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I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 2794/86****of 8 September 1986**

opening, allocating and providing for the administration of a Community tariff quota for herring, fresh or chilled, falling within subheading ex 03.01 B I a) 2 aa) of the Common Customs Tariff, originating in Sweden

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

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

Having regard to the proposal from the Commission,

Whereas an agreement between the European Economic Community and the Kingdom of Sweden was concluded on 22 July 1972; whereas, following the accession of Spain and Portugal to the Community, a supplementary protocol will be signed in the near future; whereas pending the entry into force of the said protocol, the Council, by Regulation (EEC) No 573/86⁽¹⁾, laid down the trade arrangements for fishery products with Sweden in particular, on account of these accessions;

Whereas Regulation (EEC) No 573/86 provides for the opening, over a period to be determined by common accord, of a 20 000 tonnes duty free Community tariff quota for herring, fresh or chilled, whole, headless or in pieces, originating in Sweden; whereas, therefore, the tariff quota in question should be opened for the period 15 September 1986 to 14 February 1987 and allocated among the Member States;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of levy for the tariff quota should be applied consistently to all imports until the quota is used up; whereas, in the light of the principles outlined above, a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota; whereas, to represent as closely as possible the actual development of the market in the said goods, the allocation should follow proportionately the requirements calculated both from statistics of imports from Sweden during a representative reference period and according to the economic outlook for the tariff year in question;

Whereas, during the last two years for which statistics are available, imports of this type of fish, originating in Sweden, into each of the Member States were as follows (in tonnes):

Member State	1983	1984
Benelux	3 318	1 093
Denmark	37 757	37 900
Germany	3 831	2 822
Spain	0	0
Greece	0	0
France	77	3
Ireland	0	16
Italy	0	0
Portugal	0	0
United Kingdom	0	0
	44 983	41 834

Whereas, during the last two years under consideration, the products in question were imported only by certain Member States and not at all by the other Member States; whereas, under these circumstances, initial shares should be allocated to the importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quota upon imports into those States of the products concerned being notified; whereas these arrangements for allocation will equally ensure the uniform application of the Common Customs Tariff;

Whereas, taking into account these factors and the forecasts made by certain Member States, the initial percentage shares in the quota volume can be set approximately as follows:

Member State	
Benelux	4,96
Denmark	85,03
Germany	7,48
France	2,53

⁽¹⁾ OJ No L 56, 1. 3. 1986, p. 110.

Whereas, in order to take into account import trends for the products concerned in the various Member States, the quota volume should be divided into two instalments, the first being shared among certain Member States and the second constituting a reserve to cover the subsequent requirements of these Member States where they have used up their initial share and any additional requirements which might arise in the other Member States; whereas, in order to give importers in each Member State a certain degree of security, it is appropriate to fix the first instalment of the Community quota at a level which, in the circumstances, could be 82 % of the quota volume;

Whereas initial shares may be used up at different rates; whereas, to avoid disruption of supplies on this account, it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas, each time its additional share is almost used up, a Member State should draw a further share and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, and the latter must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas if, at a given date in the quota period, a considerable quantity of a Member State's initial share remains unused, it is essential that such State should return a significant proportion thereof to the reserve, in order to prevent a part of the Community tariff quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation relating to the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 15 September 1986 to 14 February 1987, a Community tariff quota of 20 000 tonnes shall be opened in the Community for herring, whole, headless or in pieces, fresh or chilled, falling within subheading 03.01 B I a) 2 aa) of the Common Customs Tariff, originating in Sweden.

2. Within the limit of this tariff quota the applicable duty shall be totally suspended. However, when these products are imported into Portugal the duty applicable shall be 13,1 % in 1986 and 11,3 % in 1987 within the limit of the quota-shares allocated to this Member State.

Imports of the products in question shall not benefit from the tariff quotas referred to in paragraph 1 unless the free-at-frontier prices, which are determined by the Member States according to Article 21 of Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common

organization of the market in fishery products⁽¹⁾, as last amended by Regulation (EEC) No 3655/84⁽²⁾, are at least equal to the reference prices if such prices have been fixed or are to be fixed by the Community for the product under consideration or the categories of the products concerned. For the calculation of the reference price the following coefficients shall be applicable:

- whole herring: 1,
- flaps of herring: 2,32,
- pieces of herring: 1,96.

3. The protocol on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community and Sweden, shall be applicable.

Article 2

1. The tariff quota laid down in Article 1 (1) shall be divided into two instalments.

2. A first instalment of this quota, amounting to 16 400 tonnes, shall be shared among certain Member States; the respective shares, which, subject to Article 5, shall be valid until 14 February 1987, shall be as follows:

<i>Member States</i>	<i>(in tonnes)</i>
Benelux	813
Denmark	13 945
Germany	1 226
France	416

3. The second instalment of the quota, being 3 600 tonnes, shall constitute the reserve.

4. If an importer notifies the imminent import of the products in question into a Member State that does not participate in the initial allocation and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve so permits.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (2), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share, rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share, rounded up as necessary to the whole number.

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 340, 28. 12. 1984, p. 1.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 14 February 1987.

Article 5

Member State shall, not later than 15 January 1987, return to the reserve the unused portion of their initial share which, on 1 January 1987 is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 15 January 1987, notify the Commission of the total quantities of the product in question imported up to and including 1 January 1987 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

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

Done at Brussels, 8 September 1986.

It shall, not later than 20 January 1987, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the product in question have free access to the shares allocated to them.

3. The Member States shall charge imports of the product in question against their shares as and when the product is entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the request of the Commission, the Member States shall inform it of imports actually charged against their shares.

Article 9

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 10

This Regulation shall enter into force on 15 September 1986.

For the Council

The President

P. BROOKE

COMMISSION REGULATION (EEC) No 2795/86

of 10 September 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 1579/86 ⁽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 2010/86 ⁽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 9 September 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 2010/86 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 11 September 1986.

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

Done at Brussels, 10 September 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 1.

ANNEX

to the Commission Regulation of 10 September 1986 fixing the import levies on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	3,47	164,81
10.01 B II	Durum wheat	25,71	241,65 ⁽¹⁾ ⁽²⁾
10.02	Rye	36,76	156,25 ⁽⁶⁾
10.03	Barley	33,77	166,40
10.04	Oats	70,45	148,46
10.05 B	Maize, other than hybrid maize for sowing	—	174,86 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	33,77	109,59 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	2,83	180,03 ⁽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	18,39	244,27
11.01 B	Rye flour	65,00	232,29
11.02 A I a)	Durum wheat groats and meal	53,01	387,72
11.02 A I b)	Common wheat groats and meal	19,27	263,22

⁽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 2796/86

of 10 September 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 1579/86⁽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 2011/86⁽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 9 September 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

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 originating in Portugal shall be zero.

2. 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 originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 September 1986.

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

Done at Brussels, 10 September 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 10 September 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 9	1st period 10	2nd period 11	3rd period 12
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	0,88	0,88	0,88
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 sorghum 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

CCT heading No	Description	(ECU/tonne)				
		Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1
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	1,57	1,57	1,57	1,57
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	1,17	1,17	1,17	1,17
11.07 B	Roasted malt	0	1,36	1,36	1,36	1,36

COMMISSION REGULATION (EEC) No 2797/86
of 10 September 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 2683/86 ⁽³⁾, as amended by Regulation (EEC) No 2731/86 ⁽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 2683/86 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 11 September 1986.

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

Done at Brussels, 10 September 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 246, 30. 8. 1986, p. 5.

⁽⁴⁾ OJ No L 252, 4. 9. 1986, p. 5.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 10 September 1986 fixing the import levies on rice and broken rice

(ECU/tonne)				
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	—	307,64	150,22
	2. Long grain	—	325,76	159,28
	b) Husked rice :			
	1. Round grain	—	384,55	188,67
	2. Long grain	—	407,20	200,00
	II. Semi-milled or wholly milled rice :			
	a) Semi-milled rice :			
	1. Round grain	13,05	488,02	232,08
	2. Long grain	12,97	604,53	290,38
	b) Wholly milled rice :			
	1. Round grain	13,90	519,74	247,52
	2. Long grain	13,90	648,06	311,68
	III. Broken rice	62,13	208,70	101,35

⁽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 2798/86

of 10 September 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 2684/86 ⁽³⁾, as amended by Regulation (EEC) No 2732/86 ⁽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 Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.
2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 September 1986.

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

Done at Brussels, 10 September 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 246, 30. 8. 1986, p. 8.

⁽⁴⁾ OJ No L 252, 4. 9. 1986, p. 7.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 10 September 1986 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)			
		Current 9	1st period 10	2nd period 11	3rd period 12
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 2799/86

of 10 September 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 934/86 ⁽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 87, 2. 4. 1986, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 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 2

Article 1

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

This Regulation shall enter into force on 11 September 1986.

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

Done at Brussels, 10 September 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 10 September 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	43,23	
	(b) Other	42,88	
	(II) Flavoured or coloured sugar		0,4323
	B. Raw sugar :		
	II. Other :		
	(a) Candy sugar	39,77 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,4323
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	39,44 ⁽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 2800/86

of 9 September 1986

imposing a provisional anti-dumping duty on imports of certain deep freezers originating in the USSR, accepting the undertakings in connection with the investigation of imports of certain deep freezers originating in Yugoslavia or in the German Democratic Republic and terminating the investigation, and terminating the proceeding concerning imports of certain deep freezers

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 Articles 9, 10 and 11 thereof,

Following consultations within the Advisory Committee as provided for by that Regulation,

Whereas :

A. Procedure

(1) In September 1985 a complaint was lodged with the Commission that certain deep freezers originating in the German Democratic Republic, the USSR or Yugoslavia were being imported at dumped prices, thus causing injury to a Community industry. The complaint was lodged by the Conseil européen de la construction électrodomestique (CECED) on behalf of manufacturers accounting for practically all Community production of the deep freezers concerned.

(2) The complaint included evidence of dumping and of material injury resulting for the Community industry. This evidence was considered sufficient to justify the initiation of a proceeding and the Commission therefore announced, by a notice in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports of certain deep freezers originating in the German Democratic Republic, the USSR or Yugoslavia. The Commission began its investigation.

The products concerned are domestic electrical deep freezers intended for freezing and preserving fresh foodstuffs, falling within Common Customs Tariff subheading ex 84.15 C II, corresponding to NIMEXE code 84.15-32, 84.15-41 or 84.15-46.

(3) The Commission officially informed the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants of the initiation of the proceeding and gave the parties directly concerned the opportunity of making their views known in writing and of being heard orally.

Certain Community producers, certain importers, the exporter from the German Democratic Republic, Union Haushaltgeräte, and the two Yugoslav exporters known to be concerned, Loske Tovarne Hladilnikov and Gorenje made their views known in writing. At their request, the exporter from the German Democratic Republic, the two Yugoslav exporters and the four Community importers linked with the Yugoslav exporter Gorenje were heard orally.

No comments were submitted by or on behalf of Community consumers of the products in question.

The Yugoslav exporters asked to inspect the information made available to the Commission by other parties to the investigation, in so far as it was relevant to the defence of their interests, which had been used by the Commission in the investigation and was not confidential within the meaning of Article 8 of Regulation (EEC) No 2176/84, and this request was granted.

(4) The Commission gathered and checked all the information it deemed necessary to determine provisionally the existence of dumping and injury and carried out inspections at the premises of the following companies :

Community producers

— Germany

AEG AG
Bosch-Siemens Hausgeräte GmbH
Liebherr Hausgeräte GmbH

— Denmark

Brødrene Gram A/S
Maskinfabrikken Derby A/S
Electrolux Danmark A/S

— France

Thomson Electroménager SA

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 319, 11. 12. 1985, p. 3.

— Italy
Industrie Riunite Eurodomestici SpA
Zanussi Elettrodomestici SpA
Ocean SpA

— United Kingdom
LEC Refrigeration plc

Yugoslav exporters

Loske Tovarne Hladilnikov (LTH)
Gorenje

Community importers

— Germany
Gorenje Vertriebs GmbH

— Belgium
Asogem SA
EWA SA
Artsel SA
Zanker SA

— Denmark
Gorenje Skandinavien A/S

— France
Garely SA
Générale Sidex SA

— Italy
Gorenje Korting SpA

— Netherlands
Kalorik BV
Peja Import BV

The Commission asked for and obtained detailed written information concerning the injury and its causes from manufacturers accounting for more than 70 % of Community production of the products concerned, from the exporters in the German Democratic Republic and Yugoslavia, and from most of the importers. The information thus gathered was checked by the Commission to the extent necessary.

In spite of several reminders, the USSR exporter, Technointorg, refused to respond to the Commission's requests for information and the preliminary conclusions concerning it were established on the basis of information supplied by Community importers.

- (5) The period decided upon by the Commission for investigating the existence of any dumping was 1 January 1985 to 30 November 1985.

B. Definition of the Product

- (6) The products alleged to have been dumped are the following types of domestic electrical deep freezers :

- (i) chest type, not more than 600 litres (NIMEXE code 84.15-32), hereinafter referred to as 'chest freezers', and
- (ii) upright type (NIMEXE codes 84.15-41 and 46), hereinafter referred to as 'upright freezers'.

The investigation showed that these products do not constitute 'like products' within the meaning of the anti-dumping rules.

The two types of deep freezer do indeed serve the same purpose, i.e. freezing fresh products and preserving frozen foods.

However, upright freezers have the external appearance of a refrigerator with one or two front-opening doors. Inside they have shelves or sliding drawers for easy access. Their presentation and finish, which is generally better than on chest freezers, and their compact, standardized dimensions enable them to be fitted in a kitchen.

Chest freezers, on the other hand, are generally placed in a cellar or garage, since access is by the lid and they take up more room. They are, moreover, more suitable for storing bulky food products, and access to foods stored at the bottom of the freezer is less convenient.

In their sales policies manufacturers draw a clear distinction between the two types of deep freezer, which therefore have different characteristics, of which the purchaser is aware and which are such as to influence his choice.

For the purpose of examining any dumping, the trend of imports, prices and the effects of imports on the Community industry, the two types of deep freezer were therefore treated as different products.

C. Normal value

- (7) As regards imports from Yugoslavia, the normal value was established on the basis of the comparable prices actually paid or payable in the ordinary course of trade for the like product intended for consumption in Yugoslavia. It was calculated on the basis of a weighted monthly average.

The two Yugoslav exporters initially claimed that sales on the Yugoslav market did not take place in the ordinary course of trade and were not an appropriate basis on which to establish normal value. They claimed that prices were artificially inflated because they were subject to price controls imposed by the Yugoslav authorities. No information was supplied to support this claim, and the exporters later withdrew it.

In any case, and without prejudice to the facts of this particular case, the Commission does not consider that the term 'in the ordinary course of trade' presupposes conditions of perfect competition. Even where competition is limited by the existence of a cartel, a monopoly or a system of minimum prices, the selling price may be considered to be in the ordinary course of trade provided that it is generally available to all real or potential customers and that it covers all costs of production.

- (8) In order to establish whether the imports from the German Democratic Republic and the USSR were sold at dumping prices, the Commission had to take account of the fact that these countries do not have a market economy and it therefore had to draw its conclusions concerning these countries on the basis of the normal value for a country with a market economy. The complainant suggested using the Spanish domestic market as reference, but the East German exporter and an importer linked to the Soviet exporter objected because they considered the prices on this market to be artificially inflated. The Commission considered the prices on the Yugoslav domestic market to be an appropriate and not unreasonable basis for comparison, and none of the parties objected to this choice.

D. Export prices

- (9) With regard to the Yugoslav exporter LTH and the German Democratic Republic exporter, Union Haushaltgeräte, the Commission used the prices actually paid or payable on export to the Community.
- (10) Sales by the Soviet exporter, which failed to cooperate with the investigation, and by the Yugoslav exporter, Gorenje, are made to subsidiaries within the Community. After making certain checks, the Commission considered that the prices between these associated parties could not be used for reference. Export prices were therefore constructed on the basis of the prices at which the imported products were first resold to an independent buyer, duly adjusted to take account of all costs incurred between importation and resale, including customs duty, and of a profit margin of 5 %, which was considered reasonable on the basis of a comparison with the profit margins of independent importers of the products concerned.

Gorenje's French subsidiary claimed that a profit margin of 5 % was excessive in the light of the

profit which it actually made. The Commission considered that the profit made by this company could not be taken into consideration because it resulted from transactions between associated parties. In any case, in calculating Gorenje's export prices, the Commission applied the provisions of Article 2 (8) (b) of Regulation (EEC) No 2176/84, which provides for certain allowances, in particular for a reasonable profit margin. For the reasons given above, the Commission considers that a profit margin of 5 % is reasonable.

E. Comparison

- (11) In comparing normal value with export prices for each of the similar products, the Commission took account of differences affecting price comparability and made appropriate allowances where the interested parties proved that such a request was justified. Allowances were made for certain differences in the physical characteristics of the products, credit and guarantee conditions, commissions, salaries paid to sales staff, transport, insurance, handling and loading and associated costs.

In the case of Yugoslavia, an allowance was also made for the refund, on export to the Community, of import charges borne by products physically incorporated into the deep freezers when destined for sale on the Yugoslav market.

All comparisons were made at ex-factory level.

The Yugoslav exporters requested seven further allowances.

- (12) The first request concerned an allowance for differences in research and development and advertising costs. However, the exporters were unable to prove that these costs were directly linked to the sales in question on the Yugoslav domestic market; the Commission therefore considered these costs to be general expenses for which no allowance is generally made.

Community rules restrict the factors to be taken into account when comparing prices to certain relevant factors, which are listed in Article 2 (9) and (10) of Regulation (EEC) No 2176/84, and which include physical characteristics, quantities, conditions and terms of sale, date and level of trade. In the case in question, the only heading under which general expenses could be examined is 'conditions and terms of sale'. In this context, however, allowances are restricted to differences which bear a direct relationship to the sales under consideration.

The Commission is of the opinion that this relationship must be functional, i.e. that these costs must be incurred because a sale takes place and must be essential for fulfilling the conditions and terms of sale established. Under Community rules, this is not generally the case for differences in overheads and general expenses.

- (13) The second request concerned an allowance for the cost of financing stocks intended for the domestic market. The Commission considered these costs to be general expenses, for which no allowance is generally made for the reasons given at 12 above.

The Yugoslav exporters were unable to prove that the level of stocks in question was needed in order to satisfy the particular conditions of sales contracts on the Yugoslav market.

- (14) The third request concerned an allowance for the fact that the materials and components purchased in Yugoslavia for the manufacture of deep freezers for the Yugoslav market are substantially more expensive than those purchased on the European market for the manufacture of deep freezers for export. The exporters maintained that the fact that exported deep freezers contained a higher proportion of imported components and materials than those sold on the Yugoslav market in itself proved that the physical characteristics were different.

However, the investigation showed that the use of materials and components of different origins did not result in differences in the physical characteristics of the deep freezers of which a purchaser would be aware and which were such as to influence his choice, nor in other differences affecting price comparability for which allowances needed to be made pursuant to Article 2 (10) of Regulation (EEC) No 2176/84.

In this request, the exporters claimed that the list of factors affecting price comparability contained in Article 2 (9) of the abovementioned Regulation was not exhaustive and that Article 2 (10) merely laid down guidelines for determining these allowances.

The Commission does not agree with this interpretation and considers Article 2 (9) and (10) to be exhaustive. This is clear not only from the wording of Article 2 (9), but also from the reference in Article 2 (10) solely to 'the factors mentioned in paragraph 9'. As regards the differences in the cost of the materials and components used in the manufacture of the deep freezers, these do not

come under any of the categories of factors mentioned in Article 2 (9) and (10). These provisions do not refer to factors affecting the comparability of costs which may be influenced by the particular situation prevailing on the exporter's domestic market and enable him to engage in dumping, but to factors affecting price comparability which is a determining element in the purchaser's choice. Since Article 2 (10) does not therefore apply to this case, the question of the precise scope of the guidelines for its implementation no longer arises.

- (15) The fourth request concerned an allowance for an export premium available under an export promotion programme organized by the Slovenia Chamber of Commerce. The exporters supplied evidence of the amounts received under this programme during the period covered by the investigation. They claimed that this programme was designed to compensate for the difference between the amount of import charges actually paid and that of the refund received upon export of the products in question, mentioned at 11 above.

The allowance was refused, because it was not proved that this programme actually constituted a refund of the import charges referred to in Article 2 (10) (d) of Regulation (EEC) No 2176/84 and defined in the notes contained in the Annex to that Regulation.

- (16) The fifth request concerned an allowance for inflation between the date of sale and date of payment, which would have the effect of reducing the real level of domestic selling prices.

The Commission observed that due allowance had been made for conditions of payment which, in a market economy, are influenced by the rate of inflation on the market in question, and that no other allowance was provided for in the relevant provisions of the Community rules.

- (17) The sixth request concerned an allowance for the fact that the official exchange rate for the Yugoslav dinar could not be used for the comparison of prices, because it did not correspond to the real value of that currency.

The Commission observed that companies operating in Yugoslavia used the official exchange rate for the conversion of transactions carried out in foreign currency. The Commission therefore used the official Yugoslav dinar exchange rate for the comparison of prices.

- (18) The seventh request concerned an allowance for the preferential rates for financing the working capital for production intended for export.

The Commission considers these to be general expenses for which no allowance can be made for the reasons given at 12 above.

F. Margins

- (19) The above preliminary examination of the facts revealed the existence of dumping by all the exporters concerned, the margin of dumping being equal to the amount by which the normal value as established exceeded the price on import into the Community. These margins varied according to the exporter, the importing Member State and the model of deep freezer concerned. The weighted average dumping margins represented the following percentages of the free-at-Community-frontier price, not cleared through customs:

	Upright freezers	Chest freezers
Gorenje	76 %	86 %
LTH	no exports to the Community	101 %
Union Haushaltgeräte	169 %	no exports to the Community
Technointorg	204 %	no exports to the Community

G. Injury

- (20) With regard to the injury caused to the Community industry by the dumped imports, the Commission gathered the following evidence during its investigation.

Chest freezers

- (21) The checks carried out by the Commission showed that the imports in question, all of which originated in Yugoslavia, increased from 37 345 units in 1981 to 39 196 in 1985, during which period their market share rose from 2,5 % to 2,7 %. Examination of the prices of the imports in question revealed price undercutting by comparison with like products manufactured by Community producers which varied according to the exporter and the importing Member State concerned; for the majority of imports, average undercutting was 7 %.

Community production of chest freezers fell from 1 257 000 units in 1981 to 1 120 000 units in 1985. Over the same period the Community industry reduced its production capacity from 1,9 million units to 1,5 million units. The rate of capacity utilization thus increased from 68 % in 1981 to 77 % in 1985. In volume terms, sales in the Community were relatively stable at approximately 1 million units. Over the same period, consumption also remained stable at approximately 1,5 million units, with the result that the market share held by the Community industry remained virtually unchanged (66,4 % in 1981 and 67,3 % in 1985). The information gathered by the Commission revealed a deterioration in the financial results of Community producers, which recorded profit margins which were considered insufficient, or even losses.

- (22) The Commission examined the other factors which could have caused injury to the Community industry. The share of the Community market taken by imports originating in third countries other than the imports concerned by the investigation increased their share from 7,9 % in 1981 to 13,7 % in 1985. The Commission also possesses information which reveals fierce competition between certain Community producers, which has the effect of maintaining prices at relatively low levels. The dumped imports have remained stable in terms of both volume and market share, and the price undercutting established between their prices and those of like products produced by the Community industry is relatively low.

The Commission therefore believes, on the basis of the available information, that although the dumped imports have caused injury to the Community industry, this injury cannot by itself be considered substantial.

Upright freezers

- (23) The checks carried out by the Commission showed that the imports in question, originating in Yugoslavia, the German Democratic Republic or the USSR, tripled between 1981 and 1985, increasing from 39 546 units to 123 200 units. Their share of the Community market increased from 2,5 % in 1981 to 7,6 % in 1985. On those markets where these imports are concentrated, the market share increased from 6,6 % to 16 % in France, from 8,4 % to 24,0 % in Belgium and from 3,5 % to 8,5 % in the United Kingdom. Examination of the prices of the imports in question revealed substantial price undercutting by comparison with the prices of like products manufactured by the

Community industry, which varied according to the exporter, the importing Member State and the model of freezer concerned; the average price undercutting recorded fluctuated as follows:

— Gorenje	from 7 % to 25 %,
— Union Haushaltgeräte	from 28 % to 50 %,
— Technointorg	from 40 % to 50 %.

Moreover, the Community industry claimed that its prices already reflected the depressive effect of the imports in question.

The information checked by the Commission showed that Community production of upright freezers fell from 1 343 000 units in 1981 to 1 264 000 units in 1985; production capacity remained practically unchanged at 1,9 million units and the rate of capacity utilization therefore fell from 69,7 % in 1981 to 66,6 % in 1985. Sales in the Community fell from 1 186 000 units in 1981 to 1 120 000 units in 1985. Thus, while consumption remained virtually unchanged at 1,6 million units, the market share held by the Community industry fell from 74,3 % in 1981 to 68,9 % in 1985; on those markets where imports are concentrated, the market share fell over the same period from 74,0 % to 56,7 % in France, and from 50,6 % to 44,4 % in Belgium, and in the United Kingdom, where consumption increased by 35 %, the market share remained stable at 47 %. The information gathered by the Commission revealed a deterioration in the financial results of the Community producers: most recorded profit margins which were considered insufficient, or even losses.

- (24) In order to establish the impact of dumped imports on the Community industry, the Commission considered the overall effect of all dumped imports from all the exporters concerned. The two exporting companies which cooperated with the investigation claimed that the impact of their respective exports to the Community should be examined separately, and that because of their low respective shares of the Community market, they did not cause material injury.

In considering whether cumulation was appropriate in each case, the Commission took account of the comparability of the products imported in terms of physical characteristics, import volumes, the increase in those volumes by comparison with a reference period, the low price level of the products exported by all the exporters in question and the extent to which each imported product competed in the Community with the like product of the

Community industry. On the basis of its analysis, the Commission believed that the dumped imports from the companies in question could be considered to contribute in a similar manner to the material injury caused to the Community industry, and that those imports took place under such conditions that if the Commission were to treat one exporter separately it would be discriminating against the others. The Commission therefore concluded that, in order to establish the level of injury caused to the Community industry, it was appropriate to consider the overall effect of all dumped imports from all the companies concerned.

- (25) The Yugoslav exporter claimed that differences in technical standards and prices meant that the Community deep freezer market was not a single market, but consisted of a series of national markets which should be considered separately in order to establish the existence of a possible injury.

The Commission established that since the conditions provided for in the second indent of the first subparagraph of Article 4 (5) of Regulation (EEC) No 2176/84 were not fulfilled, the Community could not be divided into two or more competitive markets. Assessment of a possible injury must therefore be made by comparison with total Community production as defined in the introductory phase first paragraph of the said paragraphs. The Commission obviously took account within the Community market of the specific characteristics of the national markets, in particular in order to establish the price undercutting of the imports in question by comparison with the prices of like products manufactured by the Community industry.

- (26) The Yugoslav exporter also claimed that its products had a poor brand image among distributors and consumers and that after-sales service was less efficient than for Community products. It therefore considered that for equal quality its products should be sold at lower prices than Community products.

In establishing price undercutting, the Commission compared like products, in particular as regards volume, appearance and equipment, but it did not attempt to establish the impact of consumer preference, which is often a matter of subjective judgment and would be difficult to quantify. Moreover, no concrete proof was supplied as to the precise impact of a possible consumer preference on the price that the consumer would be willing to pay.

- (27) The Commission examined the other factors which could also, individually or in combination, cause injury to the Community industry.

With regard to the French market, which is one of those on which the imports in question are concentrated, the Yugoslav exporter raised the question of the effect of price controls enforced by the French authorities. The Commission established that during the period covered by the investigation the industrial prices of deep freezers in France were indeed subject to price controls which were basically intended to restrict price increases. Nevertheless, and irrespective of the possible effect of such price controls, the Commission established significant price undercutting between the prices of dumped imports and those of products manufactured by the Community industry.

The Commission established that the domestic electrical appliances sector in general, and the deep-freezer sector in particular, had been affected by the economic recession, market saturation and the low rate of replacement purchases. It was, however, established that market stagnation affected the Community industry more than the dumped imports, which tripled from 1981 to 1985.

- (28) The Commission established that the share of the Community market taken by imports originating in third countries not covered by the investigation remained relatively stable at approximately 7 % between 1981 and 1985. Moreover, although the production capacity of the Community industry remained unchanged from 1981 to 1985, the rate of capacity utilization fell. The possibility that competition between Community producers had some effect on the level of market prices is not excluded. Nevertheless, the levels of price undercutting established between the prices of the dumped imports and those of like products manufactured by the Community industry are substantial.

In conclusion, the substantial increase in dumped imports and the extremely low prices of these products in the Community led the Commission to establish that the dumped imports, considered separately, caused material injury to the Community industry concerned.

H. Community Interests

- (29) The Yugoslav authorities and exporters claimed that it would not be in the interests of the Community to adopt protective measures. They referred to

the trade links between Yugoslavia and the Community, and in particular to the fact that the exporters in question themselves purchased substantial quantities of materials and components originating in the Community, and that any fall in the level of Yugoslav exports of deep freezers to the Community would result in a direct and immediate fall in Community exports to Yugoslavia.

In general, the imposition of protective measures pursuant to the relevant provisions is not intended to eliminate the imported product from the Community market, but to eliminate the negative effects of the unfair pricing policy practised by third-country exporters. Moreover, and with regard to the case in hand, the Commission has received no information from any Community producer of the materials and components in question suggesting that it shares the opinion of the Yugoslav authorities and exporters.

- (30) The Commission received no observation from consumers. However, it examined the effect protective measures would have on consumers and concluded that, given the average life of a deep freezer and the level of such measures mentioned at 33 and 34 below, the effect of those measures should not be excessive.
- (31) The Commission took account of the difficulties mentioned earlier affecting the Community industry and of the probable aggravation of those difficulties if no measure were taken in this case. Under these circumstances, the Commission concluded that the interest of the Community required measures to be taken.
- (32) The Commission therefore concluded that, in order to prevent further injury being caused during the proceeding, it was appropriate to impose a provisional anti-dumping duty on imports of certain deep freezers originating in the Soviet Union.

I. Rate of Duty

- (33) Having regard to the extent of the injury caused, the rate of duty should be lower than the dumping margins provisionally established but sufficient to remove the injury caused. Having taken account of the selling price needed to provide efficient Community producers with a reasonable profit margin and of the selling prices in the Community of dumped imports, the Commission estimated the rate of duty needed to remove the injury at 33 % of the net free-at-Community-frontier price, not cleared through customs.

J. Undertakings

- (34) The only Yugoslav exporter of upright freezers, Gorenje, and the East German exporter, Union Haushaltgeräte, were informed of the main conclusions of the preliminary investigation; they submitted their comments and subsequently gave price undertakings.

Those undertakings have the effect of raising prices by an amount which in no case exceeds the dumping margins established but which is sufficient to remove the injury caused to the Community industry, since the price of imports is thereby raised to the level of selling price at which efficient Community producers can make a reasonable profit. It is, moreover, possible to ensure that those undertakings are actually kept. Under these circumstances, the undertakings made are considered acceptable and the investigation can be terminated without imposing anti-dumping duty.

This solution met with no objection within the Advisory Committee.

K. Termination

- (35) With regard to chest freezers, and taking into account the conclusions concerning injury set out at 22 above, the Commission considered that it was appropriate to terminate the proceeding without adopting protective measures.
- (36) The complainant was informed of the main facts and consideration on the basis of which the Commission intended to terminate the proceeding without adopting protective measures.

The complainant objected, arguing that imports of chest freezers from Yugoslavia had the effect of bringing market prices down to abnormally low levels and that the adoption of measures for upright freezers only would probably lead to an increase in the pressure of imports of chest freezers.

The Commission pointed out that the conclusions for each product should be established separately. With regard to chest freezers, and taking account of the factors set out at 21 and 22 above, the Commission believed that, even if the dumped imports had caused injury to the Community industry, that injury could not by itself be considered material, and that it was therefore appropriate to terminate the proceeding without adopting protective measures.

This solution met with no objection within the Advisory Committee.

L. Time Limit

- (37) Following the imposition of the provisional anti-dumping duty, a period should be fixed within

which the interested parties may make their views known and apply to be heard orally by the Commission,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of deep freezers falling within subheading ex 84.15 C II of the Common Customs Tariff, corresponding to NIMEXE code 84.15-41 or 84.15-46, originating in the USSR.
2. The amount of that duty shall be equal to 33 % of the net free-at-Community-frontier price, not cleared through customs.
3. The provisions in force concerning customs duties shall apply.
4. The release for free circulation in the Community of the product referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

The undertakings given by Gorenje (Velenje, Yugoslavia), and by Union Haushaltgeräte (Berlin, German Democratic Republic) in connection with the anti-dumping proceeding concerning imports of deep freezers falling within subheading ex 84.15 C II of the Common Customs Tariff, corresponding to NIMEXE code 84.15-41 or 84.15-46, originating in Yugoslavia or the German Democratic Republic, are hereby accepted.

Article 3

The investigation conducted in connection with the proceeding referred to in Article 2 is hereby terminated.

Article 4

The proceeding is terminated with regard to imports of deep freezers falling within subheading ex 84.15 C II of the Common Customs Tariff, corresponding to NIMEXE code 84.15-32.

Article 5

Without prejudice to the provisions of Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the parties concerned may make known their point of view and apply to be heard orally by the Commission within a period of one month from the entry into force of this Regulation.

Article 6

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

Without prejudice to the provisions of Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, Article 1 of this Regulation shall apply for a period of four months or until the Council adopts definitive measures before the end of that period.

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

Done at Brussels, 9 September 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 2801/86

of 10 September 1986

opening a standing invitation to tender for the sale of olive residue oil held by the Italian intervention agency

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 1454/86⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 (1) of Council Regulation (EEC) No 2754/78⁽³⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Italian intervention agency has bought in large quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁴⁾, as last amended by Regulation (EEC) No 3826/85⁽⁵⁾, laid down the conditions for the sale by tender on the Community market of olive oil; whereas the state of the Italian market in olive oil is at present favourable for the sale of part of the said oil; whereas, in order to facilitate the regular supply of the market, the sale should be effected by means of a standing invitation to tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency 'Azienda di Stato per gli Interventi nel Mercato Agricolo', hereinafter referred to as 'AIMA', shall open an invitation to tender, in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77, for the sale on the Community market of a quantity of approximately 6 000 tonnes of olive residue oil.

Approximately one-third of this quantity will be put on sale each month together with any unsold quantity from the previous invitations to tender.

Article 2

The invitation to tender shall be published on 15 September 1986.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the head office of AIMA, via Palestro 81, Rome, Italy.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The first series of tenders must reach AIMA, via Palestro 81, Rome, Italy not later than 2 p.m. (local time) on 25 September 1986.

Subsequent series of tenders must be lodged by 2 p.m. (local time) on:

- 23 October 1986,
- 21 November 1986.

Article 4

1. Tenders shall be made for an oil of 10° acidity.
2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:

Olive residue oil:

- below 10° down to 8° acidity:
an increase of Lit 2 964 for each degree or fraction of a degree of acidity below 10°,
- below 8°:
an additional increase of Lit 2 519 for each degree or fraction of a degree below 8°,
- above 10°:
a reduction of Lit 2 964 for each degree or fraction of a degree above 10°.

Article 5

Not later than three days after the expiry of the time limit laid down for the submission of tenders, AIMA shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

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

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

Article 6

The minimum selling prices shall be fixed, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted, and in accordance with the procedure set out in Article 38 of Regulation No 136/66/EEC. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The oil shall be sold by AIMA not later than the seventh day of each month following that during which the tenders were submitted. AIMA shall supply the agencies responsible for storage with a list of the lots remaining unsold.

A list of the lots put up for sale and a list of the lots remaining unsold from the previous invitations to tender shall be displayed at the head office of AIMA not later than the seventh day of each month.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Lit 30 000 per 100 kilograms.

Article 9

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Lit 4 000 per 100 kilograms.

Article 10

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, 10 September 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 2802/86

of 10 September 1986

opening a standing invitation to tender for the sale of olive oil held by the Portuguese intervention agency

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 1454/86⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2754/78⁽³⁾, provides that olive oil held by the intervention agencies shall be put up for sale by tender;

Whereas, pursuant to Article 12 (1) of Regulation No 136/66/EEC, the Portuguese intervention agency holds certain quantities of olive oil;

Whereas Commission Regulation (EEC) No 2960/77⁽⁴⁾, as last amended by Regulation (EEC) No 3826/85⁽⁵⁾ laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil; whereas, in order to facilitate the regular supply of the market, the sale should be effected by means of a standing invitation to tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Portuguese intervention agency, Instituto do Azeite e Produtos Oleaginosos, hereinafter referred to as 'IAPO', shall open an invitation to tender in accordance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of approximately 1 440 tonnes of lampant virgin olive oil.

Approximately one third of this quantity will be put on sale each month together with any unsold quantity from the previous invitations to tender.

Article 2

The invitation to tender shall be published on 11 September 1986.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of IAPO, Avenida Sidonio Pais, 10-1°, 1098 Lisboa Codex, Portugal.

A copy of the invitation to tender shall be sent without delay to the Commission.

Article 3

The first series of tenders must reach IAPO at the central office, Avenida Sidonio Pais, 10-1°, 1098 Lisboa Codex, Portugal, not later than 2 p.m. (local time) on 23 September 1986.

Subsequent series of tenders must be lodged by 2 p.m. (local time) on:

- 23 October 1986,
- 21 November 1986.

Article 4

1. Tenders shall be submitted for an oil of 5° acidity.
2. Where the oil awarded has a different degree of acidity from that for which the tender was submitted, the price to be paid shall be equal to the price tendered, increased or reduced in accordance with the scale below:

- up to 5° acidity:
increase of 481,14 Esc for each degree or fraction of degree of acidity below 5°,
- above 5° up to 8° acidity:
reduction of 481,14 Esc for each degree or fraction of degree of acidity above 5°,
- above 8°:
additional reduction of 526,24 Esc for each degree or fraction of degree above 8°.

Article 5

Not later than two days after the expiry of each time limit laid down for the submission of tenders, IAPO shall send the Commission a list, without mentioning names, stating the highest tender received for each lot put up for sale.

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

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 331, 28. 11. 1978, p. 13.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 46.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

Article 6

The minimum selling price per 100 kilograms of oil shall be fixed, on the basis of the tenders received, not later than the last working day of the month during which the tenders were submitted and in accordance with the procedure set out in Article 38 of Regulation No 136/66/EEC. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

Article 7

The olive oil shall be sold by IAPO not later than the seventh day of each month following that during which the tenders were submitted.

IAPO shall supply the agencies responsible for storage with a list of the lots remaining unsold.

A list of the lots put up for sale and a list of the lots remaining unsold from the previous invitations to tender

shall be displayed at the head office of IAPO not later than the seventh day of each month.

Article 8

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be 3 050 Esc per 100 kilograms.

Article 9

The storage referred to in Article 15 of Regulation (EEC) No 2960/77 shall be 400 Esc per 100 kilograms.

Article 10

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, 10 September 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2803/86

of 10 September 1986

re-establishing the levying of customs duties on lactic acid and its salts and esters, falling within subheading 29.16 A I, 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 ceiling 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 lactic acid and its salts and esters, falling within subheading 29.16 A I originating in China, the individual ceiling was fixed at 260 000 ECU; whereas, on 8 September 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 14 September 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
29.16 A I (NIMEXE code 29.16-11)	Lactic acid and its salts and esters

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, 10 September 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 352, 30. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 2804/86**of 10 September 1986****fixing the amount of aid for peas and field beans referred to in Article 3 (2) of Regulation (EEC) No 1431/82**

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 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins ⁽¹⁾, as last amended by Regulation (EEC) No 1485/85 ⁽²⁾, and in particular Article 3 (6) (b) thereof,

Having regard to Council Regulation (EEC) No 2036/82 of 19 July 1982 adopting general rules concerning special measures for peas, field beans and sweet lupins ⁽³⁾, as last amended by Regulation (EEC) No 1832/85 ⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community when the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas Council Regulation (EEC) No 1464/86 ⁽⁵⁾ fixed the guide price for peas and field beans for the 1986/87 marketing year;

Whereas, in accordance with Article 2a of Regulation (EEC) No 1431/82, the guide price is increased monthly as from the beginning of the third month of the marketing year; whereas Council Regulation (EEC) No 1465/86 ⁽⁶⁾ fixed the amount of these monthly increases as amended by Regulation (EEC) No 2372/86 ⁽⁷⁾;

Whereas pursuant to Articles 121 (3) and 307 (3) of the Act of Accession of Spain and Portugal the aid granted on

products harvested and processed in either of these Member States is to be reduced by the customs duties charged by the Member State on peas and field beans imported from third countries;

Whereas under Regulation (EEC) No 2036/82 the world market price for peas and field beans, as referred to in Article 3 (2) of Council Regulation (EEC) No 1431/82, is to be determined on the basis of offers made on the world market, disregarding those which cannot be considered representative of actual market trends; whereas in cases where no offer can be used for determining the world market price, this price is determined from prices recorded on the markets of the principal exporting countries; whereas in cases where no offer either on the world market or on those of the principal exporting countries can be used for determining the world market price this price is fixed at a level equal to the guide price for the products in question;

Whereas, under Commission Regulation (EEC) No 2049/82 ⁽⁸⁾, as last amended by Regulation (EEC) No 3319/85 ⁽⁹⁾, and under Regulation (EEC) No 2036/82 and Regulation (EEC) No 1464/86 the average world market price is to be established per 100 kilograms of products in bulk, delivered at Rotterdam, of sound quality; whereas, for the purpose of establishing this price, only the most favourable offers to deliveries closest in distance, excluding those relating to products being transported by ship, are used;

Whereas for offers and prices that do not comply with the conditions laid down above, the necessary adjustments must be made, and in particular those referred to in Article 5 of Regulation (EEC) No 2049/82;

Whereas in cases where aid is fixed in advance its amount is adjusted as specified in Article 6 (3) of Regulation (EEC) No 2036/82;

Whereas, if the aid system is to operate normally, aid amounts should be calculated on the following basis:

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 151, 10. 6. 1985, p. 7.

⁽³⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 173, 3. 7. 1985, p. 3.

⁽⁵⁾ OJ No L 133, 21. 5. 1986, p. 21.

⁽⁶⁾ OJ No L 133, 21. 5. 1986, p. 23.

⁽⁷⁾ OJ No L 208, 30. 7. 1986, p. 1.

⁽⁸⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽⁹⁾ OJ No L 317, 28. 11. 1985, p. 15.

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 % , a rate of exchange based on their central rate, multiplied by the correcting factor referred to in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽¹⁾,
- 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 aid must be fixed at least once for each marketing year;

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

HAS ADOPTED THIS REGULATION :

Article 1

The world market price as specified in Article 2 of Regulation (EEC) No 2036/82 shall be 17,48 ECU/100 kg.

Article 2

1. The amount of the aid provided for in Article 3 (2) of Regulation (EEC) No 1431/82 is indicated in the Annex hereto.
2. The aid for peas and field beans identified from 1 October 1986 onwards shall be the amount referred to in paragraph 1 adjusted by the difference between the guide price applying in the month of September 1986 and that applying in the month of identification.

Article 3

This Regulation shall enter into force on 11 September 1986.

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

Done at Brussels, 10 September 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 10 September 1986 fixing the amount of the aid for peas and field beans used for human consumption

Amounts applicable from 11 September 1986

	<i>(ECU/100 kg)</i>	
	Peas	Field beans
Products used :		
— in Spain	14,98	15,50
— in Portugal	15,04	15,04
— in another Member State	15,50	15,50

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

COMMISSION REGULATION (EEC) No 2805/86
of 10 September 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 934/86 ⁽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 2051/86 ⁽³⁾, as last amended by Regulation (EEC) No 2779/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2051/86 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 11 September 1986.

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

Done at Brussels, 10 September 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 173, 1. 7. 1986, p. 91.
⁽⁴⁾ OJ No L 256, 9. 9. 1986, p. 13.

ANNEX

to the Commission Regulation of 10 September 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	50,70
	B. Raw sugar	46,66 ⁽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 2806/86

of 10 September 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 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 1579/86⁽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 1449/86⁽⁴⁾ 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⁽⁵⁾ 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 2674/86⁽⁶⁾, as last amended by Regulation (EEC) No 2744/86⁽⁷⁾;

Whereas Council Regulation (EEC) No 1588/86⁽⁸⁾ as amended by Council Regulation (EEC) No 2744/75⁽⁹⁾ 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 9 September 1986;

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

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⁽¹⁰⁾ 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 1588/86, as fixed in the Annex to amended Regulation (EEC) No 2674/86 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 September 1986.

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

Done at Brussels, 10 September 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 244, 29. 8. 1986, p. 15.

⁽⁷⁾ OJ No L 252, 4. 9. 1986, p. 25.

⁽⁸⁾ OJ No L 139, 24. 5. 1986, p. 47.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 10 September 1986 altering the import levies on products processed from cereals and rice

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
23.02 A I a)	76,96	70,96
23.02 A I b)	158,07	152,07
23.02 A II a)	76,96	70,96
23.02 A II b)	158,07	152,07

COMMISSION REGULATION (EEC) No 2807/86**of 10 September 1986****fixing the maximum export refund for white sugar for the fifteenth 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 fifteenth partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the fifteenth partial invitation to tender for white sugar issued under Regulation (EEC) No 1659/86 is hereby fixed at 44,986 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 11 September 1986.

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

Done at Brussels, 10 September 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 4 September 1986

on certain protective measures against foot-and-mouth disease in Italy

(86/448/EEC)

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

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 9 thereof,

Having regard to Council Directive 72/461/EEC of 12 December 1972 on animal health problems affecting intra-Community trade in fresh meat ⁽³⁾, as last amended by Regulation (EEC) No 3768/85, and in particular Article 8 thereof,

Having regard to Council Directive 80/215/EEC of 22 January 1980 on animal health problems affecting intra-Community trade in meat products ⁽⁴⁾, as last amended by Regulation (EEC) No 3768/85, and in particular Article 7 thereof,

Whereas the outbreak of foot-and-mouth disease which has occurred in Italy is continuing; whereas this epidemic is such as to constitute a danger to the livestock of other Member States owing to the large volume of trade in both animals and fresh meat and certain meat-based products;

Whereas, in reaction to the outbreak of foot-and-mouth disease, the Commission has adopted various Decisions, in particular Decision 85/632/EEC of 18 December 1985 on certain protective measures against foot-and-mouth disease in Italy ⁽⁵⁾; whereas the Commission has adopted various amendments to its Decision 85/632/EEC so as to

alter the parts of the territory of Italy subject to restrictions on trade, the last such amendment being contained in Decision 86/370/EEC ⁽⁶⁾;

Whereas, owing to the number of amendments made to Decision 85/632/EEC, a new Decision should now be drawn up;

Whereas the danger of transmission of the disease in trade is greater from live animals and bone-in meat and offal owing to the greater persistence of the foot-and-mouth virus;

Whereas in those sectors which are particularly threatened the scope of the restrictive measures should be adjusted to take account of the development of the disease and the measures applied locally by the Italian authorities;

Whereas the said measures must be applied automatically upon an outbreak of the disease; whereas the said measures must be lifted likewise automatically once the absence of the disease has been recorded for a sufficiently long period;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall prohibit the introduction onto their territory of live animals of the bovine and porcine species from Italy.

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 302, 31. 12. 1972, p. 24.

⁽⁴⁾ OJ No L 47, 21. 2. 1980, p. 4.

⁽⁵⁾ OJ No L 379, 31. 12. 1985, p. 38.

⁽⁶⁾ OJ No L 223, 9. 8. 1986, p. 38.

Article 2

1. Member States shall prohibit the introduction onto their territory of fresh offal and meat from animals of the bovine, porcine, ovine and caprine species from Italy obtained from the third day following notification of this Decision with the exception of de-boned meat the main accessible lymph glands of which have been removed.

2. Without prejudice to the maintenance of the prohibitions on the introduction onto their territory of fresh meat obtained from animals of the bovine, porcine, ovine and caprine species laid down in the previous decisions applicable for the period 1 November 1984 to 7 September 1986, Member States shall prohibit the introduction onto their territory of fresh de-boned meat obtained from animals of the bovine, porcine, ovine and caprine species in local health units in which foot-and-mouth disease has been detected and local health units which share a boundary with those in which foot-and-mouth disease has been detected as well as of fresh de-boned meat obtained from animals of the bovine, porcine, ovine and caprine species originating in the said local health units but slaughtered in other parts of the territory of Italy.

3. The prohibition provided for in paragraph 2 shall be lifted for meat from local health units in which no cases of foot-and-mouth disease have been recorded for at least three months and from local health units which share a boundary with those in which no cases of foot-and-mouth disease have been recorded for at least three months as well as for meat obtained from animals originating in the said local health units but slaughtered in other parts of the territory of Italy.

The health certificate provided for in Council Directive 64/433/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in fresh meat⁽¹⁾ and accompanying fresh meat consigned from Italy shall bear the following words:

'meat complying with the Commission Decision of 4 September 1986'.

Article 3

1. Member States shall prohibit the introduction onto their territory of meat products other than those which have undergone one of the forms of treatment laid down in Article 4 (1) of Decision 80/215/EEC from local health units in which foot-and-mouth disease has been detected and local health units which share a boundary with those in which foot-and-mouth disease has been detected or which has been prepared using meat obtained from animals originating in the said local health units but slaughtered in other parts of the territory of Italy.

2. The prohibition provided for in paragraph 1 shall be lifted for meat products consigned from local health units in which no cases of foot-and-mouth disease have been recorded for at least three months and from local health units which share a boundary with those in which no cases of foot-and-mouth disease have been recorded for at least three months as well as for those which have been prepared using meat obtained from animals originating in the said local health units but slaughtered in other parts of the territory of Italy.

3. The health certificate which under Council Directive 77/99/EEC of 21 December 1976 on animal health problems affecting intra-Community trade in meat products⁽²⁾ is required to accompany the products shall, in the case of the meat products referred to in paragraph 1 and consigned from Italy bear the following words:

'Products complying with the Commission Decision of 4 September 1986'.

Article 4

Member States shall take steps to ensure that the vehicles that have been used to transport live animals from Italy are disinfected before entering the territory of another Member State and shall furnish proof of such disinfection.

Article 5

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision three days after its notification. They shall immediately inform the Commission thereof.

Article 6

The Commission shall monitor the situation and shall, if necessary, amend this Decision accordingly.

Article 7

Decision 85/632/EEC shall be repealed three days after notification of the present Decision.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 4 September 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No 121, 29. 7. 1967, p. 2012/64.

⁽²⁾ OJ No L 26, 31. 1. 1977, p. 85.

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