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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 370/83**of 16 February 1983****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 15 February 1983;

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 17 February 1983.

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

Done at Brussels, 16 February 1983.

For the Commission

Poul DALSAER

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 16 February 1983 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	111,46
10.01 B II	Durum wheat	154,19 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	116,35 ⁽⁶⁾
10.03	Barley	117,87
10.04	Oats	104,19
10.05 B	Maize, other than hybrid maize for sowing	100,54 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	41,34 ⁽⁴⁾
10.07 C	Grain sorghum	98,24 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	170,62
11.01 B	Rye flour	177,50
11.02 A I a)	Durum wheat groats and meal	252,47
11.02 A I b)	Common wheat groats and meal	182,51

⁽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 371/83

of 16 February 1983

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

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organ-
ization of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 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 agricul-
tural policy⁽³⁾, as last amended by Regulation (EEC)
No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
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
15 February 1983;

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 17 February
1983.

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

Done at Brussels, 16 February 1983.

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. 47.

ANNEX

to the Commission Regulation of 16 February 1983 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	18,47
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	1,04
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0,72	0,72	0
10.07 A	Buckwheat		0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	1,85	1,85
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	1,38	1,38
11.07 B	Roasted malt	0	0	0	1,61	1,61

COMMISSION REGULATION (EEC) No 372/83
of 16 February 1983
fixing the import levies on rice and broken rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas the import levies on rice and broken rice
were fixed by Regulation (EEC) No 2371/82 ⁽³⁾, as last
amended by Regulation (EEC) No 325/83 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2371/82 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 the products listed
in Article 1 (1) (a) and (b) of Regulation (EEC) No
1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 February
1983.

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

Done at Brussels, 16 February 1983.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 255, 1. 9. 1982, p. 5.

⁽⁴⁾ OJ No L 38, 10. 2. 1983, p. 5.

ANNEX

to the Commission Regulation of 16 February 1983 fixing the import levies on rice and broken rice

(ECU/tonne)			
CCT heading No	Description	Third countries ⁽³⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾
ex 10.06	Rice :		
	B. Other :		
	I. Paddy rice ; husked rice :		
	a) Paddy rice :		
	1. Round grain	147,62	70,21
	2. Long grain	182,38	87,59
	b) Husked rice :		
	1. Round grain	184,52	88,66
	2. Long grain	227,98	110,39
	II. Semi-milled or wholly milled rice :		
	a) Semi-milled rice :		
	1. Round grain	314,38	145,26
	2. Long grain	430,36	203,29
	b) Wholly milled rice :		
	1. Round grain	334,82	155,06
	2. Long grain	461,35	218,32
	III. Broken rice	84,96	39,48

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

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

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 373/83**of 16 February 1983****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas the premiums to be added to the levies on
rice and broken rice were fixed by Regulation (EEC)
No 2372/82 ⁽³⁾, as last amended by Regulation (EEC)
No 326/83 ⁽⁴⁾;

Whereas on the basis of today's cif prices and cif
forward delivery prices, the premiums at present in

force, which are to be added to the levies, should be
altered to the amounts shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 February
1983.

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

Done at Brussels, 16 February 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 255, 1. 9. 1982, p. 8.

⁽⁴⁾ OJ No L 38, 10. 2. 1983, p. 7.

ANNEX

to the Commission Regulation of 16 February 1983 fixing the premiums to be added to the import levies on rice and broken rice

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

COMMISSION REGULATION (EEC) No 374/83

of 16 February 1983

fixing the export refunds on white sugar and raw sugar exported in the natural state

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 point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in the natural state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on

sugar⁽⁶⁾, as amended by Regulation (EEC) No 1467/77⁽⁷⁾; whereas the refund thus calculated for aromatized sugars or for sugars with colouring added must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas, if the refund 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 the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 February 1983.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

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

Done at Brussels, 16 February 1983.

For the Commission

Poul DALSAER

Member of the Commission

ANNEX

to the Commission Regulation of 16 February 1983 fixing the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid :		
	A. White sugar ; flavoured or coloured sugar :		
	(I) White sugar :		
	(a) Candy sugar	34,63	
	(b) Other	33,89	
	(II) Flavoured or coloured sugar		0,3463
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	31,86 ⁽¹⁾	
	(b) Other raw sugar	31,18 ⁽¹⁾	

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

COMMISSION RECOMMENDATION No 375/83/ECSC

of 14 February 1983

imposing a definitive countervailing duty on imports of certain sheets and plates, of iron or steel, originating in Brazil and suspending the application of this duty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission recommendation No 3018/79/ECSC of 21 December 1979 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community⁽¹⁾, as last amended by recommendation No 3025/82/ECSC⁽²⁾, and in particular Article 12 thereof,

After consultations within the Advisory Committee as provided for under the above recommendation,

Whereas in March 1982 the Commission received a complaint, lodged by the Walzstahl-Vereinigung, Düsseldorf, on behalf of almost all Community producers of sheets and plates, of iron or steel, hot-rolled or cold-rolled, of a thickness of less than 3 mm; whereas the complaint contained evidence of subsidies being paid on the production or export of the like products originating in Brazil, and of material injury resulting therefrom, particularly in the Federal Republic of Germany.

Whereas the information supplied provided sufficient evidence to justify initiating a proceeding; whereas the Commission accordingly, after consultation with the Brazilian authorities, announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of a proceeding concerning imports of certain sheets and plates, of iron or steel, originating in Brazil, and commenced an investigation of the matter at Community level;

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

Whereas the Commission gave the Brazilian Government and the parties directly concerned the opportunity to make known their views in writing and to be heard orally; whereas all exporters and the Brazilian Government have taken this opportunity;

Whereas, in order to arrive at a determination of the subsidies involved, the Commission sought to obtain and verify all information which it deemed to be necessary; whereas the Commission carried out inspections at the premises of all three Brazilian exporters Cosipa, São Paulo, CSN, Rio de Janeiro and Usiminas, Belo Horizonte; whereas the Commission also sought information from the Brazilian authorities and verified the information supplied by them at the Ministry of Finance in Rio de Janeiro;

Whereas the Commission chose 1 June 1981 to 31 May 1982 as the reference period for its investigation of subsidization;

Whereas the Commission determined that the Brazilian exports under consideration have benefited from subsidies with regard to the IPI export credit premium, preferential working capital financing under resolution 674 and the CDI investment programme;

Whereas the IPI export credit premium and the supply of preferential working capital under resolution 674 are contingent on export performance while the benefits of the CDI programme are available irrespective of exports;

Whereas the IPI export credit premium has been paid by the Brazilian Government to all the companies concerned; whereas this premium, the nominal rate of which was 15 % until 30 March 1982 and 14 % after that date, has been calculated on the basis of an adjusted fob invoice price taking account of elements like for example commissions paid to agents and the input factor of imported material; whereas the premium received by each company has been allocated as closely as possible to the total fob value of the products under consideration which were exported to the Community during the investigation period; whereas the subsidy effect thus calculated is 12,95 % for Cosipa, 11,04 % for CSN and 4,65 % for Usiminas;

Whereas, with regard to preferential working capital financing made available by the Central Bank of Brazil under resolution 674, all three companies have benefited from the provision of such working capital at a rate of 40 % per annum; whereas at the same time the comparable commercial rate available to them was 68 % while the Treasury bill rate (ORTN), which is equivalent to the cost of short-term money to the Brazilian Government, was even higher; whereas the Commission calculated the subsidy effect of this

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 15.

⁽²⁾ OJ No L 317, 13. 11. 1982, p. 17.

⁽³⁾ OJ No C 146, 10. 6. 1982, p. 4.

programme during the investigation period by subtracting the amount of the interest payable on the preferential loans during that period from the amount of interest which would have been payable had the loans been granted at the normal commercial rate ; whereas this difference has been allocated to the total fob value of exports during the investigation period ; whereas the subsidy effect thus calculated is 1,38 % for Cosipa, 3,56 % for CSN and 0,29 % for Usiminas ;

Whereas the CDI investment programme, under certain circumstances, grants duty-free treatment and an exemption from IPI tax on imported machinery ; whereas the total amount of import duty and IPI tax saved by Cosipa and Usiminas since 1971, when they first benefited from this programme, has been allocated over a period of 15 years which is the usual depreciation period for capital goods in Brazil ; whereas the amounts thus obtained correspond to 0,44 % of Cosipa's and 0,16 % of Usiminas' total domestic and export fob sales value in 1981 ; whereas CSN only disclosed those savings under the CDI programme which accrued in 1981, but has admitted benefiting from this programme prior to that time ; whereas the Commission considered it appropriate, therefore, to allocate the entire 1981 amount to the fob value of all sales made in that year ; whereas the subsidy effect thus calculated for CSN is 2,88 % ;

Whereas the aggregate effect of the export subsidies determined to have been granted was 11,94 %, equivalent to 35,62 ECU per tonne while the CDI investment programme had an aggregate effect of 1,11 %, equivalent to 3,31 ECU per tonne ;

Whereas, in the context of its anti-dumping investigation concerning imports of like products originating in Brazil, the Commission has determined that imports of cold-rolled coils and sheets, of a thickness of less than 3 mm, originating in Brazil have been causing material injury to a Community industry ; whereas the facts and considerations which led the Commission to this conclusion are set out in Commission recommendation No 2975/82/ECSC of 8 November 1982 imposing a definitive anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Brazil ⁽¹⁾ ; whereas, based on the same facts and considerations, the Commission now determines that subsidized imports of cold-rolled coils and sheets originating in Brazil have caused material injury to the Community industry concerned ;

Whereas, in the serious conditions experienced by the Community steel industry, the interests of the Community call for the imposition of a definitive

countervailing duty ; whereas, having regard to the injury caused, it is appropriate that the amount of the duty should be equal to the cumulative effect of the subsidies found to exist on the export prices ;

Whereas, under Community law, no product shall be subject to both anti-dumping and countervailing duties for the purpose of dealing with one and the same situation arising from dumping or from subsidization, that is the sale of products for export at a price lower than the comparable price paid or payable for the like product when sold on the domestic market ;

Whereas, under these circumstances, it is appropriate to suspend the application of the countervailing duty to the extent that it offsets the effect of the export subsidies ; whereas, having regard to the extent of protection afforded to the Community industry by the anti-dumping duty already in force, it is also appropriate for the time being to suspend the countervailing duty to the extent of the effect of the CDI programme on export prices ;

Whereas, with regard to Brazilian exports of hot-rolled sheets, the Commission, for the reasons given in recommendation No 2975/82/ECSC, has determined that at this time the Community's interests do not call for protective action,

MAKES THE FOLLOWING RECOMMENDATION :

Article 1

1. A definitive countervailing duty is hereby imposed on sheets and plates, of iron or steel, not further worked than cold-rolled, of a thickness of less than 3 mm, falling within subheadings 73.13 B II b) and c) of the Common Customs Tariff and corresponding to NIMEXE codes 73.13-43, 45, 47 and 49, originating in Brazil.
2. The amount of the duty shall be 38,93 ECU per 1 000 kilograms net.
3. The provisions in force concerning customs duties shall apply for the application of the duty.

Article 2

The application of the countervailing duty imposed by Article 1 is hereby suspended.

Article 3

The anti-subsidy proceeding concerning sheets and plates, of iron or steel, not further worked than hot-rolled, of a thickness of less than 3 mm, is hereby terminated.

⁽¹⁾ OJ No L 312, 9. 11. 1982, p. 10.

Article 4

Done at Brussels, 14 February 1983.

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

For the Commission

Étienne DAVIGNON

Vice-President

COMMISSION RECOMMENDATION No 376/83/ECSC

of 14 February 1983

imposing a provisional anti-dumping duty on imports of certain sheets and plates, of iron or steel, originating in Brazil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission recommendation No 3018/79/ECSC of 21 December 1979 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community⁽¹⁾, as last amended by recommendation No 3025/82/ECSC⁽²⁾, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for under the above recommendation,

Whereas in May 1982 the Commission received a complaint, lodged by the Walzstuhl-Vereinigung, Düsseldorf, on behalf of almost all Community producers of sheets and plates, of iron or steel, not further worked than hot-rolled, of a thickness of 3 mm or more ;

Whereas, since the complaint provided sufficient evidence of dumping in respect of the like product originating in Brazil and of material injury resulting therefrom, the Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of a proceeding concerning imports of certain sheets and plates, of iron or steel, originating in Brazil and commenced an investigation of the matter at Community level ;

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

Whereas the Commission has given all parties directly concerned the opportunity to make known their views in writing, and to be heard orally ; whereas the exporting and several of the importing parties known to be concerned have taken the opportunity to make known their views in writing ;

Whereas, in order to arrive at a preliminary assessment of dumping and of injury, the Commission sought to obtain and verify all information which it deemed to be necessary ; whereas the Commission carried out

inspections at the premises of Stahlwerke Peine-Salzgitter AG, Salzgitter, Thyssen AG, Duisburg and Arbed Saarstahl GmbH, Völklingen ; whereas the Commission also carried out an on-the-spot investigation at the offices of Itoh O & Co. GmbH, Düsseldorf, the only importer who replied to the questionnaire, and at the offices of Thyssen Stahl Union, Düsseldorf ; whereas the Brazilian authorities objected to an on-the-spot verification at the offices of the Brazilian exporters concerned, Cosipa, São Paulo, CSN, Rio de Janeiro and Usiminas, Belo Horizonte ;

Whereas the Commission chose 1 August 1981 to 31 July 1982 as the reference period for the examination of dumping ;

Whereas, for its preliminary determination of dumping, the Commission compared, transaction by transaction, the Brazilian export prices with the normal values in respect of sales of prime-quality material during the investigation period ;

Whereas the Commission determined normal value for the products under investigation on the basis of the basic prices (basic + extra) published by it, applicable to imports of products of like quality and dimensions during the period covered by the investigation ;

Whereas export prices were established on the basis of the prices which were submitted in writing to the Commission by the Brazilian exporters paid or payable for the products sold for export to the Community ; whereas, for the purpose of the comparison with the normal value, these prices were adjusted to a cif Community-frontier level, duty-paid, using the information on ocean transport and insurance available to the Commission ;

Whereas this comparison showed weighted average dumping margins of 25,4 % for Cosipa and of 23,7 % for Usiminas ; whereas, while CSN has also exported like products to the Community, no information on quantities and prices was made available ; whereas it was appropriate to calculate one overall margin for all three exporting companies since they are all members of the government-owned Siderbras Group ; whereas this weighted average margin based on exports made by Cosipa and Usiminas was found to be 24,3 % which is equivalent to 72,20 ECU per tonne ;

Whereas, with regard to injury, the Commission has found that imports into the Community of the products under consideration originating in Brazil

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 15.

⁽²⁾ OJ No L 317, 13. 11. 1982, p. 17.

⁽³⁾ OJ No C 197, 31. 7. 1982, p. 3.

increased from 18 074 tonnes in 1981 to 89 808 tonnes in the first seven months of 1982; whereas imports of these products into the Federal Republic of Germany showed a particularly steep increase, from 6 044 tonnes in 1980 to 14 744 tonnes in 1981 and to 81 094 tonnes in the period January to July 1982; whereas, since most of the imports from Brazil were offered for sale in the Federal Republic of Germany which accounts for a major proportion of the total Community production of the products concerned, the Commission concentrated its investigation on the impact of imports from Brazil on the market in that Member State; whereas, using the information available, it found that the market share held by these imports in Germany had increased from 0,3 % in 1980 to 0,7 % in 1981 and to 5,5 % in the period January to July 1982;

Whereas the prices of these imports were particularly low; whereas the Commission found that several importers had re-sold the imported goods within the Community at prices which were substantially below Community producers' list prices in force at the time of delivery and below a price level which would permit Community producers to cover their costs;

Whereas the Commission has also examined the impact of the imports from Brazil on the Community industry; whereas the information available to the Commission shows that the production of like products in the Federal Republic of Germany in the first seven months of 1982 was 4,2 % below the level of production in 1980 and as much as 7,4 % below 1981 production levels; whereas, in the first half of 1982, sales of like products by German producers in Germany were 5,2 % below 1980 and 12,9 % below 1981 levels while consumption in the first seven months of 1982 was more than 8 % higher than in 1981 and 1980; whereas, moreover, the monthly average of imports of like products from other Member States into Germany between January and July 1982 was 14 513 tonnes lower than in 1980 and 10 548 tonnes lower than in 1981;

Whereas the Commission also took into account the fact that the Community steel industry is in a state of crisis; whereas the overall steel output has been cut considerably and the numbers employed fell by 244 700 or 30,8 % between 1974 and 1981; whereas the situation of the Community producers continues to be one of extremely low capacity utilization levels and seriously reduced profits or of losses;

Whereas, in order to remedy this situation, the Community's steel policy seeks to ensure sufficient price levels for the products concerned sold in the Community through the use of internal and external measures; whereas the internal measures consist of production quotas for ECSC companies and the obli-

gation to respect certain price levels; whereas, in order to keep imports within reasonable limits, the Community has concluded steel arrangements with a large number of supplying countries which involve quantitative limitations on exports to the Community and the observance of arrangement prices which are closely linked to the development of internal price levels in the Community;

Whereas production quotas for Community producers are adjusted periodically on the basis of a forecast of supply and demand for the products concerned, taking into account the development of imports from third countries including those whose exports are not covered by a bilateral arrangement with the Community; whereas any sharp increase in imports from these countries, such as Brazil, requires a downward adjustment of the quotas of Community producers and thereby increases their indirect costs and further reduces their margins;

Whereas imports of significant quantities of dumped products into the Community also put into question the objectives sought by the external measures adopted within the framework of the Community steel policy; whereas third countries which have concluded steel trade arrangements with the Community will only respect and renew these arrangements if they see a reasonable chance of selling the quantities provided for at the price levels agreed; whereas significant imports of dumped products from sources not covered by an arrangement jeopardize the equilibrium not only of the internal quantity and pricing system but also of the quantities and prices agreed with most of the supplying countries;

Whereas the Commission has considered whether injury has been caused by other factors which individually or in combination could adversely affect the Community industry, such as volume and prices of imports from other third countries; whereas, while the level of consumption in Germany increased by over 14 000 tonnes per month between 1981 and 1982, the volume of imports from other non-member countries into the Federal Republic of Germany increased at a much lower rate, from a monthly average of 44 654 tonnes in 1981 to an average of 53 495 tonnes in the first seven months of 1982; whereas from January to June 1982 approximately three-quarters of these imports originated in arrangement countries, whose exports have to respect strict minimum price levels; whereas the impact of the dumped imports from Brazil, which accounted for more than 62 % of imports from non-arrangement countries, has been isolated from these other factors;

Whereas, taking into account the already extremely difficult situation of the Community industry and the restructuring efforts being undertaken at present, the

Commission has reached the preliminary conclusion that the dumped imports originating in Brazil are causing or threatening to cause material injury to a Community industry ;

Whereas, in these circumstances and in order to prevent further injury being caused during the proceeding, the interests of the Community call for immediate intervention consisting in the imposition of a provisional anti-dumping duty ; whereas, having regard to the extent of injury caused, the rate of this duty should be equal to the dumping margin preliminarily established, due consideration being given to any reduction in value claimed by the importers and established to the satisfaction of the competent national authorities ;

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

MAKES THE FOLLOWING RECOMMENDATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on sheets and plates of iron or steel, not further worked than hot-rolled, of a thickness of 3 mm or more, falling within subheading 73.13 B I ex a) of the Common Customs Tariff and corresponding to NIMEXE codes 73.13-17, 19, 21 and 23, originating in Brazil.

2. The amount of the duty shall be 72,20 ECU per 1 000 kilograms net.

3. The duty shall, however, be reduced to the extent that the importer establishes, to the satisfaction of the competent national authorities, that the quality of

these products is inferior to the lowest quality described in the last publication of basic prices by the Commission.

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

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

Article 2

1. Without prejudice to Article 7 (4) (b) and (c) of recommendation No 3018/79/ECSC, the parties concerned may make known their views and apply to be heard orally by the Commission within a month of the entry into force of this recommendation.

2. Subject to Articles 11, 12 and 14 of recommendation No 3018/79/ECSC, this recommendation shall be applicable for a period of four months, unless the Commission adopts definitive measures before the expiry of that period.

Article 3

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

Done at Brussels, 14 February 1983.

For the Commission

Étienne DAVIGNON

Vice-President

COMMISSION REGULATION (EEC) No 377/83**of 16 February 1983****fixing the maximum export refund for raw sugar for the 23rd partial invitation to tender issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2013/82**

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2013/82 of 20 July 1982 on a principal standing invitation to tender in order to determine levies and/or refunds on exports of raw sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2013/82, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 23rd partial invitation to

tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 23rd partial invitation to tender for raw sugar issued under Regulation (EEC) No 2013/82 is hereby fixed at 33,248 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 17 February 1983.

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

Done at Brussels, 16 February 1983.

For the Commission

Poul DALSAER

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 216, 24. 7. 1982, p. 10.

COMMISSION REGULATION (EEC) No 378/83**of 16 February 1983****fixing the maximum export refund for the 29th partial invitation to tender for white sugar issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2014/82**

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2014/82 of 20 July 1982 on a principal standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2014/82, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 29th partial invitation to

tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 29th partial invitation to tender for white sugar issued under Regulation (EEC) No 2014/82 is hereby fixed at 36,140 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 17 February 1983.

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

Done at Brussels, 16 February 1983.

For the Commission

Poul DALSAGER

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 216, 24. 7. 1982, p. 15.

COMMISSION DECISION No 379/83/ECSC

of 16 February 1983

fixing the rates of abatement for the second quarter of 1983 in accordance with Decision No 1696/82/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 1696/82/ECSC of 30 June 1982 on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry ⁽¹⁾, and in particular Article 9 (1) thereof,

Whereas the rates of abatement in respect of certain products must be fixed for the second quarter of 1983;

On the basis of studies carried out with undertakings and associations of undertakings,

HAS ADOPTED THIS DECISION:

Article 1

The rates of abatement for the establishment of production quotas for the second quarter of 1983 shall be as follows:

category Ia :	49,
category Ib :	45,
category Ic :	24,
category Id :	+ 23,
category IV :	39,
category V :	46,
category VI :	41.

The rates of abatement for the establishment of the part of the production quotas which may be delivered in the common market shall be as follows:

category Ia :	47,
category Ib :	40,
category Ic :	27,
category Id :	22,
category IV :	42,
category V :	52,
category VI :	48.

Article 2

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

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

Done at Brussels, 16 February 1983.

For the Commission

Étienne DAVIGNON

Vice-President

⁽¹⁾ OJ No L 191, 1. 7. 1982, p. 1.

COMMISSION REGULATION (EEC) No 380/83**of 16 February 1983****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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 syrups and certain other sugar products were fixed by Regulation (EEC) No 244/83⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 244/83 to the infor-

mation known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION :

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to Regulation (EEC) No 244/83, are hereby altered to the amounts shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 February 1983.

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

Done at Brussels, 16 February 1983.

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 30, 1. 2. 1983, p. 27.

ANNEX

to the Commission Regulation of 16 February 1983 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

CCT heading No	Description	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
17.02	Other sugars in solid form ; sugar syrups, not containing added flavouring or colouring matter ; artificial honey, whether or not mixed with natural honey ; caramel :		
	C. Maple sugar and other syrup	0,4008	—
	D. Other sugars and syrups (other than lactose, glucose and malto-dextrine) :		
	I. Isoglucose	—	50,52
	ex II. Other	0,4008	—
	E. Artificial honey, whether or not mixed with natural honey	0,4008	—
	F. I. Caramelized sugar and molasses containing, in the dry state, 50 % or more by weight of sucrose	0,4008	—
21.07	Food preparations not elsewhere specified or included :		
	F. Flavoured or coloured sugar syrups :		
	III. Isoglucose	—	50,52
	IV. Other	0,4008	—

COMMISSION REGULATION (EEC) No 381/83
of 16 February 1983
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 361/83⁽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 Regu-
lation (EEC) No 1785/81 shall be, in respect of white
sugar and standard quality raw sugar, as set out in the
Annex hereto.

Article 2

This Regulation shall enter into force on 17 February
1983.

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

Done at Brussels, 16 February 1983.

For the Commission

Poul DALSAGER

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 43, 15. 2. 1983, p. 18.

ANNEX

**to the Commission Regulation of 16 February 1983 fixing the import levies on white sugar
and raw sugar**

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	40,08
	B. Raw sugar	36,12 ⁽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.

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