

Official Journal

of the European Communities

ISSN 0378-6978

L 313

Volume 29

8 November 1986

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- Commission Regulation (EEC) No 3414/86 of 7 November 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal 1
- Commission Regulation (EEC) No 3415/86 of 7 November 1986 fixing the premiums to be added to the import levies on cereals, flour and malt 3
- ★ Commission Regulation (EEC) No 3416/86 of 7 November 1986 altering the specific agricultural conversion rates applicable in the rice sector 5
- ★ Commission Regulation (EEC) No 3417/86 of 7 November 1986 re-establishing the levying of customs duties on tableware and other articles of a kind commonly used for domestic toilet purposes, of porcelain or china, falling within heading 69.11, originating in Sri Lanka, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3599/85 apply 7
- ★ Commission Regulation (EEC) No 3418/86 of 7 November 1986 concerning the stopping of fishing for herring by vessels flying the flag of the Netherlands 8
- ★ Commission Regulation (EEC) No 3419/86 of 7 November 1986 concerning the stopping of fishing for hake by vessels flying the flag of Germany 9
- Commission Regulation (EEC) No 3420/86 of 7 November 1986 fixing the amount of the subsidy on oil seeds 10
- Commission Regulation (EEC) No 3421/86 of 7 November 1986 amending Regulation (EEC) No 3333/86 introducing a countervailing charge on tomatoes originating in Romania 14

Commission

86/532/ECSC :

- ★ **Commission Decision of 29 October 1986 derogating from High Authority recommendation No 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community (124th derogation)** 15

86/533/EEC :

- ★ **Commission Decision of 29 October 1986 on the guidance programme in respect of aquaculture for 1986 submitted by Spain pursuant to Council Regulation (EEC) No 2908/83** 16

86/534/EEC :

Commission Decision of 31 October 1986 fixing maximum amounts for contracts awarded under the tendering procedure opened by Regulation (EEC) No 3102/86 on the supply of various lots of skimmed-milk powder as food aid 18

86/535/EEC :

Commission Decision of 31 October 1986 fixing maximum amounts for contracts awarded under the tendering procedure opened by Regulation (EEC) No 3116/86 on the supply of various lots of butteroil as food aid 19

86/536/EEC :

- ★ **Commission Decision of 7 November 1986 terminating the anti-dumping proceeding concerning imports of certain tube and pipe fittings originating in Brazil, Taiwan, Yugoslavia and Japan** 20

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3414/86**of 7 November 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 6 November 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 8 November 1986.

⁽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.

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

Done at Brussels, 7 November 1986.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 7 November 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	9,84	180,19
10.01 B II	Durum wheat	35,26	239,64 ⁽¹⁾ ⁽²⁾
10.02	Rye	46,39	154,24 ⁽²⁾
10.03	Barley	16,48	173,41
10.04	Oats	79,01	142,70
10.05 B	Maize, other than hybrid maize for sowing	—	165,77 ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	16,48	114,90 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	1,50	167,99 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	—	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	27,85	266,34
11.01 B	Rye flour	79,02	229,79
11.02 A I a)	Durum wheat groats and meal	67,98	384,77
11.02 A I b)	Common wheat groats and meal	28,89	286,46

⁽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).

⁽⁸⁾ The levy referred to in Article 1 of Council Regulation (EEC) No 2913/86 shall be fixed on the basis of an invitation to tender in accordance with Commission Regulation (EEC) No 3140/86.

COMMISSION REGULATION (EEC) No 3415/86

of 7 November 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 6 November 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 8 November 1986.

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

Done at Brussels, 7 November 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 7 November 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 11	1st period 12	2nd period 1	3rd period 2
10.01 B I	Common wheat, and meslin	0	0	0	7,19
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0,44	0,44	0,44
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	10,06

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	12,80	12,80
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	9,56	9,56
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0,78	0,78	0,78	0,78
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0,59	0,59	0,59	0,59
11.07 B	Roasted malt	0	0,68	0,68	0,68	0,68

COMMISSION REGULATION (EEC) No 3416/86

of 7 November 1986

altering the specific agricultural conversion rates applicable in the rice sector

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

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, and in particular Article 2 (4) thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture⁽²⁾, as last amended by Regulation (EEC) No 2502/86⁽³⁾, and in particular Article 9 (2) thereof,

Whereas by Commission Regulation (EEC) No 3294/86⁽⁴⁾ specific agricultural conversion rates to be applied in the rice sector were established; whereas those conversion rates must be altered pursuant to Articles 2 and 3 of Commission Regulation (EEC) No 3153/85⁽⁵⁾;

Whereas Regulation (EEC) No 3153/85 lays detailed rules for the calculation of monetary compensatory amounts;

whereas the spot market rates for the pound sterling, recorded in accordance with Regulation (EEC) No 3153/85 during the period 29 October to 4 November 1986, require the specific agricultural conversion rates applicable for the United Kingdom to be altered pursuant to Article 9 (2) of Regulation (EEC) No 1677/85,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3294/86 is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 10 November 1986.

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

Done at Brussels, 7 November 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽³⁾ OJ No L 219, 6. 8. 1986, p. 8.

⁽⁴⁾ OJ No L 304, 30. 10. 1986, p. 25.

⁽⁵⁾ OJ No L 310, 21. 11. 1985, p. 4.

*ANNEX***Specific agricultural conversion rate for rice**

(Regulation (EEC) No 3416/86)

1 ECU	= Bfs	47,3307
	= Dkr	8,58155
	= DM	2,31728
	= FF	7,54539
	= £ Irl	0,839794
	= Fl	2,61094
	= £	0,795655
	= Lit	1 588,19
	= Dr	155,525
	= Pta	153,669

COMMISSION REGULATION (EEC) No 3417/86

of 7 November 1986

re-establishing the levying of customs duties on tableware and other articles of a kind commonly used for domestic toilet purposes, of porcelain or china, falling within heading 69.11, originating in Sri Lanka, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3599/85 apply

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

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

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

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

Whereas, in the case of tableware and other articles of a kind commonly used for domestic or toilet purposes, of porcelain or china, falling within heading 69.11, originating in Sri Lanka, the individual ceiling was fixed at 547 500 ECU; whereas, on 31 October 1986, imports of these products into the Community originating in Sri Lanka 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 Sri Lanka,

HAS ADOPTED THIS REGULATION:

Article 1

As from 11 November 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 Sri Lanka:

CCT heading No	Description
69.11 (NIMEXE code 69.11 all numbers)	Tableware and other articles of a kind commonly used for domestic or toilet purposes, of porcelain or china (including biscuit porcelain and parian)

Article 2

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

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

Done at Brussels, 7 November 1986.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 352, 30. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 3418/86

of 7 November 1986

concerning the stopping of fishing for herring by vessels flying the flag of the Netherlands

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

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States⁽¹⁾, as last amended by Regulation (EEC) No 3723/85⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Council Regulation (EEC) No 3721/85 of 20 December 1985, fixing, for certain fish stocks and groups of fish stocks, provisional total allowable catches for 1986 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 3221/86⁽⁴⁾, provides for herring quotas for 1986;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of herring in the waters of ICES divisions VI a south, VII b, c by vessels flying the flag of the Netherlands or registered in the Netherlands have reached the quota allocated for 1986; whereas the

Netherlands have prohibited fishing for this stock as from 1 November 1986; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of herring in the waters of ICES divisions VI a South, VII b, c, by vessels flying the flag of the Netherlands or registered in the Netherlands are deemed to have exhausted the quota allocated to the Netherlands for 1986.

Fishing for herring in the waters of ICES divisions VI a South, VII b, c by vessels flying the flag of the Netherlands or registered in the Netherlands is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 1 November 1986.

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

Done at Brussels, 7 November 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽²⁾ OJ No L 361, 31. 12. 1985, p. 42.

⁽³⁾ OJ No L 361, 31. 12. 1985, p. 5.

⁽⁴⁾ OJ No L 300, 24. 10. 1986, p. 2.

COMMISSION REGULATION (EEC) No 3419/86
of 7 November 1986
concerning the stopping of fishing for hake by vessels flying the flag of Germany

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

Having regard to Council Regulation (EEC) No 2057/82 of 29 June 1982 establishing certain control measures for fishing activities by vessels of the Member States ⁽¹⁾ as last amended by Regulation (EEC) No 3723/85 ⁽²⁾, and in particular Article 10 (3) thereof,

Whereas Council Regulation (EEC) No 3721/85 of 20 December 1985, fixing, for certain fish stocks and groups of fish stocks, provisional total allowable catches for 1986 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EEC) No 3221/86 ⁽⁴⁾, provides for hake quotas for 1986;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of hake in the waters of ICES division II a (EC-zone), IV (EC-zone) by vessels flying the

flag of Germany or registered in Germany have reached the quota allocated for 1986,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of hake in the waters of ICES division II a (EC-zone), IV (EC-zone) by vessels flying the flag of Germany or registered in Germany are deemed to have exhausted the quota allocated to Germany for 1986.

Fishing for hake in the waters of ICES division II a (EC-zone), IV (EC-zone) by vessels flying the flag of Germany or registered in Germany is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 7 November 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 220, 29. 7. 1982, p. 1.

⁽²⁾ OJ No L 361, 31. 12. 1985, p. 42.

⁽³⁾ OJ No L 361, 31. 12. 1985, p. 5.

⁽⁴⁾ OJ No L 300, 24. 10. 1986, p. 2.

COMMISSION REGULATION (EEC) No 3420/86
of 7 November 1986
fixing the amount of the subsidy on oil seeds

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 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 27 (4),

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 2332/86 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁵⁾, as last amended by Regulation (EEC) No 1474/84 ⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 2778/86 ⁽⁷⁾, as last amended by Regulation (EEC) No 3340/86 ⁽⁸⁾;

Whereas the target price and the monthly increments in the target price for colza, rape and sunflower seed for the

1986/87 marketing year have been fixed in Council Regulations (EEC) No 1457/86 ⁽⁹⁾ and (EEC) No 1458/86 ⁽¹⁰⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2778/86 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83 ⁽¹¹⁾ shall be as set out in the Annexes hereto.

2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86 ⁽¹²⁾ and Article 12 of Council Regulation (EEC) No 476/86 ⁽¹³⁾ shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain and Portugal.

Article 2

This Regulation shall enter into force on 8 November 1986.

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

Done at Brussels, 7 November 1986.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 204, 28. 7. 1986, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁷⁾ OJ No L 256, 9. 9. 1986, p. 7.

⁽⁸⁾ OJ No L 306, 1. 11. 1986, p. 48.

⁽⁹⁾ OJ No L 133, 21. 5. 1986, p. 12.

⁽¹⁰⁾ OJ No L 133, 21. 5. 1986, p. 14.

⁽¹¹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹²⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹³⁾ OJ No L 53, 1. 3. 1986, p. 51.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kilograms)

	Current month	2nd month	3rd month	4th month	5th month	6th month
1. Gross aids (ECU):						
— Spain	0,610	0,610	0,610	0,610	0,610	0,610
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	31,451	31,680	31,409	31,548	31,688	32,184
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	76,13	76,70	76,12	76,59	76,95	78,48
— Netherlands (Fl)	85,78	86,42	85,75	86,27	86,68	88,36
— BLEU (Bfrs/Lfrs)	1 466,59	1 477,20	1 464,15	1 469,79	1 476,18	1 494,04
— France (FF)	215,96	217,47	214,93	215,24	216,06	220,35
— Denmark (Dkr)	267,94	269,88	267,54	268,71	269,89	273,74
— Ireland (£ Irl)	23,667	23,831	23,572	23,479	23,565	23,679
— United Kingdom (£)	16,943	17,041	16,742	16,769	16,796	16,967
— Italy (Lit)	47 662	48 000	47 406	47 748	47 948	48 711
— Greece (Dr)	3 031,24	3 022,76	2 905,13	2 886,74	2 887,23	2 843,50
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	88,94	88,94	88,94	88,94	88,94	88,94
— in another Member State (Pta)	3 651,84	3 683,14	3 637,62	3 621,27	3 638,22	3 704,81
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 499,69	4 524,46	4 432,43	4 434,49	4 448,66	4 472,54

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kilograms)

	Current month	2nd month	3rd month	4th month	5th month	6th month
1. Gross aids (ECU):						
— Spain	1,860	1,860	1,860	1,860	1,860	1,860
— Portugal	1,250	1,250	1,250	1,250	1,250	1,250
— Other Member States	32,701	32,930	32,659	32,798	32,938	33,434
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	79,12	79,68	79,10	79,57	79,93	81,47
— Netherlands (Fl)	89,15	89,78	89,11	89,63	90,04	91,73
— BLEU (Bfrs/Lfrs)	1 525,18	1 535,79	1 522,74	1 528,39	1 534,77	1 552,63
— France (FF)	224,84	226,35	223,81	224,12	224,94	229,23
— Denmark (Dkr)	278,62	280,56	278,22	279,39	280,57	284,42
— Ireland (£ Irl)	24,646	24,810	24,551	24,458	24,544	24,658
— United Kingdom (£)	17,727	17,825	17,526	17,553	17,581	17,752
— Italy (Lit)	49 586	49 924	49 331	49 673	49 872	50 635
— Greece (Dr)	3 177,09	3 168,60	3 050,97	3 032,59	3 033,08	2 989,35
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	271,19	271,19	271,19	271,19	271,19	271,19
— in another Member State (Pta)	3 834,09	3 865,39	3 819,87	3 803,52	3 820,47	3 887,06
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	189,77	189,77	189,77	189,77	189,77	189,77
— in another Member State (Esc)	4 689,46	4 714,23	4 622,20	4 624,26	4 638,43	4 662,31

ANNEX III

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	2nd month	3rd month	4th month	5th month
1. Gross aids (ECU):					
— Spain	1,720	1,720	1,720	1,720	1,720
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	37,758	38,349	38,026	38,362	38,597
2. Final aids:					
(a) Seed harvested and processed in (1):					
— Federal Republic of Germany (DM)	91,34	92,75	92,06	93,00	93,59
— Netherlands (Fl)	102,92	104,51	103,71	104,77	105,43
— BLEU (Bfrs/Lfrs)	1 761,10	1 788,80	1 773,24	1 788,08	1 798,92
— France (FF)	259,66	263,86	260,85	262,54	264,04
— Denmark (Dkr)	321,71	326,75	323,96	326,82	328,81
— Ireland (£ Irl)	28,464	28,926	28,618	28,663	28,823
— United Kingdom (£)	20,490	20,861	20,504	20,672	20,759
— Italy (Lit)	57 260	58 167	57 468	58 137	58 482
— Greece (Dr)	3 673,61	3 714,54	3 577,71	3 584,40	3 595,97
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	250,77	250,77	250,77	250,77	250,77
— in another Member State (Pta)	3 519,98	3 606,15	3 551,90	3 560,93	3 591,73
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 078,28	6 164,87	6 053,48	6 087,12	6 116,78
— in another Member State (Esc)	5 859,89	5 943,36	5 835,98	5 868,41	5 897,01
3. Compensatory aids:					
— in Spain (Pta)	3 449,32	3 534,39	3 482,86	3 491,89	3 522,69
— in Portugal (Esc)	5 839,31	5 922,47	5 815,88	5 848,31	5 876,90

(1) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,037269.

ANNEX IV

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current month	2nd month	3rd month	4th month	5th month	6th month
DM	2,087260	2,082170	2,077100	2,071810	2,071810	2,058430
Fl	2,359430	2,355310	2,351250	2,346620	2,346620	2,335630
Bfrs/Lfrs	43,373700	43,360500	43,355400	43,344500	43,344500	43,353700
FF	6,815610	6,822110	6,828980	6,839510	6,839510	6,853130
Dkr	7,854330	7,863910	7,876630	7,885900	7,885900	7,924850
£ Irl	0,765180	0,768967	0,773202	0,777429	0,777429	0,788834
£	0,721903	0,724210	0,726406	0,728670	0,728670	0,735342
Lit	1 442,92	1 446,09	1 450,05	1 453,60	1 453,60	1 463,86
Dr	141,16200	144,47200	146,46600	148,77500	148,77500	154,83400
Esc	152,90700	153,96400	155,03300	156,06200	156,06200	158,56100
Pta	139,92100	140,53500	141,07700	141,57900	141,57900	142,79500

COMMISSION REGULATION (EEC) No 3421/86
of 7 November 1986

**amending Regulation (EEC) No 3333/86 introducing a countervailing charge on
tomatoes originating in Romania**

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

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

Having regard to Council Regulation (EEC) No 1035/72
of 18 May 1972 on the common organization of the
market in fruit and vegetables⁽¹⁾, as last amended by
Regulation (EEC) No 1351/86⁽²⁾, and in particular the
second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 3333/86 of
31 October 1986⁽³⁾, introduced a countervailing charge
on tomatoes originating in Romania;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72
laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is
amended; whereas, if those conditions are taken into
consideration, the countervailing charge on the import of
tomatoes originating in Romania must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3333/86, '5,15 ECU'
is hereby replaced by '28,55 ECU'.

Article 2

This Regulation shall enter into force on 8 November
1986.

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

Done at Brussels, 7 November 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 306, 1. 11. 1986, p. 39.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 October 1986

derogating from High Authority recommendation No 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community

(124th derogation)

(Only the Danish text is authentic)

(86/532/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 2 to 5, 8, 71 and 74 thereof,

Having regard to High Authority recommendation No 1/64 of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community⁽¹⁾, as last amended by recommendation No 81/772/ECSC⁽²⁾, and in particular Article 3 thereof,

Whereas Denmark has shown the existence of exceptional and temporary difficulties in obtaining supplies for its transforming industry on the Community market with special sheet for the manufacture of preserved-food cans; whereas such difficulties, which seemed likely to come to an end in mid-1986, are still prevalent but seem capable of being solved by the end of the year 1986;

Whereas by Decision No 85/496/ECSC⁽³⁾ the Commission authorized Denmark to import duty-free from third countries certain quantities of special sheet during the period 1 July to 31 December 1985 and it is now appropriate to extend the operation of this Decision until 31 December 1986;

Whereas this exceptional import is justified for the reasons of commercial policy provided for in Article 3 of recommendation No 1/64; whereas the Commission may

therefore grant a derogation from the said recommendation;

Whereas the Governments of the Member States have been consulted on the abovementioned request,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Decision No 85/496/ECSC of 10 July 1985 is hereby replaced by the following, with effect from 1 July 1986:

Article 3

This Decision shall apply from 1 July 1985 to 31 December 1986.

Article 2

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 29 October 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No 8, 22. 1. 1964, p. 99/64.

⁽²⁾ OJ No L 285, 7. 10. 1981, p. 33.

⁽³⁾ OJ No L 299, 13. 11. 1985, p. 12.

COMMISSION DECISION**of 29 October 1986****on the guidance programme in respect of aquaculture for 1986 submitted by
Spain pursuant to Council Regulation (EEC) No 2908/83****(Only the Spanish text is authentic)****(86/533/EEC)**

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

Having regard to Council Regulation (EEC) No 2908/83
of 4 October 1983 on a common measure for restructu-
ring, modernizing and developing the fishing industry
and for developing aquaculture ⁽¹⁾, modified by Regulation
(EEC) No 3733/85 ⁽²⁾, and in particular Article 5 thereof

Whereas on 24 February 1986 the Spanish Government
forwarded a guidance programme amended by supple-
mentary information on 13 May 1986 and 7 July 1986 in
respect of aquaculture, hereinafter referred to as 'the
programme';

Whereas, in accordance with the first paragraph of Article
3 of Regulation (EEC) No 2908/83, the time required for
the execution of the programme covers at least the
proposed duration of the common measure;

Whereas the programme contains the information
referred to in Article 4 of Regulation (EEC) No 2908/83;

Whereas the Spanish authorities envisage a large increase
in fish and shellfish production; whereas in addition
exploitation of coastal lagoons offers undoubted potential,
partly exploited at present;

Whereas the programme proposes to encourage the deve-
lopment of hatcheries for the production of juvenile fish
for on-growing;

Whereas the programme may, having regard to produc-
tion potential, the demand for the products concerned
and the guidelines of the Common Fisheries Policy,
constitute a suitable framework for projects which may
qualify for financial support from the Community;

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

HAS ADOPTED THIS DECISION:

Article 1

The guidance programme in respect of aquaculture
forwarded by the Spanish Government on 24 February
1986 last amended on 7 July 1986, the main features of
which are set out in Annex I hereto, is hereby approved
subject to the provisions set out in Annex II hereto.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 29 October 1986

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 290, 22. 10. 1983, p. 1.

⁽²⁾ OJ No L 361, 31. 12. 1985, p. 78.

*ANNEX I***MAIN FEATURES OF THE GUIDANCE PROGRAMME IN RESPECT OF AQUACULTURE
DRAWN UP BY THE SPANISH GOVERNMENT WITHIN THE FRAMEWORK OF COUNCIL
REGULATION (EEC) No 2908/83****1. Objective of the programme**

Development of aquaculture, taking into account the suitability of species for culture in Spain, rearing techniques, commercial viability and market prospects.

2. Duration

The programme will cover 1986 only.

3. Areas concerned

The whole of the littoral and inshore waters of Spain, the Balearic Islands and the Canary Islands.

4. Priorities and development policy

Future activity will be concentrated on species with good market prospects and with well-established rearing technology. Among these species the most important are:

- Oysters and palourdes
- Tropical prawns (*Penaeus spp.*)
- Turbot
- Gilthead sea bream
- Sea bass

5. Present output and projects envisaged

The production data for 1985 gives a figure of 200 000 tonnes for mussels, the principal species reared in Spain, 4 000 tonnes for other molluscs and 250 tonnes for marine fish.

Potential production is envisaged as being of the order of 86 000 tonnes for other molluscs and 200 000 tonnes for fish and crustaceans with only a relatively slight annual increase in mussel output, giving an eventual total of about 250 000 tonnes. Only a fraction of this increase will be achieved in the immediate future.

6. Investment requirement

To achieve these production targets an investment of about 30 million ECU would be necessary during the period covered by the programme.

National aid to be allocated of these investments may be estimated at 1,5 million ECU.

*ANNEX II***FINAL CONCLUSIONS**

1. The Commission considers that the programme submitted by the Spanish Government as a framework for the Community and national financing schemes constitutes an initial measure to guide investments in aquaculture in Spain and it agrees with the Spanish authorities' analysis of the development potential.
 2. The Commission points out that the investments requirement contained in the programme does not imply any commitment as regards financial support from the Community.
 3. The Commission considers that the programme targets and their attainment should form the subject of a more detailed analysis in the light of developments in the structural and economic situation of fish farms in Spain.
-

COMMISSION DECISION

of 31 October 1986

fixing maximum amounts for contracts awarded under the tendering procedure opened by Regulation (EEC) No 3102/86 on the supply of various lots of skimmed-milk powder as food aid

(86/534/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1335/86 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas under Commission Regulation (EEC) No 3102/86 of 7 October 1986 on the supply of various lots of skimmed-milk powder as food aid ⁽³⁾ tenders have been invited for the supply of 6 600 tonnes of skimmed-milk powder to certain third countries and beneficiary organizations;

Whereas Article 13 (1) of Commission Regulation (EEC) No 1354/83 of 17 May 1983 laying down general rules for the mobilization and supply of skimmed-milk powder, butter and butteroil as food aid ⁽⁴⁾, as last amended by Regulation (EEC) No 3826/85 ⁽⁵⁾, specifies that in the light of the tenders received a maximum amount shall be fixed for each lot, or part thereof if the third subparagraph of Article 11 (3) is used, or a decision shall be taken to make no award;

Whereas on the basis of the tenders received the maximum amounts should be those specified below;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be adhered to when awards are made under the tendering procedure opened by Regulation (EEC) No 3102/86 shall be:

- Lot M: 742 760 ECU (D);
- Lot N: 1 580 070 ECU (D);
- Lot O: 21 401 ECU (IRL);
- Lot P: 39 744 ECU (IRL);
- Lot Q: 2 215 007 ECU (NL);
- Lot R: 849 533 ECU (NL);
868 334 ECU (UK);
- Lot S: 849 441 ECU (NL);
867 548 ECU (UK).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 31 October 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽³⁾ OJ No L 290, 14. 10. 1986, p. 5.

⁽⁴⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

COMMISSION DECISION

of 31 October 1986

fixing maximum amounts for contracts awarded under the tendering procedure
opened by Regulation (EEC) No 3116/86 on the supply of various lots of butteroil
as food aid

(86/535/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

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

Whereas under Commission Regulation (EEC) No
3116/86 of 13 October 1986 on the supply of various lots
of butteroil as food aid ⁽³⁾ tenders have been invited for
the supply of 3 300 tonnes of butteroil to certain third
countries and beneficiary organizations;

Whereas Article 13 (1) of Commission Regulation (EEC)
No 1354/83 of 17 May 1983 laying down general rules for
the mobilization and supply of skimmed-milk powder,
butter and butteroil as food aid ⁽⁴⁾, as last amended by
Regulation (EEC) No 3826/85 ⁽⁵⁾, specifies that in the
light of the tenders received a maximum amount shall be
fixed for each lot, or part thereof if the third subparagraph
of Article 11 (3) is used, or a decision shall be taken to
make no award;

Whereas on the basis of the tenders received the
maximum amounts should be those specified below;

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum amounts to be adhered to when awards are
made under the tendering procedure opened by Regu-
lation (EEC) No 3116/86 shall be:

- Lot A: 123 462 ECU (D);
111 154 ECU (D);
131 925 ECU (D);
- Lot B: 114 473 ECU (D);
117 613 ECU (D);
- Lot C: 66 233 ECU (NL);
- Lot D: 116 662 ECU (IRL).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 31 October 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽³⁾ OJ No L 291, 15. 10. 1986, p. 8.

⁽⁴⁾ OJ No L 142, 1. 6. 1983, p. 1.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

COMMISSION DECISION

of 7 November 1986

terminating the anti-dumping proceeding concerning imports of certain tube and pipe fittings originating in Brazil, Taiwan, Yugoslavia and Japan

(86/536/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

A. PROCEDURE

- (1) In November 1984, the Commission received a complaint concerning imports of certain tube and pipe fittings originating in Brazil, Taiwan and Yugoslavia which was lodged by the European Malleable Tube Fittings Development Association (EMAFIDA) on behalf of producers representing substantially all Community production of the product in question.

In March 1985 the Italian producer who is the largest producer in the Community and whose production accounts for a major proportion of the Community's production lodged a complaint concerning imports of the product in question originating in Japan.

Both complaints contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of certain tube and pipe fittings of malleable cast iron falling within Common Customs Tariff heading ex 73.20, corresponding to NIMEXE code 73.20-30 originating in Brazil, Taiwan, Yugoslavia and Japan.

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

- (3) All companies concerned having exported the product in question to the Community during the period under investigation made their views known in writing. The majority of the known exporters requested and were granted hearings. Some importers also made written submissions and requested hearings which were granted.

- (4) The Commission sought and verified all information it deemed to be necessary and carried out investigations at the premises of the following :

(a) EEC producers :

- Georg Fischer AG, Singen (Hohentwiel), Germany,
- R. Woeste & Co., Düsseldorf, Germany,
- Acciaierie e Ferriere Lombarde Falck SpA., Milano, Italy ;

(b) Non-EEC producers/exporters :

- Fundição Tupy SA, Joinville, SC, Brazil,
- De HoMetal Industrial Co. Ltd, Hsinchu, Taiwan,
- San Yang Metal Industrial Co. Ltd, Taipei Hsien, Taiwan,
- Tai Yang Metal Industrial Co. Ltd, Taipei, Taiwan,
- Young Shieng Manufacturing Co. Ltd, Taipei, Taiwan,
- Livnica Zeljeza i Tempera, Kikinda, Yugoslavia,
- Titan, Kamnik, Yugoslavia,
- Awaji Sangyo K.K., Tokyo, Japan,
- Higashio Pipe Fittings MFG, Co. Ltd, Kawachi Nagano, Osaka, Japan,
- Hitachi Metals Ltd, Chiyoda-Ku, Tokyo, Japan,
- Nippon Kokan Pipe Fittings MFG, Co. Ltd, Kishiwada, Osaka, Japan,
- Yodoshi Malleable Co. Ltd, Kawachi Nagano, Osaka, Japan ;

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 77, 23. 3. 1985, p. 3.

(c) *EEC importers:*

- Hermann Schmidt, Essen-Bredeney, Germany,
- Tupy Handelsgesellschaft mbH., Hamburg, Germany,
- Euraccordi, Liscate, Milano, Italy,
- Jannone Arm SpA., Napoli, Italy,
- Rocco Locatelli s.a.s., Casteggio, Pavia, and Milano, Italy
- O.M.L., Legnaro, Padova, Italy.

- (5) The investigation of dumping and price undercutting covered the period 1 January to 31 December 1984.

B. DUMPING**Normal value**

- (6) Normal value was in all cases provisionally determined on the basis of the net ex-works domestic prices of those producers who exported to the Community and who provided sufficient evidence concerning the prices actually paid in the ordinary course of trade for the like product intended for consumption in the exporting country and which were considered to be representative for the domestic market concerned. Account was taken, where appropriate, of packing, transport costs within the country and payment terms to arrive at the net ex-works price.

Export price

- (7) The export prices were generally determined on the basis of the net ex-works prices actually paid for the products sold for export to the Community. Account was taken, where appropriate, of packing, ocean freight, transport within the country, port charges, and commissions.
- (8) Where exports were made to subsidiary companies in the Community export prices were constructed on the basis of the prices at which the imported product was first resold to an independent buyer, suitably adjusted to take account of all costs incurred between importation and resale including customs duty, and of a profit margin of 4,0 % considered reasonable by analogy with the average profit margins of independent importers of the product in question.

C. COMPARISON

- (9) In order to make a fair comparison between the normal value and export prices, appropriate

account was taken of the differences affecting price comparability, such as differences in the terms and conditions of sale and indirect taxes where it could be demonstrated that there was a direct relationship between such differences and the sales in question. Certain claims which were made by some exporters with regard to adjustments for differences in overheads have been rejected.

- (10) All comparisons were made at the ex-factory level.

D. MARGINS

- (11) The above preliminary examination of the facts shows the existence of dumping in respect of the imports of the products in question originating in Yugoslavia, Japan and Brazil, the margin of dumping being equal to the amount by which the normal value as established exceeds the export prices to the Community. These margins vary according to the exporter and the importing Member State, the weighted average margins being as follows:

- Yugoslavia: up to 71,3 %;
- Japan: up to 19,8 %;
- Brazil: 5,6 %;
- Taiwan: less than 1 %.

E. INJURY

- (12) With regard to the allegation of injury caused by the dumped imports the evidence available to the Commission shows that imports into the Community from Japan went down from 9 300 tonnes in 1981 to 6 400 tonnes in 1984 with a corresponding fall of market share from 17,8 % to 10,2 %. In addition, imports from Taiwan fell from 3 900 tonnes in 1981 to 1 100 tonnes in 1984, reducing their market share from 7,4 % to 1,7 %. Imports from Yugoslavia increased slightly during the same period from 1 800 to 1 900 tonnes while the market share dropped from 3,4 % to 3,0 % due to a rise in consumption. Only imports from Brazil have significantly expanded from 1 500 tonnes in 1981 to 4 200 tonnes in 1984 increasing their market share from 2,8 % to 6,4 %.
- (13) Taken together the imports of tube and pipe fittings of malleable cast iron originating in Japan, Taiwan, Yugoslavia and Brazil declined from 16 400 tonnes in 1981 to 13 600 tonnes in 1984 with a consequent decrease in market share from 31,4 % to 21,6 %.
- (14) Considering that the imports of the Japanese and Taiwanese product in the Community had decreased and corresponded to a declining market share of these products in the Community, the

Commission has examined whether it was appropriate to aggregate the imports of tube and pipe fittings originating in Japan and Taiwan with those originating in Yugoslavia and Brazil.

The Commission found that all the products under investigation competed with each other in the Community market. Furthermore, Japanese and Taiwanese imports taken together despite their decline still maintained a substantial market share significant enough to cause material injury because of the low prices at which they were sold in the Community. The Commission therefore concluded that in order to determine whether material injury was caused by the dumped products aggregation of the imports from Japan and Taiwan with those from Yugoslavia and Brazil was not unreasonable.

- (15) With regard to sales prices of the dumped product in the Community it was found that the exporters concerned sold their product through different sales channels in the Community and that the imported products were thus competing with the products of the Community industry at different marketing stages. On the basis of direct sales to large distributors and wholesalers in the Community, prices of Community producers were undercut in a range from 25 % to 45 %; in view of the substantial price differential certain Community producers had to suspend supplies to those distributors buying the dumped product, others were forced to scale down their prices below production cost in order to meet the competition from the imported product and to continue sales to these distributors thus suffering considerable financial losses. Where the Community producers competed with the importing distributors no significant and systematic price undercutting was found; however, the resale prices of the imported product prevented Community producers from raising their prices to a level necessary to cover cost increases which reduced their profit margins on their sales or in certain cases even induced losses.

On the basis of their total sales of tube and pipe fittings all major Community producers have continuously suffered losses from 1981 to 1984.

- (16) Community production has increased from 35 500 tonnes in 1981 to 42 500 tonnes in 1984 that is by about 20 %. The increase in production improved capacity utilization considerably, from 65 % to 80 % on average; certain production lines were temporarily running at full capacity.

- (17) Sales of Community producers increased in line with production and their market share recovered from 43 % in 1981 to 50 % in 1984.

- (18) In the light of the significant improvement of production, capacity utilization and sales of the Community industry the Commission has considered whether injury might have been caused by price suppression in the Community due to the imported products. In fact Community producers were only able to regain market share by keeping their prices at a level not permitting to cover full costs. Such a defensive strategy relying on prices which do not cover full cost and a reasonable profit but are merely a contribution to fixed costs jeopardizes in the longer run the viability of the enterprise and constitutes material injury if caused by low-priced dumped imports.

- (19) In this context the Commission had to consider the effects of other factors such as a decrease of consumption in the Community or imports from third countries not concerned by the procedure or from Taiwan for which *de minimis* dumping was found. Consumption in the Community has risen by some 20 % from 1981 to 1984. Imports from other countries not concerned by the procedure also increased from 13 000 tonnes in 1981 to 17 800 tonnes in 1984 corresponding to a growth in market share from 25 % to 28 %. At the same time imports originating in the countries concerned by the procedure fell from 16 400 tonnes to 13 600 tonnes corresponding to a decrease in market share of 9,8 %. The evidence available to the Commission shows that the prices of the imported products both from the countries concerned by the proceeding and other third countries were approximately at the same level for sales through comparable sales channels.

Taking into account that the market share of the countries concerned has substantially decreased while at the same time the market share of other third countries continued to rise, and in particular that the sales prices of goods from the third countries were at approximately the same level as those from the countries concerned the Commission is of the opinion that the injury caused to the Community industry by price undercutting or price suppression cannot be attributed solely to the imports concerned by the proceeding.

- (20) With regard to imports of the product concerned originating in Taiwan the dumping margins are *de minimis* and protective measures should not be envisaged against these imports.

(21) As far as the imports of the product in question originating in Japan, Brazil and Yugoslavia are concerned protective measures in respect of imports from these countries alone would not eliminate the injury caused to the Community industry, consideration being given to the higher market share reached by imports from other third countries during the investigation period and their equally low prices. Protective measure against imports from Japan, Brazil and Yugoslavia would be likely to favour mainly other low-priced imports and increase their market share further at the expense of imports from these countries without any consequent improvement in the situation for the Community industry. Furthermore the exporters concerned have agreed to report to the Commission on a regular basis on quantities and prices of their exports of tube and pipe fittings to the Community. Under these circumstances and taking account of the volume decline of the imports concerned and the improved situation of the Community industry with regard to its sales, production and capacity utilization, the Commission has reached the conclusion that protective measures would not be in the Community's interest.

G. TERMINATION

(22) The proceeding concerning imports of certain tube and pipe fittings of malleable cast iron originating

in Japan, Brazil, Yugoslavia and Taiwan should therefore be terminated.

No objection to this course of action was raised in the Advisory Committee.

(23) The complainant was informed of the essential facts and considerations on the basis of which the Commission intended to terminate this proceeding. Subsequently, the complainant requested additional information and a hearing which was granted. The arguments made at the hearing had been taken into account in this Decision,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding in respect of certain tube and pipe fittings of malleable cast iron originating in Japan, Brazil, Yugoslavia and Taiwan is hereby terminated.

Done at Brussels, 7 November 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission

COUNCIL OF THE EUROPEAN COMMUNITIES

THIRTY-SECOND REVIEW OF THE COUNCIL'S WORK

1 January — 31 December 1984

The annual review of the work of the Council of the European Communities examines the different subjects which fell within the Council's scope during the year concerned.

Contents:

- Chapter I — Work of the institutions
- Chapter II — Freedom of movement and common rules
- Chapter III — Economic and social policy
- Chapter IV — External relations and relations with the associated States
- Chapter V — Common fisheries policy
- Chapter VI — Agriculture
- Chapter VII — Administrative matters

285 pp

Published in: Danish, Dutch, English, French, German, Greek, Italian

Catalogue No: BX-44-85-371-EN-C ISBN 92-824-0291-6

Price (excluding VAT) in Luxembourg:

Bfrs 300 £ Irl 4.80 £ UK 3.80 \$ US 5.50



OFFICE FOR OFFICIAL PUBLICATIONS OF THE EUROPEAN COMMUNITIES
L-2985 Luxembourg