

Official Journal

of the European Communities

ISSN 0378-6978

L 268

Volume 28

10 October 1985

English edition

Legislation

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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EEC) No 2818/85
of 9 October 1985**

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 2159/85⁽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, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC)
No 974/71⁽⁶⁾, as last amended by Regulation (EEC)
No 855/84⁽⁷⁾,

- 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, and the aforesaid coeffi-
cient;

Whereas these exchange rates being those recorded on
8 October 1985;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2159/85 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 10 October
1985.

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

Done at Brussels, 9 October 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽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 203, 1. 8. 1985, p. 8.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 9 October 1985 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	120,20
10.01 B II	Durum wheat	175,15 ⁽¹⁾ ⁽²⁾
10.02	Rye	109,23 ⁽⁶⁾
10.03	Barley	119,75
10.04	Oats	95,13
10.05 B	Maize, other than hybrid maize for sowing	106,19 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	72,97 ⁽⁴⁾
10.07 C	Grain sorghum	122,43 ⁽⁴⁾
10.07 D I	Triticale	(7)
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	181,84
11.01 B	Rye flour	166,48
11.02 A I a)	Durum wheat groats and meal	284,73
11.02 A I b)	Common wheat groats and meal	195,76

⁽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 486/85 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.

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

COMMISSION REGULATION (EEC) No 2819/85

of 9 October 1985

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 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 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
2160/85 ⁽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, multiplied by the coefficient

provided for in Article 2b (2) of Regulation (EEC)
No 974/71 ⁽⁶⁾, as last amended by Regulation (EEC)
No 855/84 ⁽⁷⁾,

- 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, and the aforesaid coeffi-
cient;

Whereas these exchange rates being those recorded on
8 October 1985;

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 10 October
1985.

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

Done at Brussels, 9 October 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽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 203, 1. 8. 1985, p. 11.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 9 October 1985 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 10	1st period 11	2nd period 12	3rd period 1
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	1,20	1,20	0,29
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2820/85
of 9 October 1985
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 Regulation (EEC) No 1025/84 ⁽²⁾, and in particular Article 11 (2) thereof,

Whereas the import levies on rice and broken rice were fixed by Regulation (EEC) No 2456/85 ⁽³⁾, as last amended by Regulation (EEC) No 2768/85 ⁽⁴⁾;

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 ⁽⁵⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁶⁾,
- 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 it follows from applying the detailed rules contained in Regulation (EEC) No 2456/85 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 10 October 1985.

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

Done at Brussels, 9 October 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽²⁾ OJ No L 107, 19. 4. 1984, p. 13.
⁽³⁾ OJ No L 234, 31. 8. 1985, p. 5.
⁽⁴⁾ OJ No L 261, 3. 10. 1985, p. 5.
⁽⁵⁾ OJ No L 106, 12. 5. 1971, p. 1.
⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 9 October 1985 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	272,59	132,69
	2. Long grain	268,18	130,49
	b) Husked rice :		
	1. Round grain	340,74	166,77
	2. Long grain	335,23	164,01
	II. Semi-milled or wholly milled rice :		
	a) Semi-milled rice :		
	1. Round grain	378,19	177,17
	2. Long grain	555,15	265,69
	b) Wholly milled rice :		
	1. Round grain	402,78	189,04
	2. Long grain	595,12	285,21
	III. Broken rice	132,80	63,40

⁽¹⁾ Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

⁽²⁾ In accordance with Regulation (EEC) No 486/85, the levies are not applied to imports into the overseas department of Réunion 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 2821/85

of 9 October 1985

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 Regulation
(EEC) No 1025/84 ⁽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 2457/85 ⁽³⁾, as last amended by Regulation (EEC)
No 2769/85 ⁽⁴⁾;

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 ⁽⁵⁾, as last amended by Regulation (EEC)
No 855/84 ⁽⁶⁾,

- 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;

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 10 October
1985.

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

Done at Brussels, 9 October 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽³⁾ OJ No L 234, 31. 8. 1985, p. 8.

⁽⁴⁾ OJ No L 261, 3. 10. 1985, p. 7.

⁽⁵⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 9 October 1985 fixing the premiums to be added to the import levies on rice and broken rice

(ECU / tonne)					
CCT heading No	Description	Current 10	1st period 11	2nd period 12	3rd period 1
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 2822/85

of 9 October 1985

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 1482/85⁽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, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽⁸⁾, as last amended by Regulation (EEC) No 855/84⁽⁹⁾,
- 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 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;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 151, 10. 6. 1985, 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.

⁽⁸⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁹⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

and exported in the natural state, shall be as set out in the Annex hereto.

HAS ADOPTED THIS REGULATION :

Article 2

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured

This Regulation shall enter into force on 10 October 1985.

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

Done at Brussels, 9 October 1985.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 9 October 1985 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	40,18	
	(b) Other	40,32	
	(II) Flavoured or coloured sugar		0,4018
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	36,96 ⁽¹⁾	
	(b) Other raw sugar	⁽²⁾	

⁽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.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12).

COMMISSION REGULATION (EEC) No 2823/85

of 7 October 1985

imposing a provisional anti-dumping duty on imports of certain clogs originating in Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for by the above Regulation,

Whereas :

A. Procedure

1. In January 1985 the Commission received a complaint lodged by the European Federation of the Footwear Industry on behalf of producers of Scandinavian clogs (being clogs with outer soles of leather or leather covered with PVC and with uppers of leather) whose collective output constitutes a major proportion of Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of Scandinavian clogs falling within Common Customs Tariff subheading ex 64.02 A, corresponding to NIMEXE code 64.02-41 and originating in Sweden, and commenced an investigation.
2. The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
3. The majority of the known Community producers, some Swedish exporters and some importers made their views known in writing.

No submissions were made by or on behalf of Community purchasers of these clogs.

4. The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

— EEC producers :

- Gevavi, Zwolle, Netherlands,
- Sanita, Herning, Denmark,
- Young Shoe, Vonge, Denmark ;

— Swedish exporters :

- Lavi, Kristianstad, Sweden,
- Torpatoffeln, Tornsbruk, Sweden,
- BJ Träsko, Moheda, Sweden,
- Ugglebo Toffeln AB, Påryd, Sweden.

The Commission requested and received detailed written submissions from some complainant Community producers, some exporters and some importers and verified the information therein to the extent considered necessary.

5. The investigation of dumping covered the period from January 1984 to January 1985.

B. Normal value

6. Normal value was provisionally determined for three of the exporters concerned on the basis of their domestic prices, sufficient evidence having been provided by those producers that these prices were paid in the ordinary course of trade on the Swedish market during the investigation period.

For the one exporter concerned who did not sell on the domestic market, normal value was determined on the basis of the weighted average selling prices on the domestic market of the other producers investigated.

C. Export price

7. Export prices were determined on the basis of the prices actually paid or payable for the products sold for export to the Community.

D. Comparison

8. In comparing normal value with export prices the Commission took account, where appropriate, of differences affecting price comparability where claims in these areas could be satisfactorily

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 47, 19. 2. 1985, p. 2.

demonstrated. In particular, differences in size and in quality of boot sole and upper were taken into account as were differences in payment terms.

All comparisons were made at ex-works level.

E. Margins

9. The above preliminary examination of the facts shows the existence of dumping in respect of BJ Träsko, Torpatoffeln and Ugglebo Toffeln, the margin of dumping being equal to the amount by which the normal value as established exceeds the prices for export to the Community.

These margins vary according to the exporter and the type of clog concerned, the weighted average margin for each of the exporters investigated being as follows:

BJ Träsko	7 %
Lavi	no dumping
Torpatoffeln	11 %
Ugglebo Toffeln	0,3 %

10. For those exporters who neither replied to the Commission's questionnaire nor made themselves known otherwise in the course of the preliminary investigation, dumping was determined on the basis of the facts available. In this connection the Commission considered that the results of its investigation provided the most appropriate basis for determination of the margin of dumping particularly since it would create an opportunity for circumvention of the duty to hold that the dumping margin for these exporters was any lower than the highest dumping margin of 11 % determined with regard to an exporter who has cooperated in the investigation. For these reasons it is considered appropriate to use this latter dumping margin for this group of exporters.

F. Injury

11. With regard to the injury caused by the dumped imports, the evidence available to the Commission shows that imports into the Community from Sweden of Scandinavian clogs fell from 2,1 million pairs in 1981 to 1,6 million pairs in 1984. However, in view of declining consumption in the Community during that period the market share held by the exporting country increased from 51 % to 60 % in the same period.

12. The weighted average resale prices of these imports undercut the prices of the Community producers during the investigation period by between 11 % and 49 %, resale prices being lower than those required to cover the costs of Community producers and provide a reasonable profit.

13. The consequent impact on the complainant Community industry was a fall in sales in the Community from 1,04 million pairs in 1981 to 0,6 million pairs in 1984. Exports to countries not members of the Community being negligible, figures for production followed the same pattern, i.e. a reduction of some 40 % during that period. That reduction was in excess of the decline in Community consumption and, consequently, the complainant producers' market share in the Community fell from approximately 25 % to 22 % during the same period.

14. The depressive effect on the prices of the complainant producers caused by the price undercutting of the Swedish exporters together with the higher unit costs resulting from lower sales volumes and loss of market share to Swedish imports have led to the incurring of widespread losses by the complainant producers. In addition, these factors have led to a number of Community producers ceasing operations and this, together with the redundancies forced on the remaining producers, has resulted in the total workforce engaged in the production of Scandinavian clogs in the Community being halved since 1981.

15. The Commission has considered whether injury has been caused by other factors, in particular the fact that consumption in the Community has considerably declined. It has, however, been established that this decline has affected the Community production more than it has affected the dumped imports. There were no imports of the product concerned to the Community from any non-member country other than Sweden during the reference period. Accordingly, the substantial increase in the market share of the dumped imports and the prices at which they are offered for sale in the Community led the Commission to determine that the effect of the dumped imports of Scandinavian clogs originating in Sweden have to be considered as constituting material injury to the Community industry concerned. This industry

generally comprises manufacturing units with the sole facility of producing clogs. Conversion to other forms of footwear production is generally not feasible.

G. Community interest

16. In view of the serious level of injury sustained by the complainant producers caused particularly by price undercutting of up to 49 % and the resulting likelihood that, without protective measures, the continued existence of the industry in the Community would be endangered, the Commission has come to the conclusion that it is in the Community's interest that action be taken. In order to prevent further injury being caused during the remainder of the proceeding, this action should take the form of a provisional anti-dumping duty.

H. Rate of duty

17. Having regard to the extent of the injury caused and in particular the level of price undercutting with varied from 11 % to 49 %, the rate of such duty should correspond to the margins of dumping provisionally estimated. The duty should not apply to the exporters Lavi for which no dumping was found nor to Ugglebo Toffeln for which the dumping margin found can be considered *de minimis*.

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

HAS ADOPTED THIS DECISION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of clogs with outer soles of leather or leather covered with PVC and with uppers

of leather, falling within Common Customs Tariff subheading ex 64.02A, corresponding to NIMEXE code 64.02-41 and originating in Sweden.

2. The amount of the duty shall be equal to 11 % of the price per pair net, free-at-Community-frontier, before duty, except for products manufactured and exported by BJ Träsko AB, Moheda, Sweden in respect of which the rate of duty shall be 7 %.

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

The duty shall not apply to products manufactured and exported by Lavi, Kristianstad, Sweden and Ugglebo Toffeln AB, Päråd, Sweden.

3. The provisions in force concerning customs duties shall apply.

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

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the parties concerned may make known their views in writing and apply to be heard by the Commission within one month of the entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, it shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 7 October 1985.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 2824/85
of 9 October 1985

laying down detailed rules for the sale of frozen boned beef from intervention stocks for export, either in the same state or after cutting and/or repacking

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 7 (3) thereof,

Whereas certain intervention agencies have substantial stocks of intervention boned meat; whereas outlets exist in certain non-member countries for the products in question, in particular after cutting and repacking; whereas export of this meat, either in the same state or after cutting and/or repacking, should be authorized; whereas some Member States do not, however, at present have the necessary administrative structure for carrying out the checks applicable with regard to cutting and repacking operations; whereas such operations should therefore only take place with the approval of the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules for the sale of certain frozen boned beef which is held by the intervention agencies of the Member States and which is to be exported either in the same state or after cutting and/or repacking.

Article 2

In addition to the particulars referred to in Articles 2 (2) and 8 (2) of Commission Regulation (EEC) No 2173/79⁽²⁾, the trader must state, in the purchase application or tender, whether the meat will be exported in the same state or after cutting and/or repacking.

Traders who opt for export after cutting and/or repacking may, in their purchase application or tender,

state whether they wish their application or tender to stand if the authorization referred to in Article 3 (1) is refused.

Article 3

1. Cutting and/or repacking shall take place only with the authorization of the competent authorities.
2. The competent authorities may authorize the cutting and/or repacking of meat held by them only if:
 - the meat to be cut and/or repacked is stored on their territory and
 - the cutting and/or repacking is to be carried out there.
3. If the authorization referred to in paragraph 1 is refused the tender or application shall also be refused except where the provisions of Article 2 (2) apply.

Article 4

The Regulation opening the sale and referring to this Regulation may specify products not eligible for refunds.

Article 5

1. Where meat as referred to in Article 4 is cut and/or repacked it may not be mixed with the other meat sold.
2. Where meat is cut and/or repacked the bags, cartons and other packaging material containing it shall bear particulars enabling it to be identified, including the net weight and the type and number of the cuts.
3. Meat must be in the frozen state when it is cut and when it is repacked.

Article 6

In the case of meat as referred to in Article 4 the removal order referred to in Article 6 (1) of Commission Regulation (EEC) No 1687/76⁽³⁾, and the documents referred to in Article 12 of that Regulation shall bear one of the following endorsements:

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽³⁾ OJ No L 190, 14. 7. 1976, p. 1.

'Uden restitution [forordning (EØF) nr. 2824/85]
'Ohne Erstattung [Verordnung (EWG) Nr. 2824/85],
'Χωρίς επιστροφή [κανονισμός (ΕΟΚ) αριθ. 2824/85],
'No refund [Regulation (EEC) No 2824/85],
'Sans restitution [règlement (CEE) n° 2824/85],
'Senza restituzione [regolamento (CEE) n. 2824/85],
'Zonder restitutie [Verordening (EEG) nr. 2824/85].

This endorsement shall also be entered in Section 104 of T 5 control copies.

Article 7

The provisions of this Regulation shall apply to individual sales where the Regulation opening the sale makes appropriate reference to it.

Article 8

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

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

Done at Brussels, 9 October 1985

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 2825/85
of 9 October 1985

amending Regulation (EEC) No 2681/83 laying down detailed rules for the application of the subsidy system for oil seeds

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation No 136/66/EEC
of 22 September 1966 on the establishment of a
common organization of the market in oils and fats ⁽¹⁾,
as last amended by Regulation (EEC) No 231/85 ⁽²⁾,
and in particular Article 27 (5) thereof,

Whereas Article 27 (1) of Commission Regulation
(EEC) No 2681/83 ⁽³⁾, as last amended by Regulation
(EEC) No 1062/85 ⁽⁴⁾ fixed the amount of the security
referred to in Article 9 (2) of Council Regulation (EEC)
No 1594/83 of 14 June 1983 on the subsidy for oil
seeds ⁽⁵⁾; whereas having regard to the trend of prices
on the world market and to the level of aid in recent
months, it is necessary to increase the amount of the
security;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 27 (1) of Commission Regulation (EEC) No
2681/83 is amended as follows:

- in the first indent '15 ECU' is replaced by '25 ECU';
- in the second indent '20 ECU' is replaced by '32 ECU'.

Article 2

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

It shall apply from 14 October 1985.

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

Done at Brussels, 9 October 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 26, 31. 1. 1985, p. 2.

⁽³⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁴⁾ OJ No L 113, 26. 4. 1985, p. 12.

⁽⁵⁾ OJ No L 163, 22. 6. 1983, p. 44.

COMMISSION REGULATION (EEC) No 2826/85

of 9 October 1985

introducing a countervailing charge on tomatoes originating in Portugal

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 751/85 of
22 March 1985 fixing for the 1985 marketing year the
reference prices for tomatoes⁽³⁾ fixed the reference
price for products of class I for the period 1 October
to 20 December 1985 at 45,53 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 it is necessary to multiply the prices
with the coefficient fixed in Article 1 (2) (b) of Regula-
tion (EEC) No 751/85;

Whereas, for tomatoes originating in Portugal the
entry price calculated 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 tomatoes;

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⁽⁶⁾, as last amended by Regulation (EEC)
No 855/84⁽⁷⁾,
- 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 9,88 ECU per 100 kilo-
grams net is applied to tomatoes (subheading 07.01 M
of the Common Customs Tariff) originating in
Portugal.

Article 2

This Regulation shall enter into force on 11 October
1985.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No L 81, 23. 3. 1985, p. 20.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 303, 5. 11. 1983, p. 5.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

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

Done at Brussels, 9 October 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 2827/85

of 9 October 1985

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 1025/84⁽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 2705/85⁽⁷⁾, as last amended by Regulation (EEC) No 2817/85⁽⁸⁾;

Whereas Council Regulation (EEC) No 1027/84 of 31 March 1984⁽⁹⁾ as amended by 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⁽¹¹⁾, as last amended by Regulation (EEC) No 855/84⁽¹²⁾,
- 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 8 October 1985;

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⁽¹³⁾ 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 2705/85 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 October 1985.

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

Done at Brussels, 9 October 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽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 107, 19. 4. 1984, p. 13.
⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.
⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.
⁽⁷⁾ OJ No L 256, 27. 9. 1985, p. 21.
⁽⁸⁾ OJ No L 266, 9. 10. 1985, p. 16.
⁽⁹⁾ OJ No L 107, 19. 4. 1984, p. 15.
⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 106, 12. 5. 1971, p. 1.
⁽¹²⁾ OJ No L 90, 1. 4. 1984, p. 1.
⁽¹³⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 9 October 1985 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.01 F ⁽²⁾	145,38	142,36
11.02 A II ⁽²⁾	200,22	194,18
11.02 A VI ⁽²⁾	145,38	142,36
11.02 B II a) ⁽²⁾	163,21	160,19
11.02 B II b) ⁽²⁾	146,50	143,48
11.02 C I ⁽²⁾	195,72	192,70
11.02 C II ⁽²⁾	175,63	172,61
11.02 D I ⁽²⁾	125,87	122,85
11.02 D II ⁽²⁾	113,06	110,04
11.02 E II a) ⁽²⁾	222,83	216,79
11.02 E II b) ⁽²⁾	200,22	194,18
11.02 E II d) 1 ⁽²⁾	247,78	241,74
11.02 F I ⁽²⁾	222,83	216,79
11.02 F II ⁽²⁾	200,22	194,18
11.02 F VI ⁽²⁾	145,38	142,36
11.02 G I	96,37	90,33
11.07 A I a)	225,26	214,38
11.07 A I b)	171,07	160,19
11.08 A II	198,62	167,79
11.08 A III	224,38	203,83
11.09	551,94	370,60

⁽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.

COMMISSION REGULATION (EEC) No 2828/85**of 9 October 1985****fixing the maximum export refund for white sugar for the ninth partial invitation to tender issued within the framework of the principal standing invitation to tender provided for in Regulation (EEC) No 2236/85**

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 1482/85⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2236/85 of 29 July 1985 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 2236/85, 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 ninth 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 ninth invitation to tender for white sugar issued under Regulation (EEC) No 2236/85 is hereby fixed at 42,480 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 10 October 1985.

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

Done at Brussels, 9 October 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 151, 10. 6. 1985, p. 1.

⁽³⁾ OJ No L 209, 6. 8. 1985, p. 19.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 October 1985

terminating the anti-dumping proceeding concerning imports of standard wood particle board originating in Bulgaria, Czechoslovakia, Poland, Romania, the Soviet Union, Spain and Yugoslavia

(85/470/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 9 thereof,

After consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Procedure

1. In 1984 the Commission received a complaint lodged by the European Confederation of Wood Working Industries for the EEC countries on behalf of producers of standard wood particle board whose collective output constitutes the majority of Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning

imports into the Community of standard wood particle board falling within Common Customs Tariff heading No ex 44.18 and corresponding to Nimex codes 44.18-11, ex 44.18-30 and ex 44.18-90 originating in Bulgaria, Czechoslovakia, Poland, Romania, the Soviet Union, Spain and Yugoslavia and commenced an investigation.

2. The Commission officially so advised the exporters and importers known to be concerned, the representatives where appropriate, of the exporting countries and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

The majority of the known Community producers and exporters and some importers made their views known in writing. Some exporters and some importers requested and were granted hearings.

Certain submissions were also made by or on behalf of Community processors of the product concerned.

3. The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

— EEC producers :

- NV Spano, Oostrozebeke, Belgium
- NV Unilin, Wielsbeke, Belgium

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 305, 16. 11. 1984, p. 6.

- Caberboard Ltd, Cowie, United Kingdom
- Aaronson Bros plc, South Molton, Devon, United Kingdom
- Falco SpA, Pomposa, Italy
- ITALP, Pomponesco, Italy
- STAT SpA, Ginovo, Italy
- Frati Luigi SpA, Pomponesco, Italy
- Isory SA, Lisieux, France
- R.O.L. SA, Niort, France
- Emsland Spanplatten KG, Papenburg, Germany
- Greco Spanplatten GmbH, Meppen, Germany
- Gebr. Kuennemeyer GmbH, Co KG, Germany
- Kunststoff und Spanplatten GmbH Co KG, Germany
- Gebr. Cloos GmbH, Germany
- *EEC importers:*
 - Flatau Dick (Plywood and board) Ltd, London, United Kingdom
 - Polish Timber Products Ltd, London, United Kingdom
 - Scantlebury and Hemingway Ltd, London, United Kingdom
 - Tafinsa Boards Limited, London, United Kingdom

The Commission requested and received detailed written submissions from the majority of complainant Community producers, the majority of exporters and some importers and verified the information therein to the extent considered necessary.

The complainants requested and received all information available to the Commission relevant to the complainant's interest having been used by the Commission during the investigation and having had a decisive influence on its findings.

The information disclosed was not regarded by the Commission as confidential within the meaning of Article 8 of Regulation (EEC) No 2176/84.

B. Injury

4. With regard to the allegation that imports of standard wood particle board from the countries concerned caused injury to the Community producers of this product, the investigation showed that imports to the Community from these countries increased from approximately 290 000 cubic metres in 1981 and 1982 to 480 000 cubic metres in 1983 but fell to 420 000 cubic metres in 1984. This reduction represented a fall in market share from 6,5 % in 1983 to 5,4 % in 1984 and since EEC

consumption during this period rose by approximately 5 % the reduction was therefore not only in absolute terms, but also relative to Community consumption.

Individually, in 1984 none of the exporting countries concerned held more than 1,4 % of the Community market, the lowest individual share being 0,2 %.

5. As far as the complainant companies who cooperated in the investigation are concerned, both their production and sales in the Community of standard wood particle board increased steadily from 1981 to 1984, the figures for production being 3,8 million cubic metres in 1981 and 4,5 million cubic metres in 1984 and for EEC sales 3,1 million cubic metres in 1981 and 3,5 million cubic metres in 1984. In view of the increase in Community consumption during this period, these sales represented a relatively stable market share in the Community of approximately 45 %.

Imports into the Community from countries not concerned in the investigation, particularly Austria, Finland, Portugal, Sweden and Switzerland, increased during the same period both absolutely and in relation to EEC consumption, their cumulated market share having risen from 14 % in 1981 to 15 % in 1984.

6. Although, in general, the development of prices throughout the Community prior to and during the reference period shows relatively small increases, the Commission considers that, in general, the available evidence on quantities imported from both the countries concerned and from other countries, the pricing of those imports and the pricing of the products of Community producers show that the fact that prices did not increase more rapidly cannot be conclusively attributed to the imports in question. The Commission did, however, find isolated regional instances of price depression which could be attributed to certain of the imports in question but the injurious effect of these imports on prices was restricted both in time and to the immediate areas of the port of entry and, taking account of the quantities concerned, could not be considered material on a Community basis.
7. In addition, most of the the complainant companies achieved profitability, albeit modest, in their sale of standard particle board in the Community during the reference period.
8. Thus the Commission, in taking account of the evidence available, is of the opinion that, to the extent to which the complainant companies may have sustained injury during the reference period which could be conclusively attributed to the imports in question, the injury cannot be described as material.

C. Dumping

9. In view of the above findings with respect to injury the Commission considered it unnecessary to investigate the allegation of dumping with regard to the imports in question since anti-dumping measures may in general only be taken where examination shows that there has been dumping during the period under investigation, that material injury has been caused thereby and that the interests of the Community call for such measures.

In these circumstances it is considered appropriate that the proceeding be terminated without the imposition of protective measures.

No objection to this course was raised in the Advisory Committee,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping investigation concerning imports of standard wood particle board originating in Bulgaria, Czechoslovakia, Poland, Romania, the Soviet Union, Spain and Yugoslavia is hereby terminated.

Done at Brussels, 7 October 1985.

For the Commission

Willy DE CLERCQ

Member of the Commission
