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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 264/86

of 4 February 1986

imposing a definitive anti-dumping duty on imports of certain clogs originating in Sweden and definitively collecting the provisional anti-dumping duty

THE COUNCIL 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 12 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Provisional action

1. The Commission, by Regulation (EEC) No 2823/85⁽²⁾, as amended by Regulation (EEC) No 3475/85⁽³⁾, imposed a provisional anti-dumping duty on imports of certain clogs originating in Sweden.

B. Subsequent procedure

2. Following the imposition of the provisional anti-dumping duty, the two Swedish exporters who had cooperated in the investigation and on the import of whose products this duty was imposed, made representations to the Commission making their views known on the duty. They also requested to be informed of the facts and essential considerations on the basis of which the Commission intended to recommend definitive action, and these requests were granted. In addition, certain other exporters who had not previously made themselves known to the Commission made representations to the Commission making their views known on the duty, and representatives of the Swedish authorities acting on behalf of the Swedish clog industry as a whole made

written and oral submissions to the Commission on both dumping and injury. The Council examined the provisional findings of the Commission set out in Regulation (EEC) No 2823/85, as amended by Regulation (EEC) No 3475/85.

C. Normal value

3. Normal value was 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.

D. Export price

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

E. Comparison

5. 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 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.

F. Dumping margins

6. On the basis of certain of the submissions referred to in paragraph 2 above and in particular as a result of new evidence supplied on transport costs between ex-works Sweden and cif Community frontier, the

⁽¹⁾ fOJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 268, 10. 10. 1985, p. 11.

⁽³⁾ OJ No L 333, 11. 11. 1985, p. 18.

dumping margin found for Torpatoffeln has been adjusted from 11 % to 5,2 %. The margin for B.J. Träsko was, however, confirmed at 7 %. The Council accordingly confirms these findings on dumping.

7. As regards those exporters who made themselves known to the Commission only following the imposition of the provisional anti-dumping duty and those exporters who have not fully cooperated in the investigation or have not made themselves known to the Commission during the course of the investigation, dumping has been determined on the basis of the facts available. In this connection it was considered that the results of the investigation provided the most appropriate basis for determination of the margin of dumping and that it would create an opportunity for circumvention of the duty and an invitation to non-cooperation in future anti-dumping investigations to hold that the dumping margin for these exporters was any lower than the higher dumping margin of 7 % determined with regard to B.J. Träsko, an exporter who has cooperated in the investigation. For these reasons, the Council considers it appropriate to use this latter dumping margin for this group of exporters.

G. Injury

8. The Commission received submissions on behalf of the Swedish exporters purporting to show that factors other than Swedish imports had caused injury to the Community industry, in particular in relation to levels of intra-Community trade in the products concerned. On investigating these allegations, however, it was established that, although intra-Community trade in products falling under the Nimexe code covering the products in question was substantial, this trade related for the most part to footwear other than the clogs in question. Accordingly, the Council confirms the findings as set out in Regulation (EEC) No 2823/85 to the effect that the volume of dumped Swedish imports during the reference period (1 600 000 pairs) and the price at which these products had been sold in the Community (between 11 % and 49 % below Community producers' prices) taken in isolation from injury caused by other factors have caused material injury to the Community industry.

H. Community interest

9. 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 conclusion has been reached that it is in the Community's interest that action be taken. This action should take the form of a definitive anti-dumping duty.

I. Definitive duty

10. In the light of the above determination, and having particular regard to the extent of the price undercutting which varied from 11 % to 49 %, the rate of definitive anti-dumping duty which will apply to Swedish exporters should correspond to 7 %.

The duty should not apply to the exporters Lavi for which no dumping was found, or Ugglebo Toffeln, for which the dumping margin found can be considered as *de minimis*.

J. Undertakings

11. Following consultations within the Joint Committee as provided for in the Agreement between the European Economic Community and the Kingdom of Sweden⁽¹⁾, a number of exporters concerned, having been informed of the results of the procedure subsequent to the imposition of the provisional duty, offered undertakings which the Commission considered would eliminate the dumping found and which were considered acceptable. Accordingly, the duty should not apply to these exporters.

K. Collection of provisional duty

12. The amounts secured by way of provisional anti-dumping duty should be collected in full for imports into the Community of B.J. Träsko products and to the maximum of the duty definitively imposed, i.e. 5,2 % for imports of Torpatoffeln products 7 % for all other imports.

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of clogs with outer soles of leather, composition leather, rubber or artificial plastic material and with uppers of leather or leather covered with PVC falling within Common Customs Tariff subheading ex 64.02 A corresponding to Nimexe code ex 64.02-41 and originating in Sweden.

2. The rate of the duty shall be 7 %.

3. The duty shall not apply to products as referred to in paragraph 1 which are produced and exported by :

- Arbesko AB, Örebro,
- Balsfiord Import & Export AB, Hälsingborg,
- Ceder-Sko AB, Bjursås,
- Dalex AB, Bjursås,

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 97.

- Embla-Clogman AB, Sölvesborg,
- Excelsior AB, Kumla,
- Expert Träsko, Orrefors,
- GO-Produkter, Ljungbyholm,
- Hejco Yrkeskläder AB, Hyssna,
- Hultgrens Footwear AB, Tingsryd,
- HB Hällabotten, Kumla,
- Ikea Svenska AB, Älmhult,
- June Trading, Jönköping,
- AB Karlskoga Trätoffelfabrik, Karlskoga,
- Klostertoffeln AB, Aaskloster,
- Knulp HB, Uttran,
- Konga Skyddsskotillverkning AB, Vissefjärda,
- K Wik Import Export AB, Lund,
- LAVI, Kristianstad,
- Lis-Toffel, Falkenberg,
- LT Skor AB, Knislinge,
- Hunkens AB, Munkedal,
- AB Nowa Li, Limmared,
- Nya Baastadtoffeln AB, Baastad,
- AB Nymans Toffelfabrik, Vetlanda,
- Oskaria AB, Örebro,
- Rolfson Sko AB, Aaskloster,

- Skaane Toffeln, Hälsingborg,
- AB Supinator, Landvetter,
- Swecap AB, Malmö,
- Tollarps Tofflor AB, Tollarp,
- Tyringe-Tofflan, Tyringe,
- HB Tomex, Örkelljunga,
- Torpatoffeln AB, Tornsbuk,
- UGGLEBO Toffeln, Paaryd,
- Yngve Brodd Aktiebolag, Mölndal,
- Westbo Toffelfabrik, Smaalandstenar.

4. The provisions in force with regard to customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty under Regulation (EEC) No 2823/85 shall be definitively collected at a level of 7 %, with the exception of products produced and exported by Torpatoffeln, Tornsbuk, for which the definitive collection shall amount to 5,2 %.

Article 3

This Regulation shall enter into force on the day following that of 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, 4 February 1986.

For the Council

The President

W. F. van EEKELEN

COUNCIL REGULATION (EEC) No 265/86**of 4 February 1986****extending the provisional anti-dumping duty on imports of certain electronic weighing scales originating in Japan**

THE COUNCIL 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 (5) thereof,

Having regard to the proposal from the Commission,

Whereas, by Regulation (EEC) No 2865/85⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports of certain electronic weighing scales originating in Japan;

Whereas an exporter representing a significant percentage of the trade involved has requested an extension of the period of validity of the provisional duty for a further period not exceeding two months;

Whereas this exporter has asserted that more time is required to enable it to submit to the Commission

supplementary documentation necessary for the defence of its interests; whereas, given the particular circumstances, this request may be granted,

HAS ADOPTED THIS REGULATION:

Article 1

The period of validity of the provisional anti-dumping duty on imports of certain electronic weighing scales originating in Japan, imposed by Regulation (EEC) No 2865/85, is hereby extended for a period not exceeding two months.

Article 2

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

Without prejudice to Article 11 of Regulation (EEC) No 2176/84 and to any other Decision taken by the Council, it shall apply until the Council has adopted definitive measures or, at the latest, until the expiry of a period of two months beginning on 18 February 1986.

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

Done at Brussels, 4 February 1986.

For the Council

The President

W. F. van EEKELEN

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 275, 16. 10. 1985, p. 5.

COMMISSION REGULATION (EEC) No 266/86

of 6 February 1986

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3793/85 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, 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 Commission Regulation (EEC) No 2956/85 ⁽⁴⁾ 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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— 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 coefficient ;

Whereas these exchange rates being those recorded on 5 February 1986 ;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2956/85 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 7 February 1986.

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

Done at Brussels, 6 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 19.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 285, 25. 10. 1985, p. 8.

ANNEX

to the Commission Regulation of 6 February 1986 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	155,71
10.01 B II	Durum wheat	202,96 ⁽¹⁾ ⁽²⁾
10.02	Rye	131,27 ⁽⁶⁾
10.03	Barley	143,01
10.04	Oats	126,39
10.05 B	Maize, other than hybrid maize for sowing	119,99 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	75,29 ⁽⁴⁾
10.07 C	Grain sorghum	130,27 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	232,69
11.01 B	Rye flour	198,47
11.02 A I a)	Durum wheat groats and meal	328,17
11.02 A I b)	Common wheat groats and meal	249,44

⁽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 267/86

of 6 February 1986

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 3793/85 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, 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 Commission Regulation (EEC) No 2160/85 ⁽⁴⁾ 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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

— 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 coefficient;

Whereas these exchange rates being those recorded on 5 February 1986;

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 7 February 1986.

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

Done at Brussels, 6 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 367, 31. 12. 1985, p. 19.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 203, 1. 8. 1985, p. 11.

ANNEX

to the Commission Regulation of 6 February 1986 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 2	1st period 3	2nd period 4	3rd period 5
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	3,67
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	1,35	1,35	9,58
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	3,88
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 2	1st period 3	2nd period 4	3rd period 5	4th period 6
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	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 268/86**of 6 February 1986****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

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 3768/85⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1201/85⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 436/85⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 436/85, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁸⁾, as last amended by Regulation (EEC) No 435/85⁽⁹⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹⁰⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹¹⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹²⁾ specifies that the minimum levy rate shall be fixed for each of

the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 3 and 4 February 1986 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 7 February 1986.

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

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 124, 9. 5. 1985, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 52, 22. 2. 1985, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 52, 22. 2. 1985, p. 1.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹¹⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 6 February 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)	
CCT heading No	Non-member countries
15.07 A I a)	74,00 ⁽¹⁾
15.07 A I b)	74,00 ⁽¹⁾
15.07 A I c)	60,00 ⁽¹⁾
15.07 A II a)	82,00 ⁽²⁾
15.07 A II b)	95,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by:

(a) Spain and Lebanon: 0,60 ECU/100 kg;

(b) Turkey: 11,48 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;

(c) Algeria, Tunisia and Morocco: 12,69 ECU/100 kg ^(*) provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽²⁾ For imports of oil falling within this tariff subheading:

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3,86 ECU/100 kg;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

⁽³⁾ For imports of oil falling within this tariff subheading:

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7,25 ECU/100 kg;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)	
CCT heading No	Non-member countries
07.01 N II	16,28
07.03 A II	16,28
15.17 B I a)	37,00
15.17 B I b)	59,20
23.04 A II	4,80

COMMISSION REGULATION (EEC) No 269/86

of 6 February 1986

extending for the 1986 marketing year, Regulation (EEC) No 300/85 derogating from the quality standards for cucumbers for the 1985 marketing year

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 3768/85⁽²⁾, and in particular the second subparagraph of Article 2 (2) thereof,

Whereas the quality standards for cucumbers were laid down in Annex I/2 to Council Regulation No 183/64/EEC⁽³⁾, as last amended by Commission Regulation (EEC) No 845/76⁽⁴⁾; whereas class III cucumbers were defined in Annex VII to Council Regulation (EEC) No 1194/69⁽⁵⁾; whereas these standards do not permit the marketing of certain sizes for which demand exists;

Whereas the quality standards should take this fact into account; whereas there should be a continuation of the temporary derogation from the quality standards for

cucumbers as laid down in Commission Regulation (EEC) No 300/85⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1986 marketing year, the derogations provided for in Annex I/2 to Regulation No 183/64/EEC by Regulation (EEC) No 300/85 are maintained.

Article 2

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, 6 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 362, 20. 12. 1985, p. 8.

⁽³⁾ OJ No 192, 25. 11. 1964, p. 3217/64

⁽⁴⁾ OJ No L 96, 10. 4. 1976, p. 30.

⁽⁵⁾ OJ No L 157, 28. 6. 1969, p. 1.

⁽⁶⁾ OJ No L 33, 6. 2. 1985, p. 7.

COMMISSION REGULATION (EEC) No 270/86**of 6 February 1986****extending, for the 1986 marketing year, Regulation (EEC) No 301/85 derogating from the quality standards for sweet peppers for the 1985 marketing year**

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 3768/85⁽²⁾, and in particular the second subparagraph of Article 2 (2) thereof,

Whereas the quality standards for sweet peppers were laid down in the Annex to Commission Regulation (EEC) No 2397/76⁽³⁾;

Whereas there have been important developments in the marketing of pre-packed sweet peppers and especially concerning the uniformity of the produce; whereas this situation should be taken into account when the quality standards are laid down; whereas there should be a continuation of the temporary derogation from the quality standards for sweet peppers, as laid down in Commission Regulation (EEC) No 301/85⁽⁴⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1986 marketing year the derogation provided for in the Annex to Regulation (EEC) No 2397/76 by the Regulation (EEC) No 301/85 is maintained.

Article 2

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

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

Done at Brussels, 6 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 362, 20. 12. 1985, p. 8.

⁽³⁾ OJ No L 270, 2. 10. 1976, p. 13.

⁽⁴⁾ OJ No L 33, 6. 2. 1985, p. 8.

COMMISSION REGULATION (EEC) No 271/86**of 6 February 1986**

re-establishing the levying of customs duties applicable to sodium dichromate falling within subheading 28.47 B ex II, originating in Romania, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3599/85 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3599/85 of 17 December 1985 applying generalized tariff preferences for 1986 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas, pursuant to Articles 1 and 10 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 11 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of sodium dichromate, falling within subheading 28.47 B ex II, the individual ceiling was fixed at 334 000 ECU; whereas, on 4 February 1986, imports of these products into the Community originating in Romania reached the ceiling in question after being

charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against Romania,

HAS ADOPTED THIS REGULATION:

Article 1

As from 10 February 1986, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3599/85, shall be re-established on imports into the Community of the following products originating in Romania:

CCT heading No	Description
28.47 B ex II (NIMEXE code 28.47-41)	Sodium dichromate

Article 2

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

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

Done at Brussels, 6 February 1986.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 352, 30. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 272/86**of 6 February 1986****fixing the amounts to be levied in the beef sector on products which left the
United Kingdom during the week 20 to 26 January 1986**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 1311/85
of 23 May 1985 on the granting of a premium for the
slaughter of certain adult bovine animals in the United
Kingdom ⁽¹⁾, and in particular Article 5 thereof,

Whereas, under Article 3 of Regulation (EEC) No
1311/85, an amount equivalent to the amount of the vari-
able slaughter premium granted in the United Kingdom
is levied on meat and meat preparations from animals on
which it has been paid, when they are consigned to other
Member States or to non-member countries;

Whereas, under Article 7 (1) of Commission Regulation
(EEC) No 2187/85 of 31 July 1985 laying down detailed
rules for the application of the premium for the slaughter
of certain adult bovine animals for slaughter in the
United Kingdom ⁽²⁾, the amounts to be charged on depart-
ure from the territory of the United Kingdom of the
products listed in the Annex to the said Regulation must
be fixed each week by the Commission;

Whereas, accordingly, the amounts to be levied on
products which left the United Kingdom during the week
20 to 26 January 1986 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of Regulation (EEC) No 1311/85,
the amounts to be levied on the products referred to in
Article 7 (1) of Regulation (EEC) No 2187/85 which left
the territory of the United Kingdom during the week 20
to 26 January 1986 shall be those set out in the Annex.

Article 2

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

It shall apply with effect from 20 January 1986.

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

Done at Brussels, 6 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 137, 27. 5. 1985, p. 20.

⁽²⁾ OJ No L 203, 1. 8. 1985, p. 76.

ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during the week 20 to 26 January 1986

<i>(ECU/100 kg net weight)</i>		
CCT heading No	Description	Amount
1	2	3
ex 02.01 A II a) and ex 02.01 A II b)	Meat of adult bovine animals, fresh, chilled or frozen : 1. Carcases, half-carcases or 'compensated' quarters 2. Separated or unseparated forequarters 3. Separated or unseparated hindquarters 4. Other : aa) Unboned (bone-in) bb) Boned or boneless	 26,26474 21,01179 31,51769 21,01179 35,98269
ex 02.06 C I a)	Meat salted, in brine, dried or smoked, of adult bovine animals : 1. Unboned (bone-in) 2. Boned or boneless	 21,01179 29,94180
ex 16.02 B III b) 1	Other prepared or preserved meat or meat offal, containing meat or offal of adult bovine animals : aa) Uncooked ; mixtures of cooked meat or offal and uncooked meat or offal : 11. Containing 80 % or more by weight of beef meat excluding offals and fat 22. Other	 29,94180 21,01179

COMMISSION REGULATION (EEC) No 273/86**of 6 February 1986****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 3768/85⁽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 3768/85, and in particular Article 12 (4) thereof,

Having regard to Council Regulation No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁴⁾, 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 Commission Regulation (EEC) No 200/86⁽⁵⁾, as last amended by Regulation (EEC) No 262/86⁽⁶⁾;

Whereas Council Regulation (EEC) No 1027/84 of 31 March 1984⁽⁷⁾ as amended by Regulation (EEC) No 2744/75⁽⁸⁾ as regards products falling within subheading 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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- 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 5 February 1986;

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 Commission Regulation (EEC) No 1579/74⁽⁹⁾ the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to the amended Regulation (EEC) No 200/86, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 February 1986.

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

Done at Brussels, 6 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 25, 31. 1. 1986, p. 19.

⁽⁶⁾ OJ No L 31, 6. 2. 1986, p. 25.

⁽⁷⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁸⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 6 February 1986 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	144,27 ⁽¹⁾	142,46 ⁽¹⁾ ⁽²⁾
07.06 A II	147,29 ⁽¹⁾	142,46 ⁽¹⁾ ⁽²⁾
11.01 C ⁽²⁾	265,73	259,69
11.02 A III ⁽²⁾	265,73	259,69
11.02 B I a) 1 ⁽²⁾	233,85	230,83
11.02 B I b) 1 ⁽²⁾	233,85	230,83
11.02 B II a) ⁽²⁾	210,94	207,92
11.02 C I ⁽²⁾	253,15	250,13
11.02 C III ⁽²⁾	366,72	360,68
11.02 D I ⁽²⁾	162,48	159,46
11.02 D III ⁽²⁾	150,18	147,16
11.02 E I a) 1 ⁽²⁾	150,18	147,16
11.02 E I b) 1 ⁽²⁾	294,58	288,54
11.02 E II a) ⁽²⁾	287,43	281,39
11.02 F I ⁽²⁾	287,43	281,39
11.02 F III ⁽²⁾	265,73	259,69
11.02 G I	123,29	117,25
11.04 C I	147,29	140,64 ⁽³⁾
11.07 A I a)	289,15	278,27
11.07 A I b)	218,80	207,92
11.07 A II a)	267,68 ⁽⁴⁾	256,80
11.07 A II b)	202,76	191,88
11.07 B	234,50 ⁽⁴⁾	223,62
11.08 A III	303,34	282,79
11.09	695,50	514,16

⁽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.

⁽⁵⁾ 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 ex 07.06 A,
- flours and meal of arrowroot falling within subheading 11.04 C,
- arrowroot starch falling within subheading ex 11.08 A V.

COMMISSION REGULATION (EEC) No 274/86
of 6 February 1986
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
 Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 3768/85⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1809/85⁽³⁾, as last amended by Regulation (EEC) No 247/86⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1809/85 to the information known to the Commission that the levies at

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 February 1986.

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

Done at Brussels, 6 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.
⁽³⁾ OJ No L 169, 29. 6. 1985, p. 77.
⁽⁴⁾ OJ No L 30, 5. 2. 1986, p. 15.

ANNEX

to the Commission Regulation of 6 February 1986 fixing the import levies on white sugar and raw sugar

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form:	
	A. White sugar: flavoured or coloured sugar	47,78
	B. Raw sugar	42,89 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 275/86

of 6 February 1986

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2727/75
of 29 October 1975 on the common organization of the
market in cereals⁽¹⁾, as last amended by Regulation (EEC)
No 3768/85⁽²⁾, and in particular the fourth subparagraph
of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or prices
on the world market for the products listed in Article 1 of
that Regulation and prices for those products in the
Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general rules for
granting export refunds on cereals and criteria for fixing
the amount of such refunds⁽³⁾, provides that when
refunds are being fixed, account must be taken of the
existing situation and the future trend with regard to
prices and availabilities of cereals on the Community
market on the one hand, and prices for cereals and cereal
products on the world market on the other; whereas the
same Article provides that it is also important to ensure
equilibrium and the natural development of prices and
trade on cereal markets and, furthermore, to take into
account the economic aspect of the proposed exports and
the need to avoid disturbances on the Community
market;

Whereas Article 3 of Regulation (EEC) No 2746/75
defines the specific criteria to be taken into account when
the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat
and rye flour, groats and meal are concerned, in Article 4
of Regulation (EEC) No 2746/75; whereas furthermore,
when the refund on these products is being calculated,
account must be taken of the quantities of cereals
required for their manufacture; whereas these quantities

were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾,
as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

Whereas the world market situation or the specific
requirements of certain markets may make it necessary to
vary the refund for certain products according to destina-
tion;

Whereas the refund must be fixed once a month;
whereas it may be altered in the intervening period;

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 rela-
tion 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 corrective factor provided for in
the last paragraph of Article 3 (1) of Council Regula-
tion (EEC) No 1676/85⁽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 rela-
tion to the Community currencies referred to in the
previous indent and the aforesaid coefficient;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a),
(b) and (c) of Regulation (EEC) No 2727/75, exported in
the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 February 1986.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

Done at Brussels, 6 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 6 February 1986 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria and Liechtenstein — zone II b) — other third countries	 69,00 76,00 10,00
10.01 B II	Durum wheat for exports to : — Switzerland, Austria and Liechtenstein — other third countries	 5,00 10,00
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — other third countries	 5,00 10,00
10.03	Barley for exports to : — Switzerland, Austria and Liechtenstein — zone II b) — Japan — other third countries	 90,00 96,00 — 10,00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	 — —
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 B	Millet	—
10.07 C	Grain sorghum	—
ex 11.01 A	Wheat flour : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	 103,00 103,00 91,00 84,00 78,00 70,00

(ECU/tonne)		
CCT heading No	Description	Refund
ex 11.01 B	Rye flour :	
	— of an ash content of 0 to 700	103,00
	— of an ash content of 701 to 1 150	103,00
	— of an ash content of 1 151 to 1 600	103,00
	— of an ash content of 1 601 to 2 000	103,00
11.02 A I a)	Durum wheat groats and meal :	
	— of an ash content of 0 to 1 300 ⁽¹⁾	288,00
	— of an ash content of 0 to 1 300 ⁽²⁾	272,00
	— of an ash content of 0 to 1 300	243,00
	— of an ash content of more than 1 300	229,00
11.02 A I b)	Common wheat groats and meal :	
	— of an ash content of 0 to 520	103,00

⁽¹⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,250 mm mesh.

⁽²⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,160 mm mesh.

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 501/85 (OJ No L 60, 28. 2. 1985).

COMMISSION REGULATION (EEC) No 276/86
of 6 February 1986
fixing the export refunds on 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 3768/85 ⁽²⁾, and in particular the fourth subparagraph
of Article 16 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75
provides that the difference between quotations or prices
on the world market for the products listed in Article 1 of
those Regulations and prices for those products within
the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general rules for
granting export refunds on cereals and criteria for fixing
the amount of such refunds ⁽³⁾, provides that when
refunds are being fixed account must be taken of the
existing situation and the future trend with regard to
prices and availabilities of cereals on the Community
market on the one hand and prices for cereals and cereal
products on the world market on the other; whereas the
same Article provides that it is also important to ensure
equilibrium and the natural development of prices and
trade on cereal markets and, furthermore, to take into
account the economic aspect of the proposed exports, and
the need to avoid disturbances on the Community
market;

Whereas Council Regulation (EEC) No 2744/75 of 29
October 1975 on the import and export system for
products processed from cereals and from rice ⁽⁴⁾, as last
amended by Regulation (EEC) No 1027/84 ⁽⁵⁾, defines the
specific criteria to be taken into account when the refund
on these products is being calculated;

Whereas it follows from applying these detailed rules to
the present situation on the market in products processed
from cereals and rice that the export refund should be
fixed at an amount which will cover the difference
between Community prices and world market prices;

Whereas the world market situation or the specific
requirements of certain markets may make it necessary to
vary the refund for certain products according to destina-
tion;

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 rela-
tion 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 corrective factor provided for in
the last paragraph of Article 3 (1) of Council Regula-
tion (EEC) No 1676/85 ⁽⁶⁾,
- 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 rela-
tion to the Community currencies referred to in the
previous indent and the aforesaid coefficient;

Whereas the refund must be fixed once a month;
whereas it may be altered in the intervening period;

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

The export refunds on malt listed in Article 1 (d) of Regu-
lation (EEC) No 2727/75 subject to Regulation (EEC) No
2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 February 1986.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

Done at Brussels, 6 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 6 February 1986 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
CCT heading No	Refund
11.07 A I b)	91,77
11.07 A II b)	139,86
11.07 B	163,00

COMMISSION REGULATION (EEC) No 277/86
of 6 February 1986
fixing the corrective amount applicable to the refund on cereals

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 3768/85⁽²⁾,

Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1027/84⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Commission Regulation (EEC) No 1281/75⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of

exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure;

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts 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 corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽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 preceding indent and the aforesaid coefficient;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 February 1986.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

Done at Brussels, 6 February 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 6 February 1986 fixing the corrective amount applicable to the refund on cereals

CCT heading No	Description	(ECU/tonne)						
		Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7	6th period 8
10.01 B I	Common wheat and meslin for exports to:							
	— China	0	+ 6,00	+ 5,00	+ 4,00	+ 4,00	— 30,00	— 30,00
	— other third countries	0	0	— 1,00	— 2,00	— 2,00	— 36,00	— 36,00
10.01 B II	Durum wheat	0	0	0	0	0	—	—
10.02	Rye	0	0	0	0	0	—	—
10.03	Barley	0	0	0	0	— 30,00	—	—
10.04	Oats	—	—	—	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	0	0	0	0	—	—	—
10.07 C	Grain sorghum	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	— 50,00	— 50,00
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	—	—

N. B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 501/85 (OJ No L 60, 28. 2. 1985).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 February 1986

accepting undertakings given in connection with the anti-dumping investigation concerning imports of certain clogs originating in Sweden

(86/21/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 10 thereof,

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

Whereas :

A. Provisional action

- (1) The Commission, by Regulation (EEC) No 2823/85⁽²⁾, as amended by Regulation (EEC) No 3475/85⁽³⁾, imposed a provisional anti-dumping duty on imports of certain clogs originating in Sweden.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, the two Swedish exporters who had cooperated in the investigation and on the import of whose products this duty was imposed, made representations to the Commission, making their views known on the duty. They also requested to be informed of the facts and essential considerations on the basis of which the Commission intended to recommend definitive action, and these requests were granted.

In addition, certain other exporters who had not previously made themselves known to the Commission made representations to the Commission making their views known on the duty, and representatives of the Swedish authorities acting on behalf of the Swedish clog industry as a whole, made written and oral submissions to the Commission on both dumping and injury.

C. Dumping

- (3) On the basis of certain of these submissions and in particular as a result of new evidence supplied on transport costs from ex-works Sweden to cif Community frontier, the dumping margin found for Torpatofeln has been adjusted from 11 % to 5,2 %. The margin for B.J. Träsko was, however, confirmed at 7 %. It is accordingly considered that these findings on dumping should be considered definitive.
- (4) As regards those exporters who only made themselves known to the Commission following the imposition of the provisional anti-dumping duty, and those exporters who have not fully cooperated in the investigation or have not made themselves known to the Commission during the course of the investigation, dumping was determined on the basis of the facts available. In this connection, it was considered that the results of its investigation provided the most appropriate basis for determination of the margin of dumping and that it would create an opportunity for circumvention of the duty and an invitation for non-cooperation in future anti-dumping investigations to hold that the dumping margin for these exporters was any lower than the higher dumping margin of 7 % 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.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 268, 10. 10. 1985, p. 11.

⁽³⁾ OJ No L 333, 11. 11. 1985, p. 18.

D. Injury

- (5) The Commission received submissions on behalf of the Swedish exporters purporting to show that factors other than Swedish imports had caused injury to the Community industry in particular in relation to levels of intra-Community trade in the products concerned. On investigating these allegations, however, it was established that, although intra-Community trade in products falling under the Nimexe code covering the products in question was substantial, this trade related for the most part to footwear other than the clogs in question. Accordingly, it is considered that the findings, as set out in Regulation EEC No 2823/85 that the volume of dumped Swedish imports during the reference period (1,6 million pairs), and the price at which these products had been sold in the Community (between 11 % and 49 % below Community producers' prices), taken in isolation from injury caused by other factors, had caused material injury to the Community industry, should be definitive.

E. Community interest

- (6) 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 conclusion has been reached that it is in the Community's interest that action be taken.

F. Definitive duty

- (7) In the light of the above determination, and having particular regard to the extent of the price undercutting which varied from 11 % to 49 %, the rate of definitive anti-dumping duty which will apply to Swedish exporters should correspond to 7 %.

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*, and the investigation should be terminated as regards these exporters.

G. Undertakings

- (8) Following consultations within the Joint Committee as provided for in the Agreement between the European Economic Community and the Kingdom of Sweden⁽¹⁾, a number of exporters concerned, having been informed of the results of the procedure subsequent to the imposition of the provisional duty, offered undertakings which the Commission considered would eliminate the dumping found and which were considered acceptable. Accordingly, the duty

should not apply to and the investigation be terminated as it concerns these exporters.

- (9) No objection to this course was raised in the Advisory Committee.

HAS DECIDED AS FOLLOWS:

Article 1

The undertakings given in connection with the anti-dumping investigation concerning clogs with outer soles of leather, composition leather, rubber or artificial plastic material and with uppers of leather or leather covered with PVC, falling within Common Customs Tariff subheading ex 64.02A corresponding to Nimexe code ex 64.02-41 and originating in Sweden are hereby accepted from the following exporters:

- Arbesko AB, Örebro,
- Balsfiord Import & Export AB, Hälsingborg,
- Ceder-Sko AB, Bjursås,
- Dalex AB, Bjursås,
- Embla-Clogman AB, Sölvesborg,
- Excelsior AB, Kulma,
- Expert Träsko, Orrefors,
- GO—Produkter, Ljungbyholm,
- Hejco Yrkeskläder AB, Hyssna,
- Hultgrens Footwear AB, Tingsryd,
- HB Hällabotten, Kumla,
- Ikea Svenska AB, Älmhult,
- June Trading, Jönköping,
- AB Karlskoga Trätoffelfabrik, Karlskoga,
- Klostertoffeln AB, Aaskloster,
- Knulp HB, Uttran,
- Konga Skyddsskotillverkning AB, Vissefjärda,
- K Wik Import Export AB, Lund,
- Lis-TOffel, Falkenberg,
- LT Skor AB, Knislinge,
- Munkens AB, Munkedal,
- AB Nowa Li, Limmared,
- Nya Baastadtoffeln AB, Baastad,
- AB Nymans Toffelfabrik, Vetlanda,
- Oscaria AB, Örebro,
- Rolfson Sko AB, Aaskloster,
- Skaane Toffeln, Hälsingborg,
- AB Supinator, Landvetter,
- Swecap AB, Malmö,
- Tollarps Tofflor AB, Tollarp,
- Tyringe-TOfflan, Tyringe,

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 97.

- HB Tomex, Örkellunga,
- Torpatoffeln AB, Tornsbruk,
- Yngve Brodd Aktiebolag, Mölndal,
- Westbo Toffelfabrik, Smaalandsstenar.

in that Article and as it refers to Lavi Kristianstad, Sweden
and Ugglebo Toffeln AB Paryd, Sweden,

Done at Brussels, 4 February 1986.

Article 2

The anti-dumping investigation referred to in Article 1 is
hereby terminated as it refers to the exporters mentioned

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION OF THE EUROPEAN COMMUNITIES

Document

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