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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2692/87

of 7 September 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 1900/87⁽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⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, 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 1944/87⁽⁵⁾ 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 4 September 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 1944/87 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 8 September 1987.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 38.

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

Done at Brussels, 7 September 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 7 September 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	—	181,84
10.01 B II	Durum wheat	38,47	245,67 ⁽¹⁾ ⁽²⁾
10.02	Rye	28,04	155,96 ⁽²⁾
10.03	Barley	15,50	180,03
10.04	Oats	80,51	133,53
10.05 B	Maize, other than hybrid maize for sowing	6,48	182,95 ⁽²⁾ ⁽³⁾ ⁽⁴⁾
10.07 A	Buckwheat	15,50	119,06
10.07 B	Millet	15,50	112,76 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	30,90	186,98 ⁽⁴⁾ ⁽⁵⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	15,50	36,40 ⁽⁵⁾
11.01 A	Wheat or meslin flour	—	268,02
11.01 B	Rye flour	52,70	232,52
11.02 A I a)	Durum wheat groats and meal	72,79	393,95
11.02 A I b)	Common wheat groats and meal	—	288,98

⁽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 Council 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 2693/87

of 7 September 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 1900/87 ⁽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⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾, 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 1945/87 ⁽⁵⁾ 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 4 September 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 coming from 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 coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 September 1987.

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

Done at Brussels, 7 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 41.

ANNEX

to the Commission Regulation of 7 September 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 9	1st period 10	2nd period 11	3rd period 12
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0,48	0,48	0
10.02	Rye	0	1,56	1,56	1,56
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	8,57	8,56	8,57
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)

CCT heading No	Description	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	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 2694/87

of 7 September 1987

re-establishing the levying of customs duties on gelatin and gelatin derivatives falling within subheading 35.03 ex B, originating in Colombia and Brazil, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3924/86 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3924/86 of 16 December 1986 applying generalized tariff preferences for 1987 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Articles 1 and 12 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of gelatin and gelatin derivatives, falling within subheading 35.03 ex B of the Common Customs Tariff, originating in Colombia and Brazil, the individual ceiling was fixed at 660 000 ECU; whereas, on 21 August 1987, imports of these products into the Community originating in Colombia and Brazil reached the ceiling in question after being charged thereagainst; whereas it is appropriate to re-establish the levying of customs duties in respect of the products in question against Colombia and Brazil,

HAS ADOPTED THIS REGULATION:

Article 1

As from 11 September 1987, the levying of customs duties, suspended pursuant to Regulation (EEC) No 3924/86, shall be re-established on imports into the Community of the following products originating in Colombia and Brazil:

Order No	CCT heading No and NIMEXE-code	Description
10.0430	35.03 ex B (35.03-91)	Gelatin and gelatin derivatives

Article 2

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

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

Done at Brussels, 7 September 1987.

For the Commission
COCKFIELD
Vice-President

⁽¹⁾ OJ No L 373, 31. 12. 1986, p. 1.

COMMISSION REGULATION (EEC) No 2695/87

of 7 September 1987

amending Regulation (EEC) No 602/87 as regards certain detailed rules for applying compulsory distillation as referred to in Article 39 of Council Regulation (EEC) No 822/87

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

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1972/87 ⁽²⁾, and in particular Article 39 (9) thereof,

Whereas the delivery of wine for a compulsory distillation has been delayed in certain regions of the Community because of national provisions restricting the movement of means of transport during the summer months; whereas in order to enable producers to fulfil their obligations and so achieve the fullest possible relief of the market it is necessary to amend Commission Regulation (EEC) No 602/87 ⁽³⁾, as amended by Regulation (EEC) No 2293/87 ⁽⁴⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EEC) No 602/87 the last paragraph shall read:

'The dates specified in Article 12 (4) and (5), in the first subparagraph of Article 17 (1), in Article 18 (1), (2), (3) and (5), and in Article 22 of Regulation (EEC) No 854/86 are put back by 45 days.'

Article 2

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

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

Done at Brussels, 7 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 184, 3. 7. 1987, p. 26.

⁽³⁾ OJ No L 58, 28. 2. 1987, p. 48.

⁽⁴⁾ OJ No L 209, 31. 7. 1987, p. 41.

COMMISSION REGULATION (EEC) No 2696/87

of 7 September 1987

amending Regulation (EEC) No 603/87 providing, for the 1986/87 wine year, for the distillation of table wine referred to in Article 41 (10) of Council Regulation (EEC) No 822/87

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1972/87 ⁽²⁾, and in particular Article 41 (10) thereof,

Whereas Commission Regulation (EEC) No 603/87 of 27 February 1987 ⁽³⁾, as amended by Regulation (EEC) No 1072/87 ⁽⁴⁾, stipulates in Article 6 that distillation operations may not be carried out after 31 August 1987; whereas the large quantity of wine to be distilled under the various measures introduced has prevented certain distillers from respecting this date; whereas there is a risk that the present sluggishness of the market will worsen if the full results anticipated are not derived from the intervention measures; whereas completion of distillation operations should therefore be permitted;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 6 of Regulation (EEC) No 603/87 the date of 31 August 1987 is replaced by 10 September 1987.

Article 2

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

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

Done at Brussels, 7 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 184, 3. 7. 1987, p. 26.

⁽³⁾ OJ No L 58, 28. 2. 1987, p. 53.

⁽⁴⁾ OJ No L 104, 16. 4. 1987, p. 18.

COMMISSION REGULATION (EEC) No 2697/87

of 7 September 1987

on the issuing of a standing invitation to tender for the resale on the internal market of 10 226 tonnes of rye for breadmaking held by the Danish intervention agency

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 1900/87⁽²⁾, and in particular Article 7 (7) thereof,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾ provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁴⁾, as last amended by Regulation (EEC) No 2418/87⁽⁵⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 10 226 tonnes of rye for breadmaking held by the Danish intervention agency should be issued;

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 Danish intervention agency shall issue a standing invitation to tender for the resale on the internal market of 10 226 tonnes of rye for breadmaking held by it in accordance with Regulation (EEC) No 1836/82.

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

Done at Brussels, 7 September 1987.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be on 16 September 1987.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 30 October 1987.
3. Tenders must be lodged with the Danish intervention agency:

Direktoratet for markedsordningerne
EF-Direktoratet
Frederiksborggade 18
DK-1360 København K;
Tel.: (01) 92 70 00, Telex 151 37 DK

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Danish intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁵⁾ OJ No L 223, 11. 8. 1987, p. 5.

COMMISSION REGULATION (EEC) No 2698/87

of 7 September 1987

on the supply of common wheat to the People's Republic of Bangladesh as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid management ⁽¹⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽²⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, by its Decision of 18 July 1986, on the supply of food-aid to Bangladesh the Commission allocated to this country 152 000 tonnes of cereals to be supplied free-at-port of landing undischarged;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as community food-aid ⁽³⁾; whereas it is necessary to specify the time

limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

A tendering procedure is hereby initiated for the award of a contract for the supply of common wheat to Bangladesh in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in Annex I hereto.

The offer submitted shall be deemed to have been drawn up taking account of the charges and constraints resulting from specific clauses set out in the exchange of letter between the Commission and the recipient, published in part in Annex II.

Article 2

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

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

Done at Brussels, 7 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1. and corrigendum OJ No L 42, 12. 2. 1987, p. 54.

⁽²⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽³⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

1. Operation No ⁽¹⁾: 825/87
2. Programme : 1986
3. Recipient : Bangladesh
4. Representative of the recipient ⁽²⁾ : The Secretary, Ministry of Food, Bangladesh Secretariat, Dhaka/Bangladesh
5. Place or country of destination : Bangladesh
6. Product to be mobilized : common wheat
7. Characteristics and quality of the goods ⁽³⁾ :
See list published in *Official Journal of the European Communities* No C 216 of 14 August 1987, page 3 (under II. A.1) Specific characteristics : Hagberg falling number of at least 160.
8. Total quantity : 152 000 tonnes
9. Number of lots : 4 (4 × 38 000 tonnes, Lot 1, 2, 3, 4)
10. Packaging and marking : in bulk
11. Method of mobilization : the Community market
12. Stage of supply : port of landing — undischarged
13. Port of shipment : —
14. Port of landing specified by the recipient : —
15. Port of landing : Chittagong and/or Chalna
16. Address of the warehouse and, if appropriate, port of landing : —
17. Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 15 to 31 October 1987
18. Deadline for the supply : $\left\{ \begin{array}{l} 15 \text{ November 1987 — (Lot : 1)} \\ 15 \text{ December 1987 — (Lots : 2-3-4)} \end{array} \right.$
19. Procedure for determining the costs of supply : tendering
20. Date of expiry of the period allowed for submission of tenders : 12 noon on 22 September 1987
21. In the case of a second invitation to tender :
 - (a) deadline for the submission of tenders : 12 noon on 6 October 1987
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage : 1 to 10 November 1987
 - (c) deadline for the supply : 15 December 1987
22. Amount of the tendering security : 5 ECU/tonne.
23. Amount of the delivery security : 10 % of the amount of the tender in ECU
24. Address for submission of tenders ⁽⁴⁾ :
Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Berlaymont, bureau 6/73, 200, rue de la Loi, B - 1049 Bruxelles, Telex : AGREC 22037 B.
25. Refund payable on request by the successful tenderer ⁽⁵⁾ :
Refund applicable on 5 September 1987 fixed by Regulation (EEC) No 2645/87 in *Official Journal of the European Communities* No L 248 of 1 September 1987, p. 63.

Notes :

- (¹) The operation number is to be quoted in all correspondence.
 - (²) Commission delegate to contact by the successful tenderer : see list published in *Official Journal of the European Communities* No C 227 of 7 September 1985, page 4.
 - (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the products to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned have not been exceeded.
 - (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
 - either by porter at the Office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32
 - 236 10 97
 - 235 01 30
 - (⁵) Regulation (EEC) No 2330/87 (OJ L 210, 1. 8. 1987) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
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*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II — ANEXO II*

ALLOCATION TO BANGLADESH UNDER 1986 FOOD AID PROGRAMME

1. Discharging conditions

The 'Recipient' shall unload as per provisions of the following clauses a cargo of 152 000 tonnes of wheat in bulk to be shipped which is the Food Aid allocation to Bangladesh given by the European Economic Community under the 1986 programme managed by the Commission and transported by the 'Supplier' appointed by the Commission up to Chittagong and/or Chalna at cif free-out basis.

2. Type of vessel to be fixed

It is envisaged that four vessels (self-trimming bulk carriers) will be fixed, each carrying about 35 000 to 40 000 tonnes of wheat. The vessels will be geared ones of maximum length 610', with maximum draft of 35', even keel salt water so that each vessel, after requisite lighterage at Chittagong outer anchorage could, at the Receiver's option, either take berth at Chittagong port and, after discharging requisite quantities and attaining permissible draft, sail to Chalna for completion of discharging, or directly to Chalna for completion of discharging. A maximum of 45 % (forty-five per cent) of each vessel's cargo may be discharged at Chalna at the Receiver's option. Minimum of five hook/hatch. Fully geared with a minimum of 10 tonnes lifting capacity on even hatch. Vessel to be fitted with suitable fenders, such fenders being for owner's/disponent owner's account.

3. Discharging facilities

Vessels will furnish at discharging ports free of expenses to the 'Recipient', winches and/or cranes and the power to drive them, gins and falls in good working conditions and will also supply sufficient lights for night work, as on board, on deck and in the holds, if required. Vessels will provide winchmen at loading and discharging ports at their own expense.

4. Vessels ETA information

Master to wireless/cable nominees of the Recipient MOVEMENTS CHITTAGONG (simultaneously informing BANGLASHIP CHITTAGONG and MOVESTORE DHAKA) for orders regarding discharge 10 days prior to their arrival at the first discharge port, i. e. Chittagong, and state ETA and draft. Orders for discharging will be transmitted to the vessel within five days of the receipt of Master's request. Master to give following notice to the Recipient's nominees; i. e. MOVEMENTS, CHITTAGONG, BANGLASHIP, CHITTAGONG and MOVESTORE, DHAKA:

(a) Upon sailing from loading port vessels must state:

- (i) quantity loaded,
- (ii) arrival draft,
- (iii) T.P.I. (tonne per inch),

(b) 10 days approximate ETA Chittagong Port,
5 days approximate ETA Chittagong Port,
72 hours definite ETA Chittagong Port,
48 hours definite ETA Chittagong Port,
24 hours definite ETA Chittagong Port.

5. Places of discharging

It is envisaged that out of the total 152 000 tonnes of wheat, about 84 000 tonnes will be discharged at Chittagong (1 to 2 safe berth) and the balance of 68 000 tonnes at Chalna (1 to 2 safe berth).

A maximum of 45 % (forty-five percent) of each vessel's cargo may be discharged at Chalna at the Receiver's option.

6. Discharging rate and discharging port(s) time counting

The cargo is to be discharged by the Recipient free of risk and expense to the vessel at the rate of 2 000 (two thousand) metric tonnes in Chittagong and in Chalna per weather working day of 24 consecutive hours, Friday and holidays excepted even if worked. Time from 1200 noon on Thursday and 1700 on a day preceeding holiday until 0900 on Saturday or next working day not to count even if worked. The rate of discharge is based on five or more workable hatches. If, however, the number of workable hatches is less than five, discharging rate will be reduced proportionately. At Chittagong and Chalna laytime will commence to count 24 hours after Notice of Readiness tendered and accepted 'during office hours, whether the vessel is in berth or not. At the discharge port(s), time of shifting from anchorage to berth, berth to berth, and port to port not to count as laytime and expenses will be on Owner's account.

If any trimming is required after lighterage at the Chittagong outer anchorage/discharging and Chittagong Jetty/Silo berth for safe passage to Chalna, it will be on account of the Owners, Receivers providing only empty gunny bags and Owners providing requisite thread for such trimming. Time required for trimming is not to count as laytime. Master to give direction for trimming. Discharge at anchorage to be affected with master's approval.

At Chittagong, outer anchorage and/or at Chalna anchorage, time lost due to cast off of mother vessel with lighter because of swell, not to count as laytime.

7. Lighterage at discharge port

If the vessel(s) arrive at Chittagong and are unable to enter and take jetty/silo berth there due to excess arrival draft, the recipient will undertake lighterage of the requisite quantity of cargo at the Chittagong outer anchorage at their own cost for attaining permissible draft.

After further discharging at Chittagong jetty/silo berth, on attaining the permissible draft for Chalna, subject to the limit of maximum of 45 % of each vessel's cargo for discharging at Chalna, at the receiver's option, the vessel will then proceed to Chalna for completion of discharging. Subject to the limit of maximum of 45 % of each vessel's cargo for discharging at Chalna, at receiver's option, after lighterage at Chittagong outer anchorage, if permissible draft is attained, the vessel may proceed directly to Chalna for completion of discharging. If the vessel(s) arrive with deeper draft than available at the Chittagong outer anchorage, lightening will be carried out at Kutubdia and the vessel(s) to proceed from there to Chittagong outer anchorage as soon as permissible draft is attained. The cost and time for the quantity lightened, including trimming, if any, at Kutubdia, will be on the owner's account. Collision damage, if any, during the lightening will be settled directly between the owners of the mother vessels and the lightening vessels.

Master of the vessel(s) at all times to give full cooperation to the Recipient and/or their Nominees/Agents for expediting discharge. The Recipient/their Nominees/Agents to supply fenders to lightening vessel(s) for avoiding damage.

8. ...

9. ...

10. Payment

Payment by the Commission to the Recipient under this treaty will be phased as follows :

(a) ...

(b) ...

(c) In case of lack of coordination or of facilities between the Supplier and the Recipient through no fault of either part, the Commission will take special and adequate measures for financing the operations.

(d) In the case where some extra costs requested by the Supplier are to be pre-financed by the Recipient, they may be directly paid by the Commission on the Recipient's behalf to the said Supplier or to the relevant Intervention Agency which has awarded the contract after consultation with recipient.

11. Demurrage/Despatch

Should the vessel(s) not be discharged at the rate herein stipulated, demurrage shall be paid by the Recipient at the rate stipulated in the charter party subject to a maximum of US dollars 4 000/- per day lost.

For working time saved at the Port(s) of discharge, despatch money shall be paid to the Recipient at the rate of 50 % of the rate of demurrage.

Demurrage or despatch at the discharging ports, if any, at the amounts specified above, shall be paid, as the case may be, by the Recipient to the Commission or by the Commission to the Recipient.

Laytime at port(s) of discharging to be non-reversible.

12. ...

13. Miscellaneous

Overtime expenses, if any, on account of Port and Customs personnel, will be for the account of the party (owner/their agents or Receiver/their agents) ordering the same, but if ordered by the Port Authorities, to be on the Receiver's/owner's account on 50 : 50 basis. Overtime expenses for vessel's crew to be always on the owner's account.

First opening and last closing of hatches at each port of discharge to be done by vessel's crew at all times outside laytime hours.

Whatever the respective destination of the goods found damaged are, they must be disposed of/destroyed as per port rules prior to sailing out of the vessels.

14. ...

15. ...

16. ...

COMMISSION REGULATION (EEC) No 2699/87

of 7 September 1987

introducing a countervailing charge on fresh lemons originating in Argentina

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 2275/87⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1426/86 of 25 May 1987 fixing for the 1987/1988 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the month of September 1987 at 55,24 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation

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

Whereas, for fresh lemons originating in Argentina the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 3,40 ECU per 100 kilograms net is applied to fresh lemons (subheading 08.02 C of the Common Customs Tariff) originating in Argentina.

Article 2

This Regulation shall enter into force on 9 September 1987.

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

Done at Brussels, 7 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 209, 31. 7. 1987, p. 4.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 13.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

COMMISSION REGULATION (EEC) No 2700/87**of 7 September 1987****introducing a countervailing charge on fresh lemons originating in Uruguay**

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 2275/87⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2499/87⁽³⁾, amended by Regulation (EEC) No 2607/87⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Uruguay;

Whereas for fresh lemons originating in Uruguay 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 fresh lemons originating in Uruguay can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2499/87 is hereby repealed.

Article 2

This Regulation shall enter into force on 8 September 1987.

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

Done at Brussels, 7 September 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 209, 31. 7. 1987, p. 4.

⁽³⁾ OJ No L 232, 19. 8. 1987, p. 14.

⁽⁴⁾ OJ No L 245, 29. 8. 1987, p. 51.

COMMISSION REGULATION (EEC) No 2701/87
of 7 September 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 1915/87⁽²⁾, and in particular Article 27 (4) thereof,

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 2594/87⁽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 1869/87⁽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 1987/88 marketing year have been fixed in Council Regulations (EEC) No 1917/87⁽⁷⁾ and (EEC) No 1918/87⁽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 2323/87⁽⁹⁾, as last amended by Regulation (EEC) No 2631/87⁽¹⁰⁾;

Whereas the standard quality for sunflower seed has been changed by the Council for the 1987/88 marketing year; whereas the coefficients of equivalence applied to the prices of sunflower seed from third countries should be adjusted accordingly and have not yet been fixed; whereas the amount of the subsidy for sunflower seed for the 1987/88 marketing year was calculated on the basis of

coefficients of equivalence adapted to the new standard quality;

Whereas provisions specifying that the differential amount is calculated on the basis of the target price less 7,5 % should be adopted; whereas the differential amounts for the 1987/88 marketing year were calculated on this basis for colza and rape seed subject to the adoption by the Commission of the Regulation laying down the provisions in question;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2323/87 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83⁽¹¹⁾ shall be as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86⁽¹²⁾ shall be as shown in Annex III to this Regulation for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87⁽¹³⁾ for sunflower seed harvested and processed in Portugal is fixed in Annex III.
4. However, the amount of the subsidy for the 1987/88 marketing year for sunflower seed will be confirmed or replaced with effect from 8 September 1987 to take account, where appropriate, of the effects of the change in the standard quality for sunflower seed.

Article 2

This Regulation shall enter into force on 8 September 1987.

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

⁽²⁾ OJ No L 183, 3. 7. 1987, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 245, 29. 8. 1987, p. 11.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 176, 1. 7. 1987, p. 30.

⁽⁷⁾ OJ No L 183, 3. 7. 1987, p. 14.

⁽⁸⁾ OJ No L 183, 3. 7. 1987, p. 16.

⁽⁹⁾ OJ No L 210, 1. 8. 1987, p. 41.

⁽¹⁰⁾ OJ No L 248, 1. 9. 1987, p. 32.

⁽¹¹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹²⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹³⁾ OJ No L 183, 3. 7. 1987, p. 18.

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

Done at Brussels, 7 September 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 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2
1. Gross aids (ECU):						
— Spain	0,000	0,000	0,000	0,000	0,000	0,000
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	25,247	24,861	25,118	25,411	25,288	25,279
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	61,05	60,15	60,79	61,57	61,32	61,59
— Netherlands (Fl)	67,95	66,93	67,62	68,50	68,19	68,45
— BLEU (Bfrs/Lfrs)	1 210,81	1 192,17	1 204,50	1 218,04	1 211,99	1 207,26
— France (FF)	184,14	181,11	182,77	184,53	183,39	183,77
— Denmark (Dkr)	218,89	215,45	217,67	220,22	219,05	217,34
— Ireland (£ Irl)	20,470	20,132	20,338	20,551	20,425	20,329
— United Kingdom (£)	14,953	14,648	14,799	14,977	14,828	14,657
— Italy (Lit)	39 080	38 423	38 711	39 028	38 769	38 529
— Greece (Dr)	2 636,38	2 547,16	2 566,37	2 567,70	2 523,87	2 459,81
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Pta)	3 821,77	3 761,25	3 777,66	3 812,37	3 790,72	3 760,70
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 971,09	4 895,74	4 907,81	4 946,95	4 917,94	4 868,85

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kilograms)

	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2
1. Gross aids (ECU):						
— Spain	2,500	2,500	2,500	2,500	2,500	2,500
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	27,747	27,361	27,618	27,911	27,788	27,779
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	67,01	66,12	66,75	67,54	67,28	67,56
— Netherlands (Fl)	74,63	73,61	74,31	75,18	74,87	75,13
— BLEU (Bfrs/Lfrs)	1 330,98	1 312,34	1 324,66	1 338,20	1 332,15	1 327,43
— France (FF)	202,83	199,80	201,46	203,22	202,08	202,46
— Denmark (Dkr)	240,78	237,34	239,56	242,11	240,94	239,23
— Ireland (£ Irl)	22,548	22,211	22,416	22,629	22,504	22,408
— United Kingdom (£)	16,593	16,289	16,439	16,618	16,468	16,298
— Italy (Lit)	43 072	42 415	42 704	43 020	42 761	42 522
— Greece (Dr)	2 957,23	2 868,01	2 887,22	2 888,55	2 844,72	2 780,66
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	385,53	385,53	385,53	385,53	385,53	385,53
— in another Member State (Pta)	4 207,31	4 146,78	4 163,19	4 197,91	4 176,25	4 146,23
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	429,31	429,31	429,31	429,31	429,31	429,31
— in another Member State (Esc)	5 400,40	5 325,05	5 337,12	5 376,26	5 347,26	5 298,16

ANNEX III

Aids to sunflower seed

(amounts per 100 kilograms)

	Current 9	1st period (°) 10	2nd period (°) 11	3rd period (°) 12	4th period (°) 1
1. Gross aids (ECU):					
— Spain	3,440	3,440	3,440	3,440	3,440
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	35,257	35,257	35,730	36,099	36,416
2. Final aids:					
(a) Seed harvested and processed in (°):					
— Federal Republic of Germany (DM)	85,00	85,00	86,14	87,11	87,88
— Netherlands (Fl)	94,75	94,75	96,02	97,10	97,95
— BLEU (Bfrs/Lfrs)	1 691,71	1 691,71	1 714,45	1 731,62	1 746,81
— France (FF)	258,57	258,57	261,89	264,20	266,50
— Denmark (Dkr)	306,34	306,34	310,48	313,69	316,44
— Ireland (£ Irl)	28,745	28,745	29,136	29,411	29,668
— United Kingdom (£)	21,377	21,377	21,688	21,916	22,104
— Italy (Lit)	54 956	54 954	55 597	56 029	56 516
— Greece (Dr)	3 867,40	3 845,62	3 899,41	3 909,13	3 941,40
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	530,49	530,49	530,49	530,49	530,49
— in another Member State (Pta)	4 172,60	4 172,60	4 220,64	4 266,20	4 314,28
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	7 139,21	7 134,22	7 185,60	7 239,17	7 292,99
— in another Member State (Esc)	6 907,55	6 902,72	6 952,43	7 004,26	7 056,34
3. Compensatory aids:					
— in Spain (Pta)	4 111,97	4 111,07	4 159,11	4 204,67	4 256,38
4. Special aid:					
— in Portugal (Esc)	6 907,55	6 902,72	6 952,43	7 004,26	7 056,34

(°) Subject to the effect of the new standard quality on the coefficients of equivalence.

(°) 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 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2
DM	2,070690	2,065580	2,060310	2,054770	2,054770	2,040580
Fl	2,334270	2,330900	2,327450	2,324040	2,324040	2,307000
Bfrs/Lfrs	43,068100	43,052000	43,040500	43,031800	43,031800	43,019200
FF	6,923890	6,929930	6,936950	6,945970	6,945970	6,980360
Dkr	7,973710	7,989250	8,003190	8,023620	8,023620	8,082920
£ Irl	0,777225	0,778502	0,780234	0,781935	0,781935	0,788550
£	0,700769	0,701939	0,703271	0,704619	0,704619	0,708856
Lit	1 501,41	1 509,90	1 518,15	1 525,94	1 525,94	1 544,34
Dr	157,53700	159,28800	160,89300	162,52600	162,52600	167,57200
Esc	162,90700	164,05200	165,06600	166,28700	166,28700	169,43200
Pta	139,34900	140,48700	141,32200	142,15000	142,15000	144,33300

COUNCIL REGULATION (EEC) No 2702/87**of 4 September 1987****repealing a definitive anti-dumping duty on styrene monomer originating in the United States of America and terminating the investigation**

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⁾, as amended by Regulation (EEC) No 1761/87⁽²⁾, and in particular Article 14 thereof,

Having regard to the proposal submitted by the Commission after consultations within the Advisory Committee provided for in that Regulation,

Whereas :

A. Procedure

- (1) In June 1981 by Regulation (EEC) No 1570/81⁽³⁾ the Council imposed a definitive anti-dumping duty on styrene monomer originating in the United States of America.

In December 1985 the Commission gave notice⁽⁴⁾ of the impending expiry of the anti-dumping measure in question pursuant to Article 15 of Regulation (EEC) No 2176/84.

- (2) The Commission then received a review request from the Conseil Européen des Fédérations de l'Industrie Chimique (CEFIC) representing the vast majority of production of the product concerned in the former Community of Ten Member States. In view of the enlargement of the Communities, the Spanish producer associated itself with the request.

In September 1986 the Commission, having decided that there was sufficient evidence to warrant a review, published⁽⁵⁾ a notice of the re-opening of the anti-dumping proceeding concerning imports of styrene monomer falling within subheading 29.01 D II of the Common Customs Tariff and corresponding to NIMEXE code 29.01-71, originating in the United States of America.

- (3) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the

Community producers and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

Most of the US producers/exporters and their main affiliates in the Community made their views known in writing. Some of them requested hearings, which were granted.

- (4) No submissions were made on behalf of the independent Community purchasers or processors of styrene monomer.
- (5) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following Community producers :

— France :

ATOCHEM (Paris);

— Germany :

BASF Aktiengesellschaft (Ludwigshafen);

— Italy :

Montedipe (Milano);

— United Kingdom :

BP Chemicals Ltd (London),

Shell International Chemical Company Ltd (London).

- (6) The investigation covered the period 1 September 1985 to 31 August 1986.

B. Normal value

- (7) Normal value was provisionally determined on the basis of the domestic prices of the producers having exported to the Community who provided sufficient evidence and whose prices were considered to be representative of the domestic market concerned. It was calculated on the basis of monthly weighted averages.

C. Export price

- (8) For those exports which were made directly to an independent importer in the Community the Commission used the prices actually paid or payable for the produce sold for export to the Community.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽³⁾ OJ No L 154, 13. 6. 1981, p. 10.

⁽⁴⁾ OJ No C 338, 31. 12. 1985, p. 6.

⁽⁵⁾ OJ No C 231, 12. 9. 1986, p. 5.

- (9) Where exports were made to subsidiary companies in the Community which resold the product in question on the free market in the Community, export prices were constructed on the basis of the prices at which the imported product was first resold to an independent buyer, a suitable allowance being made to take account of all costs incurred between importation and resale including customs duty and a profit margin of 4 % considered reasonable in the light of the profit margins of independent importers of the product in question.
- (10) Where exports were made to subsidiary companies in the Community which used the product only for their captive requirements, producing various other products derived from styrene monomer and which did not resell styrene to independent customers in the Community, the Commission disregarded these exports because of the problems involved in establishing a reliable export price for this product. This approach was also considered appropriate because certain US exports had been exempted from the application of the definitive anti-dumping duty for the same reasons.

D. Comparison

- (11) In comparing normal value with each export transaction, the Commission took account, where appropriate, of differences affecting price comparability, in particular of differences in conditions and terms of sale such as credit terms, commission, transport, storage, handling and customs clearance.

All comparisons were made at ex-works level.

E. Margins

- (12) The preliminary examination of the facts shows the existence of dumping, the margins of dumping being equal to the amount by which the normal value as established exceeds the export price to the Community. Depending on the exporter concerned, the weighted average dumping margins vary between 1,9 % and 5,9 %.

F. Injury and threat of injury

- (13) With regard to injury caused by the dumped imports, the evidence available to the Commission shows that imports into the Community from the United States of America of styrene monomer which have been sold on the free market to independent buyers in the Community have decreased from 40 000 tonnes in 1982 to 27 000 tonnes in 1985 and stood at 17 500 tonnes in the first nine

months of 1986. Their share of the free market fell in the same period from 6,4 % to 3,3 % and remained practically stable at this level during the first nine months of 1986. The Commission further took into account that during the investigation period certain quantities of the imported product had been purchased by Community producers themselves and/or exported by US producers exempt from anti-dumping duties. On the basis of the evidence available it is estimated that the market share of the dumped product which effectively entered the free market in the Community was less than 1,5 % during the investigation period.

- (14) The Commission also found no evidence indicating that the prices at which the dumped product was resold on the free Community market undercut the prices of Community producers or have caused price depression in the Community. Although prices for styrene monomer had decreased considerably during the first half of the investigation period, this could in no way be attributed to the imports under consideration but was due to cost savings from significantly decreasing raw material prices. These were partly passed on to consumers, leaving, nevertheless, most of the Community producers with increasing profit margins. The situation became even more favourable in the second half of 1986 when styrene prices started to climb strongly in the Community and world-wide. The outlook for the current year is for further price increases and strongly improving profit margins.

- (15) Total Community production of styrene monomer climbed from 2,25 million tonnes in 1982 to 2,90 million tonnes in 1986, corresponding to an increase of 28,8 %. The growth of production was in line with the increase in demand both in the Community and in the principal world markets. Styrene plant capacity has not been expanded in the Community since 1982 and utilization reached its technical maximum in 1986. Coinciding plant shut-downs and buoyant demand even led to distinct supply shortages in the Community in the second half of 1986.

- (16) The outlook for the styrene market in the Community for the current year and beyond continues to be very favourable for Community producers. In view of sustained demand and capacity limitations combined with the normal scheduled plant shut-downs for maintenance, in the Community as well as in the United States of America, it appears likely that, as in 1986, supply shortages will persist throughout the current year and beyond, and that styrene prices will remain at high levels as will the profitability of Community producers.

- (17) The very favourable market situation for styrene monomer in the Community and other parts of the world, which can be expected to persist in the foreseeable future, the significant improvement of the situation of the Community industry with regard to sales, production, capacity utilization, prices and profits, together with the decrease of the market share of the imported product, led the Commission to determine that the dumped imports of styrene monomer originating in the United States of America taken in isolation did not cause, nor are they threatening to cause, material injury to the Community industry concerned. It therefore was decided that the investigation may be terminated without the imposition of measures.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1570/81 is hereby repealed.

Article 2

The anti-dumping proceeding concerning imports of styrene monomer originating in the United States of America and falling within subheading 29.01 D II of the Common Customs Tariff and corresponding to NIMEXE code 29.01-71 is hereby terminated.

Article 3

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

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

Done at Brussels, 4 September 1987.

For the Council

The President

K. E. TYGESEN
