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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2089/84

of 19 July 1984

imposing a definitive anti-dumping duty on imports of certain ball bearings originating in Japan and Singapore

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3017/79 of 20 December 1979 on protection against
dumped or subsidized imports from countries not
members of the European Community ⁽¹⁾, as amended
by Regulation (EEC) No 1580/82 ⁽²⁾, and in particular
Article 12 thereof,

Having regard to the proposal submitted by the
Commission after consultations within the Advisory
Committee as provided for under the above Regula-
tion,

Whereas :

A. Provisional action

- (1) The Commission, by Regulation (EEC) No
744/84 ⁽³⁾, imposed a provisional anti-dumping
duty on imports of single-row deep-groove radial
ball bearings with greatest external diameter not
more than 30 mm, originating in Japan and
Singapore.

B. Subsequent procedures

- (2) Following the imposition of the provisional anti-
dumping duty, all parties involved in the investi-
gations leading to the preliminary determinations
requested and were granted on opportunity to be
heard by the Commission and also presented
written submissions making known their views
on the duty.
- (3) The same parties also requested to be informed of
certain facts and essential considerations on the

basis of which it was intended to recommend
definitive action and these requests were granted.

- (4) In addition to the investigations leading to pre-
liminary determinations, the Commission carried
out an investigation at the premises of NMB Italia
Srl, Barreggio, Italy.
- (5) Within the time limit laid down by Article 3 of
Regulation (EEC) No 744/84, nine Japanese
manufacturers of the ball bearings in question
who, in their own estimation, were of minor
importance and who had not reacted to the notice
of initiation of the anti-dumping proceeding
made themselves known to the Commission.
They all requested to be exempted from anti-
dumping measures and were given, where appro-
priate, the opportunity to make known their
views orally. None of them availed itself of this
opportunity.
- (6) Four of the manufacturers, namely :
 - Inoue Jikuuke Kogyo Co. Ltd, Osaka,
 - SMT Nankai Seiko Co. Ltd, Osaka,
 - ISC NSK Micro Precision Co. Ltd, Tokyo,
 - Kitanihon Seiko Co. Ltd, Ashihetsu,
 claimed not to be exporting to the Community
and were, therefore, not investigated.
- (7) Three of these manufacturers, namely :
 - MMM Matsuo Bearing Co. Ltd, Osaka,
 - Izumoto Seiko Co. Ltd, Osaka,
 - WTW Wada Seiko Co. Ltd, Osaka,
 claiming to have exported to the Community
during the period investigated, submitted written
information to the Commission. This was
examined but found to be incomplete.
- (8) Two of these manufacturers, namely :
 - Tottori Yamakei Bearing Ltd, Seisakusho,
 - TOK Bearing Co. Ltd, Tokyo,
 did not submit any information within the time
limit laid down and therefore had to be
disregarded.

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 178, 22. 6. 1982, p. 9.

⁽³⁾ OJ No L 79, 23. 3. 1984, p. 8; corrigendum published in
OJ No L 86, 29. 3. 1984, p. 31.

- (9) An additional Japanese manufacturer, Asahi Seiko Co., Osaka, made itself known outside the time limit laid down.
- (10) Two importers of the ball bearings in question namely :
- Kugellager Fiedler, Seevetal, Germany,
 - Findling Wälzlager, Karlsruhe, Germany,
- made their views duly known to the Commission either in writing or orally.

C. Normal value

JAPAN

- (11) Normal value was finally determined on the basis of the average price paid by unrelated purchasers on the domestic market. In those cases where the producer/exporter sold both directly to these purchasers and through wholly-owned or controlled sales companies, the combined weighted average of sales prices to unrelated purchasers was, with one exception in unusual circumstances, taken.

SINGAPORE

- (12) Normal value for exports by the Minebea group was finally established on the basis of the method adopted for the provisional determination i.e. by using the only cost of production data available from the Minebea group in spite of continuing reservations as to its appropriateness.
- (13) The Minebea group requested that special consideration be given in respect of one of its production units in an expansion phase. It was claimed that, for the establishment of normal value, cost of production data pertaining to a period subsequent to that under investigation should be used because then costs per piece were lower due to increased capacity and improved capacity utilization. Furthermore it was claimed that, contrary to Article 2 (3) (b) (ii) of Council Regulation (EEC) No 3017/79, no profit element should have been incorporated in the constructed normal value since, given the circumstances, profitable sales were not expected to be made during the expansion period.
- (14) While Community producers and other foreign exporters have to accept normal competition from other producers enjoying comparative advantages, this request had to be refused because *inter alia* :
- (i) neither Article VI of the GATT nor the GATT Anti-Dumping Code nor yet Regulation (EEC) No 3017/79 provide for a different

set of rules to be applied to exporters in a start-up or expansion phase ;

- (ii) more favourable treatment to one exporter would constitute a discrimination against others which are not in a start-up or expansion phase ;
- (iii) producers who have only recently invested and who have not yet reached their expected economies of scale should not engage in 'pre-emptive pricing', i.e. selling below both their current normal value and the prices charged by the Community industry, on a scale large enough to cause material injury, whether to try to generate future economies of scale, or to break into and capture part of the Community market, or for any other purpose.

It has therefore been decided that no deviation from the period of investigation adopted for all other aspects of the dumping determination should be made and that, as in all other cases under Regulation (EEC) No 3017/79, a reasonable profit margin should be taken into consideration for the determination of normal value pursuant to Article 2 (3) (b) (ii).

- (15) The Commission had, for the imposition of the provisional duty, considered a profit margin of 6 % to be reasonable for the computation of the constructed normal value. The Community industry submitted that, for Singapore, a minimum profit margin of 8 % before tax is necessary to allow for re-investment. The Minebea group claimed, for its other production unit in Singapore, that a profit margin of 6,56 % should be applied. In view of this and other profits realized by the Minebea group, a profit margin of 6 % for both production units is considered to be reasonable.

D. Dumping margins

- (16) Dumping margins were finally established by comparing the normal value determined as described under paragraph 11 above with export prices on a transaction-by-transaction method, exports at identical prices being grouped together, taking into consideration new evidence submitted by all the parties mentioned in paragraph 2 above.
- (17) In this context some exporters maintained that the method described under paragraph 16 did not take account of the fact that dumping in some cases was compensated by 'negative' dumping in others, i.e. by those transactions where the export price exceeds the normal value. It was further maintained that the Commission unjustifiably applied a method different from that used in

previous anti-dumping proceedings concerning imports of ball bearings originating in Japan and that this method did not take account of the fact that sales of different quantities were involved.

- (18) Since the first anti-dumping proceedings concerning ball bearings, the Commission has been well aware of the phenomenon of 'negative' dumping which not only occurs in respect of different transactions within a specific type of this product but also between different types. At that time it was already argued that 'negative' dumping margins should compensate for positive margins which, as a result, would have allowed for dumping to continue on a substantial scale. In order to clarify the situation, the Council, by Regulation (EEC) No 1681/79⁽¹⁾, modified the then existing legislation by laying down that the dumping margin was the amount by which the normal value exceeded the export price, thus ruling out the concept of a 'negative' dumping margin.

A comparison of the normal value with a weighted average export price, comprising dumped and non-dumped sales, would be in contradiction with the Council's amendment of the Community's anti-dumping legislation. Therefore, it has been a consistent practice of the Commission not to use weighted average export prices for the determination of the dumping margin, except in cases where, for administrative reasons, it was not considered feasible to employ the transaction-by-transaction method or where the averaging of export prices would have had no effect on the overall outcome of the proceedings. It is correct that in former ball bearings proceedings, the application of the transaction-by-transaction method was considered to be neither feasible for foreign exporters nor for the Commission services because of the numerous individual sales transactions involved. However, experience has shown in the meantime that, in view of, *inter alia*, the technological progress made in office equipment and systems, this method is feasible.

As to the problem of quantities involved, the Regulation lays down certain conditions for quantity adjustments and places the burden of proof on each interested party claiming an allowance. Although criticism was levelled at the method adopted by the Commission, no duly justified claim for an allowance was made. In fact, the investigation revealed that, on the Japanese market, transactions or long-term contracts were individually negotiated and that the quantities

involved, big or small, constituted only one factor amongst several in the determination of the price. It was established that there existed no quantity discount scheme within the meaning of Article 2 (10) (b), nor were savings in costs, due to large volume sales, even claimed.

- (19) One exporter, NTN Toyo Bearing Co. Ltd, in the course of the investigation leading to the preliminary determination, had refused verification of certain information relating to one of its subsidiaries in the Community. In consequence, the Commission had based its preliminary determination on the best evidence available. Following the imposition of the provisional duty, NTN Toyo Bearing Co. Ltd, allowed verification to take place. The data thus verified resulted in a reduced dumping margin. No other factor contributed to this reduction.
- (20) Consequently, the preliminary determinations are modified as follows:

JAPAN

— Koyo Seiko Co. Ltd	4,03 %
— Minebea Co. Ltd,	10,91 %
— Nachi-Fujikoshi Corp.	9,65 %
— Nippon Seiko KK	14,71 %
— NTN Toyo Bearing Co. Ltd	11,97 %

SINGAPORE

— Koyo Seiko Co. Ltd	29,77 %
— Minebea Co. Ltd	33,89 %

E. Injury

- (21) No fresh evidence regarding injury to the Community industry has been submitted. The Commission has therefore confirmed the conclusions on injury reached in Regulation (EEC) No 744/84. In the Commission's view, the facts as finally determined show that the injury being caused by dumped imports of single-row deep-groove radial ball bearings with greatest external diameter not more than 30 mm originating in Japan and Singapore, taken in isolation from that caused by other factors, has to be considered as material.

F. Community interest

- (22) No Community purchaser of the said ball bearings has reacted to the proceedings within the time limit laid down in Article 3 of Regulation (EEC) No 744/84.

⁽¹⁾ OJ No L 196, 2. 8. 1979, p. 1.

- (23) The Council has considered the interest of the Community. In view of the particularly serious difficulties facing the Community industry, its economic, social and strategic importance and the relatively low incidence of a price increase on manufactured goods, the Council has come to the conclusion that it is in the Community's interest that action be taken. In these circumstances, protection of the Community's interest calls for the imposition of a definitive anti-dumping duty on imports of single-row deep-groove radial ball bearings with greatest external diameter not more than 30 mm originating in Japan and Singapore.

G. Undertakings

- (24) All exporters against which an individual provisional anti-dumping duty had been imposed offered price undertakings. However, after consultation, it was decided that these undertakings were not acceptable because past experience with price undertakings in the ball bearings sector has shown that undertakings, even if generally respected, do not constitute a satisfactory solution, seem likely to cause controversy and are difficult to monitor, thereby requiring a considerable amount of time and expense.

H. Definitive duty and collection of provisional duty

- (25) Two exporters claimed that an imposition of a definitive duty and the collection of the amounts secured by way of provisional duty would be illegal in view of the fact that — as they claimed — they had increased their sales prices on the Community market without, however, in the case of one exporter, giving an exact amount of the increase. This claim had to be refused because it referred to an event which has allegedly occurred after the end of the reference period. When investigating, the Commission decides on a so-called investigation period (see paragraph 10 of Regulation (EEC) No 744/84), for which the dumping margin is established. Where preliminary examination shows that dumping exists and that there is sufficient evidence of injury caused thereby and the interests of the Community call for immediate intervention, a provisional duty may be imposed. After the imposition of this duty the facts are finally established and account is taken of comments submitted by interested parties. The final determination of the facts, however, always refers to the investigation period; for the purposes of definitive anti-dumping measures developments which occurred after the imposition of the provisional duty have to be ignored, just as developments between the end of the

investigation period and the date of imposition of the provisional duty have to be ignored. Any other method would render an investigation virtually permanent, allow exporters to manipulate the results by short-lived price increases and is warranted neither by Regulation (EEC) No 3017/79 nor the GATT.

For many years it has been the Community's standard and unchallenged practice not to deviate from the investigation period unless the circumstances were exceptional and did not necessitate further lengthy investigations. The claim to have increased prices is not such an exceptional circumstance, because it is not unusual for an exporter whose goods are subject to an anti-dumping duty to increase his sales prices, especially when the importer is related to the exporter.

In addition, if anti-dumping duties were automatically removed or never definitively imposed when higher export prices are claimed by the exporter to have been achieved, there would be no guarantee that dumping would not be resumed. In fact, the structure of the anti-dumping legislation does not provide for an exemption of duties or a non-collection of the amounts secured by way of provisional anti-dumping duties in such cases as claimed but provides for a refund procedure.

Furthermore, the evidence submitted by one exporter to support the general claim of an unspecified price increase is incomplete. In view of the results of the investigation carried out at the premises of the two exporters in question, there are in fact serious doubts as to the correctness of the claim. These doubts are confirmed by the fact that one refund application under Article 15 of Regulation (EEC) No 3017/79 has been made, in which dumping at a rate of 13,23 % during the period between the imposition of the provisional duty and 31 May 1984 is explicitly admitted.

- (26) In the case of exports from Singapore by Koyo Seiko, it has been established that following the termination of an arrangement with a Singaporean producer, exports by Koyo Seiko, Singapore have ceased. It is therefore not necessary to impose an individual duty on this exporter.
- (27) In the light of all the above findings, the rates of definitive anti-dumping duty should be lower than those of the provisional anti-dumping duty with the exception of exports from Japan by Minebea.
- (28) The amounts secured by way of provisional anti-dumping duties should be collected to a maximum of the duty definitively imposed,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of single-row deep-groove radial ball bearings with greatest external diameter not more than 30 mm, falling within heading No ex 84.62 of the Common Customs Tariff, corresponding to NIMEXE code ex 84.62-01 and originating in Japan and Singapore.

2. The rates of the anti-dumping duty shall be as set out below expressed as a percentage of the price net, free-at-Community-frontier, before duty.

<i>Manufacturers/exporters</i>	<i>Rate of anti-dumping duty</i>
JAPAN	
— Koyo Seiko Co. Ltd	4,03 %,
— Minebea Co. Ltd	10,91 %,
— Nachi-Fujikoshi Corp.	9,65 %,
— Nippon Seiko KK	14,71 %,
— NTN Toyo Bearing Co. Ltd	11,97 %,
— Others	14,71 %.

SINGAPORE

— Minebea Co. Ltd	33,89 %,
— Others	33,89 %.

3. The provisions in force with regard to customs duties shall apply to the said duty.

Article 2

The sums secured by way of provisional anti-dumping duty under Regulation (EEC) No 744/84 shall be definitively collected up to a maximum of the respective rates of the definitive anti-dumping duty.

Article 3

This Regulation shall enter into force on the 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, 19 July 1984.

For the Council

The President

J. O'KEEFFE

COMMISSION REGULATION (EEC) No 2090/84

of 20 July 1984

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84⁽²⁾, and in particular
Article 13 (5) thereof,

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy⁽³⁾, as last amended by Regulation (EEC)
No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 2157/83⁽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
19 July 1984; whereas, moreover, the coefficient
referred to in Article 2b of Regulation (EEC) No
974/71, as last amended by Regulation (EEC) No
855/84, has been applied with respect to durum
wheat;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2157/83 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 21 July 1984.

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

Done at Brussels, 20 July 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, 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 206, 30. 7. 1983, p. 47.

ANNEX

to the Commission Regulation of 20 July 1984 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	101,43
10.01 B II	Durum wheat	127,50 ⁽¹⁾ ⁽⁵⁾
10.02	Rye	109,15 ⁽⁶⁾
10.03	Barley	93,80
10.04	Oats	64,45
10.05 B	Maize, other than hybrid maize for sowing	50,73 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	0 ⁽⁴⁾
10.07 C	Grain sorghum	97,05 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	157,82
11.01 B	Rye flour	168,59
11.02 A I a)	Durum wheat groats and meal	211,29
11.02 A I b)	Common wheat groats and meal	167,33

⁽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 2091/84
of 20 July 1984

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 1018/84⁽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 2158/83⁽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 19 July 1984; whereas, moreover, the coefficient referred to in Article 2b of Regulation (EEC) No 974/71, as last amended by Regulation (EEC) No 855/84, has been applied with respect to durum wheat;

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 21 July 1984.

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

Done at Brussels, 20 July 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, 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 206, 30. 7. 1983, p. 50.

ANNEX

to the Commission Regulation of 20 July 1984 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 7	1st period 8	2nd period 9	3rd period 10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	2,45	2,45	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	4,93
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	10,56	10,56	16,64
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	5,74
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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	8,78	8,78
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	6,56	6,56
11.07 B	Roasted malt	0	0	0	7,64	7,64

COMMISSION REGULATION (EEC) No 2092/84
of 19 July 1984

fixing the sluice-gate prices and levies on pigmeat

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2759/75 of 29 October 1975 on the common organi-
zation of the market in pigmeat ⁽¹⁾, as last amended by
Regulation (EEC) No 2966/80 ⁽²⁾, and in particular
Articles 8 and 12 (1) thereof,

Whereas a levy fixed quarterly in advance must be
charged on imports into the Community for the
products specified in Article 1 (1) of Regulation (EEC)
No 2759/79; whereas levies were last fixed by
Commission Regulation (EEC) No 1070/84 of 17
April 1984 ⁽³⁾ for the period 1 May to 31 July 1984
and levies must therefore be fixed anew for the period
1 August to 31 October 1984;

Whereas the levy on pig carcasses is made up of two
components;

Whereas the first component must be equal to the
difference between prices within the Community and
on the world market for the quantity of feed grain
specified in Article 1 of Council Regulation (EEC) No
2764/75 of 29 October 1975 laying down the rules for
calculating a component of the levy on pig carcasses ⁽⁴⁾,
as last amended by Regulation (EEC) No 2791/82 ⁽⁵⁾,
the composition whereof is indicated therein;

Whereas the value within the Community for that
quantity of feed grain must be determined in accor-
dance with Article 2 of Regulation (EEC) No 2764/75;
whereas the value for the like quantity on the world
market must be determined in accordance with Article
3 thereof;

Whereas the said Article 3 provides that the prices for
each type of feed grain on the world market shall be
equal to the average of the cif prices of such cereal;
whereas the cif prices shall be determined for the

period of five months ending one month before the
quarter in respect of which the said component is
calculated; whereas that period is 1 February to 30
June 1984;

Whereas the second component must be equal to 7 %
of the average of the sluice-gate prices applicable for
the four quarters to 1 May in each year;

Whereas the levies on the products specified in Article
1 (1) (a) and (b) of Regulation (EEC) No 2759/75 other
than pig carcasses must be derived from the levy on pig
carcasses on the basis of the coefficients fixed for such
products pursuant to Article 10 (4) of Regulation (EEC)
No 2759/75 in Annex I to Commission Regulation
(EEC) No 3602/82 of 21 December 1982 fixing coeffi-
cients for calculating levies on pigmeat products other
than pig carcasses, amending the Annex to Council
Regulation (EEC) No 950/68 on the Common
Customs Tariff and repealing Regulation (EEC) No
747/79 ⁽⁶⁾;

Whereas the levies on the products specified in Article
1 (1) (c) of Regulation (EEC) No 2759/75 are made up
of two components;

Whereas the first component must be derived from
the levy on pig carcasses on the basis of the coefficients
fixed in Annex II to Regulation (EEC) No 3602/82;

Whereas the second component must be equal to
7 %, and for products falling within heading No ex
16.02 of the Common Customs Tariff, to 10 %, of the
average offer prices for imports during the 12 months
to 1 May; whereas these averages should be deter-
mined bearing in mind all the information available
relating to imports into the Community from third
countries, taking into account the representative
character of prices;

Whereas, in the case of products falling within sub-
headings 02.01 B II c) 1 to 7, 15.01 A I, 16.01 A and
16.02 A II of the Common Customs Tariff, in respect
of which the rate of duty has been bound with GATT,
the levies must not exceed the amount resulting from
that binding;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 307, 18. 11. 1980, p. 5.

⁽³⁾ OJ No L 105, 18. 4. 1984, p. 12.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 21.

⁽⁵⁾ OJ No L 295, 21. 10. 1982, p. 4.

⁽⁶⁾ OJ No L 376, 31. 12. 1982, p. 23.

Whereas, for pig carcasses and other products referred to in Article 1 of Council Regulation (EEC) No 2766/75 of 29 October 1975 establishing the list of products for which sluice-gate prices are to be fixed and laying down the rules for fixing the sluice-gate price for pig carcasses ⁽¹⁾, as last amended by Regulation (EEC) No 1905/83 ⁽²⁾, the sluice-gate prices must be fixed in advance for each quarter; whereas sluice-gate prices were last fixed by Regulation (EEC) No 1070/84 for the period 1 May to 31 July 1984 and prices must therefore be fixed anew for the period 1 August to 31 October 1984;

Whereas the sluice-gate price for pig carcasses is made up of three components;

Whereas the first component must be equal to the value on the world market of the quantity of feed grain equivalent to the quantity of feedingstuffs required for the production in third countries of one kilogram of pigmeat, such quantity being composed as provided in Article 2 (1) of Regulation (EEC) No 2766/75;

Whereas the value of that quantity of grain must be determined in accordance with Article 2 (2) and (3) of Regulation (EEC) No 2766/75;

Whereas the said Article 2 provides that the price for each cereal on the world market shall be equal to the average of the cif prices of such cereal; whereas the cif prices shall be determined for the period of five months ending one month before the quarter in respect of which the said amount is calculated; whereas that period is 1 February to 30 June 1984;

Whereas the second component, which represents the extra cost, in relation to feed grain of feedingstuffs other than grain required for the production of one kilogram of pigmeat, shall, in accordance with Article 3 (1) of Regulation (EEC) No 2766/75, be 15 % of the value of the quantity of feed grain;

Whereas the third amount, which represents overhead costs of production and marketing, shall, in accor-

dance with Article 3 (2) of Regulation (EEC) No 2766/75, be 38.69 ECU per 100 kilograms of pig carcasses;

Whereas the sluice-gate prices of products referred to in Article 1 of Regulation (EEC) No 2766/75, other than pig carcasses, must be derived from the sluice-gate price for pig carcasses on the basis of the coefficients laid down by Regulation (EEC) No 3602/82;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 August to 31 October 1984 the levies provided for in Article 8 of Regulation (EEC) No 2759/75 for the products referred to in Article 1 (1) thereof and the sluice-gate prices provided for in Article 12 thereof for the products referred to in Article 1 of Regulation (EEC) No 2766/75 shall be as set out in the Annex hereto.

2. Nevertheless, in the case of products falling within subheadings 02.01 B II c) 1 to 7, 15.01 A I, 16.01 A and 16.02 A II of the Common Customs Tariff, in respect of which the rate of duty has been bound within GATT, the levy shall not exceed the amount resulting from that binding.

Article 2

This Regulation shall enter into force on 1 August 1984.

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

Done at Brussels, 19 July 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 25.

⁽²⁾ OJ No L 190, 14. 7. 1983, p. 1.

CCT heading No	Description	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
01.03	Live swine : A. Domestic species : II. Other : a) Sows having farrowed at least once, of a weight of not less than 160 kg b) Other	 100,36 118,01	 26,04 30,62	 — —
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04, fresh, chilled or frozen : A. Meat : III. Of Swine : a) Of domestic swine : 1. Whole carcasses or half carcasses 2. Legs and parts thereof 3. Fore-ends or shoulders ; parts thereof 4. Loins and parts thereof 5. Bellies and parts thereof 6. Other : aa) Boned or boneless bb) Other B. Offals : II. Other : c) Of domestic swine : 1. Heads and parts thereof 2. Feet or tails 3. Kidneys 4. Livers 5. Hearts, tongues or lungs 6. Livers, hearts, tongues and lungs with windpipe and gullet all attached 7. Other	 153,46 222,51 171,87 248,60 133,51 248,60 — — — — — — — — — —	 39,82 57,74 44,60 64,51 34,64 64,51 64,51 12,74 3,58 41,81 48,18 23,89 35,04 35,04	 — — — — — — — 4 4 4 7 4 4 4
02.05	Pig fat free of lean meat and poultry fat (not rendered or solvent-extracted), fresh, chilled, frozen, salted, in brine, dried or smoked : A. Subcutaneous pig fat : I. Fresh, chilled, frozen, salted or in brine II. Dried or smoked B. Other pig fat	 61,38 67,52 —	 15,93 17,52 9,56	 — — —

CCT heading No	Description	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
02.06	Meat and edible meat offals (except poultry liver), salted, in brine, dried or smoked :			
	B. Of domestic swine :			
	I. Meat :			
	a) Salted or in brine :			
	1. Bacon sides or spencers	196,43	50,97	—
	2. ¼ sides or middles	214,84	55,75	—
	3. Hams and parts thereof	222,51	57,74	—
	4. Fore-ends or shoulders ; parts thereof	171,87	44,60	—
	5. Loins and parts thereof	248,60	64,51	—
	6. Bellies and parts thereof	133,51	34,64	—
	7. Other :			
	aa) Boned or boneless	248,60	64,51	—
	bb) Other	—	64,51	—
	b) Dried or smoked :			
	1. Hams and parts thereof	432,75	112,29	—
	2. Fore-ends or shoulders ; parts thereof	340,68	88,40	—
	3. Loins and parts thereof	428,15	111,09	—
	4. Bellies and parts thereof	222,51	57,74	—
	5. Other :			
	aa) Boned or boneless	432,75	112,29	—
	bb) Other	—	112,29	—
	II. Offals :			
	a) Heads and parts thereof	—	12,74	—
	b) Feet or tails	—	3,58	—
	c) Kidneys	—	41,81	—
	d) Livers	—	48,18	—
	e) Hearts, tongues or lungs	—	23,89	—
	f) Livers, hearts, tongues and lungs with windpipe and gullet all attached	—	35,04	—
	g) Other	—	35,04	—
15.01	Lard, other pig fat and poultry fat, rendered or solvent extracted :			
	A. Lard and other pig fat :			
	I. For industrial uses other than the manufacture of foodstuffs for human consumption (a)	—	12,74	3
	II. Other	49,11	12,74	—
16.01	Sausages and the like, of meat, meat offal or animal blood :			
	A. Liver sausages	—	72,25	24
	B. Other (b) :			
	I. Sausages, dry or for spreading, uncooked	360,63	126,27	—
	II. Other	—	86,61	—

CCT heading No	Description	Sluice-gate price (ECU/100 kg)	Amount of levies (ECU/100 kg)	Conventional rate of duty bound within GATT (%)
16.02	Other prepared or preserved meat or meat offal :			
	A. Liver :			
	II. Other	—	90,36	25
	B. Other :			
	III. Other :			
	a) Containing meat or offal of domestic swine :			
	1. Containing bovine meat, uncooked	—	176,27	—
	2. Other, containing by weight :			
	aa) 80 % or more of meat or offal, of any kind, including fats of any kind or origin :			
	11. Hams or loins, (excluding collars); parts thereof	375,97	139,15	—
	22. Collars or shoulders ; parts thereof	314,59	115,23	—
	33. Other	—	74,65	—
	bb) 40 % or more but less than 80 % of meat or offal, of any kind, including fats of any kind or origin	—	66,50	—
	cc) Less than 40 % of meat or offal, of any kind, including fats of any kind or origin	—	50,08	—

(a) Entry under this subheading is subject to conditions to be determined by the competent authorities.

(b) The levy on sausages imported in containers which also contain preserving liquid shall be charged on the net weight, i. e. minus the weight of the liquid.

COMMISSION REGULATION (EEC) No 2093/84**of 19 July 1984****on the analytical procedures to be used in determining the dry matter, fatty matter and sugar content of certain ordinary bakers' wares falling within heading No 19.07 of the Common Customs Tariff**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 803/80⁽²⁾ provides that ordinary bakers' wares containing not more than 5 % by weight, calculated on the dry product, of either fats or sugars (determined and expressed as glucose after inversion) shall fall within Common Customs Tariff heading No 19.07;

Whereas, in order to ensure uniform application of the nomenclature of the Common Customs Tariff, it is necessary to adopt provisions concerning the analytical procedures to be used in determining the characteristics of the products covered by Regulation (EEC) No 803/80;

Whereas the studies carried out and additional research results indicate that the following analytical procedures are appropriate:

- dry matter: to be determined by drying a representative sample to constant mass at 103 ± 2 °C,
- fatty matter: to be determined after hydrolysis by hydrochloric acid. Substances which can be extracted with petroleum ether after that hydrolysis shall be regarded as fatty matter,
- sugar content: to be determined, after inversion, in accordance with Method 6 (Luff-Schoorl method)

of Annex II to Commission Directive 79/796/EEC⁽³⁾. An enzymatic method shall be employed for inversion which ensures that only sucrose is inverted;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Common Customs Tariff Nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The analytical characteristics referred to in Regulation (EEC) No 803/80 shall be determined by means of the procedures set out below:

- dry matter content: to be determined by drying a representative sample to constant mass at 103 ± 2 °C,
- fatty matter content: to be determined after hydrolysis by hydrochloric acid. Substances which can be extracted with petroleum ether after that hydrolysis shall be regarded as fatty matter,
- sugar content content: to be determined, after inversion, in accordance with Method 6 (Luff-Schoorl method) of Annex II to Directive 79/796/EEC. An enzymatic method shall be employed for inversion which ensures that only sucrose is inverted.

Article 2

This Regulation shall enter into force on the 21st 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, 19 July 1984

For the Commission

Karl-Heinz NARJES

Member of the Commission

⁽¹⁾ OJ No L 14, 21. 1. 1969, p. 1.

⁽²⁾ OJ No L 87, 1. 4. 1980, p. 55.

⁽³⁾ OJ No L 239, 22. 9. 1979, p. 24.

COMMISSION REGULATION (EEC) No 2094/84**of 20 July 1984****derogating from Council Regulation (EEC) No 1134/68 laying down rules for the implementation of Regulation (EEC) No 653/68 on conditions for alterations to the value of the unit of account used for the common agricultural policy**

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 1018/84⁽²⁾, and in particular Article 16 thereof,

Having regard to Council Regulation (EEC) No 1134/68 of 30 July 1968 laying down rules for the implementation of Regulation (EEC) No 653/68 on conditions for alterations to the value of the unit of account used for the common agricultural policy⁽³⁾, and in particular Article 4 thereof,

Having regard to Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture⁽⁴⁾, and in particular Article 4 (1) and (3) and Article 6 thereof,

Whereas Article 4 (1) of Regulation (EEC) No 1134/68 provides that, in the case of an alteration in the relationship between the parity of the currency of a Member State and the value of the unit of account, an adjustment is to be made to the amounts, specified in units of account, appearing in national currency on documents or certificates;

Whereas Article 4 (1) and (3) of Regulation (EEC) No 1223/83 authorizes the Commission to derogate from the provisions of Regulation (EEC) No 1134/68;

Whereas invitations to tender for the export of common wheat and barley in the 1984/85 marketing year have been opened by Commission Regulation

(EEC) No 1446/84⁽⁵⁾, Commission Regulation (EEC) No 1447/84⁽⁶⁾ and Commission Regulation (EEC) No 1604/84⁽⁷⁾; whereas, in the context of these invitations to tender, the refunds are to be fixed so as to allow export no earlier than 1 August 1984; whereas the refunds fixed in June and July 1984 are accordingly based on the new calculation factors for the 1984/85 marketing year, in particular the new parities for the unit of account against the currencies of the Member States which are valid for cereals from 1 July 1984 in the case of Greece and 1 August 1984 in the case of the other Member States; whereas it should therefore be made clear that Article 4 (1) of Regulation (EEC) No 1134/68, providing for an adjustment of the amounts shown on documents and certificates, will not apply because the new factors for calculating refunds have already been taken into account;

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

HAS ADOPTED THIS REGULATION:

Article 1

In respect of the refunds fixed in advance before 1 August 1984 in connection with the invitations to tender for the export of common wheat and barley opened by Regulations (EEC) No 1446/84, (EEC) No 1447/84 and (EEC) No 1604/84, the provisions of Article 4 (1) of Regulation (EEC) No 1134/68 shall not apply.

Article 2

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 188, 1. 8. 1968, p. 1.

⁽⁴⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁵⁾ OJ No L 140, 26. 5. 1984, p. 9.

⁽⁶⁾ OJ No L 140, 26. 5. 1984, p. 12.

⁽⁷⁾ OJ No L 152, 8. 6. 1984, p. 36.

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

Done at Brussels, 20 July 1984.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2095/84**of 20 July 1984****fixing the weighting coefficients to be used in calculating the Community market price for pig carcasses and repealing Regulation (EEC) No 2105/83**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 2966/80⁽²⁾, and in particular Article 4 (6) thereof,

Whereas the Community market price for pig carcasses, as referred to in Article 4 (2) of Regulation (EEC) No 2759/75, must be established by weighting the prices recorded in each Member State by coefficients expressing the relative size of the pig population of each Member State; whereas these coefficients should be determined on the basis of the number of pigs counted at the beginning of December each year in accordance with Council Directive 76/630/EEC of 20 July 1976 concerning surveys of pig production to be made by the Member States⁽³⁾, as amended by Directive 79/920/EEC⁽⁴⁾;

Whereas, in view of the results of the census of December 1983, the weighting coefficients fixed by

Commission Regulation (EEC) No 2105/83⁽⁵⁾ should be adjusted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The weighting coefficients referred to in Article 4 (2) of Regulation (EEC) No 2759/75 shall be as specified in the Annex to this Regulation.

Article 2

Regulation (EEC) No 2105/83 is hereby repealed.

Article 3

This Regulation shall enter into force on 1 August 1984.

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

Done at Brussels, 20 July 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 307, 18. 11. 1980, p. 5.

⁽³⁾ OJ No L 223, 16. 8. 1976, p. 4.

⁽⁴⁾ OJ No L 281, 10. 11. 1979, p. 41.

⁽⁵⁾ OJ No L 204, 28. 7. 1983, p. 34.

*ANNEX***Weighting coefficients to be used in calculating the Community market price for pig carcasses**

Belgium	6,5
Denmark	11,4
Germany	29,7
France	14,2
Greece	1,5
Ireland	1,3
Italy	11,6
Luxembourg	0,1
Netherlands	13,9
United Kingdom	9,8

COMMISSION REGULATION (EEC) No 2096/84**of 20 July 1984****amending Regulation (EEC) No 1569/77 fixing the procedure and conditions for the taking over of cereals by intervention agencies**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Council Regulation (EEC) No 2731/75 of 29 October 1975 fixing standard qualities for common wheat, rye, barley, maize, sorghum and durum wheat⁽³⁾, as last amended by Regulation (EEC) No 1028/84⁽⁴⁾, and in particular Article 6 thereof,

Whereas the Council has decided to apply the common single intervention price to sorghum from the 1984/85 marketing year; whereas it has defined the standard quality for sorghum; whereas it is therefore necessary to amend Commission Regulation (EEC) No 1569/77⁽⁵⁾, as last amended by Regulation (EEC) No 42/84⁽⁶⁾, so as to define the procedure and conditions for the taking over of that cereal by intervention agencies;

Whereas the classification of damaged grains of cereals other than the basic cereal and of certain damaged grains of common wheat allowed in the percentage of mitadine grains of durum wheat, as defined in the Annex to Regulation (EEC) No 1569/77, gives rise to differences of interpretation on the part of the intervention agencies; whereas, to ensure uniform application of Regulation (EEC) No 1569/77, this matter should be clarified in order to dispel any ambiguity regarding its interpretation for the purpose of classifying the damaged grains in question;

Whereas under the second subparagraph of Article 3 (3) of Regulation (EEC) No 1569/77 the offer price is applied to quantities delivered during months when it is higher than the intervention price; whereas the purpose of this provision is to settle the difficulty of

offers made in the month of May for delivery in the month of June of the marketing year in progress;

Whereas where a lower intervention price is fixed for a marketing year than that applicable during the previous marketing year the old year's prices are, under the second subparagraph of Article 3 (3), payable for the new marketing year's cereals; whereas, in view of the existing intervention system cereals offered for intervention in the month of July should not involve cereals from the marketing year in progress; whereas provisions should be introduced to remedy this situation;

Whereas assessment of cereal quality in application of this Regulation must be made in accordance with the provisions of Commission Regulation (EEC) No 1908/84 of 4 July 1984 fixing the standard methods for determining the quality of cereals⁽⁷⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1569/77 is hereby amended as follows:

1. Article 1 is replaced by the following:

Article 1

Any holder of a homogeneous batch of not less than 80 tonnes of common wheat, rye, barley, maize or sorghum or 10 tonnes of durum wheat, harvested within the Community, shall be entitled to offer the batch to the intervention agency. However, the intervention agencies may fix a greater minimum tonnage.'

2. Article 2 (3) is replaced by the following:

'3. For the purposes of this Regulation, the definitions of matter other than basic cereals of unimpaired quality shall be those set out in the Annex to Council Regulation (EEC) No 2731/75 of 29

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 22.

⁽⁴⁾ OJ No L 107, 19. 4. 1984, p. 17.

⁽⁵⁾ OJ No L 174, 14. 7. 1977, p. 15.

⁽⁶⁾ OJ No L 5, 7. 1. 1984, p. 12.

⁽⁷⁾ OJ No L 178, 5. 7. 1984, p. 22.

October 1975 fixing standard qualities for common wheat, rye, barley, maize, sorghum and durum wheat, with the addition, as regards maize, of the definition set out in the first indent of Article 4 (c) and, as regards sorghum, that set out in the first indent of Article 4a (c) of that Regulation.'

3. The following Article 2a is inserted:

Article 2a

1. Grains of basic cereals and other cereals which are damaged, affected by ergot or decayed shall be classified as "miscellaneous impurities" even if they have defects which belong to other categories.

2. Grains of common wheat allowed in the percentage of mitadine grains of durum wheat shall be classified as "miscellaneous impurities" if they are damaged, affected by ergot or decayed.'

4. The following sentence is added to the second subparagraph of Article 3 (3):

'The price payable for deliveries made at the beginning of a marketing year on the basis of offers made during the last month of the previous mar-

keting year shall be that applicable on the day of delivery.'

5. The following paragraph 5 is added to Article 4:

'5. The costs relating to the determination of tannins in sorghum shall be borne by the seller.

In case of dispute the intervention agency shall again subject the sorghum in question to the necessary checks and the costs relating thereto shall be borne by the losing party.'

6. The Annex is replaced by the Annex to this Regulation.

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:

- from 1 July 1984 in the case of durum wheat,
- from 1 August 1984 in the case of the other cereals.

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

Done at Brussels, 20 July 1984.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX

	Durum wheat	Common wheat	Rye	Barley	Maize	Sorghum
A. Maximum moisture content ⁽¹⁾	from 14 to 16 %	from 14 to 16 %	from 14 to 16 %	from 14 to 16 %	from 14 to 16 %	from 14 to 16 %
B. Maximum percentage of matter which is not basic cereal of unimpaired quality	10 %	12 %	12 %	12 %	12 %	12 %
of which :						
1. broken grains	5 % ⁽²⁾	5 %	5 %	5 %	10 %	10 %
2. impurities consisting of grains	5 % ⁽²⁾	12 %	5 %	12 %	5 %	5 %
of which :						
(a) shrivelled grains		12 %		12 %		
(b) other cereals ⁽²⁾	3 %	} 5 %		} 5 %		
(c) grains damaged by pests						
(d) grains in which the germ is discoloured and mottled grains						
(e) grains overheated during drying	0,50 %	3 %	3 %	3 %	3 %	3 %
3. sprouted grains ⁽¹⁾	from 4 to 6 % ⁽²⁾	from 6 to 8 %	from 6 to 8 %	from 6 to 8 %	from 6 to 8 %	from 6 to 8 %
4. miscellaneous impurities (Schwarzbesatz)	3 %	3 %	3 %	3 %	3 %	3 %
of which :						
(a) extraneous seeds :						
— noxious	0,10 %	0,10 %	0,10 %	0,10 %	0,10 %	0,10 %
— other						
(b) damaged grains :						
— grains damaged by spontaneous heating or too extreme heating during drying	0,05 %					
— other						
(c) extraneous matter						
(d) husks						
(e) ergot	0,05 %	0,05 %	0,05 %	0,05 %	0,05 %	—
(f) decayed grains						
(g) dead insects and fragments of insects						
C. Maximum percentage of wholly or partially mitadine grains	50 %					
— of which maximum percentage of grains of common wheat	4 %					
D. Maximum tannin content						1 % ⁽³⁾
E. Minimum specific weight	76 kg/hl	from 72 to 68 kg/hl ⁽¹⁾	68 kg/hl	63 kg/hl		

⁽¹⁾ The maximum percentages and the minimum specific weight shall be fixed by the intervention agencies according to region and to harvest and storage conditions.

⁽²⁾ In the case of durum wheat, common wheat grains are excluded.

⁽³⁾ Percentage calculated on the dry matter. For the 1984/85 marketing year the maximum content shall be 1,5 %.

COMMISSION REGULATION (EEC) No 2097/84

of 20 July 1984

on payment of provisional financial compensation for dried grapes from the 1981 harvest

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 988/84⁽²⁾,

Having regard to Council Regulation (EEC) No 2194/81 of 27 July 1981 laying down the general rules for the system of production aid for dried figs and dried grapes⁽³⁾, as last amended by Regulation (EEC) No 2057/84⁽⁴⁾, and in particular Article 14 thereof,

Whereas Article 10 (3) of Regulation (EEC) No 2194/81 provides for financial compensation for dried figs and dried grapes purchased by storage agencies; whereas Article 9 of Commission Regulation (EEC) No 2425/81 of 20 August 1981 laying down detailed rules for the application of the system of aid for dried grapes and dried figs⁽⁵⁾, as last amended by Regulation (EEC) No 3334/83⁽⁶⁾, provides for the payment of financial compensation for the quantity of products sold;

Whereas the quantity remaining in stock attracts a storage aid pursuant to Article 10 (1) of Regulation (EEC) No 2194/81; whereas the storage aid covers the technical storage costs and interest costs calculated on the purchase price; whereas the dried fruit from the 1981 harvest can, at present, only be sold for specific purposes; whereas the selling price of the products is known to be lower than the purchase price; whereas payment of provisional financial compensation corresponding to that price difference would reduce the expenditure on storage aid; whereas the price difference can be estimated on the basis of past experience;

Whereas payment of provisional financial compensation must be calculated on the quantities of products

which are actually in stock; whereas stocktaking must be carried out; whereas for administrative reasons the quantities of products which are already sold but not taken over by the purchaser should not obtain provisional financial compensation;

Whereas stocktaking will make it possible to determine losses during storage; whereas financial compensation for natural losses as referred to in Article 2 (2) of Commission Regulation (EEC) No 1325/84 of 14 May 1984 laying down detailed rules for determining the financial compensation for dried figs and dried grapes for a given marketing year⁽⁷⁾ should become payable after stocktaking and an application for financial compensation for losses due to too long a period of storage should be examined;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. In respect of dried grapes and dried figs bought in pursuant to Article 3 of Regulation (EEC) No 2194/81 during the marketing years 1981/82 and 1982/83, storage agencies shall undertake a physical stocktaking of the quantities which are in stock on 31 July 1984 at 12 midnight (local time).

2. In respect of dried grapes and dried figs bought in during the marketing years 1981/82 and 1982/83, storage agencies shall communicate to the competent authorities not later than 15 August 1984:

- (a) the total quantities of dried fruit bought in;
- (b) the quantity referred to in paragraph 1 broken down into:
 - (i) dried grapes already sold but not taken over by the purchaser,
 - (ii) dried grapes which are not yet sold, and
 - (iii) dried figs;

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 103, 16. 4. 1984, p. 11.

⁽³⁾ OJ No L 214, 1. 8. 1981, p. 1.

⁽⁴⁾ OJ No L 191, 19. 7. 1984, p. 4.

⁽⁵⁾ OJ No L 240, 24. 8. 1981, p. 1.

⁽⁶⁾ OJ No L 330, 26. 11. 1983, p. 18.

⁽⁷⁾ OJ No L 129, 15. 5. 1984, p. 13.

- (c) any quantity covered by Article 2 (1) of Regulation (EEC) No 1325/84;
- (d) the quantity lost during storage broken down according to Article 2 (2) and (3) of Regulation (EEC) No 1325/84.

The particulars shall be broken down according to category and with separate particulars for each marketing year.

Article 2

1. For the quantity of dried grapes referred to in Article 1 (2) (b) (ii) bought in during the 1981/82 marketing year, the competent authorities shall, after verification of the particulars referred to in Article 1 (2), pay a provisional financial compensation of 111 ECU per 100 kilograms net.

This amount shall be weighted by the coefficient applicable to the minimum price payable to the producer and, where applicable, adjusted in accordance with Article 2 (1) of Regulation (EEC) No 1325/84.

2. By way of derogation from Article 3 (1) of Regulation (EEC) No 1325/84 the storage agency may, in the communication referred to in Article 1 (2), apply

for financial compensation pursuant to Article 2 (2) and (4) of that Regulation.

Article 3

For the quantity referred to in Article 2 (1):

- (a) the storage aid provided for in Article 10 (1) of Regulation (EEC) No 2194/81 is, with effect from 1 August 1984, hereby fixed for each week of storage at 0,047 ECU per 100 kilograms for sultanas of category 4;
- (b) financial compensation to be paid in accordance with Article 9 of Regulation (EEC) No 2425/81 and Article 3 of Regulation (EEC) No 1325/84 shall be reduced by the provisional amount paid pursuant to this Regulation.

Article 4

Member States shall communicate to the Commission, not later than 15 September 1984, the total quantity referred to in Article 1 (2) broken down as provided for in that paragraph.

Article 5

This Regulation shall enter into force on the 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, 20 July 1984.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2098/84**of 20 July 1984****laying down to what extent applications for issue of export licences submitted during July 1984 for beef and veal products which may benefit from special import treatment in a third country may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2931/79 of 20 December 1979 on the granting of assistance for export of agricultural products which may benefit from a special import treatment in a third country⁽¹⁾, and in particular Article 1 (2) thereof,

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

Whereas Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽³⁾, as last amended by Regulation (EEC) No 1699/84⁽⁴⁾, lays down, in Articles 14 and 15, detailed rules for export licence applications for the products referred to in Article 1 of Regulation (EEC) No 2973/79⁽⁵⁾; whereas Article 15 (6) (c) of Regulation (EEC) No 2377/80 requires the Commission, where the quantities in respect of which licences are applied for exceed the quantities available,

to reduce the quantities requested by a fixed percentage;

Whereas Commission Regulation (EEC) No 3582/81⁽⁶⁾ fixed the quantities of meat which might be exported on special terms for the third quarter of 1984;

Whereas the quantities for which licence applications have been lodged for the third quarter of 1984 are equal to those available; whereas these applications can, therefore, be met in full,

HAS ADOPTED THIS REGULATION:

Article 1

The applications for export licences lodged for the beef and veal referred to in Regulation (EEC) No 2973/79 for the third quarter of 1984 shall be met in full.

Article 2

This Regulation shall enter into force on 21 July 1984.

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

Done at Brussels, 20 July 1984.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 334, 28. 12. 1979, p. 8.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 161, 19. 6. 1984, p. 6.

⁽⁵⁾ OJ No L 336, 29. 12. 1979, p. 44.

⁽⁶⁾ OJ No L 359, 15. 12. 1981, p. 14.

COMMISSION REGULATION (EEC) No 2099/84**of 20 July 1984****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2693/83 of 26 September 1983 opening a Community tariff quota for high-quality fresh, chilled or frozen beef and veal falling within subheadings 02.01 A II a) and 02.01 A II b) of the Common Customs Tariff⁽¹⁾, and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 3660/83 of 23 December 1983 laying down detailed rules for the application of import arrangements provided for by Regulations (EEC) No 2693/83 and (EEC) No 2694/83 in the beef and veal sector⁽²⁾ provides in Article 7, that applications for and the issue of import licences for the meat referred to in Article 1 (1) (d) thereof are to be effected in accordance with the provisions of Articles 12 and 15 of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽³⁾, as last amended by Regulation (EEC) No 1699/84⁽⁴⁾;

Whereas Article 1 (1) (d) of Regulation (EEC) No 3660/83 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported

from the United States of America and Canada which may be imported on special terms in 1984 at 10 000 tonnes;

Whereas the applications received by the beginning of July 1984 cover quantities less than the quota available; whereas, therefore, these applications can be met in full,

HAS ADOPTED THIS REGULATION:

Article 1

All applications for import licences in respect of July 1984 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 1 (1) (d) of Regulation (EEC) No 3660/83 are hereby met in full.

Article 2

Applications for licences in respect of the meat referred to in Article 1 may be entered in accordance with Articles 12 and 15 of Regulation (EEC) No 2377/80 during the first 10 days of August 1984, the total quantity available being 9 535 tonnes.

Article 3

This Regulation shall enter into force on 21 July 1984.

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

Done at Brussels, 20 July 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 267, 29. 9. 1983, p. 3.

⁽²⁾ OJ No L 361, 24. 12. 1983, p. 38.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 161, 19. 6. 1984, p. 6.

COMMISSION REGULATION (EEC) No 2100/84

of 20 July 1984

introducing a countervailing charge on cherries originating in Bulgaria

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1332/84⁽²⁾, and in
particular the second subparagraph of Article 27 (2)
thereof,

Whereas Article 25 (1) of Regulation (EEC) No
1035/72 provides that, if the entry price of a product
imported from a third country remains at least 0,6
ECU below the reference price for two consecutive
market days, a countervailing charge must be intro-
duced in respect of the exporting country concerned,
save in exceptional circumstances; whereas this charge
is equal to the difference between the reference price
and the arithmetic mean of the last two entry prices
available for that exporting country;

Whereas Commission Regulation (EEC) No 1483/84
of 25 May 1984 fixing for the 1984 marketing year the
reference prices for cherries⁽³⁾ fixed the reference
price for products of class I for July 1984 at 103,85
ECU per 100 kilograms net;

Whereas the entry price for a given exporting country
is equal to the lowest representative prices recorded for
at least 30 % of the quantities from the exporting
country concerned which are marketed on all repre-
sentative markets for which prices are available less the
duties and the charges indicated in Article 24 (3) of
Regulation (EEC) No 1035/72; whereas the meaning
of representative price is defined in Article 24 (2) of
Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3, (1) of Regula-
tion (EEC) No 2118/74⁽⁴⁾, as last amended by Regula-
tion (EEC) No 3110/83⁽⁵⁾, the prices to be taken into

consideration must be recorded on the representative
markets or, in certain circumstances, on other
markets;

Whereas, for Bulgarian cherries, the entry price calcu-
lated in this way has remained at least 0,6 ECU below
the reference price for two consecutive market days;
whereas a countervailing charge should therefore be
introduced for these cherries;

Whereas, if the system is to operate normally, the
entry price 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, multiplied by the coefficient
provided for in Article 2b (2) of Regulation (EEC)
No 974/71, as last amended by Regulation (EEC)
No 855/84,
- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies recorded over a given period in
relation to the Community currencies referred to
in the previous indent and the aforesaid coeffi-
cient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 3,84 ECU per 100 kilo-
grams net is applied to cherries (subheading 08.07 C
of the Common Customs Tariff) originating in
Bulgaria.

Article 2

This Regulation shall enter into force on 24 July 1984.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No L 143, 30. 5. 1984, p. 22.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 303, 5. 11. 1983, p. 5.

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

Done at Brussels, 20 July 1984.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2101/84

of 20 July 1984

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 organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽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 Regulation (EEC) No 174/84⁽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 agricultural 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 1774/84⁽⁷⁾, as last amended by Regulation (EEC) No 2068/84⁽⁸⁾;

Whereas Council Regulation (EEC) No 1027/84 of 31 March 1984⁽⁹⁾ amended Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within sub-heading 23.02 A of the Common Customs Tariff;

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, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71, as last amended by Regulation (EEC) No 855/84,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 19 July 1984;

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⁽¹¹⁾, 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, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to amended Regulation (EEC) No 1774/84, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 July 1984.

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

Done at Brussels, 20 July 1984.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 21, 26. 1. 1984, p. 1.

⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 167, 27. 6. 1984, p. 5.

⁽⁸⁾ OJ No L 191, 19. 7. 1984, p. 25.

⁽⁹⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 20 July 1984 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
07.06 A I	94,16 ⁽¹⁾	92,35 ⁽¹⁾ ⁽²⁾
07.06 A II	97,18 ⁽¹⁾	92,35 ⁽¹⁾ ⁽²⁾
11.01 C ⁽²⁾	175,53	169,49
11.02 A III ⁽²⁾	175,53	169,49
11.02 B I a) 1 ⁽²⁾	153,68	150,66
11.02 B I b) 1 ⁽²⁾	153,68	150,66
11.02 C III ⁽²⁾	241,44	235,40
11.02 D III ⁽²⁾	99,06	96,04
11.02 E I a) 1 ⁽²⁾	99,06	96,04
11.02 E I b) 1 ⁽²⁾	194,36	188,32
11.02 F III ⁽²⁾	175,53	169,49
11.04 C I	97,18	90,53 ⁽³⁾
11.07 A II a)	178,48 ⁽⁴⁾	167,60
11.07 A II b)	136,11	125,23
11.07 B	156,83 ⁽⁴⁾	145,95

⁽¹⁾ This levy is limited to 6 % of the value for customs purposes, subject to certain conditions.

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

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

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

⁽⁴⁾ In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5,44 ECU/tonne for products originating in Turkey.

⁽³⁾ In accordance with Regulation (EEC) No 435/80 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories :

- arrowroot falling within subheading 07.06 A,
- flours and meal of arrowroot falling within subheading 11.04 C,
- arrowroot starch falling within subheading 11.08 A V.

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