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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1654/88**of 14 June 1988****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) 1097/88 ⁽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 4047/87 ⁽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 13 June 1988;

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 4047/87 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 15 June 1988.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 378, 31. 12. 1987, p. 99.

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

Done at Brussels, 14 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 14 June 1988 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	16,55	163,07
0712 90 19	16,55	163,07
1001 10 10	73,91	246,66 ⁽¹⁾ ⁽²⁾
1001 10 90	73,91	246,66 ⁽¹⁾ ⁽²⁾
1001 90 91	11,45	184,27
1001 90 99	11,45	184,27
1002 00 00	51,75	164,18 ⁽³⁾
1003 00 10	45,43	164,12
1003 00 90	45,43	164,12
1004 00 10	101,89	135,50
1004 00 90	101,89	135,50
1005 10 90	16,55	163,07 ⁽²⁾ ⁽³⁾
1005 90 00	16,55	163,07 ⁽²⁾ ⁽³⁾
1007 00 90	40,05	167,40 ⁽⁴⁾
1008 10 00	45,43	99,02
1008 20 00	45,43	149,42 ⁽⁴⁾
1008 30 00	45,43	61,17 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	45,43	61,17
1101 00 00	31,23	273,18
1102 10 00	87,65	245,06
1103 11 10	128,41	395,28
1103 11 90	31,32	292,62

⁽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 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 1655/88

of 14 June 1988

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 1097/88⁽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 4048/87⁽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 13 June 1988;

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 15 June 1988.

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

Done at Brussels, 14 June 1988.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 378, 31. 12. 1987, p. 102.

ANNEX

to the Commission Regulation of 14 June 1988 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 6	1st period 7	2nd period 8	3rd period 9
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1656/88
of 14 June 1988
fixing the import levies on milk and milk 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 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1109/88 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1474/88 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1474/88 to the prices

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

1. The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

2. There shall be no levy for imports from Portugal, including the Azores and Madeira, for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 16 June 1988.

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

Done at Brussels, 14 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 27.

⁽³⁾ OJ No L 134, 31. 5. 1988, p. 8.

ANNEX

to the Commission Regulation of 14 June 1988 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0401 10 10		18,43
0401 10 90		17,22
0401 20 11		25,62
0401 20 19		24,41
0401 20 91		31,60
0401 20 99		30,39
0401 30 11		81,83
0401 30 19		80,62
0401 30 31		157,92
0401 30 39		156,71
0401 30 91		265,40
0401 30 99		264,19
0402 10 11		130,28
0402 10 19		123,03
0402 10 91	(¹)	1,2303/kg + 31,93
0402 10 99	(¹)	1,2303/kg + 24,68
0402 21 11		196,00
0402 21 17		188,75
0402 21 19		188,75
0402 21 91		235,84
0402 21 99		228,59
0402 29 11	(¹) (²)	1,8875/kg + 31,93
0402 29 15	(¹)	1,8875/kg + 31,93
0402 29 19	(¹)	1,8875/kg + 24,68
0402 29 91	(¹)	2,2859/kg + 31,93
0402 29 99	(¹)	2,2859/kg + 24,68
0402 91 11		30,88
0402 91 19		30,88
0402 91 31		38,60
0402 91 39		38,60
0402 91 51		157,92
0402 91 59		156,71
0402 91 91		265,40
0402 91 99		264,19
0402 99 11		53,76
0402 99 19		53,76
0402 99 31	(¹)	1,5429/kg + 28,31
0402 99 39	(¹)	1,5429/kg + 27,10
0402 99 91	(¹)	2,6177/kg + 28,31
0402 99 99	(¹)	2,6177/kg + 27,10

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0403 10 11		28,03
0403 10 13		34,01
0403 10 19		84,24
0403 10 31	(¹)	0,2199/kg + 30,72
0403 10 33	(¹)	0,2797/kg + 30,72
0403 10 39	(¹)	0,7820/kg + 30,72
0403 90 11		130,28
0403 90 13		196,00
0403 90 19		235,84
0403 90 31	(¹)	1,2303/kg + 31,93
0403 90 33	(¹)	1,8875/kg + 31,93
0403 90 39	(¹)	2,2859/kg + 31,93
0403 90 51		28,03
0403 90 53		34,01
0403 90 59		84,24
0403 90 61	(¹)	0,2199/kg + 30,72
0403 90 63	(¹)	0,2797/kg + 30,72
0403 90 69	(¹)	0,7820/kg + 30,72
0404 10 11		24,62
0404 10 19	(¹)	0,2462/kg + 24,68
0404 10 91	(²)	0,2462/kg
0404 10 99	(²)	0,2462/kg + 24,68
0404 90 11		130,28
0404 90 13		196,00
0404 90 19		235,84
0404 90 31		130,28
0404 90 33		196,00
0404 90 39		235,84
0404 90 51	(¹)	1,2303/kg + 31,93
0404 90 53	(¹)	1,8875/kg + 31,93
0404 90 59	(¹)	2,2859/kg + 31,93
0404 90 91	(¹)	1,2303/kg + 31,93
0404 90 93	(¹)	1,8875/kg + 31,93
0404 90 99	(¹)	2,2859/kg + 31,93
0405 00 10		273,99
0405 00 90		334,27
0406 10 10		284,95
0406 10 90		332,35
0406 20 10	(²)	394,60
0406 20 90		394,60
0406 30 10	(²)	219,23
0406 30 31	(²)	214,29
0406 30 39	(²)	219,23
0406 30 90	(²)	315,95
0406 40 00	(²)	157,44
0406 90 11	(²)	252,46

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note	Import levy
0406 90 13	(³)	250,05
0406 90 15	(³)	250,05
0406 90 17	(³)	250,05
0406 90 19	(³)	394,60
0406 90 21	(³)	252,46
0406 90 23	(³)	235,63
0406 90 25	(³)	235,63
0406 90 27	(³)	235,63
0406 90 29	(³)	235,63
0406 90 31	(³)	235,63
0406 90 33		235,63
0406 90 35	(³)	235,63
0406 90 37	(³)	235,63
0406 90 39	(³)	235,63
0406 90 50	(³)	235,63
0406 90 61		394,60
0406 90 63		394,60
0406 90 69		394,60
0406 90 71		284,95
0406 90 73		235,63
0406 90 75		235,63
0406 90 77		235,63
0406 90 79		235,63
0406 90 81		235,63
0406 90 83		235,63
0406 90 85		235,63
0406 90 89	(³)	235,63
0406 90 91		284,95
0406 90 93		284,95
0406 90 97		332,35
0406 90 99		332,35
1702 10 90	(⁴)	42,54
2106 90 51		42,54
2309 10 15		94,69
2309 10 19		122,99
2309 10 39		115,99
2309 10 59		97,42
2309 10 70		122,99
2309 90 35		94,69
2309 90 39		122,99
2309 90 49		115,99
2309 90 59		97,42
2309 90 70		122,99

-
- (¹) The levy on 100 kg of product falling within this subheading is equal to the sum of the following :
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product ; and
 - (b) the other amount indicated.
- (²) The levy on 100 kg of product falling within this subheading is equal to :
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (³) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (⁴) Lactose and lactose syrup falling within subheading 1702 10 10 are subject, pursuant to Regulation (EEC) No 2730/75, to the same levy as that applicable to lactose falling within subheading 1702 10 90.
-

COMMISSION REGULATION (EEC) No 1657/88

of 13 June 1988

concerning the stopping of fishing for shrimps by vessels flying the flag of Denmark

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3978/87 of 15 December 1987 allocating, for 1988, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone around Jan Mayen ⁽²⁾, provides for shrimps, quotas for 1988;

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

Whereas, according to the information communicated to the Commission, catches of shrimps in the waters of ICES division IV by vessels flying the flag of Denmark or registered in Denmark have reached the quota allocated

for 1988; whereas Denmark has prohibited fishing for this stock as from 5 June 1988; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of shrimps in the waters of ICES division IV by vessels flying the flag of Denmark or registered in Denmark are deemed to have exhausted the quota allocated to Denmark for 1988.

Fishing for shrimps in the waters of ICES division IV by vessels flying the flag of Denmark or registered in Denmark is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

*Article 2*This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 5 June 1988.

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

Done at Brussels, 13 June 1988.

For the Commission

António CARDOSO E CUNHA

Member of the Commission⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.⁽²⁾ OJ No L 375, 31. 12. 1987, p. 35.

COMMISSION REGULATION (EEC) No 1658/88**of 13 June 1988****amending Regulation (EEC) No 3815/87 on the sale at prices fixed at a standard rate in advance of certain bone-in beef and veal held by certain intervention agencies and intended for export**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3905/87 ⁽²⁾,

Whereas Commission Regulation (EEC) No 3815/87 ⁽³⁾, as last amended by Regulation (EEC) No 1232/88 ⁽⁴⁾, provides for a sale of hindquarters for export without further processing or after boning;

Whereas, in the light of the market trend, certain selling prices should be adjusted;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3815/87 is hereby amended as follows:

1. In Article 3 (2) the amount '130 ECU' is replaced by '150 ECU'.
2. In Annex I, the sale prices of '215,00' and '205,00' are hereby replaced by '190,00'.

Article 2

This Regulation shall enter into force on 21 June 1988.

It shall apply to contracts concluded on or after 21 June 1988.

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

Done at Brussels, 13 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 7.

⁽³⁾ OJ No L 357, 19. 12. 1987, p. 24.

⁽⁴⁾ OJ No L 118, 6. 5. 1988, p. 10.

COMMISSION REGULATION (EEC) No 1659/88

of 14 June 1988

amending Regulation (EEC) No 1564/88 increasing to 20 000 tonnes the quantity of barley held by the Belgian intervention agency for which a standing invitation to tender for export has been opened

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 1097/88 ⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 2418/87 ⁽⁴⁾;

Whereas Commission Regulation (EEC) No 1564/88 ⁽⁵⁾, opened a standing invitation to tender for the export of 10 000 tonnes of barley held by the Belgian intervention agency; whereas, in a communication of 10 June 1988, Belgium informed the Commission of the intention of its intervention agency to increase by 10 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of barley held by the Belgian intervention agency, for which a standing invitation to tender for export has been opened, should be increased to 20 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1564/88 must therefore be amended;

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

Article 2 of Regulation (EEC) No 1564/88 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 20 000 tonnes of barley to be exported to all third countries.

2. The regions in which the 20 000 tonnes of barley are stored are listed in Annex I hereto.'

Article 2

Annex I to Regulation (EEC) No 1564/88 is replaced by the Annex hereto.

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, 14 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 141, 8. 6. 1988, p. 5.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Hainaut	2 500
Namur	14 000
Liège	3 500

COMMISSION REGULATION (EEC) No 1660/88

of 14 June 1988

repealing Regulation (EEC) No 2846/87 concerning an invitation to tender for the refund on export of wholly milled long grain rice to certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 3990/87 ⁽²⁾, and in particular Article 17 thereof,

Having regard to 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⁾, and in particular Article 4 thereof,

Whereas Commission Regulation (EEC) No 2846/87 ⁽⁴⁾, issued an invitation to tender for the refund on export of wholly milled long grain rice to certain third countries ;

Whereas the recent movement of rice prices in producing Member States will allow a normal development of the rice market up to the end of the 1987/88 marketing year ;

whereas the provisions in the rice balance sheet for rice exports to third countries have now been reached ; whereas it is therefore opportune to close the aforementioned tender ;

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

Regulation (EEC) No 2846/87 is hereby repealed.

Article 2

This Regulation shall enter into force on 15 June 1988.

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

Done at Brussels, 14 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 15.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 272, 25. 9. 1987, p. 10.

COMMISSION REGULATION (EEC) No 1661/88

of 14 June 1988

amending Regulation (EEC) No 3150/87 increasing to 825 000 tonnes the quantity of durum wheat held by the Italian intervention agency for which a standing invitation to tender for export has been opened

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 1097/88 ⁽²⁾, and in particular Article 7(5) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 2418/87 ⁽⁴⁾,

Whereas Commission Regulation (EEC) No 3150/87 ⁽⁵⁾, as last amended by Regulation (EEC) No 1558/88 ⁽⁶⁾, opened a standing invitation to tender for the export of 750 000 tonnes of durum wheat held by the Italian intervention agency; whereas, in a communication of 10 June 1988, Italy informed the Commission of the intention of its intervention agency to increase by 75 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of durum wheat held by the Italian intervention agency for which a standing invitation to tender for export has been opened should be increased to 825 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 3150/87 must therefore be amended;

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

Article 2 of Regulation (EEC) No 3150/87 is replaced by the following:

Article 2

1. This invitation to tender shall cover a maximum of 825 000 tonnes of durum wheat to be exported to all third countries.

2. The regions in which the 825 000 tonnes of durum wheat are stored are listed in Annex I hereto.

Article 2

Annex I to Regulation (EEC) No 3150/87 is replaced by the Annex hereto.

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, 14 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 300, 23. 10. 1987, p. 13.

⁽⁶⁾ OJ No L 140, 7. 6. 1988, p. 7.

ANNEX

ANNEX I

(tonnes)	
Place of storage	Quantity
Cuneo	10 976,337
Torino	2 851,107
Genova	12 792,700
Venezia	14 950,975
Pavia	15 415,673
Treviso	5 000,000
Verona	7 149,397
Padova	4 084,826
Ravenna	83 664,560
Bologna	33 463,602
Ferrara	116 309,752
Reggio Emilia	25 337,757
Rovigo	12 781,811
Ancona	11 609,536
La Spezia	43 580,565
Firenze	15 726,800
Livorno	20 000,000
Grosseto	19 251,310
Siena	11 325,486
Macerata	1 361,676
Perugia	555,940
Chieti	312,612
Pescara	1 675,396
Viterbo	24 544,229
Roma	22 479,190
Caserta	16 391,625
Napoli	46 309,343
Brindisi	9 202,864
Foggia	129 649,861
Bari	40 736,262
Matera	15 000,000
Caltanissetta	13 315,299
Palermo	15 602,729
Catania	14 790,780
Lucca	1 800,000
Messina	5 000,000

COMMISSION REGULATION (EEC) No 1662/88
of 14 June 1988
suspending advance fixing of the import levy for cereals

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 1097/88⁽²⁾, and in particular the second subparagraph of Article 15 (7) thereof,

Whereas Article 15 (7) of Regulation (EEC) No 2727/75 provides that the provisions concerning advance fixing of the levy may be suspended if the market situation shows that the application of these provisions is causing or is likely to cause difficulties;

Whereas, in view of the uncertainty reigning on the markets, there is a danger that the continuation of the

present system could give rise to speculative operations; whereas the advance fixing of the import levy for cereals should therefore be suspended,

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of the import levy on the products referred to in Article 1 (a), (b), and (c) of Regulation (EEC) No 2727/75 is hereby suspended from 15 until 17 June 1988.

Article 2

This Regulation shall enter into force on 15 June 1988.

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

Done at Brussels, 14 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 7.

COMMISSION REGULATION (EEC) No 1663/88
of 14 June 1988
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3993/87 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2054/87 ⁽³⁾, as last amended by Regulation (EEC) No 1626/88 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2054/87 to the infor-

mation known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 June 1988.

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

Done at Brussels, 14 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 23.

⁽³⁾ OJ No L 192, 11. 7. 1987, p. 38.

⁽⁴⁾ OJ No L 145, 11. 6. 1988, p. 31.

ANNEX

to the Commission Regulation of 14 June 1988 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	38,56 ⁽¹⁾
1701 11 90	38,56 ⁽¹⁾
1701 12 10	38,56 ⁽¹⁾
1701 12 90	38,56 ⁽¹⁾
1701 91 00	47,39
1701 99 10	47,39
1701 99 90	47,39

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 1664/88
of 14 June 1988

fixing the maximum export refunds on olive oil for the 10th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3129/87

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

Having regard to Council Regulation (EEC) 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 3994/87 ⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽³⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EEC) No 3129/87 ⁽⁴⁾, as amended by Regulation (EEC) 834/88 ⁽⁵⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3129/87 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the abovementioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 10th partial invitation to tender under the standing invitation to tender issued by amended Regulation (EEC) No 3129/87 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 June 1988.

Article 2

This Regulation shall enter into force on 15 June 1988.

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

Done at Brussels, 14 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

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

⁽²⁾ OJ No L 377, 31. 12. 1987, p. 30.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 296, 21. 10. 1987, p. 10.

⁽⁵⁾ OJ No L 85, 30. 3. 1988, p. 22.

ANNEX

to the Commission Regulation of 14 June 1988 fixing the maximum export refunds on olive oil for the 10th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3129/87

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 100	56,95
1509 10 90 900	107,92
1509 90 00 100	60,95
1509 90 00 900	114,50
1510 00 90 100	17,00
1510 00 90 900	59,50

NB: The products codes and the footnotes are defined in Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EEC) No 1665/88
of 14 June 1988
altering the corrective amount applicable to the refund on cereals

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 1097/88 ⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16 (4) thereof,

Having regard to 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⁾,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 1377/88 ⁽⁴⁾, as last amended by Regulation (EEC) No 1513/88 ⁽⁵⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75, fixed in the Annex to amended Regulation (EEC) No 1377/88, which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 June 1988.

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

Done at Brussels, 14 June 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 126, 20. 5. 1988, p. 49.

⁽⁵⁾ OJ No L 135, 1. 6. 1988, p. 47.

ANNEX

to the Commission Regulation of 14 June 1988 altering the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11	6th period 12
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	—	—	—	—	—	—	—	—
1001 10 90 000	01	0	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
1002 00 00 000	01	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00	- 30,00
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 110	01	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1101 00 00 120	01	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1101 00 00 130	01	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1101 00 00 150	01	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1101 00 00 170	01	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1101 00 00 180	01	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 100	01	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1102 10 00 200	01	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1102 10 00 300	01	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1102 10 00 500	01	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 200	01	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 500	01	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 10 900	01	0	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00	- 50,00
1103 11 90 100	01	0	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00	- 40,00
1103 11 90 900	—	—	—	—	—	—	—	—

(1) For the following destinations:

01 All third countries.

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 296/88 (OJ No L 30, 2. 2. 1988).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 April 1988

allocating to the United Kingdom resources to be charged to the 1988 budget year for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community

(88/326/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community⁽¹⁾,

Having regard to Commission Regulation (EEC) No 3744/87 of 14 December 1987 laying down the detailed rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community⁽²⁾, as amended by Regulation (EEC) No 613/88⁽³⁾, and in particular Article 10 thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾, and in particular Article 2 (4) thereof,

Whereas in order to implement the scheme for the supply of such food to that section of the population, to be financed from resources available in the 1988 budget

year, it is necessary to allocate the resources between the Member States; whereas in order to facilitate the implementation of this scheme it is necessary to specify the rate of exchange to be employed in converting ECU into the national currency and to do so at a rate which reflects economic reality;

Whereas statistical data upon which the numbers of the most deprived persons in each Member State may be estimated is now available;

Whereas, on 21 March 1988, the United Kingdom requested Commission authorization to initiate the action on its territory and indicated the quantities of produce that it wished to distribute; whereas it is desirable to authorize this action and, subject to any further allocation pursuant to the provisions of Article 4 (2) of Regulation (EEC) No 3744/87, to make a definitive allocation of resources for its implementation;

Whereas in accordance with the provisions of Article 1 (4) of Regulation (EEC) No 3744/87 the Commission has sought the advice of major organizations familiar with the problems of the most deprived persons in the Community when drawing up this Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. The allocation of the resources referred to in Article 10 of Commission Regulation (EEC) No 3744/87 shall be made as follows:

— United Kingdom: 15 million ECU.

⁽¹⁾ OJ No L 352, 15. 12. 1987, p. 1.

⁽²⁾ OJ No L 352, 15. 12. 1987, p. 33.

⁽³⁾ OJ No L 60, 5. 3. 1988, p. 25.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

This sum shall be converted into national currency at the rate applicable on 4 January 1988 and published in the *Official Journal of the European Communities*, Series C.

2. Subject to the limit set out in paragraph 1, the following quantities of produce may be withdrawn, from intervention, for distribution in the United Kingdom:

- up to 3 000 tonnes of butter,
- up to 2 000 tonnes of beef.

3. The withdrawals referred to in paragraph 2 may be made from 5 April 1988.

Article 2

This Decision is addressed to the Member States. It is applicable from 15 December 1987.

Done at Brussels, 12 April 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 22 April 1988

concerning applications for refund of anti-dumping duties collected on certain imports of certain ball bearings originating in Singapore (NMB (UK) Limited)

(Only the English text is authentic)

(88/327/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1761/87⁽²⁾, and in particular Article 16 thereof,

Whereas :

A. Procedure

- (1) On 19 July 1984, by Council Regulation (EEC) No 2089/84⁽³⁾, a definitive anti-dumping duty of 33,89 % was imposed on imports of certain ball bearings manufactured and exported by the Minebea group of companies and originating in Singapore.
- (2) In 1985 and 1986 NMB (UK) Limited of Bracknell, a wholly owned subsidiary of the Japanese mother company of the Minebea group, applied, on a regular basis, for the refund of anti-dumping duties amounting in total to £...⁽⁴⁾ paid on imports of the ball bearings during the two years in question. This amount represents part of the anti-dumping duties paid; a refund of the remainder was not requested.
- (3) Following submissions by the applicant, additional information on certain costs, prices, commercial conditions and commercial activities of the Minebea group outside Singapore was requested by the Commission on the basis of the Commission notice concerning the reimbursement of anti-dumping duties⁽⁵⁾ (hereinafter referred to as Notice). The applicant complied with all requests for additional information to the satisfaction of the Commission. Subsequently, the applicant was

informed of the preliminary results of this examination and given an opportunity to comment on it. It did so, and the comments were taken into consideration prior to this Decision.

- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

B. Argument of the applicant

- (5) The applicant has based its claims on the allegation that, for certain sales in the Community, export prices were such that either dumping did not exist or that dumping existed at a level lower than the level of the definitive duty of 33,89 %.

C. Admissibility

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

D. Merits of the claim

- (7) The applications are founded in part; for the rest they are unfounded. According to Article 16 (1) of Regulation (EEC) No 2176/84, anti-dumping duties paid by an importer shall be reimbursed if the importer shows that the duty collected exceeds the actual dumping margin, consideration being given to any application of weighted averages. Pursuant to Article 16 (1) and Part II of the Notice the applicant proved that the duty collected exceeded the actual dumping margin to varying degrees depending on the shipment and the bearing type partly as a result of normal value having decreased. To this extent the applications were founded and the applicant agrees with the Commission's calculation. The amount to be refunded is £....
- (8) The applicant requests, however, the refund of an additional amount. For the determination of this additional amount, the applicant agrees with the Commission that, when calculating the dumping margin for the purpose of establishing whether it was exceeded by the level of duty or not, the export prices have to be constructed in accordance with Article 2 (8) (b) of Regulation (EEC) No 2176/84.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.⁽³⁾ OJ No L 193, 21. 7. 1984, p. 1.⁽⁴⁾ In the published version of the Decision, some figures have been omitted pursuant to the provisions of Article 8 of Regulation (EEC) No 2176/84 concerning non-disclosure of business secrets.⁽⁵⁾ OJ No C 266, 22. 10. 1986, p. 2.

Article 2 (8) (b) provides that an export price is constructed on the basis of the price at which the imported product is first resold to an independent buyer and that allowance shall be made for all costs incurred by the related importer between importation and resale, including customs duties, any anti-dumping duties and other taxes, and for a reasonable profit margin.

The applicant maintains, however, that in constructing the export price, the anti-dumping duty should not be deducted; this would then result in a lower dumping margin for the refund calculation and consequently in a higher amount to be refunded.

The applicant justifies its request by claiming that, as a result of the Commission's position, imports by independent importers are treated differently from imports by related importers.

The Commission has evaluated this argument; it does not find it acceptable.

It is of the opinion that the wording of Article 2 (8) (b) is clear: all duties, including anti-dumping duties have to be deducted from the resale price. The Commission would, therefore, by granting the applicant's request, infringe the express requirement of Article 2 (8) (b) and of Part II 2 (b) and (c) of the Notice. Regulation (EEC) No 2176/84 establishes different rules for the determination of the export price in different situations depending on whether the importer is related to the exporter or not. This cannot be considered discriminatory.

The second essential argument by the applicant, who sold on a duty-paid basis, is that a simple increase of its resale price in the Community by an amount equivalent to the amount of the duty, would not allow it to qualify for a refund. The Commission stresses that, had the applicant sold on a duty-unpaid basis, a single increase would have been sufficient to allow it to qualify for a refund.

Even where, as in the applicant's situation, the imported product was resold in the Community on a duty-paid basis, only one increase of the resale price by an amount equivalent to the amount of

the duty is necessary, provided that the Commission is satisfied that in the particular circumstances of the case under consideration this increase in the price paid by the independent buyer eliminates or reduces the dumping margin and does not represent merely the anti-dumping duty which the importer could pass back to its customer if it obtained a refund. This could be the case, for example, if either the costs incurred between importation and resale by NMB or Minebea's normal value had been reduced since the original investigation period. In addition, other changes in circumstances could require the application of different adjustment or calculation methods which could lead to the same result, i.e. the elimination or reduction of the dumping margin by a single price increase. In the present case there is no evidence that these conditions are met.

For these reasons the applicant's request for the refund of an additional amount has to be rejected,

HAS ADOPTED THIS DECISION:

Article 1

The refund applications submitted by NMB (UK) Limited of Bracknell, for the years 1985 and 1986 are granted for £... and rejected for the remainder.

Article 2

The amount set out in Article 1 shall be refunded by the authorities of the United Kingdom.

Article 3

This Decision is addressed to the United Kingdom and NMB (UK) Limited, Bracknell, Berkshire, United Kingdom.

Done at Brussels, 22 April 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION DECISION

of 22 April 1988

concerning applications for refund of anti-dumping duties collected on certain imports of certain ball bearings originating in Singapore (NMB (Deutschland) GmbH)

(Only the German text is authentic)

(88/328/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1761/87⁽²⁾, and in particular Article 16 thereof,

Whereas :

A. Procedure

- (1) On 19 July 1984, by Council Regulation (EEC) No 2089/84⁽³⁾, a definitive anti-dumping duty of 33,89 % was imposed on imports of certain ball bearings manufactured and exported by the Minebea group of companies and originating in Singapore.
- (2) In 1985 and 1986 NMB (Deutschland) GmbH, Neu Isenburg, a wholly owned subsidiary of the Japanese mother company of the Minebea group, applied, on a regular basis, for the refund of anti-dumping duties amounting in total to DM...⁽⁴⁾ paid on imports of the ball bearings during the two years in question. This amount represents part of the anti-dumping duties paid; a refund of the remainder was not requested.
- (3) Following submissions by the applicant, additional information on certain costs, prices, commercial conditions and commercial activities of the Minebea group outside Singapore was requested by the Commission on the basis of the Commission notice concerning the reimbursement of anti-dumping duties⁽⁵⁾ (hereinafter referred to as Notice). The applicant complied with all requests for additional information to the satisfaction of the Commission. Subsequently, the applicant was informed of the preliminary results of this examination and given an opportunity to comment

on it. It did so, and the comments were taken into consideration prior to this Decision.

- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

B. Argument of the applicant

- (5) The applicant has based its claims on the allegation that, for certain sales in the Community, export prices were such that either dumping did not exist or that dumping existed at a level lower than the level of the definitive duty of 33,89 %.

C. Admissibility

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

D. Merits of the claim

- (7) The applications are founded in part; for the rest they are unfounded. According to Article 16 (1) of Regulation (EEC) No 2176/84, anti-dumping duties paid by an importer shall be reimbursed if the importer shows that the duty collected exceeds the actual dumping margin, consideration being given to any application of weighted averages. Pursuant to Article 16 (1) and Part II of the Notice the applicant proved that the duty collected exceeded the actual dumping margin to varying degrees depending on the shipment and the bearing type partly as a result of normal value having decreased. To this extent the applications were founded and the applicant agrees with the Commission's calculation. The amount to be refunded is DM....
- (8) The applicant requests, however, the refund of an additional amount. For the determination of this additional amount, the applicant agrees with the Commission that, when calculating the dumping margin for the purpose of establishing whether it was exceeded by the level of duty or not, the export prices have to be constructed in accordance with Article 2 (8) (b) of Regulation (EEC) No 2176/84.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽³⁾ OJ No L 193, 21. 7. 1984, p. 1.

⁽⁴⁾ In the published version of the Decision, some figures have been omitted pursuant to the provisions of Article 8 of Regulation (EEC) No 2176/84 concerning non-disclosure of business secrets.

⁽⁵⁾ OJ No C 266, 22. 10. 1986, p. 2.

Article 2 (8) (b) provides that an export price is constructed on the basis of the price at which the imported product is first resold to an independent buyer and that allowance shall be made for all costs incurred by the related importer between importation and resale, including customs duties, any anti-dumping duties and other taxes, and for a reasonable profit margin.

The applicant maintains, however, that in constructing the export price, the anti-dumping duty should not be deducted; this would then result in a lower dumping margin for the refund calculation and consequently in a higher amount to be refunded.

The applicant justifies its request by claiming that, as a result of the Commission's position, imports by independent importers are treated differently from imports by related importers.

The Commission has evaluated this argument; it does not find it acceptable.

It is of the opinion that the wording of Article 2 (8) (b) is clear: all duties, including anti-dumping duties have to be deducted from the resale price. The Commission would, therefore, by granting the applicant's request, infringe the express requirement of Article 2 (8) (b) and of Part II 2 (b) and (c) of the Notice. Regulation (EEC) No 2176/84 establishes different rules for the determination of the export price in different situations depending on whether the importer is related to the exporter or not. This cannot be considered discriminatory.

The second essential argument by the applicant, who sold on a duty-paid basis, is that a simple increase of its resale price in the Community by an amount equivalent to the amount of the duty, would not allow it to qualify for a refund. The Commission stresses that, had the applicant sold on a duty unpaid basis, a single increase would have been sufficient to allow it to qualify for a refund.

Even where, as in the applicant's situation, the imported product was resold in the Community on a duty-paid basis, only one increase of the resale price by an amount equivalent to the amount of the duty is necessary, provided that the Commission is satisfied that in the particular

circumstances of the case under consideration this increase in the price paid by the independent buyer eliminates or reduces the dumping margin and does not represent merely the anti-dumping duty which the importer could pass back to its customer if it obtained a refund. This could be the case, for example, if either the costs incurred between importation and resale by NMB or Minebea's normal value had been reduced since the original investigation period. In addition, other changes in circumstances could require the application of different adjustment or calculation methods which could lead to the same result, i.e. the elimination or reduction of the dumping margin by a single price increase. In the present case there is no evidence that these conditions are met.

For these reasons the applicant's request for the refund of an additional amount has to be rejected,

HAS ADOPTED THIS DECISION:

Article 1

The refund applications submitted by NMB (Deutschland) GmbH, Neu Isenburg, for the years 1985 and 1986 are granted for DM... and rejected for the remainder.

Article 2

The amount set out in Article 1 shall be refunded by the authorities of the Federal Republic of Germany.

Article 3

This Decision is addressed to the Federal Republic of Germany and NMB (Deutschland) GmbH, Neu Isenburg, Federal Republic of Germany.

Done at Brussels, 22 April 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION DECISION

of 22 April 1988

concerning applications for refund of anti-dumping duties collected on certain imports of certain ball bearings originating in Singapore (NMB Italia SA)

(Only the Italian text is authentic)

(88/329/EEC)

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

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1761/87⁽²⁾, and in particular Article 16 thereof,

Whereas :

A. Procedure

- (1) On 19 July 1984, by Council Regulation (EEC) No 2089/84⁽³⁾, a definitive anti-dumping duty of 33,89 % was imposed on imports of certain ball bearings manufactured and exported by the Minebea group of companies and originating in Singapore.
- (2) In 1985 and 1986 NMB (Italia) SA, Bareggio, a wholly owned subsidiary of the Japanese mother company of the Minebea group, applied, on a regular basis, for the refund of anti-dumping duties amounting in total to Lit...⁽⁴⁾ paid on imports of the ball bearings during the two years in question. This amount represents part of the anti-dumping duties paid; a refund of the remainder was not requested.
- (3) Following submissions by the applicant, additional information on certain costs, prices, commercial conditions and commercial activities of the Minebea group outside Singapore was requested by the Commission on the basis of the Commission notice concerning the reimbursement of anti-dumping duties⁽⁵⁾ (hereinafter referred to as Notice). The applicant complied with all requests for additional information to the satisfaction of the Commission. Subsequently, the applicant was informed of the preliminary results of this examination and given an opportunity to comment on it. It did so, and the comments were taken into consideration prior to this Decision.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽³⁾ OJ No L 193, 21. 7. 1984, p. 1.

⁽⁴⁾ In the published version of the Decision, some figures have been omitted pursuant to the provisions of Article 8 of Regulation (EEC) No 2176/84 concerning non-disclosure of business secrets.

⁽⁵⁾ OJ No C 266, 22. 10. 1986, p. 2.

- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State disagreed with this opinion.

B. Argument of the applicant

- (5) The applicant has based its claims on the allegation that, for certain sales in the Community, export prices were such that either dumping did not exist or that dumping existed at a level lower than the level of the definitive duty of 33,89 %.

C. Admissibility

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

D. Merits of the claim

- (7) The applications are founded in part; for the rest they are unfounded. According to Article 16 (1) of Regulation (EEC) No 2176/84, anti-dumping duties paid by an importer shall be reimbursed if the importer shows that the duty collected exceeds the actual dumping margin, consideration being given to any application of weighted averages. Pursuant to Article 16 (1) and Part II of the Notice the applicant proved that the duty collected exceeded the actual dumping margin to varying degrees depending on the shipment and the bearing type partly as a result of normal value having decreased. To this extent the applications were founded and the applicant agrees with the Commission's calculation. The amount to be refunded is Lit...
- (8) The applicant requests, however, the refund of an additional amount. For the determination of this additional amount, the applicant agrees with the Commission that, when calculating the dumping margin for the purpose of establishing whether it was exceeded by the level of duty or not, the export prices have to be constructed in accordance with Article 2 (8) (b) of Regulation (EEC) No 2176/84. Article 2 (8) (b) provides that an export price is

constructed on the basis of the price at which the imported product is first resold to an independent buyer and that allowance shall be made for all costs incurred by the related importer between importation and resale, including customs duties, any anti-dumping duties and other taxes, and for a reasonable profit margin.

The applicant maintains, however, that in constructing the export price, the anti-dumping duty should not be deducted; this would then result in a lower dumping margin for the refund calculation and consequently in a higher amount to be refunded.

The applicant justifies its request by claiming that, as a result of the Commission's position, imports by independent importers are treated differently from imports by related importers.

The Commission has evaluated this argument; it does not find it acceptable.

It is of the opinion that the wording of Article 2 (8) (b) is clear: all duties, including anti-dumping duties have to be deducted from the resale price. The Commission would, therefore, by granting the applicant's request, infringe the express requirement of Article 2 (8) (b) and of Part II 2 (b) and (c) of the Notice. Regulation (EEC) No 2176/84 establishes different rules for the determination of the export price in different situations depending on whether the importer is related to the exporter or not. This cannot be considered discriminatory.

The second essential argument by the applicant, who sold on a duty-paid basis, is that a simple increase of its resale price in the Community by an amount equivalent to the amount of the duty, would not allow it to qualify for a refund. The Commission stresses that, had the applicant sold on a duty-unpaid basis, a single increase would have been sufficient to allow it to qualify for a refund.

Even where, as in the applicant's situation, the imported product was resold in the Community on a duty-paid basis, only one increase of the resale price by an amount equivalent to the amount of

the duty is necessary, provided that the Commission is satisfied that in the particular circumstances of the case under consideration this increase in the price paid by the independent buyer eliminates or reduces the dumping margin and does not represent merely the anti-dumping duty which the importer could pass back to its customer if it obtained a refund. This could be the case, for example, if either the costs incurred between importation and resale by NMB or Minebea's normal value had been reduced since the original investigation period. In addition, other changes in circumstances could require the application of different adjustment or calculation methods which could lead to the same result, i.e. the elimination or reduction of the dumping margin by a single price increase. In the present case there is no evidence that these conditions are met.

For these reasons the applicant's request for the refund of an additional amount has to be rejected,

HAS ADOPTED THIS DECISION:

Article 1

The refund applications submitted by NMB (Italia) SA, Bareggio, for the years 1985 and 1986 are granted for Lit... and rejected for the remainder.

Article 2

The amount set out in Article 1 shall be refunded by the authorities of the Republic of Italy.

Article 3

This Decision is addressed to the Republic of Italy and NMB (Italia) SA, Bareggio, Italy.

Done at Brussels, 22 April 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission