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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1734/86**of 4 June 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 the Act of Accession of Spain and Portugal,

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 1355/86 ⁽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 720/86 ⁽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 3 June 1986;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 720/86 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 5 June 1986.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 118, 7. 5. 1986, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 65, 7. 3. 1986, p. 31.

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

Done at Brussels, 4 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 4 June 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	10,31	173,73
10.01 B II	Durum wheat	31,61	217,80 ⁽¹⁾ ⁽²⁾
10.02	Rye	48,52	154,69 ⁽³⁾
10.03	Barley	43,38	164,85
10.04	Oats	82,54	162,60
10.05 B	Maize, other than hybrid maize for sowing	—	153,96 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	43,38	48,19 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid maize for sowing	—	160,80 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	—	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	30,25	259,04
11.01 B	Rye flour	83,75	232,38
11.02 A I a)	Durum wheat groats and meal	62,83	351,43
11.02 A I b)	Common wheat groats and meal	29,56	276,65

⁽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 1735/86

of 4 June 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 the Act of Accession of Spain and Portugal,

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 1355/86 ⁽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 3 June 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 Annexes 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 Annexes hereto.

Article 2

This Regulation shall enter into force on 5 June 1986.

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

Done at Brussels, 4 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 118, 7. 5. 1986, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 203, 1. 8. 1985, p. 11.

ANNEX I

to the Commission Regulation of 4 June 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from Portugal

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 6	1st period 7	2nd period 8	3rd period 9
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid maize for sowing	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

(ECU/tonne)						
CCT heading No	Description	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
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

ANNEX II

to the Commission Regulation of 4 June 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 6	1st period 7	2nd period 8	3rd period 9
10.01 B I	Common wheat, and meslin	0	1,61	1,61	0,54
10.01 B II	Durum wheat	0	9,38	9,38	22,07
10.02	Rye	0	0	0	0
10.03	Barley	0	9,42	9,42	12,60
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid maize for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	2,26	2,26	0,76

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	2,87	2,87	0,96	0,96
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	2,14	2,14	0,72	0,72
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	16,77	16,77	22,43	22,43
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	12,53	12,53	16,76	16,76
11.07 B	Roasted malt	0	14,60	14,60	19,53	19,53

COMMISSION REGULATION (EEC) No 1736/86**of 4 June 1986****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 the Act of Accession of Spain and Portugal,

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 1449/86 ⁽²⁾, and in particular Article 11 (2) thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 743/86 ⁽³⁾, as last amended by Regulation (EEC) No 1674/86 ⁽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 corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾,
- 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 amended Regulation (EEC) No 743/86 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 5 June 1986.

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

Done at Brussels, 4 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 70, 13. 3. 1986, p. 34.

⁽⁴⁾ OJ No L 146, 31. 5. 1986, p. 6.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 4 June 1986 fixing the import levies on rice and broken rice

CCT heading No	Description	Portugal	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 2. Long grain b) Husked rice : 1. Round grain 2. Long grain II. Semi-milled or wholly milled rice : a) Semi-milled rice : 1. Round grain 2. Long grain b) Wholly milled rice : 1. Round grain 2. Long grain III. Broken rice	— — — — — — 13,05 12,97 13,90 13,90 35,55	324,39 339,83 405,49 424,79 500,27 641,10 532,79 687,26 184,29	158,59 166,31 199,14 208,79 238,21 308,66 254,04 331,28 89,14

⁽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 1737/86

of 4 June 1986

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 the Act of Accession of Spain and Portugal,

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 1449/86 ⁽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 Commission Regulation (EEC) No 2457/85 ⁽³⁾, as last amended by Regulation (EEC) No 1675/86 ⁽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 corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁵⁾,

- 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, 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 Annexes 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 Annexes hereto.

Article 2

This Regulation shall enter into force on 5 June 1986.

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

Done at Brussels, 4 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 234, 31. 8. 1985, p. 8.

⁽⁴⁾ OJ No L 146, 31. 5. 1986, p. 8.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX I

to the Commission Regulation of 4 June 1986 fixing the premiums to be added to the import levies on rice and broken rice from Portugal

CCT heading No	Description	(ECU/tonne)			
		Current 6	1st period 7	2nd period 8	3rd period 9
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

ANNEX II

to the Commission Regulation of 4 June 1986 fixing the premiums to be added to the import levies on rice and broken rice from third countries

ECT heading No	Description	(ECU/tonne)			
		Current 6	1st period 7	2nd period 8	3rd period 9
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 1738/86

of 4 June 1986

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 the Act of Accession of Spain and Portugal,

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 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 corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁸⁾,
- 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 362, 31. 12. 1985, p. 8.

⁽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 164, 24. 6. 1985, p. 1.

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 5 June 1986.

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

Done at Brussels, 4 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 4 June 1986 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	41,12	
	(b) Other	39,36	
	(II) Flavoured or coloured sugar		0,4112
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	37,83 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,4112
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	35,24 ⁽¹⁾	
	(d) 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), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 1739/86

of 3 June 1986

on the supply of common wheat flour as food aid to the Republic of Bolivia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3331/82 of 3 December 1982 on food-aid policy and food-aid management and amending Regulation (EEC) No 2750/75⁽¹⁾, and in particular the first subparagraph of Article 3 (1) thereof,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽²⁾, as last amended by Regulation (EEC) No 1355/86⁽³⁾, and in particular Article 28 thereof,

Whereas, by its decision of 10 December 1985 on the supply of food aid to Bolivia the Commission allocated to the latter country 10 000 tonnes of cereals to be supplied free at destination ;

Whereas an invitation to tender should be issued for supply of the products delivered unloaded at destination in view of the final use to be made of the goods delivered ;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 1974/80 of 22 July 1980 laying down general implementing rules in respect of certain food-aid operations involving cereals and rice⁽⁴⁾, as last amended by Regulation (EEC) No 3826/85⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs ;

Whereas, however, the specific provisions concerning delivery to destination must be set out ; whereas the successful tenderer must thus bear all risk in the goods up to unloading at the stipulated destination ; whereas payment can be made only when proof of delivery to the destination is provided ;

Whereas it must be made clear who is to bear any costs which arise in the event that for reasons of *force majeure* the operation in question is not completed within the period stipulated ;

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

1. The intervention agency mentioned in Annex I hereto is hereby required to implement the mobilization and supply of the product stated in the said Annex as food aid, subject to the provisions of this Regulation.
2. Supply of the products shall be organized under the tender procedure.
3. Annex I shall take the place of a notice of invitation to tender. The intervention agency responsible shall make further publications as necessary.

Article 2

1. For the purposes of the invitation to tender, the following provisions of Regulation (EEC) No 1974/80 shall apply :

- Article 4, except the provisions of paragraphs 3 (e) and 4 (d) and (e), in respect of submission of tenders,
- Article 5 in respect of provision of security,
- Article 6 in respect of opening and reading tenders,
- Article 8 in respect of comparing tenders.

2. The tender shall indicate the amount of the tender expressed per tonne of product, in the currency of the Member State where the tendering procedure is taking place.

The tender must include the cost of fumigation, unloading and warehousing at the final destination stated in Annex I.

The tender shall state separately the amount of cost in respect of sea and land transport to the stipulated final destination.

The tender shall indicate the Member State in which the tenderer, in the event of his being declared successful, undertakes to complete the customs export formalities.

3. The tenderer shall carry out his obligations pursuant to this Regulation and the undertakings referred to in Article 4 (4) of Regulation (EEC) No 1974/80, with the exception of points (d) and (e) thereof.

⁽¹⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽²⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽³⁾ OJ No L 118, 7. 5. 1986, p. 1.

⁽⁴⁾ OJ No L 192, 26. 7. 1980, p. 11.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

4. The tenderer shall undertake to ship in vessels, listed in the larger classes in recognized classification registers, not more than 15 years old and attested by a competent body as meeting hygiene requirements.

Article 3

1. Without prejudice to paragraphs 2 and 3, the contract shall be awarded within 48 hours to the tenderer who has submitted the most favourable tender.

2. Where the most favourable tender is submitted by more than one tenderer, the intervention agency shall award the contract to one of those tenderers by drawing lots.

3. If the tenders do not appear to be in line with the prices normally prevailing on the market, the intervention agency may, with the agreement of the Commission, decide not to award the contract.

4. The intervention agency shall communicate the results of the tendering procedure to all the tenderers by letter or telex sent not later than the first working day following the award decision.

Article 4

1. The successful tenderer shall contract as necessary, at his own expense, for carriage of the goods to the final destination and shall bear all the costs involved, including those of unloading and warehousing at the destination. He shall take out suitable insurance.

2. The successful tenderer shall bear all the risks relating to the goods, in particular of loss or deterioration to which the goods are subject, until they have effectively been unloaded and delivered to the final destination.

3. The successful tenderer shall communicate as soon as possible to the recipient's representative the date of loading, the means of transport used to consign the goods to the final destination, and the probable date of arrival. He shall immediately send this information to the intervention agency responsible for payment, which shall forward it without delay to the Commission.

The tenderer shall advise the recipient's representative, at least three days in advance, of the probable date of arrival of the goods at the final destination.

Article 5

1. The intervention agency of the country of shipment shall arrange for a check at the port, before loading, on the quantity, quality and packaging of the goods. Following inspection an attestation shall be issued by the intervention agency. The costs relating thereto shall be borne by the successful tenderer.

The successful tenderer shall provide that intervention agency with the certificate showing that the fumigation has been carried out.

2. Samples intended for analysis shall be taken and the inspection shall be carried out in accordance with the trade practices in force in the country of shipment. The successful tenderer and the recipient's representative shall be invited to take part in the operation.

Two sealed samples shall be kept by the intervention agency until issue by the recipient of the taking-over certificate or until issue of the certificate referred to in Article 6 (2).

3. If the inspection referred to in paragraph 1 gives rise to a dispute, the intervention agency shall arrange for a second inspection by a service different from that mentioned in paragraph 1, the findings of which shall be final. The costs relating thereto shall be borne by the losing party.

4. Where the inspection provided for in the preceding paragraphs reveals that the goods do not satisfy the requirements stipulated, they must be refused and replaced. Where some quantities are missing the successful tenderer must make up the cargo.

Article 6

1. A taking-over certificate shall be issued by the recipient immediately following unloading at the final destination. It shall state the place and date of taking over and give a description of the goods taken over in the form given in Annex II and any comments by the recipient.

2. Where the taking-over certificate is not issued for reasons other than a dispute about the goods, proof of delivery may be provided by means of a certificate of the form given in Annex II endorsed by the Community representative in the country of destination.

Article 7

1. Payment to the successful tenderer shall be made by the intervention agency of the Member State in which the customs export formalities are completed.

2. The amount to be paid shall be that of the tender plus, where appropriate, the costs referred to in Article 9. It shall be paid in the currency of the Member State which is responsible for payment. For this purpose this amount shall be converted by using:

- where the currencies in question are maintained within a maximum spread at any one time of 2,25 %, the conversion rate resulting from their central rate,
- in other cases, the relationship between the two currencies concerned established by using the latest statement of their spot exchange rates made immediately prior to the closing date for the submission of tenders as published in the 'C' series of the *Official Journal of the European Communities*.

3. The amount referred to in paragraph 2 shall be paid to the successful tenderer on presentation of the original of the taking-over certificate or a certified copy thereof, or, if this is not available, of the certificate referred to in Article 6 (2).

4. The intervention agency is hereby authorized to make without delay an initial payment of 80 % of the value of the quantity given in the bill of lading, on presentation of a copy of that document, of the attestation referred to in Article 5 (1) and of the fumigation certificate, and subject to the provision of a security for an amount equal to the initial payment.

The said security shall be provided as laid down in Article 5 (2) of Regulation (EEC) No 1974/80.

Article 8

1. The security referred to in Article 2 shall be immediately released to:

- every tenderer whose tender was not successful or was not accepted,
- the successful tenderer in respect of quantities not delivered on account of *force majeure*,
- the successful tenderer in respect of the quantities delivered in accordance with this Regulation and on presentation of the original of the taking-over certificate or a certified true copy thereof or, where appropriate, the certificate referred to in Article 6 (2).

2. The security referred to in Article 7 (4) shall be released immediately when the successful tenderer furnishes the proof in accordance with Article 6 that at least 80 % of the quantity provided for has been delivered in conformity with the conditions laid down in this Regulation.

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

Done at Brussels, 3 June 1986.

Article 9

If the successful tenderer, for reasons of *force majeure*, has to bear exceptional costs in respect of the delivery made under this Regulation which cannot be covered by insurance, he may receive compensation therefor on production of supporting documents and with the prior agreement of the Commission.

Article 10

Except in case of *force majeure* the successful tenderer shall bear all the financial consequences of the non-delivery of the goods under the conditions laid down in this Regulation if the recipient had made delivery possible under such conditions.

The costs resulting from the non-delivery of the goods following a case of *force majeure* shall be borne by the intervention agency responsible for payment.

Article 11

Articles 21 and 22 (1) and (2) of Regulation (EEC) No 1974/80 shall apply in the context of this Regulation.

The intervention agency responsible for payment shall, on receipt, send the information referred to in Article 4 (3) to the Commission.

The intervention agency in the country of shipment shall send the Commission, without delay, the results of the inspection referred to in Article 5.

Article 12

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

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

1. **Programme :** 1985
2. **Recipient :** Republic of Bolivia (Superintendente AADAA, Senor Vladimiro Ergueta, Calle MAA n° 2668, tel. 223261, Antofagasta)
3. **Place or country of destination :** Bolivia
4. **Product to be mobilized :** common wheat flour
5. **Total quantity :** 7 300 tonnes (10 000 tonnes of cereals)
6. **Number of lots :** three
 - lot 1 : 2 500 tonnes
 - lot 2 : 2 500 tonnes
 - lot 3 : 2 300 tonnes
7. **Intervention agency responsible for conducting the procedure :**
Bundesanstalt für landwirtschaftliche Marktordeung (BALM), Adickesallee 40, D-6000 Frankfurt/Main (telex : 411475)
8. **Method of mobilizing the product :** on the Community market
9. **Characteristics of the goods :**
flour of fair and sound merchantable quality, free from abnormal smell and pests, which produces dough which does not stick during the mechanical kneading process ; the flour shall have the following characteristics :
 - moisture : 14 % maximum (ICC Method No 110)
 - protein content : 10,5 % minimum (N × 6,25 in terms of dry matter) (ICC Method No 105)
 - Hagberg falling number of at least 180, including the preparation (agitation) time of 60 seconds (ICC Method No 107)
 - ash content : 0,62 % maximum, referred to dry matter (ICC Method No 104)
10. **Packaging :**
 - new cotton sacks of 160 g, lined with woven polypropylene sacks of 95 g. The top edge of the two sacks will be sewn together
 - net weight of the bags : 25 kg
 - marking on the bags in letters at least 3 cm high :
'HARINA DE TRIGO / DONACIÓN DE LA COMUNIDAD ECONÓMICA EUROPEA A BOLIVIA / PARA DISTRIBUCIÓN GRATUITA'
11. **Port of shipment :** a Community port
12. **Delivery stage :** delivered destination — via Antofagasta
La Paz : 2 500 t (Sr Angel Castro, Km 15 Camino La Paz-Viacha, tel. 355751/364051)
Potosi : 2 500 t (Sr Mario Martinez, Calle San Alberto esquina Avenida Villazon, tel. 23240)
Oruro : 2 300 t (Sr Hugo Novillo, Terminal de buses, tel. 53378)
13. **Procedure to be applied in order to determine supply costs :** tendering
14. **Deadline for the submission of tenders :** 12 noon on 18 June 1986
15. **Shipment period :** 1 to 31 July 1986
16. **Security :** 15 ECU per tonne

Notes :

1. Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
2. The successful tenderer shall send a copy of the shipping documents to the following address :
Commission Delegation in Venezuela, c/o 'Diplomatic Bag', Berlaymont 1/123, 200, rue de la Loi, B-1049 Brussels.

*ANNEX II***TAKING-OVER CERTIFICATE**

Recipient

I, the undersigned,
(Name, forename, business name)

acting on behalf of

certify that delivery has been taken of the goods listed below :

- Cereals or products
- Net tonnage accepted
- Packaging
 - in bulk
 - in bags
- Number of bags at kg net
marking
- number of marked empty bags
- Place of taking over
- Date of taking over

The quality of the goods delivered is in accordance with that fixed.

COMMISSION REGULATION (EEC) No 1740/86

of 4 June 1986

introducing a countervailing charge on apricots originating in Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 1351/86⁽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 introduced 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 1126/86 of 18 April 1986 fixing for the 1986 marketing year the reference prices for apricots⁽³⁾ fixed the reference price for products of class I for the period from 1 to 10 June 1986 at 106,26 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 representative 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 Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation

(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for apricots originating in Spain (except the Canary Islands) 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 apricots;

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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (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 relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁷⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985, must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 2 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the first year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 50,62 ECU per 100 kilograms net is applied to apricots (subheading 08.07 A of the Common Customs Tariff) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 6 June 1986.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 103, 19. 4. 1986, p. 16.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 302, 15. 11. 1985, p. 9.

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

Done at Brussels, 4 June 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 1741/86**of 4 June 1986****amending Regulation (EEC) No 3143/85 on the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1335/86 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 3143/85 ⁽³⁾, as last amended by Regulation (EEC) No 715/86 ⁽⁴⁾, made provision for the sale at reduced prices of intervention butter intended for direct consumption in the form of concentrated butter;

Whereas the selling price of the butter is determined in Article 2 (1) of Regulation (EEC) No 3143/85; whereas, to enable a greater quantity of concentrated butter to be

disposed of, the reduction in the price of the butter should be increased;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3143/85 is hereby amended as follows:

1. In Article 2 (1), '224 ECU' is replaced by '243 ECU'.
2. In Article 2 (4), '234 ECU' is replaced by '253 ECU'.

Article 2

This Regulation shall enter into force on the day 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 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽³⁾ OJ No L 298, 12. 11. 1985, p. 9.

⁽⁴⁾ OJ No L 65, 7. 3. 1986, p. 18.

COMMISSION REGULATION (EEC) No 1742/86**of 4 June 1986****amending Regulation (EEC) No 756/70 on granting aid for skimmed milk
processed into casein and caseinates**

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (EEC) No 1335/86 ⁽²⁾, and in particular Article 11 (3)
thereof,

Whereas the amount of aid for 100 kilograms of skimmed
milk processed into casein or caseinates was fixed at 8,55
ECU by Article 2 (1) of Commission Regulation (EEC)
No 756/70 ⁽³⁾, as last amended by Regulation (EEC) No
1603/35 ⁽⁴⁾;

Whereas account should be taken of the development of
casein prices in international trade, expressed in US
dollars;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 (1) of Regulation (EEC) No 756/70, '8,55
ECU' is hereby replaced by '9,30 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 with effect from 2 June 1986.

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

Done at Brussels, 4 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽³⁾ OJ No L 91, 25. 4. 1970, p. 28.

⁽⁴⁾ OJ No L 155, 14. 6. 1985, p. 16.

COMMISSION REGULATION (EEC) No 1743/86

of 4 June 1986

re-establishing the levying of customs duties on chromium oxides and hydroxides, falling within heading No 28.21, originating in China, 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 chromium oxides and hydroxides, falling within heading No 28.21, originating in China, the individual ceiling was fixed at 550 000 ECU; whereas, on 3 June 1986, imports of these products into the Community originating in China 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 China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 8 June 1986, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3599/85, shall be re-established on imports into the Community of the following products originating in China:

CCT heading No	Description
28.21 (NIMEXE code 28.21 — all numbers)	Chromium oxides and hydroxides

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, 4 June 1986.

For the Commission
COCKFIELD
Vice-President

⁽¹⁾ OJ No L 352, 30. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 1744/86
of 4 June 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 the Act of Accession of Spain and Portugal,

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 1732/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1809/85 to the infor-

mation 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 5 June 1986.

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

Done at Brussels, 4 June 1986.

For the Commission
 Frans ANDRIESEN
 Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 145, 30. 5. 1986, p. 54.
⁽³⁾ OJ No L 169, 29. 6. 1985, p. 77.
⁽⁴⁾ OJ No L 150, 4. 6. 1986, p. 18.

ANNEX

to the Commission Regulation of 4 June 1986 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form:	
	A. White sugar: flavoured or coloured sugar	46,76
	B. Raw sugar	40,35 ⁽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 1745/86**of 4 June 1986****fixing the maximum export refund for white sugar for the 42nd 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 the Act of Accession of Spain and Portugal,

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 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⁾, as amended by Regulation (EEC) No 239/86⁽⁴⁾, 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 42nd 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 42nd partial invitation to tender for white sugar issued under Regulation (EEC) No 2236/85 is hereby fixed at 41,952 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 5 June 1986.

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

Done at Brussels, 4 June 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 209, 6. 8. 1985, p. 19.

⁽⁴⁾ OJ No L 29, 4. 2. 1986, p. 19.

COMMISSION REGULATION (EEC) No 1746/86
of 4 June 1986

fixing the maximum export refund for white sugar for the first partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1659/86

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

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 934/86 ⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1659/86 of 29 May 1986 on a 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 1659/86, 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 first 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 first partial invitation to tender for white sugar issued under Regulation (EEC) No 1659/86 is hereby fixed at 41,950 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 5 June 1986.

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

Done at Brussels, 4 June 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 87, 2. 4. 1986, p. 1.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 29.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 10 April 1986

concerning applications submitted by Beckmann & Vagedes KG, Bocholt, for refund of anti-dumping duties collected on certain imports of cotton yarn originating in Turkey

(86/207/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 16 thereof,

Whereas :

A. Procedure

1. On 3 December 1981 the Commission, by Regulation (EEC) No 3453/81⁽²⁾, imposed a provisional anti-dumping duty of 16 % on certain cotton yarn originating in Turkey; on 3 April 1982, by Council Regulation (EEC) No 789/82⁽³⁾, a definitive anti-dumping duty of 12 % was imposed on the product concerned and the amounts secured by way of provisional duty from 1 January 1982 pursuant to Regulation (EEC) No 3453/81 were definitively collected up to the amount of the definitive duty.
2. On 30 July 1982, an arrangement was agreed upon between the Commission, on the one hand, and the Turkish Government and the Turkish Textile Exporters' Association, on the other. Under the terms of this arrangement the Turkish authorities and exporters agreed that the prices for exports of cotton yarn to the Community should be raised to specified levels (hereinafter called 'the arrangement prices'). The arrangement also provided for the periodic updating of these prices to take account of changes in raw cotton prices in Turkey which would have corresponding effects on prices of cotton yarn in Turkey. The arrangement prices were equivalent to the normal values definitively determined in Regulation (EEC) No 789/82 and, consequently, eliminated the dumping margin as finally established. Because of this arrangement it was decided that it was no longer necessary to levy an anti-dumping duty. The definitive duty was therefore repealed by Council Regulation (EEC) No 2306/82⁽⁴⁾. Regulation (EEC) No 789/82, however, continued to apply for those goods which had already been introduced into the customs territory of the Community but not yet released into free circulation.

3. In April 1982 Beckmann & Vagedes KG, Bocholt, an importer of cotton yarn from Turkey, submitted several applications to the German authorities for refunds of amounts totalling ...⁽⁵⁾ which it had definitively paid in anti-dumping duties on its imports of cotton yarn from Turkey. The German authorities forwarded the applications to the Commission.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 347, 3. 12. 1981, p. 19.

⁽³⁾ OJ No L 90, 3. 4. 1982, p. 1.

⁽⁴⁾ OJ No L 246, 21. 8. 1982, p. 14.

⁽⁵⁾ In the published version of the Decision, this figure has been omitted, pursuant to the provisions of Article 8 of Regulation (EEC) No 2176/84 concerning non-disclosure of business secrets.

4. These applications were examined by the Commission and the applicant was informed of the preliminary results and given an opportunity to comment on them. The applicant did not comment on the preliminary results.
5. The Commission informed the Member States and gave its opinion on the matter. None of the Member States disagreed with the opinion of the Commission.

B. Arguments of the applicant

6. The applicant has based its applications on an allegation that the export prices of the consignments concerned were equal to or higher than the arrangement prices mentioned in paragraph 2.

C. Admissibility

7. The applications are admissible since they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular the time limits.

D. Merits of the claim

8. In considering the validity of the applicant's applications, the Commission has used as normal values the arrangement prices mentioned in paragraph 2. The

Commission considered the use of the arrangement prices as normal values appropriate as these prices were equivalent to the normal values established by the Commission during its anti-dumping investigation in Turkey and, consequently, to those definitively determined in Regulation (EEC) No 789/82. The applicant was informed, at the preliminary stage, of the Commission's intention to use the arrangement prices as normal values but made no comment.

9. A comparison of the normal values mentioned in paragraph 8 with the export prices concerned shows that the applicant's claim is not justified,

HAS ADOPTED THIS DECISION :

Article 1

The refund applications submitted by Beckmann & Vagedes KG, Bocholt, in April 1982 are hereby rejected.

Article 2

This Decision is addressed to Beckmann & Vagedes KG, D-4290 Bocholt,

Done at Brussels, 10 April 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION DECISION**of 10 April 1986**

concerning applications submitted by Industrieverband Gewebe, Frankfurt/Main, on behalf of Hecking & Co, Leo Middelhoff GmbH & Co KG and Frottierweberei Vossen GmbH, for refund of anti-dumping duties collected on certain imports of cotton yarn originating in Turkey

(86/208/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 16 thereof,

Whereas :

A. Procedure

1. On 3 December 1981 the Commission, by Regulation (EEC) No 3453/81⁽²⁾, imposed a provisional anti-dumping duty of 16 % on certain cotton yarn originating in Turkey; on 3 April 1982, by Council Regulation (EEC) No 789/82⁽³⁾, a definitive anti-dumping duty of 12 % was imposed on the product concerned and the amounts secured by way of provisional duty from 1 January 1982 pursuant to Regulation (EEC) No 3453/81 were definitively collected up to the amount of the definitive duty.
2. On 30 July 1982, an arrangement was agreed upon between the Commission, on the one hand, and the Turkish Government and the Turkish Textile Exporters' Association, on the other. Under the terms of this arrangement the Turkish authorities and exporters agreed that the prices for exports of cotton yarn to the Community should be raised to specified levels (hereinafter called 'the arrangement prices'). The arrangement also provided for the periodic updating of these prices to take account of changes in raw cotton prices in Turkey which would have corresponding effects on prices of cotton yarn in Turkey. The arrangement prices were equivalent to the normal values definitively determined in Regulation (EEC) No 789/82 and, consequently, eliminated the dumping margin as finally established. Because of this arrangement it was decided that it was no longer necessary to levy an

anti-dumping duty. The definitive duty was therefore repealed by Council Regulation (EEC) No 2306/82⁽⁴⁾. Regulation (EEC) No 789/82, however, continued to apply for those goods which had already been introduced into the customs territory of the Community but not yet released into free circulation.

3. In June 1982 Industrieverband Gewebe, Frankfurt/Main, on behalf of Hecking & Co, Leo Middelhoff GmbH & Co KG and Frottierweberei Vossen GmbH, importers of cotton yarn from Turkey, submitted several applications to the German authorities for refunds of amounts totalling...⁽⁵⁾ which they had definitively paid in anti-dumping duties on their imports of cotton yarn from Turkey. The German authorities forwarded the applications to the Commission.
4. These applications were examined by the Commission and the applicant was informed of the preliminary results and given an opportunity to comment on them. The applicant did not comment on the preliminary results.
5. The Commission informed the Member States and gave its opinion on the matter. None of the Member States disagreed with the opinion of the Commission.

B. Arguments of the applicant

6. The applicant has based its applications on an allegation that the export prices of the consignments concerned were equal to or higher than the arrangement prices mentioned in paragraph 2.

C. Admissibility

7. The applications are admissible since they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular the time limits.

⁽⁴⁾ OJ No L 246, 21. 8. 1982, p. 14.

⁽⁵⁾ In the published version of the Decision, this figure has been omitted, pursuant to the provisions of Article 8 of Regulation (EEC) No 2176/84 concerning non-disclosure of business secrets.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 347, 3. 12. 1981, p. 19.

⁽³⁾ OJ No L 90, 3. 4. 1982, p. 1.

D. Merits of the claim

8. In considering the validity of the applicant's applications, the Commission has used as normal values the arrangement prices mentioned in paragraph 2. The Commission considered the use of the arrangement prices as normal values appropriate as these prices were equivalent to the normal values established by the Commission during its anti-dumping investigation in Turkey and, consequently, to those definitively determined in Regulation (EEC) No 789/82. The applicant was informed, at the preliminary stage, of the Commission's intention to use the arrangement prices as normal values but made no comment.

9. A comparison of the normal values mentioned in paragraph 8 with the export prices concerned shows that the applicant's claim is not justified,

HAS ADOPTED THIS DECISION :

Article 1

The refund applications submitted by Industrieverband Gewebe, Frankfurt/Main, on behalf of Hecking & Co, Leo Middelhoff GmbH & Co KG and Frottierweberei Vossen GmbH, in June 1982 are hereby rejected.

Article 2

This Decision is addressed to Industrieverband Gewebe, D-6000 Frankfurt/Main, on behalf of Hecking & Co, Leo Middelhoff GmbH & Co KG and Frottierweberei Vossen GmbH.

Done at Brussels, 10 April 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION DECISION

of 10 April 1986

concerning applications submitted by Carl Weiske, Hof/Saale, for refund of anti-dumping duties collected on certain imports of cotton yarn originating in Turkey

(86/209/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 16 thereof,

Whereas :

A. Procedure

1. On 3 December 1981 the Commission, by Regulation (EEC) No 3453/81⁽²⁾, imposed a provisional anti-dumping duty of 16 % on certain cotton yarn originating in Turkey ; on 3 April 1982, by Council Regulation (EEC) No 789/82⁽³⁾, a definitive anti-dumping duty of 12 % was imposed on the product concerned and the amounts secured by way of provisional duty from 1 January 1982 pursuant to Regulation (EEC) No 3453/81 were definitively collected up to the amount of the definitive duty.

2. On 30 July 1982, an arrangement was agreed upon between the Commission, on the one hand, and the Turkish Government and the Turkish Textile Exporters' Association, on the other. Under the terms of this arrangement the Turkish authorities and exporters agreed that the prices for exports of cotton yarn to the Community should be raised to specified levels (hereinafter called 'the arrangement prices'). The arrangement also provided for the periodic updating of these prices to take account of changes in raw cotton prices in Turkey which would have corresponding effects on prices of cotton yarn in Turkey. The arrangement prices were equivalent to the normal values definitively determined in Regulation (EEC) No 789/82 and, consequently, eliminated the dumping margin as finally established. Because of this arrangement it was

decided that it was no longer necessary to levy an anti-dumping duty. The definitive duty was therefore repealed by Council Regulation (EEC) No 2306/82⁽⁴⁾. Regulation (EEC) No 789/82, however, continued to apply for those goods which had already been introduced into the customs territory of the Community but not yet released into free circulation.

3. Between 1 May 1982 and 31 August 1982 Carl Weiske, Hof/Saale, an importer of cotton yarn from Turkey, submitted several applications to the German authorities for refunds of amounts totalling ...⁽⁵⁾ which it had definitively paid in anti-dumping duties on its imports of cotton yarn from Turkey. The German authorities forwarded the applications to the Commission.

4. These applications were examined by the Commission and the applicant was informed of the preliminary results and given an opportunity to comment on them. The applicant did not comment on the preliminary results.

5. The Commission informed the Member States and gave its opinion on the matter. None of the Member States disagreed with the opinion of the Commission.

B. Arguments of the applicant

6. The applicant has based its applications on an allegation that the export prices of the consignments concerned were equal to or higher than the arrangement prices mentioned in paragraph 2.

C. Admissibility

7. The applications are admissible since they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular the time limits.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 347, 3. 12. 1981, p. 19.

⁽³⁾ OJ No L 90, 3. 4. 1982, p. 1.

⁽⁴⁾ OJ No L 246, 21. 8. 1982, p. 14.

⁽⁵⁾ In the published version of the Decision, this figure has been omitted, pursuant to the provisions of Article 8 of Regulation (EEC) No 2176/84 concerning non-disclosure of business secrets.

D. Merits of the claim

8. In considering the validity of the applicant's applications, the Commission has used as normal values the arrangement prices mentioned in paragraph 2. The Commission considered the use of the arrangement prices as normal values appropriate as these prices were equivalent to the normal values established by the Commission during its anti-dumping investigation in Turkey and, consequently, to those definitively determined in Regulation (EEC) No 789/82. The applicant was informed, at the preliminary stage, of the Commission's intention to use the arrangement prices as normal values but made no comment.
9. A comparison of the normal values mentioned in paragraph 8 with the export prices concerned shows that the applicant's claim is not justified,

HAS ADOPTED THIS DECISION :*Article 1*

The refund applications submitted by Carl Weiske, Hof/Saale, between 1 May 1982 and 31 August 1982 are hereby rejected.

Article 2

This Decision is addressed to Carl Weiske, D-8670 Hof/Saale.

Done at Brussels, 10 April 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION DECISION

of 10 April 1986

concerning applications submitted by Textilveredlungs- und handelsgesellschaft mbH & Co KG, Neuenkirchen, for refund of anti-dumping duties collected on certain imports of cotton yarn originating in Turkey

(86/210/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 16 thereof,

Whereas :

A. Procedure

1. On 3 December 1981 the Commission, by Regulation (EEC) No 3453/81⁽²⁾, imposed a provisional anti-dumping duty of 16 % on certain cotton yarn originating in Turkey; on 3 April 1982, by Council Regulation (EEC) No 789/82⁽³⁾, a definitive anti-dumping duty of 12 % was imposed on the product concerned and the amounts secured by way of provisional duty from 1 January 1982 pursuant to Regulation (EEC) No 3453/81 were definitively collected up to the amount of the definitive duty.
2. On 30 July 1982, an arrangement was agreed upon between the Commission, on the one hand, and the Turkish Government and the Turkish Textile Exporters' Association, on the other. Under the terms of this arrangement the Turkish authorities and exporters agreed that the prices for exports of cotton yarn to the Community should be raised to specified levels (hereinafter called 'the arrangement prices'). The arrangement also provided for the periodic updating of these prices to take account of changes in raw cotton prices in Turkey which would have corresponding effects on prices of cotton yarn in Turkey. The arrangement prices were equivalent to the normal values definitively determined in Regulation (EEC) No 789/82 and, consequently, eliminated the dumping margin as finally established. Because of this arrangement it was

decided that it was no longer necessary to levy an anti-dumping duty. The definitive duty was therefore repealed by Council Regulation (EEC) No 2306/82⁽⁴⁾. Regulation (EEC) No 789/82, however, continued to apply for those goods which had already been introduced into the customs territory of the Community but not yet released into free circulation.

3. In August 1982 Textilveredlungs- und handelsgesellschaft mbH & Co KG, Neunkirchen, an importer of cotton yarn from Turkey, submitted several applications to the German authorities for refunds of amounts totalling ...⁽⁵⁾ which it had definitively paid in anti-dumping duties on its imports of cotton yarn from Turkey. The German authorities forwarded the applications to the Commission.
4. These applications were examined by the Commission and the applicant was informed of the preliminary results and given an opportunity to comment on them. The applicant did not comment on the preliminary results.
5. The Commission informed the Member States and gave its opinion on the matter. None of the Member States disagreed with the opinion of the Commission.

B. Arguments of the applicant

6. The applicant has based its applications on an allegation that the export prices of the consignments concerned were equal to or higher than the arrangement prices mentioned in paragraph 2.

C. Admissibility

7. The applications are admissible since they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular the time limits.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 347, 3. 12. 1981, p. 19.

⁽³⁾ OJ No L 90, 3. 4. 1982, p. 1.

⁽⁴⁾ OJ No L 246, 21. 8. 1982, p. 14.

⁽⁵⁾ In the published version of the Decision, this figure has been omitted, pursuant to the provisions of Article 8 of Regulation (EEC) No 2176/84 concerning non-disclosure of business secrets.

D. Merits of the claim

8. In considering the validity of the applicant's applications, the Commission has used as normal values the arrangement prices mentioned in paragraph 2. The Commission considered the use of the arrangement prices as normal values appropriate as these prices were equivalent to the normal values established by the Commission during its anti-dumping investigation in Turkey and, consequently, to those definitively determined in Regulation (EEC) No 789/82. The applicant was informed, at the preliminary stage, of the Commission's intention to use the arrangement prices as normal values but made no comment.
9. A comparison of the normal values mentioned in paragraph 8 with the export prices concerned shows that the applicant's claim is not justified,

HAS ADOPTED THIS DECISION :*Article 1*

The refund applications submitted by Textilveredlungs- und handelsgesellschaft mbH & Co KG, Neuenkirchen, in August 1982 are hereby rejected.

Article 2

This Decision is addressed to Textilveredlungs- und handelsgesellschaft mbH & Co KG, D-4445 Neuenkirchen.

Done at Brussels, 10 April 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION DECISION

of 10 April 1986

concerning applications submitted by Cotimex GmbH, Düsseldorf, for refund of anti-dumping duties collected on certain imports of cotton yarn originating in Turkey

(86/211/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 16 thereof,

Whereas :

A. Procedure

1. On 3 December 1981 the Commission, by Regulation (EEC) No 3453/81⁽²⁾, imposed a provisional anti-dumping duty of 16 % on certain cotton yarn originating in Turkey; on 3 April 1982, by Council Regulation (EEC) No 789/86⁽³⁾, a definitive anti-dumping duty of 12 % was imposed on the product concerned and the amounts secured by way of provisional duty from 1 January 1982 pursuant to Regulation (EEC) No 3453/81 were definitively collected up to the amount of the definitive duty.
2. On 30 July 1982, an arrangement was agreed upon between the Commission, on the one hand, and the Turkish Government and the Turkish Textile Exporters' Association, on the other. Under the terms of this arrangement the Turkish authorities and exporters agreed that the prices for exports of cotton yarn to the Community should be raised to specified levels (hereinafter called 'the arrangement prices'). The arrangement also provided for the periodic updating of these prices to take account of changes in raw cotton prices in Turkey which would have corresponding effects on prices of cotton yarn in Turkey. The arrangement prices were equivalent to the normal values definitively determined in Regulation (EEC) No 789/82 and, consequently, eliminated the dumping margin as finally established. Because of this arrangement it was

decided that it was no longer necessary to levy an anti-dumping duty. The definitive duty was therefore repealed by Council Regulation (EEC) No 2306/82⁽⁴⁾. Regulation (EEC) No 789/82, however, continued to apply for those goods which had already been introduced into the customs territory of the Community but not yet released into free circulation.

3. Between 1 May 1982 and 31 March 1983 Cotimex GmbH, Düsseldorf, importer of cotton yarn from Turkey, submitted several applications to the German authorities for refunds of amounts totalling...⁽⁵⁾ which it had definitively paid in anti-dumping duties on its imports of cotton yarn from Turkey. The German authorities forwarded the applications to the Commission.
4. These applications were examined by the Commission and the applicant was informed of the preliminary results and given an opportunity to comment on them. The applicant did not comment on the preliminary results.
5. The Commission informed the Member States and gave its opinion on the matter. None of the Member States disagreed with the opinion of the Commission.

B. Arguments of the applicant

6. The applicant has based its applications on an allegation that the export prices of the consignments concerned were equal to or higher than the arrangement prices mentioned in paragraph 2.

C. Admissibility

7. The applications are admissible since they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular the time limits.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.
⁽²⁾ OJ No L 347, 3. 12. 1981, p. 19.
⁽³⁾ OJ No L 90, 3. 4. 1982, p. 1.

⁽⁴⁾ OJ No L 246, 21. 8. 1982, p. 14.
⁽⁵⁾ In the published version of the Decision, this figure has been omitted, pursuant to the provisions of Article 8 of Regulation (EEC) No 2176/84 concerning non-disclosure of business secrets.

D. Merits of the claim

8. In considering the validity of the applicant's applications, the Commission has used as normal values the arrangement prices mentioned in paragraph 2. The Commission considered the use of the arrangement prices as normal values appropriate as these prices were equivalent to the normal values established by the Commission during its anti-dumping investigation in Turkey and, consequently, to those definitively determined in Regulation (EEC) No 789/82. The applicant was informed, at the preliminary stage, of the Commission's intention to use the arrangement prices as normal values but made no comment.
9. A comparison of the normal values mentioned in paragraph 8 with the export prices concerned shows that the applicant's claim is not justified,

HAS ADOPTED THIS DECISION :*Article 1*

The refund applications submitted by Cotimex GmbH, Düsseldorf, between 1 May 1982 and 31 March 1983 are hereby rejected.

Article 2

This Decision is addressed to Cotimex GmbH, D-4000 Düsseldorf.

Done at Brussels, 10 April 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION DECISION

of 10 April 1986

concerning applications submitted by Textil — Imex GmbH, Bremen, for refund of anti-dumping duties collected on certain imports of cotton yarn originating in Turkey

(86/212/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 16 thereof,

Whereas :

A. Procedure

1. On 3 December 1981 the Commission, by Regulation (EEC) No 3453/81⁽²⁾, imposed a provisional anti-dumping duty of 16 % on certain cotton yarn originating in Turkey; on 3 April 1982, by Council Regulation (EEC) No 789/82⁽³⁾, a definitive anti-dumping duty of 12 % was imposed on the product concerned and the amounts secured by way of provisional duty from 1 January 1982 pursuant to Regulation (EEC) No 3453/81 were definitively collected up to the amount of the definitive duty.
2. On 30 July 1982, an arrangement was agreed upon between the Commission, on the one hand, and the Turkish Government and the Turkish Textile Exporters' Association, on the other. Under the terms of this arrangement the Turkish authorities and exporters agreed that the prices for exports of cotton yarn to the Community should be raised to specified levels (hereinafter called 'the arrangement prices'). The arrangement also provided for the periodic updating of these prices to take account of changes in raw cotton prices in Turkey which would have corresponding effects on prices of cotton yarn in Turkey. The arrangement prices were equivalent to the normal values definitively determined in Regulation (EEC) No 789/82 and, consequently, eliminated the dumping margin as finally established. Because of this arrangement it was

decided that it was no longer necessary to levy an anti-dumping duty. The definitive duty was therefore repealed by Council Regulation (EEC) No 2306/82⁽⁴⁾. Regulation (EEC) No 789/82, however, continued to apply for those goods which had already been introduced into the customs territory of the Community but not yet released into free circulation.

3. In September 1982 Textil — Imex GmbH, Bremen, an importer of cotton yarn from Turkey, submitted several applications to the German authorities for refunds of amounts totalling ...⁽⁵⁾ which it had definitively paid in anti-dumping duties on its imports of cotton yarn from Turkey. The German authorities forwarded the applications to the Commission.
4. These applications were examined by the Commission and the applicant was informed of the preliminary results and given an opportunity to comment on them. The applicant did not comment on the preliminary results.
5. The Commission informed the Member States and gave its opinion on the matter. None of the Member States disagreed with the opinion of the Commission.

B. Arguments of the applicant

6. The applicant has based its applications on an allegation that the export prices of the consignments concerned were equal to or higher than the arrangement prices mentioned in paragraph 2.

C. Admissibility

7. The applications are admissible since they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular the time limits.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 347, 3. 12. 1981, p. 19.

⁽³⁾ OJ No L 90, 3. 4. 1982, p. 1.

⁽⁴⁾ OJ No L 246, 21. 8. 1982, p. 14.

⁽⁵⁾ In the published version of the Decision, this figure has been omitted, pursuant to the provisions of Article 8 of Regulation (EEC) No 2176/84 concerning non-disclosure of business secrets.

D. Merits of the claim

8. In considering the validity of the applicant's applications, the Commission has used as normal values the arrangement prices mentioned in paragraph 2. The Commission considered the use of the arrangement prices as normal values appropriate as these prices were equivalent to the normal values established by the Commission during its anti-dumping investigation in Turkey and, consequently, to those definitively determined in Regulation (EEC) No 789/82. The applicant was informed, at the preliminary stage, of the Commission's intention to use the arrangement prices as normal values but made no comment.
9. A comparison of the normal values mentioned in paragraph 8 with the export prices concerned shows that the applicant's claim is not justified,

HAS ADOPTED THIS DECISION:

Article 1

The refund applications submitted by Textil — Imex GmbH, Bremen, in September 1982 are hereby rejected.

Article 2

This Decision is addressed to Textil — Imex GmbH, D-2800 Bremen.

Done at Brussels, 10 April 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION DECISION

of 30 May 1986

authorizing import into Portugal at a reduced levy of certain quantities of raw sugar originating in third countries

(Only the Portuguese text is authentic)

(86/213/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular the third paragraph of Article 303 thereof,

Having regard to Council Regulation (EEC) No 3771/85 of 20 December 1985 relating to stocks of agricultural products in Portugal ⁽¹⁾, and in particular Article 8 thereof,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽²⁾, as last amended by Regulation (EEC) No 934/86 ⁽³⁾, and in particular Articles 13 (2), 16 (7) and the second paragraph of Article 39 thereof,

Whereas, pursuant to the first and second paragraphs of Article 303 of the Act of Accession, the maximum quantities of raw sugar to be imported at a reduced levy from certain ACP States together with the relevant periods of application in order to supply the Portuguese refineries have been determined by Commission Regulation (EEC) No 600/86 ⁽⁴⁾,

Whereas the third paragraph of Article 303 of the Act of Accession provides in particular that where, during the specified periods of application, the Community forward estimate for raw sugar for a given marketing year or part thereof shows that the availability of raw sugar is insufficient to ensure adequate supply of Portuguese refineries, Portugal may be authorized to import from third countries under the marketing year or part thereof concerned, the quantities which it is estimated are lacking, under the same conditions regarding the reduced levy as those provided for in respect of the quantities to be imported from the ACP states in question; whereas as the forward estimate for the period from 1 March 1986 to 30 June 1986 demonstrates a supplementary supply requirement estimated at 75 000 tonnes expressed as white sugar, it is appropriate to grant such an authorization for this period;

Whereas Commission Regulation (EEC) No 579/86 ⁽⁵⁾ provides for a survey of sugar stocks in Portugal as at 1 March 1986 to establish the normal carry-over stock and the quantities of sugar to be exported outside the Community without Community intervention, these latter quantities totalling 165 733 tonnes of sugar expressed in

tonnes of white sugar; whereas, after taking account of the supply requirements of the refineries in relation to this sugar and the existence of these quantities for export which can be used immediately, it appears entirely appropriate to have recourse to this sugar by considering it within the limits of the particular requirements in question as being imported from outside the Community, on application by the parties concerned, at a reduced levy and as a deduction from the other quantities to be exported under Regulation (EEC) No 579/86 without Community intervention and without any possibility for disposal on the internal market;

Whereas, in order to ensure sound management of the markets in the sector and in particular effective control of operations, it is necessary firstly, to apply to the sugar concerned the normal rules for performance of the customs formalities for import and, secondly, to provide for notification by Portugal of the quantities of raw sugar imported and refined within the meaning of this Regulation;

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

HAS ADOPTED THIS DECISION:

Article 1

Portugal is hereby authorized to import from third countries during the period from 1 March to 30 June 1986 a quantity of raw sugar equivalent to 75 000 tonnes of white sugar, at the reduced levy determined in accordance with Article 1 of Regulation (EEC) No 600/86.

Article 2

1. The import licences for the raw sugar referred to in Article 1 shall be valid from the date of issue until 30 June 1986.

2. The application for the licence referred to in paragraph 1 must be made to the competent authority in Portugal and must be accompanied by a declaration from a refiner in which he undertakes to refine the quantity of raw sugar concerned in Portugal within six months following the month in which the customs import formalities take place.

⁽¹⁾ OJ No L 362, 31. 12. 1985, p. 21.

⁽²⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽³⁾ OJ No L 87, 2. 4. 1986, p. 1.

⁽⁴⁾ OJ No L 58, 1. 3. 1986, p. 20.

⁽⁵⁾ OJ No L 57, 1. 3. 1986, p. 21.

If the sugar in question is not refined within the prescribed time limit, the importer must pay an amount equal to the difference between the threshold price and the intervention price for raw sugar applicable on the day of acceptance of the import declaration concerned.

3. The application for the import licence and the licence itself shall include in box 12 the following:

'import of raw sugar at reduced levy in accordance with Decision 86/213/EEC'.

4. The rate of deposit applicable to the licence referred to in paragraph 1 is hereby fixed at 0,25 ECU for each 100 kilogrammes of sugar net.

Article 3

For the application of Article 1 and within the stated limits, the quantities of sugar to be exported outside the Community by Portugal in conformity with Article 4 (1) of Regulation (EEC) No 579/86 are to be considered on request as being sugar imported from third countries. The quantities of this sugar declared on import with the application of the reduced levy in force on the day of acceptance of the import declaration are to be deducted from the quantities for export outside the Community under Article 4 (1) of the same Regulation.

Article 4

Portugal shall communicate to the Commission each month in respect of the previous month:

- (a) the quantities of raw sugar expressed by weight 'tel quel' for which the licences referred to in Article 2 have been issued;
- (b) the quantities of raw sugar, expressed by weight 'tel quel' actually imported under the licences referred to in Article 2;
- (c) the total quantities of sugar in question, by weight 'tel quel' and expressed as white sugar, which have been refined.

Article 5

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 30 May 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 3600/85 of 17 December 1985 applying generalized tariff preferences for 1986 to textile products originating in developing countries

(Official Journal of the European Communities No L 352 of 30 December 1985)

Page 163, Annex I, order No 40.0870, columns (5), (6) and (7):

<i>for:</i>	'Indonesia	—	—',
<i>read:</i>	'Indonesia	—	1,5'.
