Greek producers of the product concerned dropped from 70.6 % in 1979 to 40 % in 1981;

Whereas the total sales by Greek producers of the product concerned dropped from 101 000 tonnes in 1979 to 67 000 tonnes in 1981; whereas the average market share of the sales of the product concerned held by the Greek producers in the EEC dropped according to their own estimates from 65 % in 1978 to 62 % in 1979, to 38 % in 1980 and to 37 % in 1981;

Whereas the losses by two main Greek producers reached 9.35 % in 1981;

Whereas the number of people employed in Greece in the manufacture of the product concerned has remained relatively stable during recent years;

Whereas the Commission has considered whether injury has been caused by other factors; whereas consumption in the Community has declined; whereas, however, it has been established that this decline has affected Community production more than it has affected the dumped imports; whereas, however, the substantial increase in dumped imports and the prices at which they are offered for sale in the Community led the Commission to determine that the effects of dumped imports of caustic-burned natural magnesite, originating in the People's Republic of China, have to be considered as constituting material injury to the Community industry concerned;

Whereas an importer has argued that the introduction of protective measures would not be in the Community interest because it would cause hardship for a significant proportion of consumers and would almost certainly cause further unemployment among different handling companies and users of the product concerned; whereas, if Community producers disappeared from the market, the Community would become dependent upon external suppliers of this product; whereas it seems to be in the interest of users to have access to both sources of supply; whereas, in view of this and the particularly serious difficulties

facing the Community industry, the Commission has nevertheless come to the conclusion that it is in the Community's interest that action be taken; whereas, in order to prevent further injury being caused during the remainder of the proceeding, this action should take the form of a provisional anti-dumping duty;

Whereas, having regard to the extent of the injury caused, the rate of such duty should be less than the dumping margins provisionally established but adequate to remove the injury caused;

Whereas, having compared the Community producers weighted average prices and costs, the Commission determined that injury would, at present, be removed if the amount of the duty applicable to all imports of natural magnesite, caustic-burned with a MgO content between 70 and 91 % originating in China corresponded to the amount by which the free-at-Community-frontier price, before duty, to the first importer in the importing Member State is less than 145 ECU;

Whereas a period should be fixed within which the parties concerned may make their views known and request an oral hearing,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on natural magnesite, caustic-burned, with a MgO content between 70 and 91 %, falling within Common Customs Tariff subheading 25.19 ex B and corresponding to NIMEXE code ex 25.19-59, originating in the People's Republic of China.

2. The amount of the duty shall be equal to the amount by which the price per tonne net, free-at-Community frontier, before duty, is less than 145 ECU.

The free-at-Community-frontier prices shall be net if the conditions of sale provide for payment within 30 days from the date of shipment; they shall be increased or reduced by 1 % for each increase or decrease of one month in the period for payment.

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

4. The release for free circulation in the Community of the product referred to in paragraph 1 shall be subject to provision of a security, equal 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 one month of the entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 3017/79, it shall apply until such time as the Council adopts definitive measures, and in any event for a period of four months.

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

Done at Brussels, 22 December 1982.

For the Commission

Wilhelm HAFERKAMP

Vice-President

COMMISSION REGULATION (EEC) No 3542/82

of 22 December 1982

imposing a provisional anti-dumping duty on imports of natural magnesite, dead-burned (sintered), originating in the People's Republic of China and in North Korea

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⁾, as amended by Regulation (EEC) No 1580/82⁽²⁾, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for under the abovementioned Regulation,

Whereas in June 1982 the Commission received a complaint lodged by Financial-Mining-Industrial and Shipping Corporation (FIMISCO) and Macedonian Magnesite Mining-Industrial and Shipping Inc. (both members of the Scalistiri Group) acting on their own behalf and on behalf of Grecian Magnesite Mining Industrial Shipping and Commercial Co. SA, Magnomin — General Mining Company SA, Mining Trading and Manufacturing Ltd and Larco; whereas these four Greek producers represent total Community production of the product in question; whereas the complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding; whereas the Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of natural magnesite, dead-burned (sintered), falling within NIMEXE code 25.19-51 and originating in the People's Republic of China and in North Korea, and commenced an investigation;

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

Whereas the Commission has given the parties directly concerned the opportunity to make known their views in writing and to request an oral hearing;

Whereas the exporters mentioned in the complaint and the majority of the importers have made, to some extent, their views known in writing; whereas some of the importers have requested and been granted oral hearings;

Whereas submissions were made by several Community processors and users or their associations of the product concerned;

Whereas, at the request of the complainants, the parties directly concerned or their representatives were given an opportunity to meet in accordance with Article 7 (6) of Regulation (EEC) No 3017/79 in order to discuss the comparability of the products involved within the meaning of Article 2 (12) of the same Regulation, and in particular the characteristics and uses of these products;

Whereas the Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the above complainants as well as of a manufacturer of natural magnesite, dead-burned (sintered) in Spain;

Whereas a number of importers have argued that the differences in the products exported by China and North Korea, on the one hand, and those used for the establishment of dumping and injury, i.e. from Spanish and Greek products respectively, on the other hand, are so great as to prevent them from being regarded as 'like products'; whereas, however, the information so far available to the Commission shows that, although the chemical composition of these products varies, in particular with regard to their contents in Fe_2O_3 , SiO_2 , CaO and Al_2O_3 , they all consist preponderantly of MgO ; whereas the MgO content for all products under consideration lies in a range from 85 to 92 %, which characterizes them as low-quality products; whereas variations in the chemical composition and the bulk density, loss on ignition and granular size, may be relevant for certain specific uses of these products; whereas, however, despite these differences the main use of all the products is in the refractory producers industry which uses them not only for the production of refractory bricks, but also in the refractory repair masses;

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 178, 22. 6. 1982, p. 9.

⁽³⁾ OJ No C 162, 29. 6. 1982, p. 2 and OJ No C 192, 27. 7. 1982, p. 7 (corrigendum).

Whereas at the present stage of the investigation the Commission has arrived at the provisional conclusion that the arguments advanced by several exporters and importers are not sufficiently convincing to refute the *prima-facie* presumption that all the grades of magnesite in question are 'like products';

Whereas the Commission's investigation of dumping covered the period 1 July 1981 to 30 June 1982 and was limited to dead-burned natural magnesite with a MgO content between 85 and 92 %;

Whereas, in order to establish whether the imports from the People's Republic of China and North Korea were dumped, the Commission had to take account of the fact that these countries do not have market-economies and the Commission therefore had to base its determination on the normal value in a market-economy country; whereas, in this connection, the complainants have suggested that prices on the Spanish market should be used for this purpose;

Whereas it was suggested by some importers that Austria constituted a market more suitable for this purpose; whereas, however, evidence to support this contention was only presented at a relatively late stage of the investigation and whereas there are still no grounds to believe that the use of Austria as the reference country would substantially influence the outcome of this proceeding;

Whereas the Commission's preliminary investigations in Spain showed that there is production there on a substantial scale and that, given the financial results of the sole Spanish producer, the price level of its magnesite is in reasonable proportion to its production costs;

Whereas it has been argued, however, that the ore used for Chinese and North Korean production has an exceptionally high raw magnesite content, thereby giving these producers an exceptional natural competitive advantage over the Spanish producers; whereas it is difficult for the Commission, at this preliminary stage of the investigation, to establish whether any natural comparative advantages exist in China or North Korea, and if so, how normal value should reflect such advantage, if the same conditions existed in the market-economy country used for establishing normal value; whereas the Commission has therefore not been able to decide whether this factor should be taken into account; whereas the Commission, in order to ensure that the normal value is established in an appropriate and not unreasonable manner, will continue to examine the question of whether such an adjustment should be made;

Whereas export prices were determined on the basis of the prices paid or payable for the products exported to the Community;

Whereas, in comparing normal value with export prices, the Commission took account, where appropriate, of differences affecting price comparability;

whereas some exporters and importers have argued that the Spanish product sold on the Spanish market is of a better quality than the Chinese and North Korean products; whereas, in order to enable the Commission to make an allowance for the differences in physical characteristics, the burden of proof lies on the exporters and importers; whereas, in this case, neither exporters nor importers have submitted any evidence to support this claim; whereas, nevertheless, the Commission checked these facts; whereas the Commission found that, if the lower quality would have been sold on the Spanish market, there would be hardly any difference in the sales prices; whereas, furthermore, the Commission found that there is no difference in the cost of production of these two qualities;

Whereas all comparisons were made at ex-works level;

Whereas the above preliminary examination of the facts shows the existence of dumping in respect of China National Metals and Minerals Import and Export Corporation, China Metallurgical Import and Export Corporation and Korea Minerals Export and Import Corporation, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community;

Whereas, in relation to the product concerned, these margins vary according to the exporting country; whereas the average margin as tentatively determined at the present stage of the procedure for the product originating in the People's Republic of China was 114 % and for the product originating in North Korea was 85 %;

Whereas, with regard to exports from China, only several branches of the abovementioned China National Metals and Minerals Import and Export Corporation were named in the complaint; whereas during the preliminary investigation one of the importers informed the Commission that the China Metallurgical Import and Export Corporation had also exported the product concerned to the Community during the investigation period;

Whereas the Commission made an effort in order to obtain information concerning the quantities and prices of these imports into the Community; whereas the Commission has not received precise information in this respect;

Whereas the Commission considered that the results of its investigation provided an accurate basis for determination of the level of dumping and that it would constitute a bonus for non-cooperation to assume that the dumping margin for China Metallurgical Import and Export Corporation was any lower than the dumping margin of 114 % determined with regard to the other exporter who had cooperated in the investigation; whereas, for these reasons, it is considered appropriate to use this latter dumping margin for this exporter;

Whereas, with regard to injury caused by the dumped imports the evidence available to the Commission shows that imports into the Community from the People's Republic of China of natural magnesite, dead-burned (sintered), increased from 19 507 tonnes in 1979 to 61 949 tonnes in 1981 and reached 35 656 tonnes during the first half of 1982;

Whereas, with regard to North Korean products the evidence available to the Commission shows that imports into the Community from North Korea of natural magnesite, dead-burned (sintered), were irregular; whereas these imports increased from 46 928 tonnes in 1979 to 55 493 tonnes in 1980 and dropped to 16 299 tonnes in 1981; whereas they increased again to 18 638 tonnes during the first nine months of 1982;

Whereas, in order to establish the market shares of these Chinese or North Korean imports, the Commission calculated the total Community consumption of the product concerned on the basis of the best evidence available, namely the verified figures of EEC sales by Community producers, the evidence submitted by the exporters and importers and the NIMEXE statistics concerning imports from and exports to third countries; whereas, on this basis, the total Community consumption increased from 175 362 tonnes in 1978 to 225 522 tonnes in 1979 and increased further to 258 743 tonnes in 1980 and dropped drastically to 110 934 tonnes in 1981; whereas, on this basis, the combined market share of the imports from China and North Korea has increased from 17 % in 1978 to 70 % in 1981; whereas, even if these figures seem to be distorted especially in 1981, it is nevertheless reasonable to assume that the combined imports from China and North Korea have taken, in any event, an increased market share in a declining market in the Community;

Whereas the average resale prices of the product concerned originating in the People's Republic of China and in North Korea undercut the prices of Community producers during the investigation period by 25 and 19 % respectively; whereas the resale prices of these imports were lower than those required to cover the costs of Community producers and to provide a reasonable profit;

Whereas as regards the impact on the Community industry, the evidence available to the Commission shows that total Community production of the product concerned has dropped from 164 000 tonnes in 1979 to 140 000 tonnes in 1980, to 73 000 tonnes in 1981 and to a level of 48 000 tonnes during the first quarter of 1982; whereas, however, the latter figure appears not to be representative on a yearly basis;

Whereas the average capacity utilization by Greek producers of the product concerned dropped from 54 % in 1979 to 22 % in 1981;

Whereas total sales by Greek producers of the product concerned dropped from 140 000 tonnes in 1979 to 74 000 tonnes in 1981 which represents a decrease of 47 %; whereas the average market share of the product concerned held by Greek producers in the EEC dropped from 64 % in 1978 to 46 % in 1980;

Whereas the losses of the two main Greek producers reached 20 % in 1981; whereas average investments in buildings and machinery by Greek producers of the product concerned dropped by 76 % between 1979 and 1981;

Whereas the number of people employed in Greece for manufacture of the product concerned decreased from 1 465 in 1979 to 1 153 in 1980 and to 749 in 1981;

Whereas the Commission has considered whether injury has been caused by other factors; whereas consumption in the Community has declined by 51 % between 1979 and 1981; whereas, however, it has been established that this decline has affected Community production more than it has affected dumped imports; whereas, however, the substantial increase in dumped imports and the prices at which they are offered for sale in the Community led the Commission to determine that the effects of the dumped imports of dead-burned (sintered) natural magnesite, originating in the People's Republic of China and in North Korea, taken in isolation, have to be considered as constituting material injury to the Community industry concerned;

Whereas Community processing industries as well as end users, in particular the refractory producers and steel industries, have argued that the introduction of protective measures would not be in the Community's interest because it would worsen their already extremely difficult position caused by a structural crisis; whereas the impact of a price increase of the product concerned on the steel industry is limited because the cost of this product on the total production cost of steel can be estimated at a maximum of 1 %; whereas, furthermore, if the Community producers would disappear from the market, the Community would become dependent upon external suppliers of this product; whereas it seems to be in the interest of the users to have access to both sources of supply; whereas, in view of this and the particularly serious difficulties facing the Community industry, the Commission has nevertheless come to the conclusion that it is in the Community's interests that action be taken; whereas, in order to prevent further injury being caused during the reminder of the proceeding, this action should take the form of a provisional anti-dumping duty;

Whereas, having regard to the extent of the injury caused, the rate of such duty should be less than the dumping margins provisionally established but adequate to remove the injury caused;

Whereas, having compared the Community producers weighted average prices and costs, the Commission determined that injury would, at present, be removed if the amount of the duty applicable to all imports of natural magnesite, dead-burned (sintered), with a MgO content between 85 and 92 % originating in the countries under investigation corresponded to the amount by which the free-at-Community-frontier price, before duty, to the first importer in the importing Member State is less than 169 ECU;

Whereas a period should be fixed within which the parties concerned may make their views known and request an oral hearing,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on natural magnesite, dead-burned (sintered), with a MgO content between 85 and 92 %, falling within Common Customs Tariff subheading 25.19 ex B and corresponding to NIMEXE code 25.19-51, originating in the People's Republic of China and in North Korea.

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

Done at Brussels, 22 December 1982.

2. The amount of the duty shall be equal to the amount by which the price per tonne net, free-at-Community frontier, before duty, is less than 169 ECU.

The free-at-Community frontier prices shall be net if the conditions of sale provide for payment within 30 days from the date of shipment; they shall be increased or reduced by 1 % for each increase or decrease of one month in the period for payment.

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

4. The release for free circulation in the Community of the product referred to in paragraph 1 shall be subject to 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 one month of the entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 3017/79, it shall apply until such time as the Council adopts definitive measures, and in any event for a maximum period of four months.

For the Commission

Wilhelm HAFERKAMP

Vice-President

COMMISSION REGULATION (EEC) No 3543/82
of 21 December 1982
introducing Community surveillance of imports of motor cycles originating in
Japan

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 288/82
of 5 February 1982 on common rules for imports⁽¹⁾,
and in particular Article 10 thereof,

Having consulted the committee set up under the
abovementioned Regulation,

Whereas imports into the Community of motor cycles
falling within heading No 87.09 of the Common
Customs Tariff and corresponding to NIMEXE code
87.09-59, originating in Japan, have risen considerably
to a level equivalent to a market share of 91 % in the
Community during the first half of 1982;

Whereas these imports have frequently taken place at
relatively low prices, thereby having a depressive effect
on the Community motor cycle industry's level of
prices and financial results and thereby injuring the
Community producers of similar and competitive
products;

Whereas, in these circumstances, it is the Commu-
nity's interest to introduce Community surveillance of
these imports,

HAS ADOPTED THIS REGULATION:

Article 1

Imports into the Community of motor cycles falling
within heading No 87.09 of the Common Customs
Tariff and corresponding to NIMEXE code 87.09-59,
originating in Japan, are hereby made subject to retro-
spective Community surveillance in accordance with
the procedures set out in Articles 10, 11 and 14 of
Regulation (EEC) No 288/82 and this Regulation.

Article 2

Annex II of Regulation (EEC) No 288/82 is modified
by the insertion of the Common Customs Tariff and
the NIMEXE code of these products named in the
first Article followed by the sign (+) in the 'EUR'
column.

Article 3

This Regulation shall enter into force on 1 January
1983 and shall be valid until 31 December 1983. It
shall relate to imports effected from 1 January 1983.

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

Done at Brussels, 21 December 1982.

For the Commission
Wilhelm HAFERKAMP
Vice-President

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

COMMISSION REGULATION (EEC) No 3544/82
of 21 December 1982
introducing Community surveillance of imports of light commercial vehicles
originating in Japan

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 288/82
of 5 February 1982 on common rules for imports ⁽¹⁾,
and in particular Article 10 thereof,

Having consulted the committee set up under the
abovementioned Regulation,

Whereas imports into the Community of light
commercial vehicles falling within subheading 87.02 B
of the Common Customs Tariff and corresponding to
NIMEXE code 87.02-86, originating in Japan, have
risen considerably to a level equivalent to a market
share of 13 % in the Community during the first half
of 1982, this market share reaching levels of between
60 and 80 % in some Member States;

Whereas these imports have frequently taken place at
relatively low prices, thereby having a depressive effect
on the Community light commercial vehicle industry's
level of prices and financial results and thereby inju-
ring the Community producers of similar and compe-
titive products;

Whereas, in these circumstances, it is in the Commu-
nity's interest to introduce Community surveillance of
these imports,

HAS ADOPTED THIS REGULATION:

Article 1

Imports into the Community of light commercial
vehicles falling within subheading 87.02 B of the
Common Customs Tariff and corresponding to
NIMEXE code 87.02-86, originating in Japan, are
hereby made subject to retrospective Community
surveillance in accordance with the procedures set out
in Articles 10, 11 and 14 of Regulation (EEC) No
288/82 and this Regulation.

Article 2

Annex II of Regulation (EEC) No 288/82 is modified
by the insertion of the Common Customs Tariff and
the NIMEXE code of these products named in the
first Article followed by the sign (+) in the 'EUR'
column.

Article 3

This Regulation shall enter into force on 1 January
1983 and shall be valid until 31 December 1983. It
shall relate to imports effected from 1 January 1983.

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

Done at Brussels, 21 December 1982.

For the Commission
Wilhelm HAFERKAMP
Vice-President

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

COMMISSION REGULATION (EEC) No 3545/82
of 21 December 1982
introducing Community surveillance of imports of video tape recorders
originating in Japan

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 288/82
of 5 February 1982 on common rules for imports ⁽¹⁾,
and in particular Article 10 thereof,

Having consulted the committee set up under the
abovementioned Regulation,

Whereas imports into the Community of video tape
recorders falling within subheading 92.11 B of the
Common Customs Tariff and corresponding to
NIMEXE code 92.11-80, originating in Japan, have
risen considerably to a level equivalent to a market
share of 80.5 % in the Community during the first
half of 1982;

Whereas these imports have frequently taken place at
relatively low prices, thereby having a depressive effect
on the Community video tape recorder industry's level
of prices and financial results and thereby injuring the
Community producers of similar and competitive
products;

Whereas, in these circumstances, it is in the Commu-
nity's interest to introduce Community surveillance of
these imports,

HAS ADOPTED THIS REGULATION:

Article 1

Imports into the Community of video tape recorders
falling within subheading 92.11 B of the Common
Customs Tariff and corresponding to NIMEXE code
92.11-80, originating in Japan, are hereby made
subject to retrospective Community surveillance in
accordance with the procedures set out in Articles 10,
11 and 14 of Regulation (EEC) No 288/82 and this
Regulation.

Article 2

Annex II of Regulation (EEC) No 288/82 is modified
by the insertion of the Common Customs Tariff and
the NIMEXE code of these products named in the
first Article followed by the sign (+) in the 'EUR'
column.

Article 3

This Regulation shall enter into force on 1 January
1983 and shall be valid until 31 December 1983. It
shall relate to imports effected from 1 January 1983.

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

Done at Brussels, 21 December 1982.

For the Commission
Wilhelm HAFERKAMP
Vice-President

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

COMMISSION REGULATION (EEC) No 3546/82
of 29 December 1982
fixing the import levies on milk and 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 804/68
of 27 June 1968 on the common organization of the
market in milk and milk products ⁽¹⁾, as last amended
by Regulation (EEC) No 1183/82 ⁽²⁾, and in particular
Article 14 (8) thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas Article 14 of Regulation (EEC) No 804/68
provides for charging a levy on imports of the
products listed in Article 1 of that Regulation;
whereas these products may be divided into groups;
whereas the product groups and the pilot groups and
the pilot product for each of these groups are set out
in Annex I to Council Regulation (EEC) No 2915/79
of 18 December 1979 determining the groups of
products and the special provisions for calculating
levies on milk and milk products and amending Regu-
lation (EEC) No 950/68 on the Common Customs
Tariff ⁽³⁾, as last amended by Regulation (EEC) No
3042/82 ⁽⁴⁾;

Whereas the levy on the products in any one group
must be equal to the threshold price for the pilot
product less the free-at-frontier price; whereas these
threshold prices were fixed for the 1982/83 milk year
by Council Regulation (EEC) No 1185/82 of 18 May
1982 ⁽⁵⁾;

Whereas, however, Regulation (EEC) No 2915/79 lays
down special provisions for calculating the levy on
certain assimilated products; whereas these products
are listed and the method of calculating the levy on
them described in Annex II and in Articles 2 to 11 of
that Regulation respectively; whereas this method

consists in adding together the various components
defined in those Articles;

Whereas Commission Regulation (EEC) No 1073/68
of 24 July 1968 laying down detailed rules for deter-
mining free-at-frontier prices and for fixing levies in
respect of milk and milk products ⁽⁶⁾, provides that the
component of the levy fixed by means of a coefficient
expressing the weight ratio between the milk powder
contained in the product and the product itself is, for
the products falling within subheading 04.02 B I b),
calculated by multiplying the basic amount by the
quantity of milk powder contained in the product;
whereas the same applies to products falling within
subheading 04.02 B II b) as regards the component of
the levy fixed by means of a coefficient expressing the
weight ratio between the milk components contained
in the product and the product itself;

Whereas the basic amount must be equal to one
hundredth part of the levy set out for each product in
the second subparagraph of Article 9 (1) and the
second subparagraph of Article 9 (2) of Regulation
(EEC) No 1073/68;

Whereas Annex II to Regulation (EEC) No 2915/79
listed certain products of Group 11 originating in and
consigned from certain non-member countries;
whereas the levy applicable to these products is set out
in Annex I to Regulation (EEC) No 1767/82 ⁽⁷⁾, as last
amended by Regulation (EEC) No 3336/82 ⁽⁸⁾;

Whereas Commission Regulation (EEC) No 3700/81
of 23 December 1981 ⁽⁹⁾ laid down detailed interim
rules in respect of the cheese agreements with Austria
and Finland;

Whereas, within the tariff quotas referred to in Annex
I to Regulation (EEC) No 1767/82, the levy on 100
kilograms of a product of Group 10 or 11 and falling
within subheadings 04.04 E I b) 1 and b) 2 shall be
equal to 12.09 ECU;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 1.

⁽³⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽⁴⁾ OJ No L 322, 18. 11. 1982, p. 1.

⁽⁵⁾ OJ No L 140, 20. 5. 1982, p. 4.

⁽⁶⁾ OJ No L 180, 26. 7. 1968, p. 25.

⁽⁷⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁸⁾ OJ No L 352, 14. 12. 1982, p. 14.

⁽⁹⁾ OJ No L 369, 24. 12. 1981, p. 33.

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components :

- one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,
- an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community ;

Whereas Article 14 (3) of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding ;

Whereas Regulation (EEC) No 1073/68 provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79 ; whereas these prices must be determined for products of good marketable quality ;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 (a) 2 and (b) to (g) of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products ; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community-frontier and prices on third-country markets ;

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the products in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market ;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality ; whereas the adjustment in respect of an assi-

milated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product ; whereas adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question ; whereas, when the other adjustments are being effected, the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account ;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields ;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends ;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff ;

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight ; whereas they may be altered in the intervening period if necessary ; whereas the levy remains valid until another becomes applicable ;

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

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

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

Whereas it follows from applying these provisions that the levies on milk and milk products should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 14 (1) of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1983.

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

Done at Brussels, 29 December 1982.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

to the Commission Regulation of 29 December 1982 fixing the import levies on milk and milk products

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

CCT heading No	Code	Import levy
04.01 A I a)	0110	23.19
04.01 A I b)	0120	20.78
04.01 A II a) 1	0130	20.78
04.01 A II a) 2	0140	25.92
04.01 A II b) 1	0150	19.57
04.01 A II b) 2	0160	24.71
04.01 B I	0200	56.19
04.01 B II	0300	118.86
04.01 B III	0400	183.69
04.02 A I	0500	16.79
04.02 A II a) 1	0620	86.88
04.02 A II a) 2	0720	140.66
04.02 A II a) 3	0820	143.08
04.02 A II a) 4	0920	160.21
04.02 A II b) 1	1020	79.63
04.02 A II b) 2	1120	133.41
04.02 A II b) 3	1220	135.83
04.02 A II b) 4	1320	152.96
04.02 A III a) 1	1420	26.11
04.02 A III a) 2	1520	35.25
04.02 A III b) 1	1620	118.86
04.02 A III b) 2	1720	183.69
04.02 B I a)	1820	36.27
04.02 B I b) 1 aa)	2220	per kg 0.7963 (*)
04.02 B I b) 1 bb)	2320	per kg 1.3341 (*)
04.02 B I b) 1 cc)	2420	per kg 1.5296 (*)
04.02 B I b) 2 aa)	2520	per kg 0.7963 (*)
04.02 B I b) 2 bb)	2620	per kg 1.3341 (*)
04.02 B I b) 2 cc)	2720	per kg 1.5296 (*)
04.02 B II a)	2820	46.11
04.02 B II b) 1	2910	per kg 1.1886 (*)
04.02 B II b) 2	3010	per kg 1.8369 (*)
04.03 A	3110	216.11
04.03 B	3210	263.65
04.04 A	3300	166.68 (*)
04.04 B	3900	204.25 (*)
04.04 C	4000	136.17 (*)
04.04 D I a)	4410	142.65 (*)
04.04 D I b)	4510	153.77 (*)
04.04 D II	4610	250.49
04.04 E I a)	4710	204.25
04.04 E I b) 1	4800	190.30 (*)

<i>(ECU/100 kg net weight, unless otherwise indicated)</i>		
CCT heading No	Code	Import levy
04.04 E I b) 2	5000	149.69 ⁽¹¹⁾
04.04 E I c) 1	5210	112.27
04.04 E I c) 2	5250	246.41
04.04 E II a)	5310	204.25
04.04 E II b)	5410	246.41
17.02 A II	5500	40.14 ⁽¹²⁾
21.07 F I	5600	40.14
23.07 B I a) 3	5700	62.14
23.07 B I a) 4	5800	80.46
23.07 B I b) 3	5900	75.87
23.07 B I c) 3	6000	63.74
23.07 B II	6100	80.46

- (¹) For the purposes of this tariff subheading, 'special milk for infants' means products free from pathogenic toxicogenic germs and containing per gram less than 10 000 revivifiable aerobic bacteria and less than two coliform bacteria.
- (²) Inclusion under this tariff subheading is subject to conditions to be laid down by the competent authorities.
- (³) In calculating the fat content the weight of any added sugar shall be disregarded.
- (⁴) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components:
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product;
 - (b) 7.25 ECU; and
 - (c) 19.59 ECU.
- (⁵) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components:
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product; and
 - (b) 19.59 ECU.
- (⁶) The levy is limited to:
- 18.13 ECU per 100 kg net weight for products listed under (a) in Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (c) of that Annex imported from Austria or Finland,
 - 9.07 ECU per 100 kg net weight for products listed under (b) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland.
- (⁷) The levy is limited to 6 % of the customs value for imports from Switzerland, in accordance with Article 1 (3) of Regulation (EEC) No 1767/82.
- (⁸) The levy is limited to 50 ECU per 100 kg net weight for products listed under (o) and (p) of Annex I to Regulation (EEC) No 1767/82 imported from Austria.
- (⁹) The levy is limited to 36.27 ECU per 100 kg net weight for products listed under (g) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (h) of that Annex imported from Austria or Finland.
- (¹⁰) The levy is limited to 12.09 ECU per 100 kg net weight:
- for products listed under (d) of Annex I to Regulation (EEC) No 1767/82 imported from Canada,
 - for products listed under (e) and (f) of that Annex imported from Australia or New Zealand.
- (¹¹) The levy is limited to:
- 77.70 ECU per 100 kg net weight for products listed under (i) of Annex I to Regulation (EEC) No 1767/82 imported from Romania or Switzerland,
 - 50 ECU for products listed under (o) and (p) of that Annex imported from Austria,
 - 101.88 ECU per 100 kg net weight for products listed under (k) of that Annex imported from Romania or Switzerland,
 - 65.61 ECU per 100 kg net weight for products listed under (l) of that Annex imported from Bulgaria, Hungary, Israel, Romania or Turkey and for products listed under (m) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey or Cyprus,
 - to 55 ECU per 100 kg net weight for products listed under (n) of that Annex imported from Austria,
 - to 18.13 ECU per 100 kg net weight for products listed under (q) of that Annex imported from Finland,
 - 12.09 ECU for products listed under (f) of that Annex imported from Australia and New Zealand.
- (¹²) Lactose and lactose syrup falling within subheading 17.02 A I are, in pursuance of Regulation (EEC) No 2730/75, subject to the same levy as that applicable to lactose and lactose syrup falling within subheading 17.02 A II.
- (¹³) For the purposes of tariff subheading ex 23.07 B 'milk products' means the products falling within tariff headings and sub-headings 04.01, 04.02, 04.03, 04.04, 17.02 A and 21.07 F I.
-

COMMISSION REGULATION (EEC) No 3547/82
of 29 December 1982
fixing the import levy on molasses

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 market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 606/82 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Regulation (EEC) No 1717/82 ⁽³⁾, as last amended by Regulation (EEC) No 3295/82 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1717/82 to the information at present available to the Commis-

sion that the levy at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of molasses, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 December 1982.

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

Done at Brussels, 29 December 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 189, 1. 7. 1982, p. 44.
⁽⁴⁾ OJ No L 349, 9. 12. 1982, p. 11.

ANNEX

(ECU/100 kg)		
CCT heading No	Description	Levy
17.03	Molasses, whether or not decolorized	0.13

COMMISSION REGULATION (EEC) No 3548/82
of 29 December 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 1716/82⁽³⁾, as last amended by Regulation (EEC) No 3481/82⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1716/82 to the information known to the Commission that the levies

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 December 1982.

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

Done at Brussels, 29 December 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 189, 1. 7. 1982, p. 42.
⁽⁴⁾ OJ No L 365, 24. 12. 1982, p. 48.

ANNEX

to the Commission Regulation of 29 December 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	39.44
	B. Raw sugar	38.16 ⁽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 3549/82
of 29 December 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 1451/82 ⁽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
3169/82 ⁽⁷⁾, as last amended by Regulation (EEC) No
3530/82 ⁽⁸⁾;

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
28 December 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
1459/82 ⁽¹¹⁾ as fixed in the Annex to amended Regula-
tion (EEC) No 3169/82 are hereby altered to the
amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 December
1982.

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

Done at Brussels, 29 December 1982.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

⁽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 332, 27. 11. 1982, p. 11.

⁽⁸⁾ OJ No L 369, 29. 12. 1982, p. 33.

⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 164, 14. 6. 1982, p. 22.

ANNEX

to the Commission Regulation of 29 December 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
23.02 A I a)	40·15	40·15
23.02 A I b)	107·08	107·08
23.02 A II a)	40·15	40·15
23.02 A II b)	107·08	107·08

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 December 1982

on the conclusion of the Convention amending the Convention between the European Economic Community and the United Nations Relief and Works Agency for Palestine refugees (UNRWA) concerning aid to refugees in the countries of the Near East

(82/879/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43 and 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas a Convention between the European Economic Community and the United Nations Relief and Works Agency for Palestine refugees (UNRWA) concerning aid to refugees in the countries of the Near East ⁽²⁾ was signed on 17 February 1982;

Whereas it is necessary to approve the Convention which amends that Convention in order to take account of the changing needs of refugees in receipt of assistance from UNRWA,

HAS DECIDED AS FOLLOWS:

Article 1

The Convention amending the Convention between the European Economic Community and the United

Nations Relief and Works Agency for Palestine refugees (UNRWA) concerning aid to refugees in the countries of the Near East is hereby approved on behalf of the Community.

The text of the Convention is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Convention in order to bind the Community.

Done at Brussels, 21 December 1982.

For the Council

The President

O. MØLLER

⁽¹⁾ Opinion delivered on 17 December 1982 (not yet published in the Official Journal).

⁽²⁾ OJ No L 392, 31. 12. 1981, p. 4.

CONVENTION

amending the Convention between the European Economic Community and the United Nations Relief and Works Agency for Palestine refugees (UNRWA) concerning aid to refugees in the countries of the Near East

THE COUNCIL OF THE EUROPEAN COMMUNITIES,
of the one part, and

THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES (UNRWA),
of the other part,

CONSIDERING that, to take account of the changing needs of refugees in receipt of assistance from UNRWA, it is necessary to amend the Convention concerning aid to refugees in the countries of the Near East, signed on 17 February 1982,

HAVE AGREED AS FOLLOWS:

Article 1

Article 1 of the Convention shall be supplemented as follows:

'However, for 1982 and 1983 the contributions referred to above shall be for use under the following programmes:

- programme for distribution of rations to particularly needy cases,
- feeding programme in training centres,
- supplementary feeding programme,
- education programme.'

Article 2

Article 2 (1) of the Convention shall be replaced by the following:

'1. The Community shall supply to UNRWA for 1982 and 1983 under this Convention specific quantities of skimmed-milk powder enriched with vitamins, butteroil, white sugar and other products for use under the programme for distribution of rations to particularly needy cases and the feeding programme in training centres. The quantities to be supplied for 1982 appear in point 1 of Annex II.'

Article 3

Article 2 (3) shall be supplemented as follows:

'The amount to be paid for this purpose in 1982 appears in point 2 of Annex II.'

Article 4

Article 2 (4) of the Convention shall be replaced by the following:

'4. UNRWA shall distribute the products to Palestine refugees eligible for the programmes

specified in paragraph 1, free of charge and for their own consumption.'

Article 5

Article 2 (5) of the Convention shall be replaced by the following:

'5. UNRWA shall send to the Community before 1 March of each year a report on the programmes referred to in paragraph 1, notably on the use of the contributions made in kind or in cash under this Convention.'

Article 6

Article 3 (1) of the Convention shall be replaced by the following:

'1. The Community shall supply to UNRWA for each year of this Convention specific quantities of skimmed-milk powder enriched with vitamins, butteroil and white sugar for use under the supplementary feeding programme. The quantities to be supplied for 1982 appear in point 1 of Annex II.'

Article 7

Article 3 (3) (a) of the Convention shall be supplemented as follows:

'The cash sum to be paid for 1982 appears in point 2 of Annex II.'

Article 8

Article 3 (3) (b) of the Convention shall be supplemented as follows:

'The quantities of corned beef and tomato paste to be purchased in 1982 appear in point 3 of Annex II.'

Article 9

The following Article shall be inserted in the text of the Convention :

Article 4a

1. The Community shall pay to UNRWA for 1982 and 1983 a certain cash sum as a contribution to the costs of operating the education programme. The cash sum to be paid for 1982 appears in point 2 of Annex II.

2. Use of the funds made available to UNRWA by the Community shall be subject to the prior agreement of the Commission of the European Communities.'

Article 10

Annex II attached hereto shall be added to the Convention and forms an integral part thereof. The current Annex shall become Annex I.

Article 11

This Convention is drawn up in two copies in the Danish, Dutch, English, French, German, Greek and Italian languages, each version being equally authentic.

Done at Brussels,

For the Council of the European Communities

*For the United Nations Relief and Works Agency
for Palestine refugees (UNRWA)*

ANNEX

ANNEX II

PERIOD FROM 1 JANUARY TO 31 DECEMBER 1982

1. Contributions in kind

— *Programme for distribution of rations to particularly needy cases*

- 582 tonnes of skimmed-milk powder enriched with vitamins
- 437 tonnes of butteroil
- 582 tonnes of white sugar
- 291 tonnes of tomato paste
- 291 tonnes of burghol
- 396 tonnes preserved meat

— *Supplementary feeding programme*

- 1 165 tonnes of skimmed-milk powder enriched with vitamins
- 185 tonnes of butteroil
- 97 tonnes of white sugar

— *Feeding programme in training centres*

- 48 tonnes of skimmed-milk powder enriched with vitamins
- 40 tonnes of butteroil
- 58 tonnes of white sugar
- 76 tonnes of legumes
- 37 tonnes of burghol
- 43 tonnes of preserved meat
- 15 tonnes of tomato paste
- 1.5 tonnes of tea

2. Contributions in cash

— *Programme for distribution of rations to particularly needy cases and feeding programme in training centres*

- Sum paid per tonne of products received 40 US dollars

— *Supplementary feeding programme*

- Cash contribution to operating costs of supplementary feeding programme Equivalent of 4 million ECU in US dollars

— *Education programme*

- Contribution to financing of education programme Equivalent of 16 million ECU in US dollars

3. Foodstuffs to be bought on the Community market

- Corned beef 343 087 tonnes
 - Tomato paste 27 504 tonnes'
-

COUNCIL DIRECTIVE
of 21 December 1982
amending Directive 81/363/EEC on aid to shipbuilding
(82/880/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Articles 92
(3) (d) and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European
Parliament⁽¹⁾,

Having regard to the opinion of the Economic and
Social Committee⁽²⁾,

Whereas the state of the shipbuilding industry, both
worldwide and in the Community, has deteriorated
during the period of application of Directive
81/363/EEC⁽³⁾; whereas the very serious situation is
aggravated by the increase in production in certain
third countries;

Whereas the said Directive expires on 31 December
1982;

Whereas the said Directive allows for restructuring
schemes, adaptation and consolidating measures
directed towards making European industry more
competitive through the gradual abolition of aid, while
maintaining a number of jobs;

Whereas in the present continuing economic crisis
Member States do not foresee, in the medium term, a
genuine recovery in maritime industries either at
world or at Community levels; whereas, consequently,
measures must be taken to obtain a lasting improve-

ment in the competitiveness of the Community's ship-
building industry through adaptation to market condi-
tions;

Whereas, therefore, in view of the severe social and
regional repercussions of the continuing crisis and
having regard to the efforts and sacrifices demanded
by the restructuring of this sector in this particular
respect, the immediate and complete abolition of the
aids granted by Member States to the shipbuilding
industry, whether directly or indirectly, hardly seems
possible;

Whereas it is therefore necessary to extend for a period
of two years the control of such aids as instituted by
Directive 81/363/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Article 11 of Directive 81/363/EEC, '31 December
1982' is hereby replaced by '31 December 1984'.

Article 2

This Directive is addressed to the Member States.

Done at Brussels, 21 December 1982.

For the Council

The President

O. MØLLER

⁽¹⁾ Opinion delivered on 17 December 1982 (not yet
published in the Official Journal).

⁽²⁾ Opinion delivered on 15 December 1982 (not yet
published in the Official Journal).

⁽³⁾ OJ No L 137, 23. 5. 1981, p. 39.

COMMISSION

COMMISSION DECISION

of 23 December 1982

accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of perchlorethylene originating in Czechoslovakia, Romania, Spain and the United States of America and terminating that proceeding

(82/881/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⁾, as amended by Regulation (EEC) No 1580/82⁽²⁾, and in particular Article 11 thereof,

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

Whereas in May 1982 the Commission received a complaint lodged by the European Council of Chemical Manufacturers' Federations (CEFIC) on behalf of Community producers accounting for a large proportion of Community production of perchlorethylene;

Whereas the complaint contained evidence of the existence of dumping and of material injury resulting therefrom; whereas such information was considered sufficient to justify initiating a proceeding; whereas the Commission accordingly announced, in a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of perchlorethylene (Common Customs Tariff subheading ex 29.02 A II b); NIMEXE code 29.02-35) originating in Czechoslovakia, Romania, Spain and the United States of America and commenced its investigation;

Whereas the Commission officially so advised the exporters and importers known to be concerned;

Whereas the Commission has given all the parties directly concerned the opportunity to make known their views in writing and to request an oral hearing;

Whereas all the exporters and the majority of the importers known to be concerned have taken the opportunity to make known their views in writing; whereas all the exporters, except the Spanish exporter, and several of the principal importers have requested and been granted an oral hearing;

Whereas, at the request of the Czechoslovak exporter, the Commission organized a meeting between the exporter, his distributors in the Community and the complainants, so that opposing views might be presented and any rebuttal arguments put;

Whereas no information has been supplied by Community consumers of perchlorethylene or on their behalf;

Whereas, in order to arrive at a preliminary assessment of the margin of dumping and the injury caused, the Commission sought and verified all information it deemed to be necessary and carried out inspections at the premises of the following undertakings:

- Community producers: Rumianca SpA, Milan, Chemische Werke Hüls AG, Marl, Solvay et Cie, Brussels, Solvay et Cie, Paris;
- Exporters: PPG Industries Inc., Pittsburgh Pa.;
- Importers: Klöckner & Co. Chemie, Duisberg, Société Commerciale Lambert-Rivière, Bagnolet;

Whereas the Commission sought and obtained very detailed written comments from all the Community complainant producers regarding the question of injury and the causes thereof, and also from the US exporter and certain importers; whereas this information has, where necessary, been checked by the Commission;

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 178, 22. 6. 1982, p. 9.

⁽³⁾ OJ No C 133, 25. 5. 1982, p. 12.

Whereas the period of investigation adopted by the Commission to assess the possible existence of dumping was the 12 months prior to 30 April 1982;

Whereas, in order to establish whether dumping had been carried out by Spain, the Commission determined normal value on the basis of the weighted average selling price ex-works for perchlorethylene sold on the Spanish domestic market to customers with which they have no business connections;

Whereas, in the case of the United States, the preliminary investigation to determine the existence of dumping showed that the price at which the perchlorethylene produced by the US exporter was sold on the market was less than all costs, both fixed and variable, ordinarily incurred in its production and that this applied in the case of almost all sales effected during the investigation period; whereas, in determining the normal value for the United States, the Commission therefore used the constructed value obtained by adjusting the sub-cost price referred to above by the sum required to make up the losses incurred;

Whereas, moreover, in the case of the United States, the Commission made certain adjustments at the request of the exporter to the constructed normal value referred to above, in order to take account of the differences between the conditions and terms of supply on the domestic market and on export markets;

Whereas, in order to establish whether the imports from Czechoslovakia and Romania were dumped, the Commission had to take account of the fact that the countries in question were not market economies; whereas the Commission therefore had to base its calculations concerning those countries on the normal value in a market-economy country; whereas, in this connection, the complainants had suggested as a reference the US domestic market;

Whereas, in discussions with the Czechoslovak and Romanian exporters, the comparability of the US perchlorethylene market and *a fortiori* the reference made to the constructed normal value for that market were contested on the ground that the prices thus determined would not be representative; whereas a suggestion that the Austrian market be chosen as a reference market proved unacceptable to the Commission because of the absence of sufficient data on the Austrian market; whereas, moreover, it cannot be ruled out that Austrian domestic prices are influenced by low-cost imports;

Whereas the Commission, having examined the various possibilities of which it was aware, therefore

considered that it would be appropriate and fair to determine the normal value applicable to Czechoslovakia and Romania on the same basis as for the US exporter, by making adjustments justified by the differences observed in conditions and terms of sale and in the quality characteristics of the products;

Whereas in order to determine the export price, the Commission based its calculations in the case of Spain and the United States on the price actually paid or payable for the products exported to the Community; whereas in the case of Czechoslovakia and Romania, for which the Commission lacks full and reliable information on the real export prices, the export price was determined on the basis of the free-at-Community frontier value shown in the Community's official import statistics; whereas such figures are not contradicted by the partial information on export prices sent to the Commission by the exporters and importers concerned;

Whereas, in the case of Spain, the ex-works price of products for export is adjusted by an export tax relief (*desgravación fiscal*) granted by the Spanish Government to the exporter which is equivalent to 11.875 % of the free-at-frontier export price; whereas the Commission has insufficient information to determine whether or not this relief exceeds the amount of the duties or taxes to which the same product is subject when intended for domestic consumption; whereas, therefore, in the absence of an anti-subsidy complaint in this connection, the Commission has taken account of this relief in its calculation of the export prices by increasing them by the corresponding percentages;

Whereas the assessment of whether dumping was being practised by the four countries concerned was made on the basis of a comparison at the ex-works stage between the normal values as defined above and the prices for exports to the Community's principal markets from each of the countries concerned during the investigation period; whereas a monthly comparison was carried out, using weighted averages where appropriate; whereas the Commission took account, where necessary, of the factors affecting price comparability, and in particular of the differences in the technical characteristics of the perchlorethylene exported to the Community by the countries concerned; whereas it also took account, on the basis of checked information, of the conditions of payment, transport costs to the Community frontier and related costs;

Whereas a preliminary examination of the above facts revealed that dumping was being practised in respect of the imports covered by the investigation originating in Czechoslovakia, Romania, Spain and the United States;

Whereas the extent of the dumping varied according to the exporting country and Member State concerned; whereas the dumping margins — being equal to the difference between the normal values as defined above and the export prices of perchlorethylene to the Community — amounted to the following percentages of the free-at-Community frontier price, not cleared through customs:

- Spain: from 70.4 % to 101.8 %, with weighted averages of 82.6 %, 82.6 % and 80.0 % in respect of sales effected respectively in Germany, the Netherlands and Belgium; or, after adjusting the export price to take account of the whole of the tax relief, from 58 % to 87.4 %, with weighted averages of 69.5 %, 69.5 % and 67.1 % in respect of sales effected respectively in Germany, the Netherlands and Belgium;
- United States: from 47.70 % to 124.0 %, with weighted averages of 90.50 %, 89.70 %, 87.10 % and 57.20 % in respect of sales effected respectively in France, Italy, Germany and the United Kingdom;
- Romania: from 47.7 % to 84.9 %, with a weighted average of 67.90 % in respect of sales effected in Germany;
- Czechoslovakia: from 62.4 % to 113.1 %, with a weighted average of 78.0 % in respect of sales effected in Germany;

Whereas, with regard to the injury caused to the Community industry by the dumped imports, the evidence available to the Commission shows that the total volume of perchlorethylene imports into the Community from the countries practising dumping rose from 7 769 tonnes in 1977 to 26 965 tonnes in 1981 and stood at 5 061 tonnes for the first quarter of 1982; whereas the average annual rate of increase of such imports was therefore 36.5 % over the period 1977 to 1981; whereas, correlatively, their market share increased substantially, from 3.4 % in 1977 to 13.6 % in 1981;

Whereas the penetration of the dumped imports varied according to the Member State; whereas it was particularly great in the Federal Republic of Germany, which took 11 600 tonnes during 1981 alone — 43 % of total dumped imports — bringing to 15.6 % the share of the German market taken by such imports;

Whereas the evidence available to the Commission shows that the resale prices of the dumped imports in the Community undercut the prices of Community

producers by as much as 17 %; whereas, moreover, the resale prices of these imports were lower than the minimum required to enable Community producers to cover their production costs;

Whereas, having regard to the impact of such imports on the Community industry, the facts available to the Commission show that Community production of perchlorethylene fell from 179 455 tonnes in 1977 to 145 265 tonnes in 1981, a reduction of 19 % which far exceeded the percentage decline in consumption in the Community over the same period; whereas the average rate of utilization of production capacity rose from 51.7 % in 1977 to 55.7 % in 1981 and to 59.8 % in the first quarter of 1982, but only at the cost of a drastic decline in production capacity of approximately 24.8 % between 1977 and 1981; whereas, in particular, two Community production plants were obliged to cease operating in 1981 and at the beginning of 1982 and a third had to substantially reduce its production capacity;

Whereas, according to the information available to the Commission, the market share accounted for by Community producers fell from 95 % in 1977 to 84.9 % in 1981; whereas, in terms of change in market share, the percentage share lost by Community producers corresponds almost entirely to the increased penetration of the dumped imports; whereas producers were able in the first quarter of 1982 to recover part of their lost market share, but only by progressively aligning their prices on the resale prices of the dumped imports;

Whereas this gradual fall in the prices charged by Community producers and the decline in production have considerably eroded their profitability, to the extent that in 1981 and the first quarter of 1982 in particular, almost all producers suffered losses on perchlorethylene, in most cases very substantial ones;

Whereas the Commission has considered whether injury to Community production has also been caused by other factors, individually or collectively; whereas it has in particular considered the prices and volume of imports, concerning which no complaint of dumping has been made, the level of consumption of perchlorethylene in the Community and the extent to which the pricing of perchlorethylene in the Community has been affected by the current availability of chlorine and the excess perchlorethylene production capacity;

Whereas the volume of imports from countries not accused of dumping was low during the investigation

period and fell from 3 651 tonnes in 1977 to 2 973 tonnes in 1981, equivalent to a Community market share of only 1.5 % ; whereas, nevertheless, the deterioration of the Community market in 1982 could have been exacerbated by certain low-price imports not alleged to have been dumped ;

Whereas the evidence available to the Commission shows that the total Community demand for perchlorethylene fell from 226 240 tonnes in 1977 to 197 777 tonnes in 1981, an overall reduction of 12.6 % over the period in question ; whereas although this reduction unquestionably affected the Community industry, the sales losses suffered by Community producers on the internal market were substantially greater than the fall in demand over the said period ;

Whereas the Commission has ascertained that, given current chlorine availabilities, this product was priced fairly in Community producers' costs ;

Whereas, in assessing the impact of the dumped imports, the Commission has also taken account of the fact that the excess perchlorethylene production capacity in the Community exerts pressure on prices which cannot be attributed to such imports ;

Whereas, therefore, while recognizing that certain factors other than dumped imports have caused manifest injury to Community producers, the Commission is convinced, on the basis of the information in its possession, that the injury caused by the increase in dumped imports and by the resulting fall in prices, judged in isolation, must nevertheless be considered substantial ;

Whereas, in these circumstances and in order to prevent injury being caused during the investigation, the interests of the Community call for immediate action involving the imposition of a provisional anti-dumping duty on imports of perchlorethylene originating in Czechoslovakia, Romania, Spain and the United States ; whereas the Commission considers that a duty amounting to less than the dumping margins established should suffice to eliminate the injury caused to the Community industry by the dumped imports, the duty being based on the price required to ensure that Community producers no longer have to sell their perchlorethylene at a loss ;

Whereas the exporters concerned were informed of the main findings of this investigation and submitted

their comments ; whereas undertakings were subsequently offered by Chemapol (Prague), Chimimport Export (Bucharest), Societed Anónima Cros (Barcelona) and PPG Industries Inc. (Pittsburgh) in respect of exports from Czechoslovakia, Romania, Spain and the United States ;

Whereas the price increases proposed will eliminate the injurious effects of the dumping practised ; whereas such increases in no case exceed the average dumping margins established ;

Whereas the Commission has, therefore, determined that it is not now necessary to take protective action in respect of imports of perchlorethylene originating in Czechoslovakia, Romania, Spain and the United States ;

Whereas, in these circumstances, the undertakings offered are considered acceptable and the proceeding may therefore be terminated without imposition of anti-dumping duties ;

Whereas no objection was raised by the Advisory Committee,

HAS DECIDED AS FOLLOWS :

Sole Article

1. The Commission hereby accepts the price undertakings given by the exporters concerned.
2. The anti-dumping proceeding concerning imports of perchlorethylene originating in Czechoslovakia, Romania, Spain and the United States of America is hereby terminated.

Done at Brussels, 23 December 1982.

For the Commission

Étienne DAVIGNON

Vice-President

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1981 Report

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Publication No CB-32-81-641-EN-C

ISBN 92-825-2707-7

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Communication from the Commission of the European Communities concerning the rules in respect of imports into the Community of certain textile products

Following the negotiation of the bilateral textile agreements, which will be applicable from 1 January 1983, the Council of the European Communities adopted on 23 December 1982 the following Regulations :

- Regulation on common rules for imports of certain textile products originating in third countries,
- Regulation on common rules for imports of certain textile products originating in Yugoslavia.

The Council also adopted the Regulation on rules for imports of certain textile products originating in Taiwan.

These Regulations enter into force on 1 January 1983.

For technical reasons these Regulations will only be published in the *Official Journal of the European Communities* (No L 374, 31. 12. 1982) during January. Pending such publication the texts of the said Regulations can be consulted at the following addresses :

- Office for Official Publications of the European Communities, 5, rue du Commerce, L-2985 Luxembourg,
- Commission of the European Communities, (Directorate-General for External Relations, Division I-E-1), rue de la Loi, 200, B-1049 Brussels.

In addition, information can be obtained from the competent authorities of the Member States and from the Commission of the European Communities (Directorate-General for External Relations, Division I-E-1).