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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 715/89****of 21 March 1989****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<sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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 2401/88<sup>(5)</sup> 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 20 March 1989;

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 2401/88 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 22 March 1989.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 20, 25. 1. 1989, p. 16.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 205, 30. 7. 1988, p. 96.

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

Done at Brussels, 21 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

# ANNEX

to the Commission Regulation of 21 March 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| CN code    | Levies         |                                      |
|------------|----------------|--------------------------------------|
|            | Portugal       | Third country                        |
| 0709 90 60 | 21,98          | 126,23                               |
| 0712 90 19 | 21,98          | 126,23                               |
| 1001 10 10 | 55,14          | 182,55 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 10 90 | 55,14          | 182,55 <sup>(1)</sup> <sup>(2)</sup> |
| 1001 90 91 | 32,44          | 117,95                               |
| 1001 90 99 | 32,44          | 117,95                               |
| 1002 00 00 | 60,11          | 110,86 <sup>(3)</sup>                |
| 1003 00 10 | 50,67          | 111,34                               |
| 1003 00 90 | 50,67          | 111,34                               |
| 1004 00 10 | 41,73          | 76,74                                |
| 1004 00 90 | 41,73          | 76,74                                |
| 1005 10 90 | 21,98          | 126,23 <sup>(3)</sup> <sup>(4)</sup> |
| 1005 90 00 | 21,98          | 126,23 <sup>(3)</sup> <sup>(4)</sup> |
| 1007 00 90 | 45,32          | 136,97 <sup>(5)</sup>                |
| 1008 10 00 | 50,67          | 22,56                                |
| 1008 20 00 | 50,67          | 33,44 <sup>(6)</sup>                 |
| 1008 30 00 | 50,67          | 0,00 <sup>(7)</sup>                  |
| 1008 90 10 | <sup>(7)</sup> | <sup>(7)</sup>                       |
| 1008 90 90 | 50,67          | 0,00                                 |
| 1101 00 00 | 59,77          | 179,49                               |
| 1102 10 00 | 98,51          | 168,61                               |
| 1103 11 10 | 98,98          | 295,95                               |
| 1103 11 90 | 63,11          | 192,40                               |

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

<sup>(2)</sup> In accordance with Regulation (EEC) No 486/85 the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

<sup>(3)</sup> Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by ECU 1,81/tonne.

<sup>(4)</sup> Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

<sup>(5)</sup> Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

<sup>(6)</sup> 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 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

<sup>(7)</sup> The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

## COMMISSION REGULATION (EEC) No 716/89

of 21 March 1989

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 Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EEC) No 166/89 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(4)</sup>, 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 2402/88 <sup>(5)</sup> 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 20 March 1989;

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 22 March 1989.

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

Done at Brussels, 21 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 20, 25. 1. 1989, p. 16.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 205, 30. 7. 1988, p. 99.

## ANNEX

to the Commission Regulation of 21 March 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

| CN code    | (ECU/tonne)  |                 |                 |                 |
|------------|--------------|-----------------|-----------------|-----------------|
|            | Current<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 |
| 0709 90 60 | 0            | 0               | 0               | 0               |
| 0712 90 19 | 0            | 0               | 0               | 0               |
| 1001 10 10 | 0            | 0               | 0               | 1,21            |
| 1001 10 90 | 0            | 0               | 0               | 1,21            |
| 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

| CN code    | (ECU/tonne)  |                 |                 |                 |                 |
|------------|--------------|-----------------|-----------------|-----------------|-----------------|
|            | Current<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 | 4th period<br>7 |
| 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 717/89

of 20 March 1989

on the sale by special tendering procedure of boned beef and veal held by certain intervention agencies

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89 <sup>(2)</sup>, and in particular Article 7 (3) thereof,

Whereas the Danish, Italian, Irish and United Kingdom intervention agencies are holding stocks of boned intervention meat; whereas an extension of the period of storage for the meat should be avoided on account of the ensuing high costs; whereas, in consequence, it is advisable to make use of the periodic tendering procedure provided for by Commission Regulation (EEC) No 2326/79 <sup>(3)</sup>;

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*

1. The sale shall take place of approximately:

- 600 tonnes of boned beef and veal held by the Danish intervention agency and put into store before 1 September 1988,

- 500 tonnes of boned beef and veal held by the Italian intervention agency and put into store before 1 June 1988,

- 1 000 tonnes of boned beef and veal held by the Irish intervention agency and put into store before 1 September 1988,

- 1 000 tonnes of boned beef and veal held by the United Kingdom intervention agency and put into store before 1 July 1988.

2. The sale shall take place by means of a tendering procedure in accordance with Regulation (EEC) No 2326/79.

3. Only those tenders may be taken into consideration which reach the intervention agencies concerned not later than 12 noon on 8 May 1989.

*Article 2*

This Regulation shall enter into force on 23 March 1989.

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

Done at Brussels, 20 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(3)</sup> OJ No L 266, 24. 10. 1979, p. 5.

## COMMISSION REGULATION (EEC) No 718/89

of 21 March 1989

amending Annexes III en IV bis to Council Regulation (EEC) No 4136/86 with regard to certain textile products originating in Hong Kong (categories 7 and 78)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4136/86 of 22 December 1986 on common rules for imports of certain textile products originating in third countries <sup>(1)</sup>, as last amended by Regulation (EEC) No 694/89 <sup>(2)</sup>, and in particular Article 17,

Whereas, with a view to the introduction of the combined nomenclature, the Community has negotiated with Hong Kong an Agreed Minute modifying the quantitative limits for categories 7 and 78 products provided for in the Agreement between the EEC and Hong Kong on trade in textiles;

Whereas the Council has decided, on 21 December 1988, that this Agreed Minute should be applied provisionally pending its formal conclusion;

Whereas it is therefore necessary to amend Annexes III and IV bis to Regulation (EEC) No 4136/86;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes III and IV bis to Regulation (EEC) No 4136/86 are hereby amended for Hong Kong accordance with the Annex hereto.

*Article 2*

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

It shall apply with effect from 1 January 1988.

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

Done at Brussels, 21 March 1989.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 387, 31. 12. 1986, p. 42.

<sup>(2)</sup> OJ No L 76, 18. 3. 1989, p. 16.

## ANNEX

## 1. Annex III is amended as follows:

— in group I B (category 7 — Hong Kong), the table is replaced by the following table:

| 'Category | CN codes                 | Description                                                                                                                  | Third country | Units        | Years | Annals<br>quantitative<br>limits |
|-----------|--------------------------|------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|-------|----------------------------------|
| 7         | 6106 10 00               | Women's or girls' blouses, shirts and shirt-blouses, whether or not knitted or crocheted, of wool, cotton or man-made fibres | Hong Kong     | 1 000 pieces | 1988  | 30 400                           |
|           | 6106 20 00               |                                                                                                                              |               |              | 1989  | 30 643                           |
|           | 6106 90 10               |                                                                                                                              |               |              | 1990  | 30 888                           |
|           | 6206 20 00               |                                                                                                                              |               |              | 1991  | 31 135'                          |
|           | 6206 30 00<br>6206 40 00 |                                                                                                                              |               |              |       |                                  |

— in Group II B (category 78 — Hong Kong), the table is replaced by the following table:

| 'Category | CN codes   | Description                                                                                                                                | Third country | Units  | Years | Annals<br>quantitative<br>limits |
|-----------|------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------|-------|----------------------------------|
| 78        | 6203 41 30 | Garments, other than knitted or crocheted, excluding garments of categories 6, 7, 8, 14, 15, 16, 17, 18, 21, 26, 27, 29, 68, 72, 76 and 77 | Hong Kong     | tonnes | 1988  | 7 986                            |
|           | 6203 42 59 |                                                                                                                                            |               |        | 1989  | 8 187                            |
|           | 6203 43 39 |                                                                                                                                            |               |        | 1990  | 8 392                            |
|           | 6203 49 39 |                                                                                                                                            |               |        | 1991  | 8 603'                           |
|           | 6204 61 80 |                                                                                                                                            |               |        |       |                                  |
|           | 6204 61 90 |                                                                                                                                            |               |        |       |                                  |
|           | 6204 62 59 |                                                                                                                                            |               |        |       |                                  |
|           | 6204 62 90 |                                                                                                                                            |               |        |       |                                  |
|           | 6204 63 39 |                                                                                                                                            |               |        |       |                                  |
|           | 6204 63 90 |                                                                                                                                            |               |        |       |                                  |
|           | 6204 69 39 |                                                                                                                                            |               |        |       |                                  |
|           | 6204 69 50 |                                                                                                                                            |               |        |       |                                  |
|           | 6210 40 00 |                                                                                                                                            |               |        |       |                                  |
|           | 6210 50 00 |                                                                                                                                            |               |        |       |                                  |
|           | 6211 31 00 |                                                                                                                                            |               |        |       |                                  |
|           | 6211 32 90 |                                                                                                                                            |               |        |       |                                  |
|           | 6211 33 90 |                                                                                                                                            |               |        |       |                                  |
|           | 6211 41 00 |                                                                                                                                            |               |        |       |                                  |
|           | 6211 42 90 |                                                                                                                                            |               |        |       |                                  |
|           | 6211 43 90 |                                                                                                                                            |               |        |       |                                  |

## 2. Annex IV bis is amended as followed:

— in Group I B (category 7 — Hong Kong) the table is replaced by the following table:

| 'Category | CN codes   | Description                                                                                                                  | Third country | Member States | Units        | Quantitative limite<br>from 1 January to 31 December |        |        |         |
|-----------|------------|------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|--------------|------------------------------------------------------|--------|--------|---------|
|           |            |                                                                                                                              |               |               |              | 1988                                                 | 1989   | 1990   | 1991    |
| 7         | 6106 10 00 | Women's or girls' blouses, shirts and shirt-blouses, whether or not knitted or crocheted, of wool, cotton or man-made fibres | Hong Kong     | D             | 1 000 pieces | 17 818                                               | 17 818 | 17 904 | 17 940  |
|           | 6106 20 00 |                                                                                                                              |               | F             |              | 856                                                  | 918    | 980    | 1 047   |
|           | 6106 90 10 |                                                                                                                              |               | I             |              | 787                                                  | 846,5  | 907    | 955     |
|           |            |                                                                                                                              |               | BNL           |              | 2 587                                                | 2 606  | 2 622  | 2 643   |
|           | 6206 20 00 |                                                                                                                              |               | UK            |              | 7 586                                                | 7 618  | 7 648  | 7 680   |
|           | 6206 30 00 |                                                                                                                              |               | IRL           |              | 37                                                   | 40     | 43     | 46      |
|           | 6206 40 00 |                                                                                                                              |               | DK            |              | 635                                                  | 642,5  | 649    | 656     |
|           |            |                                                                                                                              |               | GR            |              | 35                                                   | 38     | 41     | 45      |
|           |            |                                                                                                                              |               | ES            |              | 51                                                   | 63     | 79     | 103     |
|           |            |                                                                                                                              |               | PT            |              | 8                                                    | 11     | 15     | 20      |
|           |            |                                                                                                                              |               | EEC           |              | 30 400                                               | 30 643 | 30 888 | 31 135' |
|           |            |                                                                                                                              |               |               |              |                                                      |        |        |         |

— in Group II B (category 78 — Hong Kong) the table is replaced by the following table :

| 'Category | CN codes   | Description                                                                                                                                | Third country | Member States | Units  | Quantitative limits<br>from 1 January to 31 December |       |       |        |
|-----------|------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|--------|------------------------------------------------------|-------|-------|--------|
|           |            |                                                                                                                                            |               |               |        | 1988                                                 | 1989  | 1990  | 1991   |
| 78        | 6203 41 30 | Garments, other than knitted or crocheted, excluding garments of categories 6, 7, 8, 14, 15, 16, 17, 18, 21, 26, 27, 29, 68, 72, 76 and 77 | Hong Kong     | D             | tonnes | 3 382,5                                              | 3 411 | 3 445 | 3 479  |
|           | 6203 42 59 |                                                                                                                                            |               | F             |        | 548                                                  | 598   | 649   | 703    |
|           | 6203 43 39 |                                                                                                                                            |               | I             |        | 447                                                  | 487   | 528   | 571    |
|           | 6203 49 39 |                                                                                                                                            |               | BNL           |        | 789                                                  | 814   | 838   | 862    |
|           |            |                                                                                                                                            |               | UK            |        | 2 275                                                | 2 308 | 2 338 | 2 367  |
|           | 6204 61 80 |                                                                                                                                            |               | IRL           |        | 55                                                   | 58    | 61    | 63     |
|           | 6204 61 90 |                                                                                                                                            |               | DK            |        | 403,5                                                | 404   | 406   | 409    |
|           | 6204 62 59 |                                                                                                                                            |               | GR            |        | 44                                                   | 60    | 65    | 69     |
|           | 6204 62 90 |                                                                                                                                            |               | ES            |        | 26                                                   | 39    | 51    | 66     |
|           | 6204 63 39 |                                                                                                                                            |               | PT            |        | 5                                                    | 8     | 11    | 14     |
|           | 6204 63 90 |                                                                                                                                            |               |               |        |                                                      |       |       |        |
|           | 6204 69 39 |                                                                                                                                            |               | EEC           |        | 7 986                                                | 8 187 | 8 392 | 8 603' |
|           | 6204 69 50 |                                                                                                                                            |               |               |        |                                                      |       |       |        |
|           | 6210 40 00 |                                                                                                                                            |               |               |        |                                                      |       |       |        |
|           | 6210 50 00 |                                                                                                                                            |               |               |        |                                                      |       |       |        |
|           | 6211 31 00 |                                                                                                                                            |               |               |        |                                                      |       |       |        |
|           | 6211 32 90 |                                                                                                                                            |               |               |        |                                                      |       |       |        |
|           | 6211 33 90 |                                                                                                                                            |               |               |        |                                                      |       |       |        |
|           | 6211 41 00 |                                                                                                                                            |               |               |        |                                                      |       |       |        |
|           | 6211 42 90 |                                                                                                                                            |               |               |        |                                                      |       |       |        |
|           | 6211 43 90 |                                                                                                                                            |               |               |        |                                                      |       |       |        |

**COMMISSION REGULATION (EEC) No 719/89****of 21 March 1989****concerning Annex XXIII to Council Regulation (EEC) No 4136/86 on common rules for imports of certain textile products originating in 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 4136/86 of 22 December 1986 on common rules for imports of certain textile products originating in third countries<sup>(1)</sup>, as amended by Regulation (EEC) No 718/89<sup>(2)</sup>, and in particular Article 2 of Annex XXIII thereof,

Whereas Article 2 of Annex XXIII to Regulation (EEC) No 4136/86 provides that the allocations between Member States of Community quantitative limits specific to outward processing trade (OPT) imports for 1987 to 1991 are carried out in accordance with the procedure laid down in Article 15;

Whereas it is appropriate to establish the 1989 allocation between Member States of these quantitative limits for economic outward processing trade;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The 1989 allocation between Member States of the Community OPT quantitative limits referred to in the table of Annex XXIII to Regulation (EEC) No 4136/86 is set out in the Annex hereto.

*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, 21 March 1989.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

<sup>(1)</sup> OJ No L 387, 31. 12. 1986, p. 42.

<sup>(2)</sup> See page 6 of this Official Journal.

## ANNEX

BREAKDOWN OF OUTWARD PROCESSING TRADE LIMITS BETWEEN MEMBER STATES FROM 1 JANUARY TO 31 DECEMBER 1989<sup>(1)</sup>

| Category   | CN code    | Description                                                                                                                                                                                          | Third country | Units        | Member States | Quantitative limits from 1 January to 31 December 1989 |     |
|------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|---------------|--------------------------------------------------------|-----|
| 4          | 6105 10 00 | Shirts, T-shirts, lightweight fine knit roll, polo or turtle necked jumpers and pullovers (other than of wool or fine animal hair), undervests and the like, knitted or crocheted                    | Malaysia      | 1 000 pieces | D             | 69                                                     |     |
|            | F          |                                                                                                                                                                                                      |               |              | 24            |                                                        |     |
|            | I          |                                                                                                                                                                                                      |               |              | 12            |                                                        |     |
|            | BNL        |                                                                                                                                                                                                      |               |              | 12            |                                                        |     |
|            | 6109 10 00 |                                                                                                                                                                                                      | Pakistan      |              | EEC           | 117                                                    |     |
|            | 6109 90 10 |                                                                                                                                                                                                      |               |              | D             | 215                                                    |     |
|            | 6109 90 30 |                                                                                                                                                                                                      |               |              | F             | 58                                                     |     |
|            | 6110 20 10 |                                                                                                                                                                                                      |               |              | I             | 37                                                     |     |
|            |            |                                                                                                                                                                                                      |               |              | 6110 30 10    | BNL                                                    | 37  |
|            |            |                                                                                                                                                                                                      |               |              |               | EEC                                                    | 347 |
| 5          | 6101 10 90 | Jerseys, pullovers, slip-overs, waistcoats, twinsets, cardigans, bed-jackets and jumpers (other than jackets and blazers), anoraks, windcheaters, waister jackets and the like, knitted or crocheted | Malaysia      | 1 000 pieces | D             | 69                                                     |     |
|            | F          |                                                                                                                                                                                                      |               |              | 24            |                                                        |     |
|            | I          |                                                                                                                                                                                                      |               |              | 12            |                                                        |     |
|            | BNL        |                                                                                                                                                                                                      |               |              | 12            |                                                        |     |
|            | 6102 10 90 |                                                                                                                                                                                                      | Pakistan      |              | EEC           | 117                                                    |     |
|            | 6102 20 90 |                                                                                                                                                                                                      |               |              | D             | 221                                                    |     |
|            | 6102 30 90 |                                                                                                                                                                                                      |               |              | F             | 59                                                     |     |
|            | 6110 10 10 |                                                                                                                                                                                                      |               |              | I             | 38                                                     |     |
|            |            |                                                                                                                                                                                                      |               |              | 6110 10 31    | BNL                                                    | 38  |
|            | 6110 10 39 |                                                                                                                                                                                                      |               |              |               | EEC                                                    | 356 |
|            | 6110 10 91 |                                                                                                                                                                                                      |               |              |               |                                                        |     |
|            | 6110 10 99 |                                                                                                                                                                                                      |               |              |               |                                                        |     |
|            | 6110 20 91 |                                                                                                                                                                                                      |               |              |               |                                                        |     |
|            | 6110 20 99 |                                                                                                                                                                                                      |               |              |               |                                                        |     |
|            | 6110 30 91 |                                                                                                                                                                                                      |               |              |               |                                                        |     |
|            | 6110 30 99 |                                                                                                                                                                                                      |               |              |               |                                                        |     |
| 6          | 6203 41 10 | Men's or boy's woven breeches, shorts other than swimwear and trousers (including slacks); women's or girls' woven trousers and slacks, of wool, of cotton or of man-made fibres                     | Indonesia     | 1 000 pieces | D             | 214                                                    |     |
|            | F          |                                                                                                                                                                                                      |               |              | 60            |                                                        |     |
|            | I          |                                                                                                                                                                                                      |               |              | 41            |                                                        |     |
|            | BNL        |                                                                                                                                                                                                      |               |              | 41            |                                                        |     |
|            | 6203 42 33 |                                                                                                                                                                                                      | Malaysia      |              | EEC           | 356                                                    |     |
|            | 6203 42 35 |                                                                                                                                                                                                      |               |              |               |                                                        |     |
|            | 6203 42 90 |                                                                                                                                                                                                      |               |              |               |                                                        |     |
|            | 6203 43 19 |                                                                                                                                                                                                      |               |              | D             | 69                                                     |     |
|            | 6203 43 90 |                                                                                                                                                                                                      |               |              | F             | 24                                                     |     |
|            | 6203 49 19 |                                                                                                                                                                                                      |               |              | I             | 12                                                     |     |
|            | 6203 49 50 |                                                                                                                                                                                                      |               |              | BNL           | 12                                                     |     |
|            | 6204 61 10 |                                                                                                                                                                                                      |               |              | EEC           | 117                                                    |     |
|            |            |                                                                                                                                                                                                      |               |              |               | 6204 62 31                                             |     |
|            |            |                                                                                                                                                                                                      |               |              |               | 6204 62 33                                             |     |
|            |            |                                                                                                                                                                                                      |               |              |               | 6204 62 35                                             |     |
|            | 6204 63 19 |                                                                                                                                                                                                      |               |              |               |                                                        |     |
| 6204 69 19 |            |                                                                                                                                                                                                      |               |              |               |                                                        |     |

<sup>(1)</sup> Where no level is indicated for a particular Member State, no special arrangements for reimportation into that Member State under the economic outward processing regime have been established for the products and supplier countries concerned.

| Category      | CN code                                                                              | Description                                                                                                                        | Third country | Units        | Member States | Quantitative limits from 1 January to 31 December 1989 |                                                                                                  |           |              |   |     |
|---------------|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|---------------|--------------------------------------------------------|--------------------------------------------------------------------------------------------------|-----------|--------------|---|-----|
| 6<br>(cont'd) |                                                                                      |                                                                                                                                    | Philippines   |              | D             | 174                                                    |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | F             | 47                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | I             | 36                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | BNL           | 36                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | EEC           | 293                                                    |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    | Sri Lanka     |              | D             | 600                                                    |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | F             | 11                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | I             | 35                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | BNL           | 270                                                    |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | EEC           | 916                                                    |                                                                                                  |           |              |   |     |
| 7             | 6106 10 00<br>6106 20 00<br>6106 90 10<br><br>6206 20 00<br>6206 30 00<br>6206 40 00 | Women's or girls' blouses, shirts and shirt-blouses, whether or not knitted or crocheted, of wool, of cotton or of man-made fibres | Indonesia     | 1 000 pieces | D             | 142                                                    |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | F             | 48                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | I             | 24                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | BNL           | 24                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | EEC           | 238                                                    |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    | Singapore     |              | D             | 203                                                    |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | F             | 22                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | I             | 56                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | BNL           | 56                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | EEC           | 337                                                    |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    | Sri Lanka     |              | D             | 452                                                    |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | F             | 21                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | I             | 43                                                     |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | BNL           | 156                                                    |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | EEC           | 672                                                    |                                                                                                  |           |              |   |     |
|               |                                                                                      |                                                                                                                                    |               |              | 8             | 6205 10 00<br>6205 20 00<br>6205 30 00                 | Men's or boys' shirts, other than knitted or crocheted, of wool, of cotton or of man-made fibres | Indonesia | 1 000 pieces | D | 179 |
|               |                                                                                      |                                                                                                                                    |               |              |               |                                                        |                                                                                                  |           |              | F | 60  |
|               |                                                                                      |                                                                                                                                    |               |              |               |                                                        |                                                                                                  |           |              | I | 29  |
| BNL           | 29                                                                                   |                                                                                                                                    |               |              |               |                                                        |                                                                                                  |           |              |   |     |
| EEC           | 297                                                                                  |                                                                                                                                    |               |              |               |                                                        |                                                                                                  |           |              |   |     |
| Malaysia      | D                                                                                    | 66                                                                                                                                 |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | F                                                                                    | 22                                                                                                                                 |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | I                                                                                    | 11                                                                                                                                 |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | BNL                                                                                  | 11                                                                                                                                 |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | EEC                                                                                  | 110                                                                                                                                |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | Pakistan                                                                             | D                                                                                                                                  | 204           |              |               |                                                        |                                                                                                  |           |              |   |     |
|               |                                                                                      | F                                                                                                                                  | 33            |              |               |                                                        |                                                                                                  |           |              |   |     |
|               |                                                                                      | I                                                                                                                                  | 50            |              |               |                                                        |                                                                                                  |           |              |   |     |
|               |                                                                                      | BNL                                                                                                                                | 41            |              |               |                                                        |                                                                                                  |           |              |   |     |
|               |                                                                                      | EEC                                                                                                                                | 328           |              |               |                                                        |                                                                                                  |           |              |   |     |
| Philippines   | D                                                                                    | 44                                                                                                                                 |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | F                                                                                    | 22                                                                                                                                 |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | I                                                                                    | 12                                                                                                                                 |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | BNL                                                                                  | 12                                                                                                                                 |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | EEC                                                                                  | 90                                                                                                                                 |               |              |               |                                                        |                                                                                                  |           |              |   |     |
| Sri Lanka     | D                                                                                    | 428                                                                                                                                |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | F                                                                                    | 24                                                                                                                                 |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | I                                                                                    | 73                                                                                                                                 |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | BNL                                                                                  | 85                                                                                                                                 |               |              |               |                                                        |                                                                                                  |           |              |   |     |
|               | EEC                                                                                  | 610                                                                                                                                |               |              |               |                                                        |                                                                                                  |           |              |   |     |

| Category   | CN code       | Description                                                                                                                            | Third country | Units        | Member States | Quantitative limits from 1 January to 31 December 1989 |     |
|------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|---------------|--------------------------------------------------------|-----|
| 21         | ex 6201 12 10 | Parkas; anoraks, windcheaters, waister jackets and the like, other than knitted or crocheted, of wool, of cotton or of man-made fibres | Philippines   | 1 000 pieces | D             | 72                                                     |     |
|            | F             |                                                                                                                                        |               |              | 24            |                                                        |     |
|            | I             |                                                                                                                                        |               |              | 12            |                                                        |     |
|            | BNL           |                                                                                                                                        |               |              | 12            |                                                        |     |
|            | 6201 91 00    |                                                                                                                                        | Sri Lanka     |              |               | EEC                                                    | 120 |
|            | 6201 92 00    |                                                                                                                                        |               |              |               |                                                        |     |
|            | 6201 93 00    |                                                                                                                                        |               |              |               |                                                        |     |
|            |               |                                                                                                                                        |               |              |               |                                                        |     |
|            | ex 6202 12 10 |                                                                                                                                        |               |              |               | D                                                      | 563 |
|            | ex 6202 12 90 |                                                                                                                                        |               |              |               | F                                                      | 31  |
|            | ex 6202 13 10 | I                                                                                                                                      |               |              |               | 48                                                     |     |
|            | ex 6202 13 90 | BNL                                                                                                                                    |               |              |               | 48                                                     |     |
|            | 6202 91 00    | EEC                                                                                                                                    |               |              |               | 690                                                    |     |
|            | 6202 92 00    |                                                                                                                                        |               |              |               |                                                        |     |
| 6202 93 00 |               |                                                                                                                                        |               |              |               |                                                        |     |

## COMMISSION REGULATION (EEC) No 720/89

of 21 March 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats<sup>(1)</sup>, as last amended by Regulation (EEC) No 2210/88<sup>(2)</sup>, and in particular Article 12 (4) thereof,

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

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

Whereas Commission Regulation (EEC) No 2960/77<sup>(4)</sup>, as last amended by Regulation (EEC) No 3818/85<sup>(5)</sup>, laid down the conditions for the sale by tender on the Community market and for export of olive oil; whereas the state of the market in olive oil is at present favourable for the sale of part of the said oil;

Whereas in the present situation of the market in virgin olive oils where supply is low compared with demand and in order to provide the greatest possible number of operators with a minimum supply for their immediate needs, it should be stipulated that each operator may only submit tenders for a maximum quantity; whereas in order to avoid any misuse of this provision and therefore prevent a limited number of operators from monopolizing the quantities put up for sale, it should be stipulated that only recognized operators may submit tenders in response to this invitation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Portuguese intervention agency, 'Instituto Nacional de Intervenção e Garantia Agrícola', hereinafter referred to as 'INGA', shall open an invitation to tender in accord-

ance with the provisions of this Regulation and of Regulation (EEC) No 2960/77 for the sale on the Community market of the following quantities of olive oil:

- 300 tonnes of extra virgin olive oil,
- 500 tonnes of virgin olive oil.

*Article 2*

The invitation to tender shall be published on 22 March 1989.

Particulars of the lots of oil offered for sale and of the places where they are stored shall be displayed at the central office of INGA, Rua Padre António Vieira nº 1, Lisbon, Portugal.

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

*Article 3*

The tenders must reach the INGA at the central office, Rua Padre António Vieira nº 1, Lisbon, Portugal not later than 2 p.m. (local time) on 6 April 1989.

Tenders shall be admissible only if submitted by a natural or legal person who exercises an activity in the olive oil sector and is registered as at 31 December 1988 in a public register of a Member State.

Furthermore, no tenderer may submit a tender for a quantity in excess of 150 tonnes.

*Article 4*

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

*Article 5*

The minimum selling price per 100 kilograms of oil shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, on the basis of the tenders received, not later than the 10th working day after the expiry of each final date laid down for the submission of tenders. The decision fixing the minimum selling price shall be notified forthwith to the Member State concerned.

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

<sup>(2)</sup> OJ No L 197, 26. 7. 1988, p. 1.

<sup>(3)</sup> OJ No L 331, 28. 11. 1978, p. 13.

<sup>(4)</sup> OJ No L 348, 30. 12. 1977, p. 46.

<sup>(5)</sup> OJ No L 368, 31. 12. 1985, p. 20.

*Article 6*

The olive oil shall be sold by INGA not later than the fifth working day after the date of notification of the decision referred to in Article 6.

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

*Article 7*

The security referred to in Article 7 of Regulation (EEC) No 2960/77 shall be Esc 3 340 per 100 kilograms.

*Article 8*

The storage charge referred to in Article 15 of Regulation (EEC) No 2960/77 shall be Esc 430 per 100 kilograms.

*Article 9*

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, 21 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 721/89

of 21 March 1989

introducing a countervailing charge on fresh lemons originating in Cyprus

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 2238/88<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25a (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a non-member country is alternatively above and below the reference price for five to seven consecutive market days a countervailing charge is introduced in respect of that non-member country, save in exceptional cases; whereas that charge is introduced when three entry prices fall below the reference price and one of those entry prices is at least ECU 0,6 below the reference price; whereas that charge is equal to the difference between the reference price and the last available entry price by at least ECU 0,6 below the reference price;

Whereas Commission Regulation (EEC) No 1386/88 of 20 May 1988 fixing for the 1988/89 marketing year the reference prices for fresh lemons<sup>(3)</sup> fixed the reference price for products of class I at ECU 47,15 per 100 kilograms net for the period from November 1988 to April 1989;

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 Commission Regulation (EEC) No 2118/74<sup>(4)</sup>, as last amended by

Regulation (EEC) No 3811/85<sup>(5)</sup>, 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 Cyprus the entry prices calculated in this way have for six consecutive market days been alternatively above and below the reference price; whereas two of these entry prices are at least ECU 0,6 below the reference prices; 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<sup>(6)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(7)</sup>,
- 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 ECU 5,46 per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Cyprus.

*Article 2*

This Regulation shall enter into force on 23 March 1989.

Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 28 March 1989.

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 198, 26. 7. 1988, p. 1.

<sup>(3)</sup> OJ No L 128, 21. 5. 1988, p. 21.

<sup>(4)</sup> OJ No L 220, 10. 8. 1974, p. 20.

<sup>(5)</sup> OJ No L 368, 31. 12. 1985, p. 1.

<sup>(6)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(7)</sup> OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 21 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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**COMMISSION REGULATION (EEC) No 722/89****of 21 March 1989****amended Regulation (EEC) No 653/89 introducing a countervailing charge on  
artichokes originating in Egypt**

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<sup>(1)</sup>, as last amended by Regulation (EEC) No 2238/88<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 653/89<sup>(3)</sup> introduced a countervailing charge on artichokes originating in Egypt;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EEC) No 653/89 '14,48' ECU is hereby replaced by 26,99 ECU'.

*Article 2*

This Regulation shall enter into force on 22 March 1989.

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

Done at Brussels, 21 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 198, 26. 7. 1988, p. 1.

<sup>(3)</sup> OJ No L 71, 15. 3. 1989, p. 36.

## COMMISSION REGULATION (EEC) No 723/89

of 21 March 1989

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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 2306/88 <sup>(2)</sup>, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2336/88 <sup>(3)</sup>, as last amended by Regulation (EEC) No 713/89 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2336/88 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 22 March 1989.

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

Done at Brussels, 21 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 201, 27. 7. 1988, p. 65.

<sup>(3)</sup> OJ No L 203, 28. 7. 1988, p. 22.

<sup>(4)</sup> OJ No L 78, 21. 3. 1989, p. 36.

## ANNEX

to the Commission Regulation of 21 March 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code    | Levy                 |
|------------|----------------------|
| 1701 11 10 | 32,44 <sup>(1)</sup> |
| 1701 11 90 | 32,44 <sup>(1)</sup> |
| 1701 12 10 | 32,44 <sup>(1)</sup> |
| 1701 12 90 | 32,44 <sup>(1)</sup> |
| 1701 91 00 | 39,79                |
| 1701 99 10 | 39,79                |
| 1701 99 90 | 39,79 <sup>(2)</sup> |

<sup>(1)</sup> 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 Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

<sup>(2)</sup> In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

## COMMISSION REGULATION (EEC) No 724/89

of 21 March 1989

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 Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organization of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EEC) No 2210/88 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 546/89 <sup>(4)</sup>,

Having regard to Regulation (EEC) No 1569/72 of the Council of 20 July 1972 laying down special measures for colza, rape and sunflower seed <sup>(5)</sup>, as last amended by Regulation (EEC) No 2216/88 <sup>(6)</sup>, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 682/89 <sup>(7)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 682/89 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;

Whereas, in the absence of the target price for the 1989/90 marketing year for colza and rape seed, the abatement of the subsidy from the system of maximum guaranteed quantities, the amount of the subsidy in the

case of advance fixing for this period for colza and rape seed has been obtainable only provisionally on the basis of the latest proposals from the Commission to the Council on price and abatement; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative prices and where appropriate, the effects of the application of the system of maximum guaranteed quantities of the 1989/90 marketing year are known,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83 <sup>(8)</sup> are 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 <sup>(9)</sup> is as set out in Annex III for sunflower seed harvested in Spain.

3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87 <sup>(10)</sup> for sunflower seed harvested and processed in Portugal is as set out in Annex III.

4. However, the amount of the subsidy in the case of advance fixing for the 1989/90 marketing year for colza and rape will be confirmed or replaced as from 22 March 1989 to take into account the target price, and where appropriate, the effects of the application of the system of maximum guaranteed quantities for colza and rape seed.

*Article 2*

This Regulation shall enter into force on 22 March 1989.

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

<sup>(2)</sup> OJ No L 197, 26. 7. 1988, p. 1.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 11.

<sup>(4)</sup> OJ No L 60, 3. 3. 1989, p. 11.

<sup>(5)</sup> OJ No L 167, 25. 7. 1972, p. 9.

<sup>(6)</sup> OJ No L 197, 26. 7. 1988, p. 10.

<sup>(7)</sup> OJ No L 73, 17. 3. 1989, p. 32.

<sup>(8)</sup> OJ No L 266, 28. 9. 1983, p. 1.

<sup>(9)</sup> OJ No L 53, 1. 3. 1986, p. 47.

<sup>(10)</sup> 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, 21 March 1989.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

# ANNEX I

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

(amounts per 100 kg)

|                                               | Current<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 | 4th period<br>7 (1) | 5th period<br>8 (1) |
|-----------------------------------------------|--------------|-----------------|-----------------|-----------------|---------------------|---------------------|
| 1. Gross aids (ECU):                          |              |                 |                 |                 |                     |                     |
| — Spain                                       | 0,580        | 0,580           | 0,580           | 0,580           | 1,170               | 1,170               |
| — Portugal                                    | 0,000        | 0,000           | 0,000           | 0,000           | 0,000               | 0,000               |
| — Other Member States                         | 18,697       | 18,855          | 18,852          | 18,611          | 15,663              | 15,262              |
| 2. Final aids:                                |              |                 |                 |                 |                     |                     |
| (a) Seed harvested and processed in:          |              |                 |                 |                 |                     |                     |
| — Federal Republic of Germany (DM)            | 44,57        | 44,95           | 44,94           | 44,38           | 37,39               | 36,68               |
| — Netherlands (Fl)                            | 49,69        | 50,11           | 50,10           | 49,47           | 41,65               | 40,74               |
| — BLEU (Bfrs/Lfrs)                            | 902,82       | 910,45          | 910,30          | 898,67          | 756,32              | 736,95              |
| — France (FF)                                 | 136,12       | 137,28          | 137,18          | 135,29          | 113,30              | 110,15              |
| — Denmark (Dkr)                               | 163,43       | 164,82          | 164,77          | 162,61          | 136,67              | 133,09              |
| — Ireland (£ Irl)                             | 15,138       | 15,267          | 15,256          | 15,045          | 12,600              | 12,249              |
| — United Kingdom (£)                          | 11,619       | 11,719          | 11,703          | 11,513          | 9,590               | 9,210               |
| — Italy (Lit)                                 | 29 238       | 29 488          | 29 402          | 28 868          | 24 148              | 23 124              |
| — Greece (Dr)                                 | 2 096,32     | 2 095,73        | 2 053,48        | 1 974,41        | 1 573,76            | 1 410,92            |
| (b) Seed harvested in Spain and processed:    |              |                 |                 |                 |                     |                     |
| — in Spain (Pta)                              | 89,44        | 89,44           | 89,44           | 89,44           | 180,43              | 180,43              |
| — in another Member State (Pta)               | 2 973,96     | 2 999,62        | 2 999,01        | 2 953,03        | 2 576,72            | 2 483,44            |
| (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)               | 4 084,44     | 4 113,64        | 4 106,29        | 4 046,45        | 3 499,48            | 3 381,02            |

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the adoption of prices and connected measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

## ANNEX II

## Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

|                                               | Current<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 | 4th period<br>7 (1) | 5th period<br>8 (1) |
|-----------------------------------------------|--------------|-----------------|-----------------|-----------------|---------------------|---------------------|
| 1. Gross aids (ECU):                          |              |                 |                 |                 |                     |                     |
| — Spain                                       | 3,080        | 3,080           | 3,080           | 3,080           | 3,670               | 3,670               |
| — Portugal                                    | 2,500        | 2,500           | 2,500           | 2,500           | 2,500               | 2,500               |
| — Other Member States                         | 21,197       | 21,355          | 21,352          | 21,111          | 18,163              | 17,762              |
| 2. Final aids:                                |              |                 |                 |                 |                     |                     |
| (a) Seed harvested and processed in:          |              |                 |                 |                 |                     |                     |
| — Federal Republic of Germany (DM)            | 50,47        | 50,85           | 50,85           | 50,28           | 43,29               | 42,58               |
| — Netherlands (Fl)                            | 56,30        | 56,72           | 56,72           | 56,08           | 48,27               | 47,36               |
| — BLEU (Bfrs/Lfrs)                            | 1 023,54     | 1 031,17        | 1 031,02        | 1 019,38        | 877,03              | 857,67              |
| — France (FF)                                 | 155,08       | 156,24          | 156,14          | 154,25          | 132,26              | 129,11              |
| — Denmark (Dkr)                               | 185,54       | 186,92          | 186,87          | 184,72          | 158,78              | 155,20              |
| — Ireland (£ Irl)                             | 17,248       | 17,377          | 17,365          | 17,155          | 14,709              | 14,359              |
| — United Kingdom (£)                          | 13,306       | 13,406          | 13,390          | 13,200          | 11,277              | 10,897              |
| — Italy (Lit)                                 | 33 326       | 33 576          | 33 489          | 32 956          | 28 235              | 27 212              |
| — Greece (Dr)                                 | 2 486,37     | 2 485,78        | 2 443,53        | 2 364,46        | 1 963,81            | 1 800,97            |
| (b) Seed harvested in Spain and processed:    |              |                 |                 |                 |                     |                     |
| — in Spain (Pta)                              | 474,98       | 474,98          | 474,98          | 474,98          | 565,96              | 565,96              |
| — in another Member State (Pta)               | 3 359,49     | 3 385,15        | 3 384,54        | 3 338,56        | 2 962,25            | 2 868,97            |
| (c) Seed harvested in Portugal and processed: |              |                 |                 |                 |                     |                     |
| — in Portugal (Esc)                           | 470,02       | 470,02          | 470,02          | 470,02          | 470,02              | 470,02              |
| — in another Member State (Esc)               | 4 554,46     | 4 583,66        | 4 576,31        | 4 516,47        | 3 969,50            | 3 851,04            |

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the adoption of prices and connected measures and where appropriate, the effects of the application of the system of maximum guaranteed quantities.

## ANNEX III

## Aids to sunflower seed

(amounts per 100 kg)

|                                               | Current<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 | 4th period<br>7 |
|-----------------------------------------------|--------------|-----------------|-----------------|-----------------|-----------------|
| 1. Gross aids (ECU):                          |              |                 |                 |                 |                 |
| — Spain                                       | 5,170        | 5,170           | 5,170           | 5,170           | 5,170           |
| — Portugal                                    | 0,000        | 0,000           | 0,000           | 0,000           | 0,000           |
| — Other Member States                         | 23,186       | 23,564          | 23,460          | 23,460          | 23,460          |
| 2. Final aids:                                |              |                 |                 |                 |                 |
| (a) Seed harvested and processed in (1):      |              |                 |                 |                 |                 |
| — Federal Republic of Germany (DM)            | 55,18        | 56,07           | 55,84           | 55,84           | 55,84           |
| — Netherlands (Fl)                            | 61,58        | 62,58           | 62,30           | 62,30           | 62,30           |
| — BLEU (Bfrs/Lfrs)                            | 1 119,58     | 1 137,83        | 1 132,81        | 1 132,81        | 1 132,81        |
| — France (FF)                                 | 170,00       | 172,87          | 171,96          | 171,96          | 171,96          |
| — Denmark (Dkr)                               | 203,07       | 206,41          | 205,46          | 205,46          | 205,46          |
| — Ireland (£ Irl)                             | 18,907       | 19,227          | 19,126          | 19,126          | 19,126          |
| — United Kingdom (£)                          | 14,620       | 14,876          | 14,785          | 14,769          | 14,769          |
| — Italy (Lit)                                 | 36 539       | 37 159          | 36 896          | 36 770          | 36 770          |
| — Greece (Dr)                                 | 2 772,85     | 2 812,51        | 2 747,47        | 2 715,34        | 2 715,34        |
| (b) Seed harvested in Spain and processed:    |              |                 |                 |                 |                 |
| — in Spain (Pta)                              | 797,28       | 797,28          | 797,28          | 797,28          | 797,28          |
| — in another Member State (Pta)               | 3 702,77     | 3 760,79        | 3 746,01        | 3 734,77        | 3 734,77        |
| (c) Seed harvested in Portugal and processed: |              |                 |                 |                 |                 |
| — in Portugal (Esc)                           | 0,00         | 0,00            | 0,00            | 0,00            | 0,00            |
| — in Spain (Esc)                              | 6 621,38     | 6 694,41        | 6 666,79        | 6 653,01        | 6 653,01        |
| — in another Member State (Esc)               | 6 453,11     | 6 524,28        | 6 497,36        | 6 483,93        | 6 483,93        |
| 3. Compensatory aids:                         |              |                 |                 |                 |                 |
| — in Spain (Pta)                              | 3 653,61     | 3 711,63        | 3 698,10        | 3 686,86        | 3 686,86        |
| 4. Special aid:                               |              |                 |                 |                 |                 |
| — in Portugal (Esc)                           | 6 453,11     | 6 524,28        | 6 497,36        | 6 483,93        | 6 483,93        |

(1) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0260760.

## 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<br>3 | 1st period<br>4 | 2nd period<br>5 | 3rd period<br>6 | 4th period<br>7 | 5th period<br>8 |
|-----------|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| DM        | 2,079360     | 2,075730        | 2,072270        | 2,069210        | 2,069210        | 2,059510        |
| Fl        | 2,347900     | 2,344900        | 2,342450        | 2,339200        | 2,339200        | 2,329910        |
| Bfrs/Lfrs | 43,583500    | 43,576400       | 43,565600       | 43,546400       | 43,546400       | 43,487200       |
| FF        | 7,060090     | 7,063780        | 7,067290        | 7,071040        | 7,071040        | 7,083180        |
| Dkr       | 8,111440     | 8,109920        | 8,108710        | 8,107480        | 8,107480        | 8,107410        |
| £Irl      | 0,778758     | 0,778011        | 0,777379        | 0,776980        | 0,776980        | 0,776430        |
| £         | 0,651030     | 0,652530        | 0,653776        | 0,654980        | 0,654980        | 0,659141        |
| Lit       | 1 527,06     | 1 532,00        | 1 537,41        | 1 542,68        | 1 542,68        | 1 557,84        |
| Dr        | 174,93100    | 176,85400       | 178,40700       | 180,02400       | 180,02400       | 184,48800       |
| Esc       | 171,49800    | 172,03800       | 172,59800       | 173,17000       | 173,17000       | 175,00800       |
| Pta       | 129,51600    | 129,85700       | 130,27800       | 130,70100       | 130,70100       | 132,10500       |

## COUNCIL REGULATION (EEC) No 725/89

of 20 March 1989

imposing a definitive anti-dumping duty on imports of paint, distemper, varnish and similar brushes originating in the People's Republic of China and definitively collecting the provisional anti-dumping duty on such imports

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, and in particular Article 12 thereof,

Having regard to the proposal from the Commission, submitted after consultation within the Advisory Committee as provided for by that Regulation,

Whereas :

## A. Procedure

- (1) Following a complaint lodged by the European Brushware Federation (FEIBP) on behalf of Community manufacturers of paint, distemper, varnish and similar brushes who together account for virtually the whole Community output of these products, the Commission published a notice in the *Official Journal of the European Communities*<sup>(2)</sup> announcing the initiative of an anti-dumping proceeding concerning imports into the Community of paint, distemper, varnish and similar brushes falling within subheading ex 96.01 B III of the Common Customs Tariff, (NIMEXE code 96.01-49) and, from 1 January 1988, CN code ex 9603 40 10, originating in the People's Republic of China ; it then commenced an investigation.
- (2) Following the investigation, which established the existence of dumping and injury, the Chinese firm China National Native Produce & Animal By-Products Import and Export Corporation offered an undertaking to limit the quantities exported to the Community.
- (3) Under the terms of the undertaking the Chinese firm was to reduce its exports so as to eliminate the injury to the Community industry. The Council accepted this undertaking<sup>(3)</sup>.

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No C 103, 30. 4. 1986, p. 2.

<sup>(3)</sup> OJ No L 46, 14. 2. 1987, p. 45. Council Decision 87/104/EEC.

## B. Failure to comply with the undertaking and reopening of the proceeding

- (4) After receiving and verifying information suggesting that Chinese exports in 1987 to the Federal Republic of Germany and the United Kingdom alone had far exceeded the maximum allowed for the Community as a whole in that year under the terms of the exporting firm's undertaking, the Commission withdrew acceptance of the undertaking, imposed a provisional anti-dumping duty under Regulation (EEC) No 3052/88<sup>(4)</sup> and decided to reopen the anti-dumping proceeding concerning imports of paint, distemper, varnish and similar brushes originating in the People's Republic of China<sup>(5)</sup>.

## C. Investigation

- (5) The investigation concerned paint, distemper, varnish and similar brushes (other than brushes of CN code 9603 30) falling within CN code 9603 40 10.
- (6) The Commission officially advised the exporter and importers known to be concerned, the authorities of the exporting country and Community producers of the reopening of the proceeding. It sent questionnaires to the parties directly concerned and also gave them the opportunity to make known their views in writing and to request a hearing.
- (7) 22 Community producers and five importers returned the questionnaire duly completed to the Commission and made known their views in writing.
- (8) The China National Native Produce & Animal By-Products Import & Export Corporation did not reply to the Commission's questionnaire. Consequently, the findings with regard to that firm and other parties which failed to reply or otherwise indicate an interest were made on the basis of the

<sup>(4)</sup> OJ No L 272, 4. 10. 1988, p. 16. This Regulation was amended by Regulation (EEC) No 3453/88 (OJ No L 303, 8. 12. 1988, p. 11) and extended by Regulation (EEC) No 177/89 (OJ No L 23, 27. 1. 1989, p. 5).

<sup>(5)</sup> OJ No C 257, 4. 10. 1988, p. 5.

facts available (Article 7 (7) (b) of Regulation (EEC) No 2423/88), in this case invoices obtained from Community producers and/or importers and official national and Community statistics.

(9) The exporter was informed of the Commission's intention to propose that the Council extend the provisional duty, and did not object.

(10) Two importers asked for an opportunity to make known their views orally and to be informed of the essential facts and considerations on the basis of which it is intended to recommend the imposition of definitive measures, and their request was accepted.

(11) The Commission gathered and verified all information it deemed to be necessary and carried out investigations at the premises of nine Community producers:

— Britton Chadwick, United Kingdom

— Mosley Stone, United Kingdom

— Harris, United Kingdom

— Battys of Leeds, United Kingdom

— Hall, United Kingdom

— Schabert, Federal Republic of Germany

— Mako, Federal Republic of Germany

— Wistoba, Federal Republic of Germany

— Sterkel, Federal Republic of Germany,

and of five Community importers:

— Delbanco, United Kingdom

— Rothländer, Federal Republic of Germany

— Berg, Federal Republic of Germany

— Nölle, Federal Republic of Germany

— Storchwerke, Federal Republic of Germany.

The Commission asked for and received detailed written submissions from most of the producers concerned and carried out such verification of the information they contained as it deemed necessary.

(12) The Commission visited the premises of two producers in Sri Lanka, Ravi Industries Ltd in Colombo and Harris (Ceylon) Ltd in Meegoda.

(13) The Commission's investigation covered the period from 1 July 1987 to 31 August 1988.

#### D. Dumping

##### (a) *Normal value*

(14) In order to establish whether the imports from the People's Republic of China were being dumped,

the Commission had to take account of the fact that the country does not have a market economy and therefore based its calculations on the normal value in a market-economy country. In this connection, the complainants had suggested the Sri Lankan market.

(15) Two importers challenged the choice of Sri Lanka as a reference market, on the grounds that the product was not a like product within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88; that production costs were not comparable, in particular because Sri Lanka had to import some of the raw materials; that the volume of production was far smaller than that on the Chinese market; that Sri Lanka was not an exporter, or not a significant exporter, of the product to the Community; that there was insufficient competition, resulting in high domestic prices; and that one of the local producers was owned by a Community firm. The two importers accordingly proposed that Taiwan be used as a reference country.

(16) The Commission, however, found that it was appropriate and not unreasonable to use Sri Lanka for the purposes of establishing the normal value, and did not follow the suggestion of using Taiwan.

The comparison involving Taiwan suggested by the two importers was based on a finer, mainly synthetic-bristle 'American' type of brush produced for export to the United States and Canada, quite distinct from the Chinese product, and with different production costs.

In any case, when the Commission duly approached the main Taiwanese producers they refused to cooperate.

(17) The Commission is satisfied that there is no appreciable difference, in terms of the type of product or the production process, between Sri Lanka and the People's Republic of China.

The brushes from Sri Lanka, like the Chinese product, are essentially made from animal hairs mounted on wooden handles. This 'European' type of brush corresponds to the European standard. Its handle is of more or less the same thickness as that of the Chinese product. Accordingly, the thickness at the ferrule and the number and weight of bristles per brush is also similar. The visible part of the bristle is at least as long as on the Chinese product. On this basis, therefore, the Sri Lankan product can be accepted as a like product within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

It has been alleged that China's possession of the main raw materials — in particular, it is the world's only producer of pig bristles — gives it a comparative advantage, so that its production costs are lower than those of Sri Lanka. The Commission was unable to accept this claim, since even assuming that such a comparative advantage exists, could be properly quantified and is not offset by competitive weaknesses, it is not clear how this would be reflected in the normal value if the same conditions obtained in the market-economy third country, given that prices reflect demand as well as costs. Moreover, even if it were possible to obtain an exact measurement of such advantages or disadvantages, any adjustment of costs established in a market economy on that basis would imply reliance on the costs in a non-market economy, which is precisely what Article 2 (5) of Regulation (EEC) No 2423/88 is designed to prevent.

In both countries the main product is a flat brush. Manufacture is mainly by hand, in small-scale production units. The manufacturing processes are comparable, and it is irrelevant that China's total output is larger than Sri Lanka's.

The same applies to the argument that Sri Lanka is not a significant exporter to the Community.

As to the level of prices in Sri Lanka, the Commission found that there was sufficient domestic competition between two producers, which supply approximately 90 % of the home market, to ensure that prices were not excessive and were reasonably related to production costs. The level of prices ensured that Sri Lankan manufacturers earned reasonable but not excessive profits. In these circumstances the Commission does not see why the fact that one of those manufacturers is the subsidiary of a Community firm should prevent Sri Lanka being used as a reference country.

- (18) Consequently, the Commission established normal value on the basis of the actual average selling prices from 1 July 1987 to 31 August 1988 on the Sri Lankan market.

(b) *Export price*

- (19) Wherever possible, export prices were determined on the basis of the prices actually paid by the Community importers to the exporters for the products sold for export to the Community.

(c) *Comparison*

- (20) In comparing the normal value with the export prices, the Commission took account, where

circumstances allowed and sufficient evidence was available, of differences affecting price comparability. Adjustments were made to allow for differences in the physical characteristics of the product, import charges and indirect taxes in Sri Lanka, payment and delivery terms, transport and insurance costs and various types of packaging. With regard to the physical characteristics, the Commission also took into consideration the fact that the manufacture of round or angled brushes used for radiators and ceilings, which account for a very small proportion of China's total brush exports, is costlier than that of the flat brushes produced in Sri Lanka. All comparisons were made at the ex-works stage.

(d) *Margins*

- (21) Comparison of the normal value and the export prices for the reference period showed that imports from the People's Republic of China are being dumped, the dumping margin being equal to the amount by which the normal value exceeds the price of exports to the Community.

The dumping margin varied depending on the type of brush and the importing Member State. The weighted average margin for flat brushes was found to be very considerable, in excess of 90 % for exports to the Community as a whole. The average margins on other types of brush were even higher.

## E. Injury

- (22) It was found during the investigation that 92 % of the Chinese exports went to five Community countries, Germany, Ireland, the United Kingdom, France and Italy, but with an overwhelming concentration on the German, Irish and United Kingdom markets. Accordingly, the assessment of injury was centred mainly, though not exclusively, on these three countries.

(a) *Like product*

- (23) Two importers argued that the Chinese exports were not comparable with the Community product.

The Commission cannot accept this view. There are several types of paintbrush: the high-quality type for professional use and the lower-quality types for non-professionals. The imports originating in China mainly compete in the second category, for which the Commission effected the comparison.

The Commission looked at brushes from a number of producers or importers in terms of a variety of factors: the type and weight of bristle, the cooking process, the quality and preparation of the bristles, the quality and shape of handle, the finish of the product, including the ferrule and glue, and the overall strength of the brush. It found no crucial difference between the comparable Chinese and Community products in respect of the purpose for which they were intended. The Commission found that these were like products for the purposes of Article 2 (12) of Regulation (EEC) No 2423/88.

(b) *Export volume*

- (24) In order to determine the trend of Chinese exports to the Community, the Commission had to rely on available statistics and information supplied by the Community industry, since the exporter failed to reply to the questionnaire and only a few importers offered satisfactory cooperation.

Despite considerable fluctuations from time to time, the information available shows a marked growth in imports from China. Already standing at a high level in 1980 (10 million pieces), these had increased more than threefold by 1986 (33 million pieces), and rose again to 46 million pieces in 1987 and 31 million pieces for the first six months of 1988 alone (equivalent to 62 million pieces on an annual basis).

This growth in volume has not been fully reflected in the value since the Chinese brushes are priced in US dollars, and the US dollar depreciated considerably in 1987 and 1988 against both the German mark and pound sterling. Currency movements exacerbated the injury caused by the imports to the Community industry.

- (25) Imports from China increased their market share from approximately 24 % in 1984 to almost 38 % in the first half of 1988. Over the same period, Community consumption remained stable at around 145 million units. The growth of Chinese exports to the Community was accentuated by the fact that they are liable to an anti-dumping duty of 125 % in the United States and a duty of over 100 % in Canada.

(c) *Price*

- (26) The Chinese product was exported to the Community at prices on average more than 70 % lower than the prices charged by the Community

industry over the period of the investigation for the lowest quality of brush; the exact level of undercutting varied according to the type of product, but was never less than 47 % for any given product. These figures can be corrected by 20 % to allow for the slightly rougher quality of manufacture of the Chinese product. Even allowing for such an adjustment, however, the prices of the Chinese product were well below the level required to cover the costs of Community producers and provide a reasonable profit. In some cases the prices were even below the cost of the main raw material, namely pig bristles, also supplied by the same exporter in the People's Republic of China.

(d) *Impact on the Community industry*

- (27) The flood of dumped imports depressed the general level of prices on the Community market. From 1984 to 1988 selling prices were virtually static despite the fact that production costs in the Community increased appreciably over the same period. In fact, Community producers have been forced to align their prices on those of the Chinese exporters.

As a result of competition from Chinese imports, Community producers' market share fell from 68 % in 1984 to 57 % in 1988. This led to a fall of approximately 22 % in production in the three Member States mainly concerned between 1982 and 1988.

This led in turn to substantial capacity cuts or lower utilization rates. These developments, plus the declining profitability of Community producers, have led to closures and the loss of employment in this sector.

(e) *Causality*

- (28) The trend of imports from China at prices substantially undercutting the Community product, coinciding with the very marked deterioration in the situation of the Community industry, demonstrate that these imports have caused material injury to the Community industry.

- (29) The Commission considered whether other factors might have been responsible for the injury to the Community industry.

In this connection a number of importers claimed that the closure of Community firms was due to their non-competitive cost structure. The Commission found, however, that a number of Community manufacturers ceased production solely because of the dumping of Chinese paintbrushes, priced so low that the difference could not be made up by means of any rationalization measures.

- (30) The importers also claimed that Community producers had failed to adapt to changing consumer habits. It was argued that the importers of the Chinese product had created a new market for cheap disposable brushes, particularly in supermarkets and do-it-yourself centres, and that the traditional Community producers were not interested in these outlets. It was further claimed that the Community producers themselves had bought considerable quantities of Chinese brushes from independent importers in order to sell them at a profit and thus be able to finance their own production.

As to the first of these points, the assertion that a new market has been created is unacceptable. The product was already established on the market, and to sell it at less than half the usual price does not amount to the introduction of a new product. In any event, it is only because of the low price of the dumped goods that the consumer is induced to discard a brush after limited use rather than going to the additional cost and inconvenience of cleaning it. It is, moreover, understandable that the Community industry is not interested in selling products which would only be attractive at prices below the variable production costs.

As regards the sale of Chinese products by Community producers themselves, the Commission has established, on the basis of the facts available, that the volume of such sales varied appreciably during the period of the investigation depending on the Member State and the company concerned. With the exception of a small number of firms which have ceased production, however, Community producers started selling Chinese paintbrushes alongside their own products solely in order to prevent their traditional markets from being taken over by suppliers offering imported goods only. The Commission's finding was that Community producers did not in general import

Chinese products of their own volition but did so only in self-defence against unfair competition. Nor did the Commission's investigations reveal any abuses; the Community producers resold the Chinese paintbrushes at a modest mark-up at as high a price as the market would bear, but without excessive profit, and only to the extent necessary to ensure the sale of their own products.

- (31) Finally, the Commission looked at the impact of exports originating in other third countries. It found that imports from these countries had contracted in line with the growth of imports from China, and accounted at present for no more than about 7 % of Community consumption. Accordingly, they cannot be regarded as a cause of the injury to the Community industry.

#### (f) *Conclusions*

- (32) In the circumstances, the Commission has concluded that the effects of the dumped imports of paint, distemper, varnish or similar brushes originating in the People's Republic of China taken in isolation must be regarded as causing material injury to the Community industry concerned. The Council has confirmed that conclusion.

#### F. Community interest

- (33) In view of the serious difficulties facing the Community industry, failure to take measures to eliminate the injury caused by dumping would endanger its existence, with concomitant negative consequences for employment in the regions concerned. In this connection, it should be noted that the Community industry essentially consists of small and medium-sized enterprises, largely situated in areas of high unemployment. Accordingly, it is in the interest of the Community to take measures to eliminate the injury to this Community industry, and such measures should take the form of a definitive anti-dumping duty. In view of the breach of the previous undertaking, a renewed undertaking would not constitute sufficient protection for Community producers.
- (34) Two importers argued that in the context of trade with China, given the international division of labour and the structure of wage costs involved in the manufacture of cheap brushes in the Community, it was in the Community's interest to encourage labour-intensive production in third

countries. The Council does not dispute the need for international cooperation of this kind. It does not believe, however, that this goal is attained by the use of irregular commercial practices at the expense of Community producers.

The importers also argued that to impose anti-dumping measures could exclude certain importers from the Community market.

The Council does not believe this argument is justified. The imposition of a duty represents equal treatment of all Community importers, with no discrimination between those selling to different classes of user, irrespective of the channel of distribution. Nor does the proposed rate of duty in any way destroy the competitiveness of the Chinese products.

- (35) No comments were forthcoming from consumers of the product. In weighing the interests of the Community brush industry against those of consumers, however, the Council did consider the impact of the anti-dumping measures on consumers. On the grounds that a relative increase in the price of the Chinese product would still give it a substantial competitive advantage, it concluded that consumer interests were adequately safeguarded.

#### G. Rate of duty

- (36) Taking into account the quality of the Chinese goods, the types of product and range of prices, it is considered appropriate to apply an *ad valorem* duty at a level substantially lower than the dumping margin, and not exceeding the lowest margin of undercutting identified.

Accordingly, the definitive duty is fixed at an *ad valorem* rate, of 69 % of the net price per brush, free-at-Community-frontier, not cleared through

customs, payable by the first importer in the Community.

For the same reason it is also considered necessary that the amounts secured by way of the provisional anti-dumping duty imposed by Regulation (EEC) No 3052/88, as amended by Regulation (EEC) No 3453/88, should be collected definitively,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of paint, distemper, varnish and similar brushes originating in the People's Republic of China, falling within CN code 9603 40 10.
2. The duty shall be set at an *ad valorem* rate of 69 % of the net price per paint, distemper, varnish or similar brush, free-at-Community-frontier, not cleared through customs, payable by the first importer in the Community.
3. The provisions in force concerning customs duties shall apply.

#### Article 2

Amounts secured by way of the provisional anti-dumping duty imposed by Regulation (EEC) No 3052/88, as amended by Regulation (EEC) No 3453/88, shall be definitively collected.

#### Article 3

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, 20 March 1989.

For the Council

The President

F. FERNANDEZ ORDOÑEZ