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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 864/87
of 23 March 1987**

imposing a definitive anti-dumping duty on imports of standardized multi-phase electric motors having an output of more than 0,75 kW but not more than 75 kW, originating in Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland and the Soviet Union, and definitively collecting the amounts secured as provisional duties

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission, submitted after consultations within the Advisory Committee established by the said Regulation,

Whereas :

A. Provisional measures

- (1) Commission Regulation (EEC) No 3019/86⁽²⁾, in connection with the review proceeding opened on 26 November 1985⁽³⁾, imposed a provisional anti-dumping duty on imports of standardized multi-phase electric motors having an output of more than 0,75 kW but not more than 75 kW, originating in Bulgaria, Czechoslovakia, the German Democratic Republic (GDR), Hungary, Poland, Romania and the Soviet Union (USSR).

That Regulation also withdrew the Commission's acceptance of the price undertakings previously given by the exporters from Hungary and the USSR.

On the same day Council Regulation (EEC) No 3018/86 withdrew acceptance of the price under-

takings previously given by the exporters from Bulgaria, Czechoslovakia, the GDR, Poland and Romania.

Council Regulation (EEC) No 254/87⁽⁴⁾ extended the provisional duty for a period of two months.

B. Further proceedings

- (2) Shortly after the provisional duties were imposed, the complainants — Gimelec, supported by Zvei, Rema, Fabrimetal and Anie — asked the Commission to extend the proceeding to imports of the product in question originating in Yugoslavia.

The Commission decided after consultations that the evidence presented was sufficient to justify the opening of an anti-dumping proceeding concerning the imports in question originating in Yugoslavia, and began its investigation on 8 November 1986⁽⁵⁾.

Although the anti-dumping proceeding concerning imports originating in Yugoslavia is distinct from the present review proceeding, it nevertheless concerns the same products. In order to establish the definitive findings *vis-à-vis* the State-trading countries concerned, the Commission therefore also examined the level of domestic prices in Yugoslavia, the number of the motors in question exported by Yugoslav producers to the Community and the price levels involved.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 280, 1. 10. 1986, p. 68.

⁽³⁾ OJ No C 305, 26. 11. 1985, p. 2.

⁽⁴⁾ OJ No L 26, 29. 1. 1987, p. 1.

⁽⁵⁾ OJ No C 282, 8. 11. 1986, p. 3.

- (3) After the imposition of the provisional duties, and within the period provided for by Regulation (EEC) No 3019/86, the exporters from the State-trading countries against which the provisional duties had been imposed, and certain importers (Symkens, Liège; Sermès, Strasbourg; Stanko, Longjumeau; Neotype Techmaschexport, Bergisch-Gladbach), requested a hearing from the Commission. The latter informed them in detail of the facts and considerations on which its provisional conclusions had been based and on the basis of which it intended to propose the imposition of a definitive duty and the collection of the amounts secured by way of the provisional anti-dumping duty.

All parties were given the opportunity to make known their point of view on these conclusions within a prescribed period. Some of them took advantage of this opportunity, and their observations were taken into account.

- (4) Certain exporters claimed that the Commission had infringed Article 14 of Regulation (EEC) No 2176/84, which sets out the conditions for the re-opening of an anti-dumping proceeding, in that the complainants had not submitted evidence of changed circumstances sufficient to justify the need for such a review.

It was decided to re-open the anti-dumping proceeding in November 1985, when the complainants had demonstrated in a sufficiently convincing manner that the imports concerned were increasing (604 000 units in 1983, 689 500 units in 1984, 748 000 units in 1985), that such imports still had a market share of approximately 20 % throughout the Community, and considerably more in some Member States, and that the price undertakings which the Community institutions had previously accepted had not been passed on to the market in such a way as to remove the injury suffered by the producers.

- (5) In order to establish definitively the normal value in the State-trading countries under consideration, the Commission made additional checks on the main Swedish producer, whose domestic prices had been used for the preliminary determination of the normal value.

As a parallel anti-dumping proceeding had been opened concerning imports of motors originating in Yugoslavia (see point 2), the Commission also made checks on the following three Yugoslav producers/exporters of standardized electric motors:

- Rade-Koncar, Zagreb,
- Sever, Subotica,
- Elektrovina, Maribor.

In order to investigate the questions of injury and causality in more detail, the Commission also made

additional checks on the Community producers listed in Regulation (EEC) No 3019/86, and included in the investigation two Italian producers whose names had been suggested by several importers;

- Electro-Adda, Beverate (Como),
- Lafert, S. Dona di Piave.

C. Normal value

- (6) In order to establish whether products originating in Bulgaria, Czechoslovakia, the GDR, Hungary, Poland, Romania or the USSR were still being imported at dumped prices, and in view of the fact that those countries do not have a market economy, the Commission had made a preliminary determination of the normal value of domestic prices in those countries on the basis of the prices on the Swedish domestic market of products manufactured by Asea, the main Swedish manufacturer.

The Commission had considered that the prices on the Swedish domestic market of products manufactured by the largest Swedish manufacturer constituted an appropriate and not unreasonable basis for comparison within the meaning of Article 2 (5) of Regulation (EEC) No 2176/84. This choice was not disputed by any of the exporters in question within the prescribed period of the preliminary phase of the investigation. Only a small number of importers disputed the choice within the prescribed period, proposing that France or Italy should be chosen as market-economy reference country and that normal value for those countries should be determined on the basis of market prices (cf. Article 2 (5) (c) of that Regulation).

The Commission had rejected this proposal, since Article 2 (5) (c) is to be applied only when neither price nor constructed value as established under Article 2 (5) (a) or (b) provides an adequate basis, which was not the case here, given the characteristics of the Swedish market. In addition, one of the exporters, ZSE, had specifically accepted that the normal value should be established on the basis of Swedish domestic prices.

- (7) Several of the exporters concerned — in particular those from the GDR, Poland and the USSR — disputed, in varying degrees, (i) the choice of Sweden as the reference market, (ii) the choice of Asea as representative producer, and (iii) the level of the Asea prices considered, in other words the level of discounts considered.

- (8) Whilst the Commission considered that the prices on the Swedish domestic market of products manufactured by the largest Swedish manufacturer constituted an appropriate and not unreasonable basis for comparison, it has also, since the provisional duties were imposed, been able to carry out in due time, under the parallel proceeding on Yugoslav imports, checks on three Yugoslav producers/exporters of standardized electric motors.

As Yugoslavia is a market-economy country, the question arose as to whether prices on the Yugoslav domestic market would not also constitute an appropriate, and not unreasonable, basis for comparison.

Only certain exporters — essentially those from the GDR and the USSR — considered that this was not the case.

In addition it appeared to the Community authorities that to establish the normal value for the State-trading countries in question on the basis of the Yugoslav market prices would ensure an equality of treatment of all the exporting countries involved in the two proceedings underway.

The exporters and other interested parties were therefore informed of the Commission's intention of choosing the weighted average of the Yugoslav producers' domestic selling prices as the basis for comparison in definitively establishing the normal value.

This choice was disputed by the exporter from the USSR, who asked for a constructed normal value to be established on the basis of the Yugoslav producers' production costs; this was rejected for the reasons set out at point 14.

Finally, the request by the exporter from the GDR that France or Italy should be taken as market economy reference country and that the normal value should be established there on the basis of the market price (Article 2 (5) (c) of Regulation (EEC) No 2176/84) was rejected for the reasons set out in point 6.

The Commission therefore considered, and the Council shares this opinion, that the weighted average of Yugoslav producers' domestic selling prices presents a basis for comparison which is appropriate and not unreasonable for the definitive establishment of the normal value of domestic prices in the State-trading countries in question.

On this basis, the normal values for the six types of motor in the sample chosen (cf. recital 11 of Regu-

lation (EEC) No 3019/86: 1 500 rpm four-pole motors of the following capacities: 1,1 kW, 3 kW, 5,5 kW, 11 kW, 30 kW and 75 kW, enclosed, blower-cooled, type B 3 motors with retaining legs, IP 44/54, 220/380 V, 50 Hz) were established as follows, taking account of the appropriate allowances explained at point 11 of this Regulation.

kW	Normal value ECU (1985) (ex-works, cash payment)
1,1	69,13
3	146,38
5,5	216,55
11	325,80
30	802,38
75	1 938,11

D. Comparison

- (9) The definitive determination of dumping was made by comparing the normal values established above with the prices for exports to the Community from the seven State-trading countries concerned during the reference period. The export prices selected were the prices actually paid or payable on export to each of the main Community markets. This was the case even for linked importers, taking into account the fact that a comparison between the normal value at the transfer price resulted in such a dumping margin that even a reconstruction of the export prices would not have influenced the level of the measure finally adopted. Moreover, the lack of reconstruction of export prices between linked parties has not been challenged by the parties concerned.
- (10) In order to compare the normal value with the ex-works export prices of each of the products contained in the sample, the Commission took account of differences affecting the comparability of Yugoslav domestic prices and the prices of motors exported by the State-trading countries, and appropriate allowances were made where the interested parties proved that such a request was justified.
- (11) The domestic prices of the Yugoslav motors were reduced to the cash payment ex-works price. In this respect, allowances were made to take account of the sales conditions (payment and credit terms, warranties, servicing, salaries paid to salesmen, packing, transport, insurance, handling, loading and ancillary costs in particular) in so far as those differences had a direct functional relationship to the sales under consideration.

The net sales prices of the Yugoslav producers were calculated on the basis of the discounts granted on their list prices by these producers to their largest customers.

- (12) The export prices of the motors exported by the State-trading countries were likewise reduced to the cash-payment ex-works price by means of allowances to take account of payment conditions, credit terms, warranties, packing, transport, insurance, handling, loading and ancillary costs.

— The Commission established that the discounts given by the Yugoslav producers on their domestic market generally corresponded with quantities comparable to those purchased by importers of motors originating in State-trading countries.

— Certain interested parties claimed that there were differences in the physical characteristics of the Yugoslav motors and those from the State-trading countries which were such as to affect price comparability. In particular, the exporter in the GDR indicated that for motors with equal output its products contained a lower active material content than most motors manufactured by Yugoslav and even Community competitors. The Soviet exporter and various other exporters claimed that the raw materials used in the manufacture of their motors were of a lower quality than those used in the market-economy countries. Other technical differences were also referred to, concerning in particular electricity input, axle height and noise and vibration levels.

However, the investigation revealed that the use of materials and components of different origins and the greater or lesser optimization by the various producers of the active material content of their motors did not result in differences in physical characteristics, nor in other differences affecting price comparability for which allowances should be made pursuant to Article 2 (10) of Regulation (EEC) No 2176/84.

With regard to differences in physical characteristics, an exception was, however, made in respect of ball bearings, which the investigation showed to be one of the factors which influenced the buyer's choice. The Yugoslav motors are fitted with Community, Swedish or Japanese ball bearings,

whereas the ball bearings fitted in the motors from the State-trading countries are widely regarded as being of lower quality⁽¹⁾. Given the impossibility of quantifying the effect of that difference on the market value of the motors concerned on the Yugoslav market, the corresponding allowance was based on the resulting difference in the Yugoslav producers' costs of production.

- (13) The USSR exporter requested the following additional allowances:

(i) a first allowance of 15 % to take account of differences between Yugoslavia and the USSR in terms of rationalization and economies of scale;

(ii) a second allowance of 20 % to take account of differences in wage levels, apparently much higher in Yugoslavia than in the USSR;

(iii) a third allowance of 30 % to take account of differences in physical characteristics and in the quality of raw materials, the poor brand image of USSR products among distributors and consumers and lower efficiency of the after-sales service compared with that provided for Community products;

(iv) a fourth allowance in respect of the costs borne by importers in adapting products to comply with EEC technical standards and the cost of financing stocks for export borne by both the exporter and importers. Energomachexport put this allowance at 35 % of the Yugoslav market price.

- (14) The Council firstly notes that hardly any of the differences referred to by the USSR fall within any of the categories of factors mentioned in Article 2 (9) and (10) of Regulation (EEC) No 2176/84.

With regard to the first request, the concept of 'economies of scale' is specific to market economies, and there is no reason to consider it valid in countries where trade is a monopoly or near-monopoly, and where all domestic prices are fixed by the State. So, taken to their logical conclusions, the arguments used by some exporters would, for example, confine the choice of reference country for establishing normal value for the USSR to the United States, because of the respective size of the two markets.

⁽¹⁾ See Commission Decision 86/100/EEC (OJ No L 102, 18. 4. 1986, p. 31).

With regard to the second request, in establishing normal value on the basis of a non-member country with a market economy there is no reason to make adjustments which are supposed to represent differences in costs — be they differences in wages or other items — arising between a State-trading country and a market economy country. Any adjustment of costs incurred in the reference country, Yugoslavia in the case in point, would imply reliance on costs incurred in the USSR, which is specifically intended to be excluded by Article 2 (5) of Regulation (EEC) No 2176/84, since that country does not have a market economy.

With regard to the third and fourth requests, it shall be pointed out that the question of any allowance for differences in physical characteristics or in the quality of raw materials was dealt with in point 12, and that allowances for differences in the cost of financing stocks are not acceptable since such costs fall under overheads.

The other elements of such requests are not relevant to the comparison between the Yugoslav normal value and the export price, but rather to the question of injury. The USSR exporter's arguments are therefore dealt with at point 31.

The arguments put forward by Energomachexport concerning allowances to take account of supposed comparative advantages are therefore rejected.

E. Dumping margins

- (15) Examination of the facts showed that all the transactions involved substantial dumping. Dumping margins for each type of motor were therefore calculated by comparing the average price on export to each of the Member States of the Community with the normal value as determined for Yugoslavia.

This calculation showed that the dumping margin varied relatively little from one type of motor to another but did vary from one exporting country to another and, above all, from one Community market to another.

- (16) For all the motors in the representative sample, the average weighted dumping margins represented the following percentages of the cif free-at-Community-frontier price, not cleared through customs :

	EEC (percentages)
Bulgaria	144
Czechoslovakia	121
GDR	137
Hungary	146
Poland	139
Romania	134
USSR	131

F. Injury

- (17) Many exporters disputed the Commission's conclusions on the injury caused by the dumped imports set out in Regulation (EEC) No 3019/86.

Various arguments, put forward by the exporters in the GDR, Hungary, Poland and the USSR in particular, may be summarized as follows :

- (18) (i) The exporters first argued that the impact of their respective exports to the Community should be examined separately, and that their small shares of the Community market could not have caused injury.
- (ii) Concerning the volume of Community imports of the standardized multi-phase electric motors concerned, the Hungarian exporter claimed that, unlike the other exporters in the State-trading countries, it mainly exported motors for special uses to the Community.
- (iii) As regards price-linked factors affecting injury, the exporters disputed the method used in Regulation (EEC) No 3019/86 to calculate price undercutting (comparison of the Community producers' production costs and the ex-importer resale price) and the accuracy of the production cost calculations; they further claimed that the price undercutting on the various Community markets, i.e. the difference between the Community producers' sale prices and the ex-importer resale prices, was far smaller than calculated according to the Commission's method, and in some cases non-existent.
- (iv) The exporters further disputed the degree of injury suffered by the Community producers, arguing that Community production standardized motors had increased substantially since 1982, whereas the overall market share of

imports from the State-trading countries concerned had fallen, according to preliminary findings, from 23,2 % in 1982 to 20,3 % in 1985, while consumption was increasing over that period.

(v) Lastly, the causal link between imports from the State-trading countries and injury was disputed, it being claimed that :

- there had been a substantial increase in imports into the Community originating in countries other than those concerned by this proceeding,
- Community producers had not rationalized their production processes sufficiently, retaining too many factories with capacities too small to benefit from economies of scale,
- intra-Community competition, in particular from certain Italian producers, had also contributed to the difficulties experienced by the Community industry.

These arguments give rise to the following considerations :

- (19) The first argument put forward by the exporters concerned essentially the question of cumulation. In order to assess the impact which the dumped imports had on the Community industry, the Commission considered the impact of all the dumped imports of standardized multi-phase electric motors from the seven exporter countries concerned as a whole.

In considering whether cumulation was appropriate in each case, the Commission took into consideration the comparability of the imported products in terms of their physical characteristics, the quantities imported, the very low level and the similarity of the prices charged by all the exporters concerned and the extent to which each imported product competed within the Community with a similar product of the Community industry.

On the basis of this analysis, the Commission can only note the fungible nature of the products concerned — that is their interchangeability and the comparability of their physical characteristics — and the similarity of prices as between one exporter and another.

In terms of volume, exports from the USSR, the GDR and Czechoslovakia increased, those from Bulgaria remained stable and exports from Poland, Hungary and Romania fell, as set out in recital 25 of Regulation (EEC) No 3019/86.

However, the Commission considered that failure to take account of the quantities exported by exporters with stable or falling exports would be equivalent to ignoring the interchangeability of the motors in terms of their physical characteristics and price ; it would further ignore the fact that imports were still being dumped, despite the fall in volume, whereas Article 4 (1) of Regulation (EEC) No 2176/84 expressly provides that 'dumped imports' must be considered for the determination of injury.

The Commission was therefore of the opinion — and the Council shares this view — that all the dumped imports from the State-trading companies concerned must be considered to be contributing to the material injury suffered by the Community standardized electric motor industry ; moreover, these imports took place under similar conditions, and to treat one exporter separately for the determination of injury would thus be to discriminate against the others.

The Council therefore considers that for the definitive determination of injury all the dumped imports concerned, from all of the exporters concerned by this proceeding, should be considered as a whole.

- (20) Transelektro, the Hungarian exporter, disputed the import statistics of standardized electric motors from Hungary, claiming that its exports consisted largely of motors for special purposes and fell outside the scope of this proceeding.

However, the exporter supplied sufficient evidence to support its claims only for 1985. In these circumstances, the Council confirms the Commission's conclusion that the Hungarian request for figures other than official Community statistics to be taken into account should be accepted only for the said year. Moreover, given the nature of the standardized multi-phase electric motors sector, the fact that the Hungarian market share may have fallen, in some years, to a '*de minimis*' level does not in itself justify closing the proceedings without taking any definitive measure with regard to imports originating in Hungary.

Price-linked factors affecting injury

- (21) The exporters and some importers disputed the procedure, followed in Regulation (EEC) No 3019/86 and set out in recital 22 thereof, which consists of calculating the difference between the cost price of the most efficient industrial-scale — that is to say not artisanal — Community manufacturers on each market and the resale price of motors originating in the State-trading countries.

It is nevertheless clear that in a market such as that for standardized electric motors, where prices are depressed and almost all manufacturers are selling at a loss, calculating the price undercutting margin simply by taking the difference between the manufacturer's sales price and the importer's resale price does not reflect the real injury to the industry, since the industry is, precisely, selling at less than its cost price. The Council therefore confirms the validity of the method applied by the Commission in Regulation (EEC) No 3019/86.

- (22) Regarding the Community's manufacturers' cost prices, the Commission and the Council consider that these have been checked as much as is necessary during both the preliminary and final phases of the investigation, and that the figures at their disposal are an accurate reflection of the real economic position of the different Community manufacturers. In addition, the Commission in the final phase of its investigation checked the cost prices — and the sales prices — of additional Italian manufacturers which some importers had indicated to be particularly efficient. Lastly, it extended its enquiry to include the principal United Kingdom manufacturer.

These additional checks have led the Commission to modify some of the quantitative parameters of its analysis of the injury, but not to alter its major conclusions.

The arithmetic mean of the cost prices of the main industrial-scale Community manufacturers in 1985 was finally established as follows:

1,1 kW:	80,63 ECU
3,0 kW:	127,81 ECU
5,5 kW:	212,54 ECU
11 kW:	387,17 ECU
30 kW:	931,48 ECU
75 kW:	2 368,08 ECU

The weighted average was fixed at slightly higher levels.

- (23) As the Community manufacturers' definitively established costs are higher than their sales prices, the price undercutting margins when expressed as a percentage of the manufacturers' costs are as follows:

Price undercutting margins expressed as a percentage of the costs of the most efficient industrial-scale national manufacturers on each market (see recital 22 of Regulation (EEC) No 3019/86)

(%)

kW	D	F	I	BLEU
1,1	34 to 45	36 to 47	17 to 32	28 to 37
3	33 to 44	32 to 50	2 to 23	25 to 35
5,5	31 to 44	42 to 60	10 to 31	24 to 32
11	31 to 44	39 to 55	18 to 35	17 to 35
30	33 to 45	35 to 55	5 to 19	12 to 36
75	33 to 55	29 to 45	29 to 53	18 to 40

- (24) Moreover it should also be noted that the resale prices ex-importer of motors originating in State-trading countries have significantly undercut the sales prices of Community manufacturers. In each of the main Member States concerned by this proceeding, the price undercutting margins were calculated in relation to the sales prices of the most efficient manufacturers.

Price undercutting margins expressed as a percentage of the sales price of the most efficient industrial-scale national manufacturers on each market

(%)

kW	D	F	I	BLEU
1,1	44,7 to 54,0	17,9 to 27,4	10,8 to 26,2	24,4 to 34,0
3	44,1 to 47,4	13,3 to 31,2	1,8 to 24,3	21,7 to 31,8
5,5	42,7 to 53,7	21,9 to 46,7	6,8 to 29,2	14,2 to 23,4
11	42,4 to 53,6	30,7 to 47,2	19,5 to 36,7	7,2 to 26,8
30	42,3 to 53,7	30,5 to 48,1	4,6 to 27,1	7,2 to 32,4
75	44,1 to 54,3	27,8 to 44,5	0,8 to 22,5	28,8 to 47,6

The table above shows that the resale prices of motors originating in State-trading countries were, during the reference period, clearly very far below Community manufacturers' sales prices, even in Italy, where the market is nevertheless most depressed. The fact that, on this market in particular and in a limited number of transactions, the prices of dumped imports have been undercut by some Community manufacturers is not sufficient for a determination of no injury or causal link.

The Council's conclusive finding is therefore that the resale prices of motors originating in the State-trading countries are far too low to enable Community manufacturers to cover their cost prices (i. e. production costs plus overheads and general expenses excluding profit), whichever market is considered.

Macro-economic factors and impact on Community manufacturers

- (25) Although the information collected by the Commission concerning the trend of production and sales of Community manufacturers of standardized electric motors does not lead to the conclusion that the imports of the motors concerned originating in the State-trading countries have had a visible adverse impact on these manufacturers, the same is not true of information on other relevant factors such as the high market share of imports, the significant amount of under-cutting the sales prices (loss making) of Community motors, operating losses, return on investments and employment in the standardized multi-phase motors sector.
- (26) In addition to the considerations set out in points 25 to 28 of Regulation (EEC) No 3019/86, information gathered during this and previous proceedings shows that for several years Community manufacturers have been forced to sell their standardized motors at prices far below those necessary to cover their production costs, despite the price undertakings previously accepted by the Community institutions. This situation has forced Community manufacturers of standardized motors to finance investment indispensable for maintaining their production facilities from profits made in their other areas of activity.

Despite a growth in sales and production since 1982 due to the recovery of economic activity and consumption in the Community (up from 3 115 000 to 3 605 000 between 1982 and 1985, i.e. 15,7 %), Community manufacturers, with exception of two of the companies examined, have not been able to operate profitably in the standardized motor section in question. For the motors in the sample, operating losses in 1985 expressed as a percentage of the cost price varied between 2 % and 25 %. The only two companies to make profits in this sector had gross profit margins of ... % ⁽¹⁾ and ... % ⁽¹⁾ of costs respectively. In this respect it is significant that the company achieving the latter (relatively high) rate of profit is situated in the United Kingdom, where import penetration by State-trading countries is very low (only 4,5 % of the market).

Finally, employment directly related to the production of such electric motors in the Community continued to decline between 1982 and 1985,

falling to 5 040 in 1985. It must be remembered that in 1978, 23 630 people were directly employed in manufacturing standardized multi-phase electric motors.

Other causes of injury

- (27) According to the exporters, extra-Community imports into Italy other than those originating in the countries concerned by this proceeding have increased substantially. Italian statistics for 1985 on imports of standardized multi-phase electric motors of the output in question showed 411 000 motors originating in Yugoslavia and 217 000 originating in Hong Kong. However, the reliability of these figures has, since the beginning of the proceeding, been disputed by almost all the Italian firms and organizations consulted, their opinion being that single-phase motors — not covered by the proceeding — had been declared, whether intentionally or in error, as multi-phase motors.

According to these sources, all motors imported from Hong Kong were in fact micro-motors not covered by the proceeding. This opinion has been corroborated by the examination of Hong Kong export statistics which do not show any export of multi-phase motors for Italy. The exporters' argument on this point has thus been rejected.

As regards imports of Yugoslav motors, the Commission is currently undertaking an anti-dumping proceeding parallel to this proceeding.

- (28) As regards the argument that Community manufacturers have not rationalized sufficiently, some exporters — particularly those from the GDR and the USSR — put forward the view that the Community manufacturers' cost prices were too high and that this situation stemmed from the over-fragmented structure of the Community standardized motor industry.

Concerning this aspect, though it is true that the Community industry still has a large number of production units, it must be noted that the industry has made considerable efforts towards automation as is shown by the reduction in manufacturing times to extremely competitive levels (much less than 60 minutes for a four-pole motor — B 3 — 1,1 kW).

In parallel with these efforts towards automation, a process of relocation of production plants in the new Member States of the Community (Spain and Portugal) has begun.

⁽¹⁾ Confidential figures, omitted in accordance with Article 8 of Regulation (EEC) No 2176/84.

Moreover, it is to be noted that the most efficient Community manufacturers are those which have been able, on the one hand, to cut down on their overheads and, on the other, to develop production facilities on a medium but optimum scale, being extremely flexible and providing good conditions for manufacturing standardized motors and all derived products in the 'rotary machines' sector.

The Council considers therefore the argument alleging lack of rationalization of Community manufacturers as being factually inaccurate, and furthermore it notes the considerations developed in point 14 concerning the allegations of comparative advantages existing in countries which do not have a market economy.

- (29) As regards the argument of intra-Community competition, it is true that the Commission has established that competition was intense between Community industrial manufacturers. Italian industrial manufacturers have, on the whole, the lowest cost prices, for reasons related to their economic environment. However, Italian industrial manufacturers concentrate their sales efforts in the Community on 'special' multi-phase motors which are not like products compared with the motors imported from the State-trading countries.

Furthermore, the assessment of the injury factors linked to price, made in points 21 to 24, has shown that during the reference period the resale prices of motors imported from State-trading countries significantly undercut both the sales prices of industrial-scale Community manufacturers and their cost prices, even in Italy.

Finally, if small scale Italian artisanal manufactures locally charge prices comparable to those of motors originating in the State-trading countries, it must be emphasized that these manufacturers, which have only a little less than a quarter of the Italian market, manufacture under very special conditions, in particular using parts originating in the State-trading countries, have only a very restricted sales network and do not export motors, of whatever type, to the remainder of the Community.

- (30) In addition to the exporters' arguments set out in point 18, and answered at points 19 to 29, the exporter from the USSR had claimed two allowances — see point 18 (iii) and (iv) — which in fact concern the assessment of injury.

— In determining price undercutting, the Commission compared products which are like products within the meaning of Article 2 (12) of

Regulation (EEC) No 2176/84. However, it did not attempt to establish the effect of buyers' preferences, which would be a subjective judgement and difficult to quantify. No hard evidence has been provided concerning the precise effect of any possible preference on the part of the buyers on the price which they would be prepared to pay for the different motors.

- Due account was taken of the importers' costs in calculating the level of duty necessary to eliminate the injury in question.

Conclusions (existence of material injury and causal link)

- (31) As regards injury, the definitive results of the investigation confirm that the difficulties experienced by Community manufacturers as a result of the very low priced dumped imports of motors originating in the State-trading countries in question have not been eliminated by the preceding Community measures. Almost all manufacturers, in 1985, continued to suffer substantial financial losses in the standardized multi-phase motor sector, despite a slight improvement in their market shares.

— Certainly, intra-Community competition by certain Italian industrial manufacturers contributed to the difficulties of the highest-cost Community manufacturers. Nevertheless, the Commission's overall finding was that the free-at-Community-frontier prices of imports of motors originating in the Eastern European countries were equivalent to approximately half the cost prices of the industrial-scale Italian manufacturers, whose costs are among the lowest in the Community; similarly on the Italian market, which is the most depressed, during the reference period the Italian importers' resale prices for motors from State-trading countries undercut the industrial manufacturers' prices more or less systematically and to a significant extent.

— The investigations showed that the price undertakings previously accepted by the Community institutions had become manifestly insufficient to cover the Community manufacturers' present cost prices, even of the most efficient. In particular, the adjustments carried out in 1984 had no effect on the level in ECU of these undertakings, but dealt with the exchange rates to be applied by the exporters. The adjustments in question, then, reflected solely currency fluctuations and not changes in the other economic parameters.

What is more, the investigation has shown that apart from their insufficient price levels, the previous price undertakings, by reason of the characteristics of the Brazilian market on the basis of which they were established in 1982, presented an unbalanced price structure in relation to present overall tariff structure of Community manufacturers.

— The market share held by the State-trading countries in question certainly diminished between 1982 and 1985 (from 23,0 % in 1982 to 19,6 % in 1985), and overall the Community manufacturers' share recovered (from 66,2 % to 68,6 %) on account of the effect of the preceding price undertaking. It is nevertheless the case that dumped imports, by maintaining an overall market share of a high level, approximately 20 %, have exerted considerable downward pressure on Community manufacturers' prices, as is proved by the existence of clear price undercutting on all markets.

— Moreover, it is clear that the whole of the price undercutting margins detected, whether in relation to the manufacturers' sales prices or costs, can be explained by the dumping practised by the exporters in question.

- (32) In conclusion, taking account of all the factors affecting injury which the Commission in Regulation (EEC) No 3019/86 subjected to a preliminary investigation and of the assessment at points 17 to 31 of this Regulation, the Council declares its belief that the injury caused by the massively dumped imports originating in the State-trading countries must, taken individually, be considered material injury.

G. Community interest

- (33) Several exporters and importers argued that there was a danger of an anti-dumping duty as imposed by Regulation (EEC) No 3019/86 leading to a very considerable drop in imports of standardized multi-phase motors into the Community. They also put forward the argument that this type of measure would have adverse effects on compensation agreements with the State-trading countries in question. The exporters from the USSR and the GDR in particular emphasized the number of special motors bought by their countries from the Member States of the Community.

Lastly, some assemblers, in particular manufacturers of pumps, drew the Commission's attention to the high proportion of their cost prices accounted for by the price of motors.

- (34) The Commission took all of these observations into account.

However, it also took into account the Community manufacturers' financial losses in the standardized multi-phase electric motors sector and the fact that this sector is central to the Community 'rotary machines' industry, whose importance, both economic and social, as well as from an industrial policy viewpoint, is considerable. All rotary machines (retarders, flame-proof motors, step-down motors, variable-speed motors etc ...) incorporate one or more standardized motors, or motors derived from standardized motors.

The investigation showed that very low price dumped imports of standardized motors were threatening to have, or were already having, adverse effects on other activities in the 'rotary machines' industry, in particular in Italy where there is considerable compensation trade involving imports of standardized motors and of parts for motors. A similar situation, with assembly plants being set up, has appeared in the Netherlands and in the Federal Republic of Germany.

The Council views these developments, which threaten to wipe out the efforts of even the most efficient manufacturers and which are taking place as the accession of Portugal and Spain gives Community manufacturers the opportunity to relocate, as harmful to the Community interest and considers that a stop should be put to them.

- (35) The Council therefore considers that Community interests require the adoption of a commercial protective measure against the imports proved to have been dumped, in order to eliminate the injury caused by these imports.

However, given the intra-Community competition in the standardized multi-phase motor sector and the need to maintain as far as possible the competitiveness of the downstream industries, the Council believes it appropriate to determine the level of the measure to be taken — whatever its form — on the basis of the cost prices of the most efficient industrial-scale manufacturers.

H. Undertakings

- (36) Certain manufacturers/exporters offered the Commission undertakings concerning their future exports to the Community.
- (37) The Commission did not accept these undertakings, except that offered by the Romanian exporter. It informed the manufacturers/exporters concerned of the reasons for its decisions.

I. Form and rate of the duty

- (38) Regarding the form of the anti-dumping duty to be imposed on imports originating in the countries concerned, the Council confirms its view that, given the wide variety of motors in question and the fact that they originate in State-trading countries, the most appropriate type of anti-dumping duty in this case, both in the interests of maximum transparency efficiency and in order to induce exporters to raise their prices, is a variable duty calculated according to the difference between the minimum price expressed in ECU for each type of motor and the price for the first independent buyer.

As the investigation revealed that a substantial number of importers — in particular Enital (Milan), Mez-Italiana (Milan), Sofbim (Argenteuil), Stanko-France (Longjumeau), Neotype Techmaschexport (Bergisch-Gladbach), Elprom (Borken, Hessen) — were linked to an exporter by an association or a compensatory arrangement with a third party within the meaning of Article 2 (8) (b) of Regulation (EEC) No 2176/84, the Council considers it necessary, in the interests of effectiveness, to take as a reference point in calculating the anti-dumping duty the price paid by the first buyer not associated with the exporter. In the case of such importers, the free-at-Community-frontier unit price shall correspond to the customs value as determined in accordance with Article 6 of Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes⁽¹⁾.

- (39) The minimum price for each type of motor concerned was calculated on the basis of the production costs of the most efficient industrial producers. A gross profit margin of 4 % of production costs was finally taken into consideration on account of the competition between Community producers.

On the basis of the reference Community cost prices and profit margin referred to above, taking due account of differences in the physical characteristics of the imported motors and the Community motors, the Commission quantified the necessary price increases at the cif free-at-Community-frontier stage (see Annex).

The price increases for four-pole motors represent approximately 25 % of the import prices during the reference period.

Thus the rate of anti-dumping duty is clearly lower than the dumping margins established. However, in view of the sale price needed to provide efficient Community producers with a reasonable profit, it should be sufficient to remove the injury caused to

Community production of standardized motors by the imports concerned.

At the resale stage, the effective increase of the ex-importer prices will of course form part of the import margin of each importer. However, the rate of duty should normally induce the importers to resell their type B 3 standardized, multi-phase motors on average at the following prices in ECU :

kW	hp	3 000 rpm	1 500 rpm	1 000 rpm	750 rpm
1,1	1,5	55,2	56,9	79,2	121,9
1,5	2	62,2	67,2	93,4	143,6
2,2	3	80,9	82,6	121,9	085,8
3	4	95,7	99,1	148,1	221,6
4	5,5	119,7	125,9	186,3	267,8
5,5	7,5	154,9	160,1	242,7	329,9
7,5	10	196,6	206,2	279,7	409,6
11	15	265,6	274,1	404,6	551,6
15	20	335,0	357,8	529,9	710,5
18,5	25	429,6	436,4	650,2	881,4
22	30	513,9	513,9	763,6	1 087,2
30	40	686,0	678,0	1 011,4	1 400,0
37	50	856,0	840,9	1 246,7	1 701,9
45	60	964,0	997,8	1 492,3	1 998,9
55	75	1 293,5	1 246,7	1 855,3	2 430,8
75	100	1 725,9	1 651,3	2 462,0	3 129,3

- (40) Finally, the Council noted that the maximum customs duty in force in Spain and Portugal, in 1986 and 1987, for the standardized multi-phase electric motors in question, was higher than the Common Customs Tariff duty applicable to the same products. In order to prevent imports into these Member States from being subject to higher overall duties, it was deemed appropriate to bring about a situation where the cumulative amounts of the anti-dumping duty and the non-adjusted customs duties in Spain and Portugal do not exceed the cumulative amounts of the Common Customs Tariff duty and the anti-dumping duty.

J. Collection of provisional duties

- (41) A provisional duty is aimed at increasing the price of goods for the first independent purchaser established in the Community. An importer who chooses not to raise his prices thus runs the risk of having to pay the duty in question and it is reasonable to take measures to cause him to increase his prices, since, through his choice, Community production continues to suffer injury. Consequently, in this procedure, the amounts secured by way of provisional anti-dumping duty must, taking into account the importance of the dumping and the material injury resulting therefrom, be collected at the level of the definitive duty imposed.

In the same way, for imports originating in Romania, the amounts secured by way of provisional anti-dumping duty must be collected for

⁽¹⁾ OJ No L 134, 31. 5. 1980, p. 1.

each type of motor at a level equal to the difference between the net unit price free-at-Community-frontier, not cleared through customs, and the price specified in the Annex,

the customs value in accordance with the foregoing provisions, the net price, free-at-frontier, shall correspond to the customs value as determined in accordance with Article 2 (3) of the said Regulation.

- (b) The provisions of (a) above shall apply in particular to motors originating in the countries concerned and imported by the companies named below :

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of standardized, multi-phase electric motors having an output of more than 0,75 kW but not more than 75 kW, falling within subheading ex 85.01 B I b) of the Common Customs Tariff, corresponding to NIMEXE code ex 85.01-33, 85.01-34 or ex 85.01-36, originating in Bulgaria, Czechoslovakia, the GDR, Hungary, Poland or the USSR.

2. The expression 'Standardized multi-phase motors' shall include all motors which are subject to international standardization, in particular to that of the International Electrotechnical Commission (IEC). The motors in question have the following standardized rotation speeds : 3 000 rpm, 1 500 rpm, 1 000 rpm and 750 rpm ; the following standardized power : 1,1 — 1,5 — 2,2 — 3 — 4 — 5,5 — 7,5 — 11 — 15 — 18,5 — 22 — 30 — 37 — 45 — 55 — 75 kW ; and the following standardized axle heights : 80 — 90 — 100 — 112 — 132 — 160 — 180 — 200 — 250 — 280 — 315 mm.

3. The amount of duty shall be equal, for each type of motor, to the difference between the net unit price, free-at-Community-frontier, not cleared through customs, and the price specified in the Annex.

The said free-at-Community-frontier price, not cleared through customs, shall be net if the actual terms and conditions of sale provide that payment shall be made within 30 days of the date of dispatch ; it shall be lowered by 1 % for each month by which payment is actually deferred.

4. (a) Where it appears to the customs authorities that there is an association or a compensatory arrangement between the exporter and the importer or a third party within the meaning of Article 2 (8) (b) of Regulation (EEC) No 2176/84, the price actually paid or payable for the product sold for export to the Community may not be used as a reference for the determination of the net unit price, free-at-Community-frontier, referred to in paragraph 3.

In this case the net unit price, free-at-Community-frontier, shall be the customs value as determined in accordance with Article 6 of Regulation (EEC) No 1224/80. Failing this, in cases where, for an associated importer, it is not possible to determine

Importers	Motors originating in
Enital (Milan)	USSR
Mez-Italiana (Milan)	Czechoslovakia
Sofbim (Argenteuil)	Bulgaria
Stanko-France (Longjumeau)	USSR
Neotype Techmaschexport (Bergisch Gladbach)	USSR
Elprom (Borken/Hessen)	Bulgaria

5. The provisions in force with regard to customs duties shall apply, subject to the provisions of this Regulation.

Article 2

1. With regard to the imports concerned originating in Bulgaria, Czechoslovakia, the GDR, Hungary, Poland or the USSR, the amounts secured by way of the provisional anti-dumping duty imposed by Commission Regulation (EEC) No 3019/86 and extended by Council Regulation (EEC) No 254/87 shall be collected definitively at the level of the definitive duty imposed.

2. With regard to imports originating in Romania, the amounts secured by way of provisional anti-dumping duty shall be collected definitively at a level equal to the difference between the net unit price, free-at-Community-frontier, not cleared through customs, and the price specified in the Annex.

Article 3

The anti-dumping duties imposed or collected pursuant to Articles 1 and 2 shall be collected on imports into Spain and Portugal only in so far as the cumulative amount of the customs duty in force in these Member States on the product in question and of the anti-dumping duty does not exceed the cumulative amount of the Common Customs Tariff duty and the anti-dumping duty concerning the same product.

Article 4

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, 23 March 1987.

For the Council

The President

H. DE CROO

ANNEX

Minimum prices on import into the Community of certain standardized multi-phase electric motors originating in Bulgaria, Czechoslovakia, the GDR, Hungary, Poland and the USSR

The minimum import prices referred to in Article 1 (3) of the Regulation are those given in the Table below, expressed in ECU.

The prices given are for type B 3 multi-phase electric motors (i.e. those with retaining legs).

For other motors (type B 5, B 14, etc.), an additional amount of 7 % shall be added to the price specified below.

kW	hp	3 000 rpm	1 500 rpm	1 000 rpm	750 rpm
1,1	1,5	39,4	40,7	56,6	87,1
1,5	2	44,4	48,0	66,7	102,6
2,2	3	57,8	59,0	87,1	132,7
3	4	68,4	70,8	105,8	158,3
4	5,5	85,5	89,9	133,1	191,3
5,5	7,5	110,7	114,4	173,4	235,7
7,5	10	140,4	147,3	199,8	292,6
11	15	189,7	195,8	289,0	394,0
15	20	239,3	255,6	378,5	507,5
18,5	25	306,9	311,7	464,4	629,6
22	30	367,1	367,1	545,4	776,6
30	40	490,0	484,3	722,4	1 000,0
37	50	612,9	600,7	890,5	1 215,7
45	60	688,6	712,7	1 065,9	1 427,8
55	75	923,9	890,5	1 325,2	1 736,3
75	100	1 232,8	1 179,5	1 758,6	2 235,2

COMMISSION REGULATION (EEC) No 865/87

of 26 March 1987

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 135/87 ⁽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 25 March 1987 ;

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 135/87 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 27 March 1987.

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

Done at Brussels, 26 March 1987.

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 17, 20. 1. 1987, p. 1.

ANNEX

to the Commission Regulation of 26 March 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	11,71	196,98
10.01 B II	Durum wheat	46,77	260,82 ⁽¹⁾ ⁽²⁾
10.02	Rye	40,78	181,06 ⁽²⁾
10.03	Barley	39,05	190,00
10.04	Oats	97,34	161,75
10.05 B	Maize, other than hybrid maize for sowing	—	180,99 ⁽²⁾ ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	39,05	132,28
10.07 B	Millet	39,05	157,92 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	24,96	186,39 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	39,05	61,66 ⁽²⁾
11.01 A	Wheat or meslin flour	31,55	290,93
11.01 B	Rye flour	72,25	269,61
11.02 A I a)	Durum wheat groats and meal	86,16	416,91
11.02 A I b)	Common wheat groats and meal	31,71	311,11

⁽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 866/87

of 26 March 1987

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 25 March 1987;

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 27 March 1987.

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

Done at Brussels, 26 March 1987.

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 26 March 1987 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 3	1st period 4	2nd period 5	3rd period 6
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0,39
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	0,55	0,55	0,55
10.07 D	Other cereals	0	0	0	5,85
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 867/87**of 26 March 1987****fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 798/87⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 799/87⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁸⁾, as last amended by Regulation (EEC) No 800/87⁽⁹⁾, and in particular Article 10 (2) thereof,

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

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

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules

for fixing the import levy on olive oil by tender⁽¹²⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 23 and 24 March 1987 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 27 March 1987.

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

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 79, 21. 3. 1987, p. 11.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 79, 21. 3. 1987, p. 12.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 79, 21. 3. 1987, p. 13.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 26 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Non-member countries
15.07 A I a)	52,00 ⁽¹⁾
15.07 A I b)	54,00 ⁽¹⁾
15.07 A I c)	52,00 ⁽¹⁾
15.07 A II a)	64,00 ⁽²⁾
15.07 A II b)	82,00 ⁽³⁾

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

- (a) Lebanon : 0,60 ECU/100 kg ;
- (b) Tunisia : 12,69 ECU/100 kg, provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : 22,36 ECU/100 kg, provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : 24,78 ECU/100 kg, provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 3,86 ECU/100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 3,09 ECU/100 kg.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by 7,25 ECU/100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by 5,80 ECU/100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CCT heading No	Non-member countries
07.01 N II	11,88
07.03 A II	11,88
15.17 B I a)	27,00
15.17 B I b)	43,20
23.04 A II	4,16

COMMISSION REGULATION (EEC) No 868/87
of 26 March 1987
fixing additional amounts for certain pigmeat products

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 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1475/86⁽²⁾, and in particular the second subparagraph of Article 13 (5) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 202/67/EEC of 28 June 1967 on fixing the additional amount for imports of pigmeat products from third countries⁽³⁾, as amended by Regulation No 614/67/EEC⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) of Regulation (EEC) No 2759/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports listed according to product and country of origin in that Annex;

Whereas Council Regulation (EEC) No 2767/75 of 29 October 1975⁽⁵⁾, as last amended by Regulation (EEC) No 1906/83⁽⁶⁾, laid down general rules for the fixing of additional amounts for those products for which no sluice-gate price is fixed;

Whereas Regulation No 202/67/EEC lays down certain detailed rules, to that end, and in particular for determining the free-at-frontier offers for those products; whereas, according to the information received by the Commission, offers from third countries in the determination of which not only the prices shown in customs documents but also all other indications concerning the prices ruling in third countries, are taken into account, are developing in such a way that additional amounts should be fixed for those products at the level shown in the Annex;

Whereas, in accordance with Article 1 of Regulation No 121/65/EEC⁽⁷⁾ and with Regulations (EEC) No 564/68⁽⁸⁾, (EEC) No 998/68⁽⁹⁾, as amended by Regulation (EEC) No 328/83⁽¹⁰⁾, (EEC) No 2260/69⁽¹¹⁾, as amended by Regulation (EEC) No 328/83, and (EEC) No 1570/71⁽¹²⁾, as amended by Regulation (EEC) No 328/83, the levy on certain products listed in those Regulations which originate in and come from the Federal Republic of Austria, the People's Republic of Poland, the Hungarian People's Republic, the Socialist Republic of Romania and the People's Republic of Bulgaria should not be increased by an additional amount;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 13 of Regulation (EEC) No 2759/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 30 March 1987.

(¹) OJ No L 282, 1. 11. 1975, p. 1.
(²) OJ No L 133, 21. 5. 1986, p. 39.
(³) OJ No 134, 30. 6. 1967, p. 2837/67.
(⁴) OJ No 231, 27. 9. 1967, p. 6.
(⁵) OJ No L 282, 1. 11. 1975, p. 29.
(⁶) OJ No L 190, 14. 7. 1983, p. 4.

(⁷) OJ No 155, 18. 9. 1965, p. 2560/65.
(⁸) OJ No L 107, 8. 5. 1968, p. 6.
(⁹) OJ No L 170, 19. 7. 1968, p. 14.
(¹⁰) OJ No L 38, 10. 2. 1983, p. 12.
(¹¹) OJ No L 286, 14. 11. 1969, p. 22.
(¹²) OJ No L 165, 23. 7. 1971, p. 23.

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

Done at Brussels, 26 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 26 March 1987 fixing additional amounts for certain pigmeat products

(ECU/100 kg)

CCT heading No	Description	Supplementary amount	Origin of imports
01.03	Live swine : A. Domestic species : II. Other : b) Other	10,00	Origin : German Democratic Republic ⁽¹⁾
02.01	Meat and edible offals of the animals falling within heading Nos 01.01, 01.02, 01.03 or 01.04 fresh, chilled or frozen : A. Meat : III. Of swine : a) Of domestic swine : 1. Whole carcasses or half carcasses	12,00	Origin : German Democratic Republic ⁽¹⁾
02.05	Pig fat free of lean meat and poultry fat (not rendered or solvent-extracted), fresh, chilled, frozen, salted, in brine, dried or smoked : B. Other pig fat	10,00	Origin : Sweden, Hungary or Czechoslovakia
15.01	Lard, other pig fat and poultry fat, rendered or solvent extracted : A. Lard and other pig fat : II. Other	5,00	Origin : German Democratic Republic ⁽¹⁾ or Hungary

⁽¹⁾ With the exception of the German internal trade pursuant to the Protocol on German internal trade and connected problems.

COMMISSION REGULATION (EEC) No 869/87

of 26 March 1987

derogating from Regulation (EEC) No 2169/86 laying down detailed rules for the control and payment of the production refunds in the cereals and rice sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1579/86 ⁽²⁾,

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⁾,

Having regard to Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sector ⁽⁵⁾ and in particular Article 6 thereof,

Whereas Commission Regulation (EEC) No 2169/86 ⁽⁶⁾, as amended by Regulation (EEC) No 472/87 ⁽⁷⁾, provides for certain administrative procedures to be completed before the production refund certificate can be issued; whereas in some Member States it has not always been possible to complete these procedures in due time, notably the initial agreement of the manufacturer, the verification of the information required in the application for a refund certificate and the lodging of the security; whereas this has sometimes meant that the competent authorities have been unable to issue the refund certificate promptly;

Whereas, because the failure to respect some of the provisions of Regulation (EEC) No 2169/86 has not, in certain cases, been the fault of the manufacturer, it would be appropriate to establish a transitional period within which, providing the administrative controls can be satisfactorily completed, manufacturers may receive the refund in cases where the starch has been processed before the

certificate has been received; whereas this period should comprise the first six months of the marketing year 1986/87;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. At the request of the interested party, until 30 April 1987, by way of derogation from Regulation (EEC) No 2169/86, the competent authorities may issue refund certificates for starch processed into an approved product between 1 July and 31 December 1986, where the application for the certificate and/or the lodging of the security has taken place after the processing of the starch, provided that the manufacturer is able to provide sufficient evidence to enable the competent authorities to complete the necessary controls and he falls within one of the three categories described in paragraph 2.

2. The derogation shall only extend to manufacturers:

- (a) who were unable to lodge the security due to circumstances beyond their control but who have taken all reasonable steps to comply with Article 4 of Regulation (EEC) No 2169/86 prior to the processing of the starch; or
- (b) whose name did not appear on the list of approved manufacturers as required by Article 3 (4) of the said Regulation but who can show compliance with Article 3 (1) and (2) thereof prior to the processing of the starch; or
- (c) whose name did appear on the list of approved manufacturers as required by Article 3 (4) of the said Regulation but who were unable to comply with Article 4 because the Member State had not indicated the competent authority.

Article 2

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

⁽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. 3.

⁽⁴⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽⁶⁾ OJ No L 189, 11. 7. 1986, p. 12.

⁽⁷⁾ OJ No L 48, 17. 2. 1987, p. 12.

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

Done at Brussels, 26 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 870/87

of 26 March 1987

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 9 to 15 March 1987

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1347/86 of 6 May 1986 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom ⁽¹⁾, as amended by Regulation (EEC) No 4049/86 ⁽²⁾,Having regard to Commission Regulation (EEC) No 1695/86 of 30 May 1986 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom ⁽³⁾, and in particular Article 7 (1) thereof,

Whereas, under Article 3 of Regulation (EEC) No 1347/86, an amount equivalent to the amount of the variable slaughter premium granted in the United Kingdom is levied on meat and meat preparations from animals on which it has been paid, when they are consigned to other Member States or to non-member countries;

Whereas, under Article 7 (1) of Regulation (EEC) No 1695/86 the amounts to be charged on departure from the territory of the United Kingdom of the products listed

in the Annex to the said Regulation must be fixed each week by the Commission;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 9 to 15 March 1987 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of amended Regulation (EEC) No 1347/86, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1695/86 which left the territory of the United Kingdom during the week 9 to 15 March 1987 shall be those set out in the Annex.

Article 2

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

It shall apply with effect from 9 March 1987.

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

Done at Brussels, 26 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽²⁾ OJ No L 377, 31. 12. 1986, p. 28.

⁽³⁾ OJ No L 146, 31. 5. 1986, p. 56.

ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during the week 9 to 15 March 1987

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

COMMISSION REGULATION (EEC) No 871/87**of 26 March 1987****abolishing the countervailing charge on cucumbers originating in the Canary Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Commission Regulation (EEC) No 684/87 ⁽³⁾, amended by Regulation (EEC) No 747/87 ⁽⁴⁾, introduced a countervailing charge on cucumbers originating in the Canary Islands;

Whereas for these products originating in the Canary Islands there were no prices for six consecutive working

days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of cucumbers originating in the Canary Islands can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 684/87 is hereby repealed.

Article 2

This Regulation shall enter into force on 27 March 1987.

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

Done at Brussels, 26 March 1987.

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 65, 10. 3. 1987, p. 6.

⁽⁴⁾ OJ No L 75, 17. 3. 1981, p. 18.

COMMISSION REGULATION (EEC) No 872/87

of 26 March 1987

fixing 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 the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁵⁾, as last amended by Regulation (EEC) No 1588/86⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals⁽⁷⁾, as last amended by Regulation (EEC) No

1740/78⁽⁸⁾, provides that the levy thus determined, increased by the fixed component is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than 3,02 ECU per tonne from the average of the levies calculated as described above;

Whereas in accordance with Article 5 of Regulation (EEC) No 2744/75 and Article 2 of Regulation (EEC) No 1579/74, the levy on certain processed products must be reduced by an amount equal to the production refund granted in respect of basic products for processing; whereas Commission Regulation (EEC) No 1921/75⁽⁹⁾, as amended by Regulation (EEC) No 2415/75⁽¹⁰⁾, laid down certain transitional measures in respect of starches;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; whereas, in accordance with Council Regulation (EEC) No 2742/75⁽¹¹⁾, as last amended by Regulation (EEC) No 3794/85⁽¹²⁾, the variable component of the levy on certain processed products must be reduced by the incidence of the production refund granted in respect of basic products intended for processing;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regulation (EEC) No 486/85 of 26 February 1985 on the agreements arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽¹³⁾, as amended by Regulation (EEC) No 625/87⁽¹⁴⁾;

Whereas, in respect of products falling within subheading 07.06 A of the Common Customs Tariff, Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within subheading 07.06 A of the Common Customs Tariff

⁽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 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 139, 24. 5. 1986, p. 47.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 195, 26. 7. 1975, p. 25.

⁽¹⁰⁾ OJ No L 247, 23. 9. 1975, p. 22.

⁽¹¹⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽¹²⁾ OJ No L 367, 31. 12. 1985, p. 20.

⁽¹³⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽¹⁴⁾ OJ No L 58, 28. 2. 1987, p. 102.

coming from third countries and amending Regulation (EEC) No 950/68 on the Common Customs Tariff⁽¹⁾ lays down the terms on which the import levy may be charged at 6% *ad valorem* and provides for the Common Customs Tariff to be amended accordingly;

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⁽²⁾,
- 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1987.

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

Done at Brussels, 26 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 26 March 1987 fixing the import levies on products
processed from cereals and rice

(ECU/tonne)

CCT heading No	Imports		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
07.06 A I	41,50	192,80 ⁽¹⁾	190,99 ⁽¹⁾ ⁽²⁾
07.06 A II	44,52	195,82 ⁽¹⁾	190,99 ⁽¹⁾ ⁽²⁾
11.01 C ⁽²⁾	80,74	353,08	347,04
11.01 D ⁽²⁾	185,66	299,80	293,76
11.01 E I ⁽²⁾	6,04	337,49	331,45
11.01 E II ⁽²⁾	3,02	190,84	187,82
11.01 F ⁽²⁾	90,92	238,08	235,06
11.01 G ⁽²⁾	30,98	194,96	191,94
11.02 A II ⁽²⁾	83,85	337,58	331,54
11.02 A III ⁽²⁾	80,74	353,08	347,04
11.02 A IV ⁽²⁾	185,66	299,80	293,76
11.02 A V a) 1 ⁽²⁾	6,04	310,49	304,45
11.02 A V a) 2 ⁽²⁾	6,04	337,49	331,45
11.02 A V b) ⁽²⁾	3,02	190,84	187,82
11.02 A VI ⁽²⁾	90,92	238,08	235,06
11.02 A VII ⁽²⁾	30,98	194,96	191,94
11.02 B I a) 1 ⁽²⁾	69,42	311,50	308,48
11.02 B I a) 2 aa)	104,81	169,48	166,46
11.02 B I a) 2 bb) ⁽²⁾	182,64	296,78	293,76
11.02 B I b) 1 ⁽²⁾	69,42	311,50	308,48
11.02 B I b) 2 ⁽²⁾	182,64	296,78	293,76
11.02 B II a) ⁽²⁾	21,85	266,24	263,22
11.02 B II b) ⁽²⁾	60,52	247,99	244,97
11.02 B II c) ⁽²⁾	3,02	297,64	294,62
11.02 B II d) ⁽²⁾	46,88	304,11	301,09
11.02 C I ⁽²⁾	25,68	319,68	316,66
11.02 C II ⁽²⁾	72,19	297,72	294,70
11.02 C III ⁽²⁾	109,79	488,04	482,00
11.02 C IV ⁽²⁾	162,68	264,14	261,12
11.02 C V ⁽²⁾	3,02	297,64	294,62
11.02 C VI ⁽²⁾	46,88	304,11	301,09
11.02 D I ⁽²⁾	17,46	204,89	201,87
11.02 D II ⁽²⁾	47,11	190,89	187,87
11.02 D III ⁽²⁾	45,35	199,68	196,66
11.02 D IV ⁽²⁾	104,81	169,48	166,46
11.02 D V ⁽²⁾	3,02	190,84	187,82
11.02 D VI ⁽²⁾	30,98	194,96	191,94
11.02 E I a) 1 ⁽²⁾	45,35	199,68	196,66
11.02 E I a) 2 ⁽²⁾	104,81	169,48	166,46
11.02 E I b) 1 ⁽²⁾	89,04	391,64	385,60
11.02 E I b) 2 ⁽²⁾	205,62	332,44	326,40
11.02 E II a) ⁽²⁾	31,53	362,28	356,24
11.02 E II b) ⁽²⁾	83,85	337,58	331,54
11.02 E II c) ⁽²⁾	6,04	337,49	331,45
11.02 E II d) 1 ⁽²⁾	155,30	405,19	399,15
11.02 E II d) 2 ⁽²⁾	55,38	344,76	338,72
11.02 F I ⁽²⁾	31,53	362,28	356,24
11.02 F II ⁽²⁾	83,85	337,58	331,54
11.02 F III ⁽²⁾	80,74	353,08	347,04
11.02 F IV ⁽²⁾	185,66	299,80	293,76

(ECU/tonne)

CCT heading No	Imports		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
11.02 F V ⁽²⁾	6,04	337,49	331,45
11.02 F VI ⁽²⁾	90,92	238,08	235,06
11.02 F VII ⁽²⁾	30,98	194,96	191,94
11.02 G I	16,66	154,47	148,43
11.02 G II	6,04	144,15	138,11
11.04 C I	44,52	195,82	189,17 ⁽³⁾
11.04 C II a)	20,55	292,87	268,69 ⁽³⁾
11.04 C II b)	20,55	317,02	292,84 ⁽³⁾
11.07 A I a)	36,08	363,16	352,28
11.07 A I b)	29,71	274,10	263,22
11.07 A II a)	84,75	354,06 ⁽⁴⁾	343,18
11.07 A II b)	66,08	267,30	256,42
11.07 B	75,21	309,72 ⁽⁴⁾	298,84
11.08 A I	20,55	292,87	272,32
11.08 A II	156,87	340,53	309,70
11.08 A III	51,70	411,95	391,40
11.08 A IV	20,55	292,87	272,32
11.08 A V	20,55	292,87	136,16 ⁽³⁾
11.09	237,98	892,98	711,64
17.02 B II a) ⁽²⁾	96,72	451,91	355,19
17.02 B II b) ⁽²⁾	66,49	338,81	272,32
17.02 F II a)	96,72	468,83	372,11
17.02 F II b)	66,49	325,27	258,78
21.07 F II	66,49	338,81	272,32
23.02 A I a)	13,79	86,48	80,48
23.02 A I b)	22,70	178,46	172,46
23.02 A II a)	13,79	86,48	80,48
23.02 A II b)	22,70	178,46	172,46
23.03 A I	181,34	519,62	338,28

⁽¹⁾ This levy is limited to 6 % of the value for customs purposes, subject to certain conditions.

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

⁽³⁾ Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I is subject to the same levy as products falling within subheading 17.02 B II.

⁽⁴⁾ In accordance with Regulation (EEC) No 1180/77 this levy is reduced by 5,44 ECU/tonne for products originating in Turkey.

⁽⁵⁾ In accordance with Regulation (EEC) No 486/85 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

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

COMMISSION REGULATION (EEC) No 873/87

of 26 March 1987

fixing the import levies on compound feedingstuffs

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 the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, as amended by Regulation (EEC) No 2560/77⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 12 of Council Regulation (EEC) No 486/85 of 26 February 1985 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific

States or in the overseas countries and territories⁽⁵⁾, as amended by Regulation (EEC) No 625/87⁽⁶⁾;

Whereas, pursuant to Article 272 of the Act of Accession, the Community as constituted at 31 December 1985 must, in the case of products specified in Article 1 of Regulation (EEC) No 2727/75 and in Article 1 of Council Regulation (EEC) No 1418/76⁽⁷⁾, as last amended by Regulation (EEC) No 1449/86⁽⁸⁾, which are imported from Portugal, apply the arrangements which were applicable in respect of Portugal before accession; whereas, under Article 4 of Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽⁹⁾, the same arrangements are to be applied in the case of Spain; whereas a levy should be applied pursuant to those arrangements and whereas that levy should be calculated in accordance with the rules laid down in Commission Regulation 156/67/EEC⁽¹⁰⁾, as last amended by Regulation (EEC) No 31/76⁽¹¹⁾, and taking into account the situation with regard to market prices in Portugal; and whereas, in the case of imports into Spain the accession compensatory amount applicable to trade between Spain and the Community as constituted at 31 December 1985 should be deducted from the levy;

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⁽¹²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff,

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 303, 28. 11. 1977, p. 1.

⁽⁵⁾ OJ No L 61, 26. 2. 1986, p. 4.

⁽⁶⁾ OJ No L 58, 28. 2. 1987, p. 102.

⁽⁷⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁸⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽⁹⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽¹⁰⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽¹¹⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽¹²⁾ OJ No L 164, 24. 6. 1985, p. 1.

HAS ADOPTED THIS REGULATION:

and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex hereto.

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75

Article 2

This Regulation shall enter into force on 1 April 1987.

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

Done at Brussels, 26 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 26 March 1987 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CCT heading No	Nomenclature in simplified wording	Levies		
		Portugal	Third countries (other than ACP and OCT)	ACP and OCT
	Preparations of a kind used in animal feeding, covered by Regulation (EEC) No 968/68, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 21.07 F II, or milk products (falling within heading Nos 04.01, 04.02, 04.03 and 04.04, and subheadings 17.02 A and 21.07 F I) containing starch, glucose or glucose syrup :			
	Containing no starch or containing 10 % or less by weight of starch :			
23.07 B I a) 1	— Containing no milk products or containing less than 10 % by weight of such products	10,88	40,34	29,46
23.07 B I a) 2	— Containing 10 % or more but less than 50 % by weight of milk products	10,88	819,89	809,01
	Containing more than 10 % but not more than 30 % by weight of starch :			
23.07 B I b) 1	— Containing no milk products or containing less than 10 % by weight of such products	10,88	102,95	92,07
23.07 B I b) 2	— Containing 10 % or more but less than 50 % by weight of milk products	10,88	882,50	871,62
	Containing more than 30 % by weight of starch :			
23.07 B I c) 1	— Containing no milk products or containing less than 10 % by weight of such products	10,88	195,02	184,14
23.07 B I c) 2	— Containing 10 % or more but less than 50 % by weight of milk products	10,88	974,57	963,69

COMMISSION REGULATION (EEC) No 874/87

of 26 March 1987

fixing the import levies on live sheep and goats and on sheepmeat and goatmeat
other than frozen meat

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 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) No 794/87 ⁽²⁾, and in particular the first paragraph of Article 11 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, under Article 10 (2) of Regulation (EEC) No 1837/80, a levy is applicable to the products specified in Article 1 (a) of that Regulation ;

Whereas the levy on products falling within subheading 02.01 A IV a) 1 listed in Annex I to Regulation (EEC) No 1837/80 is to be equal to the difference between the seasonally-adjusted basic price and the Community free-at-frontier offer price ;

Whereas the seasonally-adjusted basic price is fixed in Article 2 of Council Regulation (EEC) No 1472/86 ⁽³⁾ for the 1987 marketing year ;

Whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regard quality and quantity, recorded over the period from the 21st day of the preceding month to the 20th day of the month during which the levies are determined, taking particular account of the supply and demand situation for fresh or chilled meat, the world market price for frozen meat of a category which is competitive with fresh or chilled meat and of past experience ;

Whereas the free-at-frontier offer price is to be determined, if necessary, on the basis of the most representative purchasing possibilities recorded for live sheep ;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2668/80 ⁽⁴⁾ the free-at-frontier offer prices are to be based *inter alia* on the prices shown in the customs documents

which accompany products imported from non-member countries or on other information concerning the export prices applied by those non-member countries ; whereas offer prices which do not correspond to actual purchasing possibilities or which relate to unrepresentative quantities and offer prices which, in view of general price movements or other information available, may be considered not to be representative of actual price trends in the country of origin are to be disregarded ;

Whereas a special levy may be fixed for products originating in or coming from one or more non-member countries if exports of the said products are made at abnormally low prices ;

Whereas the levy on live animals within subheading 01.04 B and on the meat falling within subheadings 02.01 A IV a) 2, 3, 4 and 5 and 02.06 C II a) listed in Annex I to Regulation (EEC) No 1837/80 is to be equal to the levy determined for carcasses, multiplied by a standard coefficient fixed for each of the products in question ; whereas these coefficients are fixed in Annex I to Regulation (EEC) No 2668/80 ;

Whereas the levies should be so fixed that the obligations arising from international agreements concluded by the Community continue to be fulfilled ; whereas, moreover, account should be taken of the voluntary restraint arrangements made by the Community with certain non-member countries ;

Whereas Council Regulation (EEC) No 486/85 ⁽⁵⁾, as last amended by Regulation (EEC) No 625/87 ⁽⁶⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ;

Whereas the levies are fixed before the 27th day of each month for each week during the following month ; whereas they are applicable from Monday to Sunday ; whereas they can be altered within that period if necessary ;

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

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 79, 21. 3. 1987, p. 3.

⁽³⁾ OJ No L 133, 21. 5. 1986, p. 34.

⁽⁴⁾ OJ No L 276, 20. 10. 1980, p. 39.

⁽⁵⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁶⁾ OJ No L 58, 28. 2. 1987, p. 102.

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3 (b) 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, having regard to the provisions of the above-mentioned Regulations and, in particular, to the information and quotations known to the Commission, the levies

on live sheep and goats and on sheepmeat and goatmeat other than frozen meat should be as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 April 1987.

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

Done at Brussels, 26 March 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 26 March 1987 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

CCT heading No	Week No 14 from 6 to 12 April 1987	Week No 15 from 13 to 19 April 1987	Week No 16 from 20 to 26 April 1987	Week No 17 from 27 April to 3 May 1987
01.04 B	142,875 ⁽¹⁾	142,631 ⁽¹⁾	141,564 ⁽¹⁾	139,966 ⁽¹⁾
02.01 A IV a) 1	303,990 ⁽²⁾	303,470 ⁽²⁾	301,200 ⁽²⁾	297,800 ⁽²⁾
2	212,793 ⁽²⁾	212,429 ⁽²⁾	210,840 ⁽²⁾	208,460 ⁽²⁾
3	334,389 ⁽²⁾	333,817 ⁽²⁾	331,320 ⁽²⁾	327,580 ⁽²⁾
4	395,187 ⁽²⁾	394,511 ⁽²⁾	391,560 ⁽²⁾	387,140 ⁽²⁾
5 aa)	395,187 ⁽²⁾	394,511 ⁽²⁾	391,560 ⁽²⁾	387,140 ⁽²⁾
bb)	553,262 ⁽²⁾	552,315 ⁽²⁾	548,184 ⁽²⁾	541,996 ⁽²⁾
02.06 C II a) 1	395,187 ⁽²⁾	394,511 ⁽²⁾	391,560 ⁽²⁾	387,140 ⁽²⁾
2	553,262 ⁽²⁾	552,315 ⁽²⁾	548,184 ⁽²⁾	541,996 ⁽²⁾

⁽¹⁾ The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

⁽²⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

⁽³⁾ The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 875/87

of 26 March 1987

fixing the import levies on frozen sheepmeat and goatmeat

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 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EEC) No 794/87⁽²⁾, and in particular the first paragraph of Article 11 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 10 (2) of Regulation (EEC) No 1837/80 a levy is applicable to the products falling within subheading 02.01 A IV b) listed in Annex I to that Regulation;

Whereas, pursuant to Article 13 of Regulation (EEC) No 1837/80, the levy on frozen carcasses and halfcarcasses is to be equal to the difference between:

- (a) the basic price multiplied by a coefficient representing the relationship existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of fresh and chilled sheep carcasses, and
- (b) the Community free-at-frontier offer price for the said frozen meat;

Whereas the basic price for the 1987 marketing year is fixed in Article 1 of Council Regulation (EEC) No 1472/86⁽³⁾; whereas the coefficient referred to in Article 13 (1) (a) of Regulation (EEC) No 1837/80 is fixed in Article 2 (2) of Regulation (EEC) No 2668/80⁽⁴⁾;

Whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over the period from the 21st day of the preceding month to the 20th day of the month during which the levies are determined, taking particular account of the supply and demand situation for fresh or chilled meat, the world market price for frozen meat of a category which is

competitive with fresh or chilled meat and of past experience;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2668/80, the free-at-frontier offer prices are to be based *inter alia* on the prices shown in the customs documents which accompany products imported from non-member countries or on other information concerning the export prices applied by those non-member countries; whereas offer prices which do not correspond to actual purchasing possibilities or which relate to unrepresentative quantities and offer prices which, in view of general price movements or other information available, may be considered not to be representative of actual price trends in the country of origin are to be disregarded;

Whereas a special levy may be fixed for products originating in or coming from one or more non-member countries if exports of the said products are made at abnormally low prices;

Whereas the levy on the meat falling within subheadings 02.01 A IV b) 2, 3, 4 and 5 listed in Annex I to Regulation (EEC) No 1837/80 is to be equal to the levy determined for frozen carcasses, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed in Annex II to Regulation (EEC) No 2668/80;

Whereas the levies should be so fixed that the obligations arising from international agreements concluded by the Community continue to be fulfilled; whereas, moreover, account should be taken of the voluntary restraint arrangements made by the Community with certain non-member countries;

Whereas Council Regulation (EEC) No 486/85⁽⁵⁾, as last amended by Regulation (EEC) No 625/87⁽⁶⁾, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas the levies are fixed before the 27th day of each month for each week during the following month; whereas they are applicable from Monday to Sunday; whereas they can be altered within that period if necessary;

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 79, 21. 3. 1987, p. 3.

⁽³⁾ OJ No L 133, 21. 5. 1986, p. 34.

⁽⁴⁾ OJ No L 276, 20. 10. 1980, p. 39.

⁽⁵⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁶⁾ OJ No L 58, 28. 2. 1987, p. 102.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3 (b) 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, having regard to the provisions of the above-mentioned Regulations and, in particular, to the information and quotations known to the Commission, the levies

on live sheep and goats and on sheepmeat and goatmeat other than frozen meat should be as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 April 1987.

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

Done at Brussels, 26 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 26 March 1987 fixing the import levies on frozen sheep-meat and goatmeat

(ECU/100 kg)

CCT heading No	Week No 14 from 6 to 12 April 1987 ⁽¹⁾	Week No 15 from 13 to 19 April 1987 ⁽¹⁾	Week No 16 from 20 to 26 April 1987 ⁽¹⁾	Week No 17 from 27 April to 3 May 1987 ⁽¹⁾
02.01 A IV b) 1	227,493	227,103	225,400	222,850
2	159,245	158,972	157,780	155,995
3	250,242	249,813	247,940	245,135
4	295,741	295,234	293,020	289,705
5 aa)	295,741	295,234	293,020	289,705
bb)	414,037	413,327	410,228	405,587

⁽¹⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85 and (EEC) No 486/85 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 876/87
of 26 March 1987
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 409/87⁽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 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 Regulations (EEC) No 1457/86⁽⁷⁾ and (EEC) No 1458/86⁽⁸⁾;

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 577/87⁽⁹⁾, as last amended by Regulation (EEC) No 789/87⁽¹⁰⁾;

Whereas, in the absence of the target price for the 1987/88 marketing year for colza and rape seed, the amount of the subsidy in the case of advance fixing for July and August 1987 for colza and rape seed has been obtainable only provisionally on the basis of the target price proposed by the Commission to the Council for the marketing year 1987/88; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative price of the 1987/88 marketing year is known;

Whereas estimated production of colza and rape seed for the 1987/88 marketing year has not been fixed; whereas

the amount, where appropriate, to be deducted from the subsidy in compliance with the system of maximum guaranteed quantities referred to in Article 27a of Regulation No 136/66/EEC could therefore not be determined; whereas the amounts of the subsidy should therefore only be applied on a temporary basis and should be confirmed or replaced once the effects of the system of maximum guaranteed quantities for colza and rape seed are known;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3776/86 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 Regulation (EEC) No 475/86 and Article 12 of Regulation (EEC) No 476/86 shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain and Portugal.

3. The amount of the subsidy in the case of advance fixing for July and August 1987 for colza and rape seed will, however, be confirmed or replaced as from 27 March 1987 to take into account the indicative price, and like measures, which is fixed for these products for the 1987/88 marketing year.

4. However, the amount of the subsidy in the case of advance fixing for July and August 1987 for colza and rape will be confirmed or replaced as from 27 March 1987 to take into where appropriate, the effects of the application of the system of maximum guaranteed quantities for colza and rape seed.

Article 2

This Regulation shall enter into force on 27 March 1987.

⁽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 44, 13. 2. 1987, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 146, 31. 5. 1986, p. 25.

⁽⁷⁾ OJ No L 133, 21. 5. 1986, p. 12.

⁽⁸⁾ OJ No L 133, 21. 5. 1986, p. 14.

⁽⁹⁾ OJ No L 57, 27. 2. 1987, p. 38.

⁽¹⁰⁾ OJ No L 78, 20. 3. 1987, p. 37.

⁽¹¹⁾ OJ No L 266, 28. 9. 1983, p. 1.

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

Done at Brussels, 26 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

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 ⁽¹⁾	6th month ⁽¹⁾
1. Gross aids (ECU):						
— Spain	0,610	0,610	0,610	0,610	0,100	0,100
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	36,848	37,344	37,186	37,028	31,552	31,473
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	88,77	89,96	89,60	89,32	76,28	76,36
— Netherlands (Fl)	100,03	101,36	100,95	100,62	85,93	85,99
— BLEU (Bfrs/Lfrs)	1 721,12	1 744,37	1 736,89	1 728,89	1 472,09	1 464,30
— France (FF)	252,85	256,37	254,94	253,32	214,26	214,22
— Denmark (Dkr)	310,82	315,05	313,65	312,26	265,41	263,21
— Ireland (£ Irl)	27,757	28,145	28,007	27,734	23,426	23,277
— United Kingdom (£)	20,885	21,196	21,070	20,944	17,467	17,298
— Italy (Lit)	55 311	56 072	55 705	55 554	47 098	46 758
— Greece (Dr)	3 606,54	3 645,04	3 594,75	3 555,42	2 901,74	2 831,54
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	88,94	88,94	88,94	88,94	14,58	14,58
— in another Member State (Pta)	4 339,71	4 412,03	4 386,23	4 335,13	3 639,64	3 600,18
(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)	5 237,31	5 308,29	5 251,39	5 213,57	4 374,37	4 321,28

⁽¹⁾ Subject to the amount to be deducted in accordance with the system of guaranteed maximum quantities and the Council Decision regarding prices and related measures for the 1987/88 marketing year.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kilograms)

	Current month	2nd month	3rd month	4th month	5th month (¹)	6th month (¹)
1. Gross aids (ECU):						
— Spain	1,860	1,860	1,860	1,860	2,600	2,600
— Portugal	1,250	1,250	1,250	1,250	2,500	2,500
— Other Member States	38,098	38,594	38,436	38,278	34,052	33,973
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	91,76	92,94	92,59	92,31	82,25	82,33
— Netherlands (Fl)	103,39	104,72	104,31	103,99	92,65	92,71
— BLEU (Bfrs/Lfrs)	1 779,71	1 802,96	1 795,48	1 787,48	1 589,27	1 581,48
— France (FF)	261,73	265,25	263,82	262,20	232,01	231,97
— Denmark (Dkr)	321,50	325,73	324,34	322,94	286,77	284,56
— Ireland (£ Irl)	28,736	29,124	28,985	28,713	25,382	25,234
— United Kingdom (£)	21,669	21,980	21,854	21,728	19,035	18,866
— Italy (Lit)	57 235	57 997	57 629	57 478	50 946	50 606
— Greece (Dr)	3 752,39	3 790,88	3 740,60	3 701,27	3 193,43	3 123,23
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	271,19	271,19	271,19	271,19	379,07	379,07
— in another Member State (Pta)	4 521,96	4 594,28	4 568,48	4 517,38	4 004,14	3 964,67
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	189,77	189,77	189,77	189,77	379,54	379,54
— in another Member State (Esc)	5 427,08	5 498,06	5 441,16	5 403,34	4 753,90	4 700,81

(¹) Subject to the amount to be deducted in accordance with the system of guaranteed maximum quantities and the Council Decision regarding prices and related measures for the 1987/88 marketing year.

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	42,463	42,463	42,421	42,500	42,500
2. Final aids:					
(a) Seed harvested and processed in ⁽¹⁾ :					
— Federal Republic of Germany (DM)	102,40	102,40	102,32	102,61	102,61
— Netherlands (Fl)	115,38	115,38	115,27	115,59	115,59
— BLEU (Bfrs/Lfrs)	1 982,70	1 982,70	1 980,72	1 983,80	1 983,80
— France (FF)	290,37	290,37	289,79	289,93	289,93
— Denmark (Dkr)	357,73	357,73	357,36	358,06	358,06
— Ireland (£ Irl)	31,864	31,864	31,825	31,726	31,726
— United Kingdom (£)	23,813	23,813	23,779	23,842	23,842
— Italy (Lit)	63 578	63 577	63 373	63 639	63 639
— Greece (Dr)	4 076,68	4 052,13	4 015,79	4 014,67	4 014,67
(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)	4 065,00	4 065,00	4 058,14	4 039,80	4 039,80
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 653,36	6 647,71	6 602,90	6 606,10	6 606,10
— in another Member State (Esc)	6 437,46	6 431,99	6 388,64	6 391,74	6 391,74
3. Compensatory aids:					
— in Spain (Pta)	4 015,85	4 015,85	4 011,17	3 992,83	3 992,83
— in Portugal (Esc)	6 407,11	6 401,63	6 359,62	6 362,72	6 362,72

(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 1,0335380.

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	2,076750	2,071600	2,066830	2,062230	2,062230	2,048810
Fl	2,346590	2,343960	2,341650	2,339000	2,339000	2,329050
Bfrs/Lfrs	43,032300	43,049600	43,068300	43,085900	43,085900	43,141200
FF	6,912640	6,919100	6,925120	6,932860	6,932860	6,952250
Dkr	7,811170	7,836080	7,860210	7,884450	7,884450	7,957490
£ Irl	0,776755	0,781472	0,785597	0,789304	0,789304	0,798713
£	0,707211	0,709056	0,710649	0,711999	0,711999	0,715847
Lit	1 477,21	1 480,29	1 483,36	1 486,44	1 486,44	1 498,96
Dr	152,47500	154,34900	156,21800	158,03100	158,03100	164,24300
Esc	160,03600	161,12400	162,32600	163,59800	163,59800	167,16100
Pta	145,63700	146,69000	147,61700	148,49500	148,49500	150,94600

COMMISSION REGULATION (EEC) No 877/87

of 26 March 1987

fixing the export refunds 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 the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas to Commission Regulation (EEC) No 1361/76⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when

the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

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

- in the case of currencies which are maintained in 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 for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

HAS ADOPTED THIS REGULATION :

listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto. The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those

Article 2

This Regulation shall enter into force on 27 March 1987.

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

Done at Brussels, 26 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 26 March 1987 fixing the export refunds on rice and broken rice

(ECU / tonne)		
CCT heading No	Description	Amount of refund
ex 10.06	Rice :	
	B. I. Paddy rice ; husked rice :	
	b) Husked rice :	
	1. Round grain	—
	2. Long grain	
	for export to :	
	— Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italia	256,00
	— Other third countries	—
	II. Semi-milled or wholly milled rice :	
	a) Semi-milled rice :	
	1. Round grain	—
	2. Long grain	—
	b) Wholly milled rice :	
	1. Round grain	—
	2. Long grain	
	in bulk or packaged for export to :	
	— Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia as well as destinations mentioned in Article 5 of Commission Regulation (EEC) No 2730/79 ⁽¹⁾	320,00
	— zone I	—
	— Other third countries	—
	in immediate packings of 5 kg net or less for export to :	
	— zones I, II b), IV a), IV b) and VI, the Canary Islands, Ceuta and Melilla	345,00
	— zone V a) and VII c) and Canada	350,00
	III. Broken rice	—

⁽¹⁾ OJ No L 317, 12. 12. 1979, p. 1.

NB : The zones are those defined in the Annex to Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 3817/85 (OJ No L 368, 31. 12. 1985).

The export refunds are to be converted into national currencies using the specific agricultural conversion rates fixed in Regulation (EEC) No 3294/86 (OJ No L 304, 30. 11. 1986).

COMMISSION REGULATION (EEC) No 878/87

of 26 March 1987

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

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

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

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

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to

vary the refund for certain products according to destination;

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

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

- in the case of currencies which are maintained in 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⁽⁶⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

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

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 27 March 1987.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

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

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

Done at Brussels, 26 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 26 March 1987 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria, Liechtenstein, Ceuta and Melilla — zone II b) — other third countries	121,00 127,00 —
10.01 B II	Durum wheat for exports to : — Switzerland, Austria and Liechtenstein — other third countries	15,00 ⁽³⁾ 20,00 ⁽³⁾
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — other third countries	5,00 10,00
10.03	Barley for exports to : — Switzerland, Austria, Liechtenstein, Ceuta and Melilla — zone II b) — other third countries	125,00 129,00 20,00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	— —
10.05 B	Maize, other than hybrid maize for sowing for exports to : — Switzerland, Austria and Liechtenstein — other third countries	138,00 —
10.07 B	Millet	—
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	—
ex 11.01 A	Wheat flour : — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	172,00 172,00 150,00 138,00 127,00 112,00

(ECU/tonne)		
CCT heading No	Description	Refund
ex 11.01 B	Rye flour :	
	— of an ash content of 0 to 700	172,00
	— of an ash content of 701 to 1 150	172,00
	— of an ash content of 1 151 to 1 600	172,00
	— of an ash content of 1 601 to 2 000	172,00
11.02 A I a)	Durum wheat groats and meal	
	— of an ash content of 0 to 1 300 ⁽¹⁾	336,00 ⁽³⁾
	— of an ash content of 0 to 1 300 ⁽²⁾	318,00 ⁽³⁾
	— of an ash content of 0 to 1 300	283,00 ⁽³⁾
	— of an ash content of more than 1 300	267,00 ⁽³⁾
11.02 A I b)	Common wheat groats and meal :	
	— of an ash content of 0 to 520	172,00

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

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

⁽³⁾ With the exception of the quantities referred to in the Commission's Decision of 19 March 1986.

N.B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 3817/85 (OJ No L 368, 31. 12. 1985).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 23 March 1987

accepting a price undertaking in connection with the anti-dumping proceeding concerning imports of standardized multi-phase electric motors having an output of more than 0,75 kW but not more than 75 kW, originating in Romania

(87/215/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

B. Continuation of proceeding

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 11 and 14 thereof,

After consultation within the Advisory Committee provided for under that Regulation,

Whereas :

A. Provisional measures

- (1) By means of Regulation (EEC) No 3019/86⁽²⁾ the Commission, in connection with the review proceeding initiated on 26 November 1985⁽³⁾, imposed a provisional anti-dumping duty on imports of standardized multi-phase electric motors, having an output of more than 0,75 kW but not more than 75 kW, originating in Romania.

Council Regulation (EEC) No 254/87⁽⁴⁾ extended the provisional duty for a period of two months.

- (2) During the proceeding which followed the imposition of the provisional duty, the Romanian exporter said that its market share had fallen to an insignificant level in 1985, and therefore asked that the proceeding regarding it should be terminated without definitive measures being taken.

Alternatively, the exporter offered an undertaking concerning the minimum price level of its exports of standardized multi-phase motors to the Community.

- (3) It is true that imports originating in Romania fell from 29 500 motors in 1982 to 13 900 in 1985, but they rose again to 39 000 in the first nine months of 1986. Without definitive measures, then, the market share held by imports from the country in question is liable to rise above a minimal level.

In the light of the Council's definitive conclusions concerning dumping, injury, causal link and Community interest, as set out in Regulation (EEC) No 864/87⁽⁵⁾, the Commission finds that the imports in question threaten to increase the existing material injury caused to the Community standardized multi-phase motor industry.

- (4) In these circumstances, it would be discriminatory *vis-à-vis* the other exporters concerned to terminate the review proceeding without taking definitive measures regarding the Romanian exporter.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 280, 1. 10. 1986, p. 68.

⁽³⁾ OJ No C 305, 26. 11. 1985, p. 2.

⁽⁴⁾ OJ No L 26, 29. 1. 1987, p. 1.

⁽⁵⁾ See page 1 of this Official Journal.

C. Undertaking

- (5) The price undertaking by the Romanian exporter is at a level which should eliminate the threat of injury which the imports in question pose to the Community standardized multi-phase motor industry. The Commission therefore considers this price undertaking acceptable.

multi-phase electric motors having an output of more than 0,75 kW but not more than 75 kW falling within subheading ex 85.01 B I b) of the Common Customs Tariff, corresponding to Nimexe codes ex 85.01-33, ex 85.01-34 and ex 85.01-36, originating in Romania, is hereby accepted.

HAS DECIDED AS FOLLOWS:

Done at Brussels, 23 March 1987.

Sole Article

The price undertaking offered by the exporter Electro-Export-Import (Romania) in connection with the anti-dumping proceeding concerning imports of standardized

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION OF THE EUROPEAN COMMUNITIES

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