

Official Journal

of the European Communities

ISSN 0378 - 6978

L 108

Volume 32

19 April 1989

English edition

Legislation

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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 March 1989

concerning applications for refund of anti-dumping duties collected on certain imports of hydraulic excavators originating in Japan (Kobemac Ltd)

(Only the English text is authentic)

(89/257/EEC)

THE COMMISSION 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 ⁽¹⁾, and in particular Article 16 thereof,

Whereas:

- (3) The Commission asked the applicant for additional information on certain aspects of the dossier. It then visited Kobelco's premises in Japan to check the information supplied by Kobelco on the normal value of the goods during the six months preceding import.
- (4) The applicant was informed of the preliminary results of this examination and given an opportunity to comment.
- (5) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

A. PROCEDURE

- (1) Council Regulation (EEC) No 1877/85 ⁽²⁾ imposed a definitive anti-dumping duty on imports of certain hydraulic excavators exceeding six tonnes but not exceeding 35 tonnes originating in Japan. The rate of duty applied to Kobelco-Kobesteel Ltd (hereinafter referred to as Kobelco) was 31,9%.
- (2) In October 1985 Kobemac Ltd, Hampshire, United Kingdom, made an application for the refund of the anti-dumping duty paid in August 1985 on the importation of a hydraulic excavator manufactured and exported by Kobelco. The total amount requested was £ . . . ⁽³⁾. This amount represents all the duty paid.

B. ARGUMENT OF THE APPLICANT

- (6) The applicant argued that the excavator had been imported at a price equivalent to the price proposed to the Commission by Kobelco under the original proceeding with a view to a price undertaking. The applicant maintains therefore that the export price for the goods imported exceeded the normal value.

C. ADMISSIBILITY

- (7) The application is admissible in that it was introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular with regard to time limits.

D. MERITS OF THE CLAIM

- (8) The application is founded in part. Pursuant to Article 16 (1) of Council Regulation (EEC)

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 176, 6. 7. 1985, p. 1.

⁽³⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

No 2176/84⁽¹⁾ (and under Regulation (EEC) No 2423/88) an importer who has paid anti-dumping duties and who applies for reimbursement must show that the duty collected exceeds the dumping margin calculated over the relevant reference period for the imports for which the duty was collected. Calculation of actual dumping margin must normally be based on the same method applied during the original investigation, in particular with regard to any application of weighted averages⁽²⁾.

- (9) In this case an average dumping margin applied without distinction to all the models released for free circulation in the Community during a single reference period was established by comparing the normal value of each model on a monthly weighted average basis with the export price of the same model during the corresponding month on a transaction-by-transaction basis⁽³⁾.

The Commission considered that the information supplied by the applicant regarding export prices and by the exporter regarding the normal value of the different models was sufficient to calculate correctly the average actual dumping margin. A dumping margin was thus calculated for each reference period corresponding to an application, whereby the average normal value of each model was compared on a transaction-by-transaction basis with the export price for each of Kobelco's consignments released for free circulation in the Community during the reference period in question.

It was found that in all the reference periods except for the first the initial dumping margin had been gradually reduced or eliminated, resulting in an average actual dumping margin below the amount of duty collected. This development was due essentially to a rise in export prices, which was not sufficient, however, to eliminate the dumping entirely in every case.

- (10) The similarity adduced by the applicant between the price paid for the model in question and the price undertaking offered by Kobelco in 1985 at the end of the original proceeding does not apply, since the Council did not accept that offer. Moreover, the actual dumping margin can be established only on the basis of all imports into the Community during the reference period. The applicant's argument referred only to a single excavator, whereas others were imported into the Community over the same period.

More generally, a price undertaking may be offered only on the basis of reference data covering a period of investigation stretching back at least six months, and sometimes more, prior to a refund application. An offered price undertaking cannot therefore be used as a reference for assessing the actual dumping margin, which is updated to the time of the import operation following which a refund application is made for anti-dumping duties paid.

E. AMOUNT TO BE REIMBURSED

- (11) A total of £. . . is reimbursable to Kobemac Ltd, representing the difference between the amount of duty collected and the actual dumping margin,

HAS ADOPTED THIS DECISION:

Article 1

The refund application submitted by Kobemac Ltd, Hampshire, is hereby granted for £. . . and rejected for the remainder.

Article 2

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

Article 3

This Decision is addressed to the United Kingdom and Kobemac Ltd, Harewood Forest Works, Longparish, Near Andover, Hampshire, United Kingdom.

Done at Brussels, 21 March 1989.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ Point II.2 (b) of the Commission notice concerning the reimbursement of anti-dumping duties, OJ No C 266, 22. 10. 1986.

⁽³⁾ Regulation (EEC) No 1877/85, point 9.

COMMISSION DECISION

of 21 March 1989

concerning applications for refund of anti-dumping duties collected on certain imports of hydraulic excavators originating in Japan (Oswald de Bruycker NV)

(Only the Dutch and French texts are authentic)

(89/258/EEC)

THE COMMISSION 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 ⁽¹⁾, and in particular Article 16 thereof,

Whereas:

A. PROCEDURE

- (1) Council Regulation (EEC) No 1877/85 ⁽²⁾ imposed a definitive anti-dumping duty on imports of certain hydraulic excavators exceeding six tonnes but not exceeding 35 tonnes originating in Japan. The rate of duty applied to Kobelco-Kobestee Ltd (hereinafter referred to as Kobelco) was 31,9%.
- (2) Between November 1985 and July 1987 Oswald de Bruycker NV, Ostend, an independent importer, made five applications for the refund of definitive anti-dumping duties paid on the importation of 10 hydraulic excavators manufactured and exported by Kobelco. The total amount requested was Bfrs . . . ⁽³⁾. The applications were sent to the Belgian customs authorities and forwarded to the Commission. For each application, the applicant was asked to provide the information needed to calculate the normal value of the products for the six months preceding each importation, as laid down in point I.B (a) of the Commission notice concerning the reimbursement of anti-dumping duties ⁽⁴⁾.
- (3) The Commission asked the applicant for additional information, which was supplied within the time limit set. The Commission also visited Kobelco's premises

in Japan to check the information on normal value which Kobelco had sent to the Commission at the request of the applicant.

- (4) The applicant was informed of the preliminary results of this examination and given an opportunity to comment.
- (5) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

B. ARGUMENT OF THE APPLICANT

- (6) Essentially, the applicant argued that the export price paid was significantly higher than the normal value.

C. ADMISSIBILITY

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

D. MERITS OF THE CLAIM

- (8) The applications are founded in part. Pursuant to Article 16 (1) of Council Regulation (EEC) No 2176/84 ⁽⁵⁾ (and under Regulation (EEC) No 2423/88) an importer who has paid anti-dumping duties and who applies for reimbursement must show that the duty collected exceeds the dumping margin calculated over the relevant reference period for the imports for which the duty was collected. Calculation of the actual dumping margin must normally be based on the same method as that applied during the original investigation, in particular with regard to any application of weighted averages ⁽⁶⁾.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 176, 6. 7. 1985, p. 1.

⁽³⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

⁽⁴⁾ OJ No C 266, 22. 10. 1986, p. 2.

⁽⁵⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽⁶⁾ Point II.2 (b) of the Commission notice concerning the reimbursement of anti-dumping duties.

- (9) In this case an average dumping margin applied without distinction to all the models released for free circulation in the Community during a single reference period was established by comparing the normal value of each model on a monthly weighted average basis with the export price of the same model during the corresponding month on a transaction-by-transaction basis ⁽¹⁾.

The Commission considered that the information supplied by the applicant regarding export prices and by the exporter regarding the normal value of the different models was sufficient to calculate correctly the average actual dumping margin. A dumping margin was thus calculated for each reference period corresponding to an application, whereby the average normal value of each model was compared on a transaction-by-transaction basis with the export price for each of Kobelco's consignments released for free circulation in the Community during the reference period in question.

It was found that in all the reference periods except the first the initial dumping margin had been gradually reduced or eliminated, resulting in an average actual dumping margin below the amount of duty collected. This development was due essentially to a rise in export prices, which was not sufficient, however, to eliminate the dumping entirely in every case.

E. AMOUNT TO BE REIMBURSED

- (10) A total of Bfrs . . . is reimbursable to Oswald de Bruycker NV, representing the difference between the amount of duty collected and the actual dumping margin,

HAS ADOPTED THIS DECISION:

Article 1

The refund applications submitted by Oswald de Bruycker NV are hereby granted for Bfrs . . . and rejected for the remainder.

Article 2

The amount set out in Article 1 shall be refunded by the Belgian authorities.

Article 3

This Decision is addressed to the Kingdom of Belgium and Oswald de Bruycker NV, Archimedesstraat 53, B-8400 Ostend.

Done at Brussels, 21 March 1989.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ Regulation (EEC) No 1877/85, point 9.

COMMISSION DECISION

of 21 March 1989

concerning applications for refund of anti-dumping duties collected on certain imports of hydraulic excavators originating in Japan (Boeg-Thomsen A/S)

(Only the Danish text is authentic)

(89/259/EEC)

THE COMMISSION 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⁽¹⁾, and in particular Article 16 thereof,

Whereas:

A. PROCEDURE

- (1) Council Regulation (EEC) No 1877/85⁽²⁾ imposed a definitive anti-dumping duty on imports of certain hydraulic excavators exceeding six tonnes but not exceeding 35 tonnes originating in Japan. The rate of duty applied to Kobelco-Kobesteel Ltd (hereinafter referred to as Kobelco) was 31,9%.
- (2) Between October 1985 and September 1986 the Danish company Boeg-Thomsen of Vipperød, an independent importer, made four applications for the refund of definitive anti-dumping duties paid on the importation of six hydraulic excavators manufactured and exported by Kobelco. The total amount requested was Dkr . . .⁽³⁾. The applications were sent to the Danish customs authorities and forwarded to the Commission. For each application, the applicant was asked to provide the information needed to calculate the normal value of the products for the six months preceding each importation, as laid down in point I.B (a) of the Commission notice concerning the reimbursement of anti-dumping duties⁽⁴⁾.
- (3) Having requested and received the additional information and documents it considered necessary, the Commission visited Kobelco's premises in Japan to

check the information on normal value which Kobelco had sent to the Commission at the request of the applicant.

- (4) The applicant was informed of the preliminary results of this examination and given an opportunity to comment.
- (5) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

B. ARGUMENT OF THE APPLICANT

- (6) Essentially, the applicant argued that the export price paid was significantly higher than the normal value.

C. ADMISSIBILITY

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

D. MERITS OF THE CLAIM

- (8) The applications are founded in part. Pursuant to Article 16 (1) of Council Regulation (EEC) No 2176/84⁽⁵⁾ (and under Regulation (EEC) No 2423/88) an importer who has paid anti-dumping duties and who applies for reimbursement must show that the dumping margin changed over the relevant reference period for the imports for which the duty was collected. Calculation of the actual dumping margin must normally be based on the same method as that applied during the original investigation, in particular with regard to any application of weighted averages⁽⁶⁾.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 176, 6. 7. 1985, p. 1.

⁽³⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

⁽⁴⁾ OJ No C 266, 22. 10. 1986, p. 2.

⁽⁵⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽⁶⁾ Point II.2 (b) of the Commission notice concerning the reimbursement of anti-dumping duties.

- (9) In this case an average dumping margin applied without distinction to all the models released for free circulation in the Community during a single reference period was established by comparing the normal value of each model on a monthly weighted average basis with the export price of the same model during the corresponding month on a transaction-by-transaction basis ⁽¹⁾.

The Commission considered that the information supplied by the applicant regarding export prices and by the exporter regarding the normal value of the different models was sufficient to calculate correctly the average actual dumping margin. A dumping margin was thus calculated for each reference period corresponding to an application, whereby the average normal value of each model was compared on a transaction-by-transaction basis with the export price for each of Kobelco's consignments released for free circulation in the Community during the reference period in question.

It was found that in all the reference periods except the first the initial dumping margin had been gradually reduced or eliminated, resulting in an average actual dumping margin below the amount of duty collected. This development was due essentially to a rise in export prices, which was not sufficient, however, to eliminate the dumping entirely in every case.

E. AMOUNT TO BE REIMBURSED

- (10) A total of Dkr . . . is reimbursable to Boeg-Thomsen A/S, Vipperød, representing the difference between the amount of duty collected and the actual dumping margin,

HAS ADOPTED THIS DECISION:

Article 1

The refund applications submitted by Boeg-Thomsen A/S, Vipperød, are hereby granted for Dkr . . . and rejected for the remainder.

Article 2

The amount set out in Article 1 shall be refunded by the Danish authorities.

Article 3

This Decision is addressed to the Kingdom of Denmark and Boeg-Thomsen A/S, DK-4390 Vipperød.

Done at Brussels, 21 March 1989.

For the Commission
Frans ANDRIESSEN
Vice-President

⁽¹⁾ Regulation (EEC) No 1877/85, point 9.

COMMISSION DECISION

of 21 March 1989

concerning applications for refund of anti-dumping duties collected on certain imports of hydraulic excavators originating in Japan (Louis Reyners BV)

(Only the Dutch text is authentic)

(89/260/EEC)

THE COMMISSION 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 ⁽¹⁾, and in particular Article 16 thereof,

Whereas:

A. PROCEDURE

- (1) Council Regulation (EEC) No 1877/85 ⁽²⁾ imposed a definitive anti-dumping duty on imports of certain hydraulic excavators exceeding six tonnes but not exceeding 35 tonnes originating in Japan. The rate of duty applied to Kobelco-Kobesteeel Ltd (hereinafter referred to as Kobelco) was 31,9%.
- (2) Between August 1985 and April 1986 the Dutch company Louis Reyners of Amsterdam, an independent importer, made three applications for the refund of definitive anti-dumping duties paid on the importation of four hydraulic excavators manufactured and exported by Kobelco. The total amount requested was Fl . . . ⁽³⁾. The applications were sent to the Dutch customs authorities and forwarded to the Commission. For each application, the applicant was asked to provide the information needed to calculate the normal value of the products for the six months preceding each importation, as laid down in point I.B(a) of the Commission notice concerning the reimbursement of anti-dumping duties ⁽⁴⁾.
- (3) The Commission asked for additional information from the applicant, which had the required information sent by Kobelco. The Commission then

visited Kobelco's premises in Japan to check the information on normal value which Kobelco had sent to the Commission at the request of the applicant.

- (4) The applicant was informed of the preliminary results of this examination and given an opportunity to comment.
- (5) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

B. ARGUMENT OF THE APPLICANT

- (6) Essentially, the applicant argued that there was in effect no dumping margin at the moment of importation.

C. ADMISSIBILITY

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

D. MERITS OF THE CLAIM

- (8) The applications are founded in part. Pursuant to Article 16 (1) of Council Regulation (EEC) No 2176/84 ⁽⁵⁾ (and under Regulation (EEC) No 2423/88) an importer who has paid anti-dumping duties and who applies for reimbursement must show that the duty collected exceeds the dumping margin calculated over the relevant reference period for the imports for which the duty was collected. Calculation of the actual dumping margin must normally be based on the same method applied during the original investigation, in particular with regard to any application of weighted averages ⁽⁶⁾.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 176, 6. 7. 1985, p. 1.

⁽³⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

⁽⁴⁾ OJ No C 266, 22. 10. 1986, p. 2.

⁽⁵⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽⁶⁾ Point II.2 (b) of the Commission notice concerning the reimbursement of anti-dumping duties.

- (9) In this case an average dumping margin applied without distinction to all the models released for free circulation in the Community during a single reference period was established by comparing the normal value of each model on a monthly weighted average basis with the export price of the same model during the corresponding month on a transaction-by-transaction basis ⁽¹⁾.

The Commission considered that the information supplied by the applicant regarding export prices and by the exporter regarding the normal value of the different models was sufficient to calculate correctly the average actual dumping margin. A dumping margin was thus calculated for each reference period corresponding to an application, whereby the average normal value of each model was compared on a transaction-by-transaction basis with the export price for each of Kobelco's consignments released for free circulation in the Community during the reference period in question.

It was found that in all the reference periods except the first the initial dumping margin had been gradually reduced or eliminated, resulting in an average actual dumping margin below the amount of duty collected. This development was due essentially to a rise in export prices, which was not sufficient, however, to eliminate the dumping entirely in every case.

E. AMOUNT TO BE REIMBURSED

- (10) A total of Fl . . . is reimbursable to Louis Reyners BV, representing the difference between the amount of duty collected and the actual dumping margin,

HAS ADOPTED THIS DECISION:

Article 1

The refund applications submitted by Louis Reyners BV, Amsterdam are hereby granted for Fl . . . and rejected for the remainder.

Article 2

The amount set out in Article 1 shall be refunded by the Netherlands authorities.

Article 3

This Decision is addressed to the Kingdom of the Netherlands and Louis Reyners BV, Postbus 1033 AA, Meeuwenlaan 98—100, NL-1021 JL Amsterdam.

Done at Brussels, 21 March 1989.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ Regulation (EEC) No 1877/85, point 9.

COMMISSION DECISION

of 21 March 1989

concerning applications for refund of anti-dumping duties collected on certain imports of hydraulic excavators originating in Japan (Tridiam Ltd)

(Only the English text is authentic)

(89/261/EEC)

THE COMMISSION 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 ⁽¹⁾, and in particular Article 16 thereof,

Whereas:

A. PROCEDURE

- (1) Council Regulation (EEC) No 1877/85 ⁽²⁾ imposed a definitive anti-dumping duty on imports of certain hydraulic excavators exceeding six tonnes but not exceeding 35 tonnes originating in Japan. The rate of duty applied to Mitsubishi Heavy Industries was 21,6 %.
- (2) Between November 1985 and September 1986 Tridiam Ltd, Woking, Surrey, the sole importer into the Community of the machines produced by Mitsubishi, made three successive applications for the refund of anti-dumping duties paid on the importation of hydraulic excavators between October 1985 and September 1986. The total amount requested was £ . . . ⁽³⁾, representing the total anti-dumping duty paid.

The applications were submitted in the form and within the time limit prescribed under the anti-dumping rules.

- (3) Tridiam subsequently claimed that it had submitted another application, which did not, however, appear in the Commission's files. Not until 10 June 1987 did the Commission receive a copy of the final application, for £ . . . , corresponding to

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 176, 6. 7. 1985, p. 1.

⁽³⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

anti-dumping duties paid on machines imported in April 1986. Attached was a copy of a letter from the applicant's representative, which showed that the fourth application had not been sent to the relevant national authorities within three months from the day on which the definitive anti-dumping duties had been determined.

- (4) Having informed Tridiam of the guidelines contained in the Commission notice concerning the reimbursement of anti-dumping duties ⁽⁴⁾, the Commission asked the applicant, pursuant to point 1.7 of the notice, for additional information on the normal value during the six-month periods preceding the imports in question and on the application of certain adjustments. The applicant supplied the information available to it within the agreed time limit.
- (5) The applicant was informed of the preliminary results of this examination and given an opportunity to comment.
- (6) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

B. ARGUMENT OF THE APPLICANT

- (7) Essentially, the applicant argued that the 12 excavators imported between November 1985 and September 1986 were not imported at prices constituting dumping.

C. ADMISSIBILITY

- (8) The first three applications are admissible in that they were introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular with regard to time limits.

The fourth application concerned anti-dumping duties determined in April 1986. Pursuant to Article

⁽⁴⁾ OJ No C 266, 22. 10. 1986, p. 2.

16 (2) of Council Regulation (EEC) No 2176/84 ⁽¹⁾ it should have been submitted to the relevant United Kingdom authorities within three months of the date on which the duties were determined, i.e. by July 1986 at the latest. The Commission did not receive a copy until June 1987, and the applicant conceded that it had not been sent to the Department of Trade and Industry within the given time limit. It therefore follows that, since the conditions relating to form and time limit laid down by Regulation (EEC) No 2176/84 were not met, Tridiam's fourth application must be declared inadmissible.

D. MERITS OF THE CLAIM

- (9) The first two admissible applications are well founded. They are backed up by the information supplied by the applicant regarding the dumping margin for the relevant reference period. The investigation showed that export prices rose by comparison with the initial investigation period and that the dumping margin was thus eliminated.
- (10) The third application concerned duties paid for the importation of four excavators. The Commission considered that the information supplied by the applicant regarding the normal value and the export price during the relevant reference period was sufficient for it to calculate correctly the average actual dumping margin, using the same method applied during the first investigation.

Accordingly, it was found that the third application is founded in part, since although there continued to be a dumping margin of 5,86% for the reference period in question, it was less than the duties collected. This is explained principally by a rise in export prices.

E. AMOUNT TO BE REIMBURSED

- (11) The amount claimed in the second application has had to be reduced. An adjustment had to be made owing to physical differences between the imported model and

the standard model defined in the initial proceeding. The first two applications are therefore founded for a total of £ . . .

- (12) A partial reimbursement of £ . . . can be accorded for the third application, bringing the total amount reimbursable to Tridiam Ltd to £ . . . ,

HAS ADOPTED THIS DECISION:

Article 1

The application for the refund of anti-dumping duties submitted by Tridiam Ltd, Woking, Surrey, in June 1987 for an amount totalling £ . . . is hereby declared inadmissible.

Article 2

The other applications for the refund of anti-dumping duties submitted by Tridiam Ltd, Woking, Surrey, are granted for £ . . . and rejected for the remainder.

Article 3

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

Article 4

This Decision is addressed to the United Kingdom and Tridiam Ltd, West End, Woking, Surrey, United Kingdom.

Done at Brussels, 21 March 1989.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

COMMISSION DECISION

of 21 March 1989

concerning applications for refund of anti-dumping duties collected on certain imports of hydraulic excavators originating in Japan (Hitachi Construction Machinery (Europe) BV)

(Only the Dutch text is authentic)

(89/262/EEC)

THE COMMISSION 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 ⁽¹⁾, and in particular Article 16 thereof,

Whereas:

A. PROCEDURE

- (1) Council Regulation (EEC) No 1877/85 ⁽²⁾ imposed a definitive anti-dumping duty on imports of certain hydraulic excavators exceeding six tonnes but not exceeding 35 tonnes originating in Japan. The rate of duty applied to Hitachi Construction Machinery Co. Ltd, Tokyo, was 12,4 %.
- (2) Between October 1985 and September 1987 Hitachi Construction Machinery (Europe) BV (hereinafter referred to as 'HCME'), Oosterhout, made nine applications, following the normal procedure, for the refund of definitive anti-dumping duties paid on the importation between March 1985 and September 1987 of hydraulic excavators produced by Hitachi Construction Machinery Co. Ltd, Tokyo. The total amount requested was Fl . . . ⁽³⁾, representing part of the Fl . . . paid altogether in anti-dumping duties on the imports.
- (3) The applications were treated as recurring applications within the meaning of point I.B.4 (a) of the Commission notice concerning the reimbursement of anti-dumping duties (hereinafter referred to as the 'Commission notice') ⁽⁴⁾. They were therefore grouped by six-month periods for the presentation of the required information and the assessment of the actual dumping margin.

(4) The Commission asked the applicant for further details on certain calculations and for additional information on trends in certain costs, the comparability of certain new models with those covered by the original investigation, and certain reductions or sales facilities granted to the applicant's customers.

(5) The applicant complied with the Commission's request only in respect of the applications for reimbursement relating to the period from March 1985 to March 1986 inclusive, i.e. the first two reference periods, and stated that it was withdrawing the subsequent applications and would not therefore be completing the case histories.

(6) The Commission visited the premises of HCME to carry out a check on export prices. Similarly, information regarding the normal value and freight costs was checked on the premises of Hitachi Construction Machinery Co. Ltd in Japan and with C. Itoh, the exporting company.

(7) Following these checks, which led to a number of corrections being made to the data originally supplied, the applicant produced new calculations, reducing the amount originally requested for the period from March 1985 to March 1986 from Fl . . . to Fl . . . However, it pointed out that, during the on-the-spot checks on normal value, Hitachi Construction Machinery Co. Ltd had discovered that data relating to the first reference period had mistakenly been used again in calculating the normal value for the second period. This had resulted in a higher normal value. The applicant argued that this error at its own cost was clearly involuntary since it resulted in a wider dumping margin, and that its applications should therefore be considered justified for a larger amount.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 176, 6. 7. 1985, p. 1.

⁽³⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

⁽⁴⁾ OJ No C 266, 22. 10. 1986, p. 2.

(8) The Commission found that the calculations presented by the applicant for the comparisons between normal value and export price were in line with the method used during the original

investigation. However, they were incomplete in that they gave an actual dumping margin based solely on the applicant's imports into the Netherlands. As in the initial proceeding, an average actual dumping margin was calculated which included all exports to the Community of excavators produced by Hitachi Construction Machinery Co. Ltd during the relevant periods and for which information had also been supplied. This gave an average actual dumping margin different from that calculated with reference only to the applicant's own imports, as other dumping margins were established for imports into other Member States during the same period.

- (9) The applicant was informed of the preliminary results of this examination and given an opportunity to comment. Account has been taken of its comments in this Decision.
- (10) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

B. ARGUMENT OF THE APPLICANT

- (11) The applicant maintained that the information it supplied showed that, during the period from March 1985 to March 1986, the amount of definitive duties it paid was higher than the actual dumping margin, owing to a drop in normal values resulting from a rationalization of production costs and a rise in export prices. It also argued that the reimbursable amounts should be those resulting from the Commission's checks on the data submitted at the beginning of the procedure, account being taken of the resulting corrections and the application of the method used during the original investigation.

C. ADMISSIBILITY

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

D. MERITS OF THE CLAIM

- (13) The applications, as they stood corrected at the end of the procedure, appear to be well founded. Pursuant to Article 16 (1) of Council Regulation (EEC) No 2176/84 ⁽¹⁾ (and under Regulation (EEC) No

2423/88) anti-dumping duties which have already been paid may be refunded when the importer who has paid the duties can show that the duty collected exceeds the actual dumping margin. On the basis of the information supplied by the applicant and, as far as possible, applying the method used during the first investigation, the dumping margin which existed at the time the goods in question were imported had therefore to be calculated over a representative period, account being taken of the application of weighted averages, and then compared with the duties paid on the basis of a 12,4 % anti-dumping duty.

In the original investigation the dumping margin was determined for each model by comparing a monthly average normal value with export prices during the relevant month on a transaction-by-transaction basis. An average dumping margin was then calculated for all the models. No new finding suggested that the method first used to determine the actual dumping margin should be abandoned.

In accordance with Article 16 (1) of Regulation (EEC) No 2176/84 and the second part of the Commission notice, and submitting the data according to the same principles established in the original investigation, the applicant showed that the duties collected in the two reference periods exceeded the actual dumping margin by varying degrees according to the model being imported. A check showed this to be the result of some reduction in normal value compared with an upward trend in export prices during the relevant period. This led to an average actual dumping margin lower than that determined in the initial investigation (4,8 % during the first reference period, 0,8 % during the second), which justifies a partial reimbursement of the anti-dumping duties paid.

E. AMOUNT TO BE REIMBURSED

- (14) The Commission considered that account could be taken of the corrections requested by the applicant, as this involved not new data but merely the correction of the data submitted during the time allowed and which it had already been claimed showed a change in relation to the period of the initial investigation.

In accordance with point II.2 (d) of the Commission notice, a total of Fl. . . is reimbursable, established as the difference between the amount of duty collected and the average actual dumping margin. This represents the whole amount requested, as reassessed following checks,

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The refund applications submitted by Hitachi Construction Machinery (Europe) BV, Oosterhout, for the period from March 1985 to March 1986 are hereby granted for Fl . . .

Article 2

The amount set out in Article 1 shall be refunded by the Netherlands authorities.

Article 3

This Decision is addressed to the Kingdom of the Netherlands and Hitachi Construction Machinery (Europe) BV, Oosterhout, Netherlands.

Done at Brussels, 21 March 1989.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION DECISION

of 21 March 1989

concerning applications for refund of anti-dumping duties collected on certain imports of hydraulic excavators originating in Japan (Equipco SA)

(Only the French text is authentic)

(89/263/EEC)

THE COMMISSION 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 ⁽¹⁾, and in particular Article 16 thereof,

Whereas:

grouped by six-month periods for the presentation of the required information and the assessment of the actual dumping margin.

(4) The Commission asked the applicant for further details on certain calculations and for additional information on trends in certain costs and on the comparability of certain new models with those covered by the original investigation.

(5) The applicant complied with the Commission's request only in respect of the applications for reimbursement relating to the period from March 1985 to March 1986 inclusive, i.e. the first two reference periods, and stated that it was withdrawing the subsequent applications and would not therefore be completing the case histories.

A. PROCEDURE

(1) Council Regulation (EEC) No 1877/85 ⁽²⁾ imposed a definitive anti-dumping duty on imports of certain hydraulic excavators exceeding six tonnes but not exceeding 35 tonnes originating in Japan. The rate of duty applied to Hitachi Construction Machinery Co. Ltd, Tokyo, was 12,4 %.

(2) Between October 1985 and March 1987 Equipco SA made eight applications, following the normal procedure, for the refund of definitive anti-dumping duties paid on the importation between March 1985 and March 1987 of hydraulic excavators produced by Hitachi Construction Machinery Co. Ltd. The total amount requested was FF . . . ⁽³⁾, representing part of the FF . . . paid altogether in anti-dumping duties on the imports.

(3) The applications were treated as recurring applications within the meaning of point I.B.4 (a) of the Commission notice concerning the reimbursement of anti-dumping duties (hereinafter referred to as the 'Commission notice') ⁽⁴⁾. They were therefore

(6) The Commission visited the Equipco premises to carry out a check on export prices. Similarly, information regarding the normal value and freight costs was checked on the premises of Hitachi Construction Machinery Co. Ltd in Japan and with C. Itoh, the exporting company.

(7) Following these checks, which led to a number of corrections being made to the data originally supplied, the applicant produced new calculations, reducing the amount originally requested for the period from March 1985 to March 1986 from FF . . . to FF . . . However, it pointed out that, during the on-the-spot checks on normal value, Hitachi Construction Machinery Co. Ltd had discovered that data relating to the first reference period had mistakenly been used again in calculating the normal value for the second period. This had resulted in a higher normal value. The applicant argued that this error at its own cost was clearly involuntary since it resulted in a wider dumping margin, and that its applications should therefore be considered justified for a larger amount.

(8) The Commission found that the calculations presented by the applicant for the comparisons between normal value and export price were in

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 176, 6. 7. 1985, p. 1.

⁽³⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

⁽⁴⁾ OJ No C 266, 22. 10. 1988, p. 2.

line with the method used during the original investigation. However, they were incomplete in that they gave an actual dumping margin based solely on the applicant's imports into the Community. An average actual dumping margin therefore had to be calculated which included all exports to the Community of excavators produced by Hitachi Construction Machinery Co. Ltd during the relevant periods and for which information had also been supplied. This gave an average actual dumping margin different from that calculated with reference only to the applicant's own imports, as other dumping margins were established for imports into other Member States during the same period.

- (9) The applicant was informed of the preliminary results of this examination and given an opportunity to comment. Account has been taken of its comments in this Decision.
- (10) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

B. ARGUMENT OF THE APPLICANT

- (11) The applicant maintained that the information it supplied showed that, during the reference periods considered, the amount of definitive duties it paid was higher than the actual dumping margin, owing to a drop in normal values resulting from a rationalization of production costs and a rise in export prices. It also argued that the reimbursable amounts should be those resulting from the Commission's checks on the data submitted at the beginning of the procedure, account being taken of the resulting corrections and the application of the method used during the original investigation.

C. ADMISSIBILITY

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

D. MERITS OF THE CLAIM

- (13) The applications, as they stood corrected at the end of the procedure, appear to be well founded. Pursuant to Article 16 (1) of Council Regulation (EEC)

No 2176/84 ⁽¹⁾ (and under Regulation (EEC) No 2423/88) anti-dumping duties which have already been paid may be refunded when the importer who has paid the duties can show that the duty collected exceeds the actual dumping margin. On the basis of the information supplied by the applicant and, as far as possible, applying the method used during the first investigation, the dumping margin which existed at the time the goods in question were imported had therefore to be calculated over a representative period, account being taken of the application of weighted averages, and then compared with the duties paid on the basis of a 12,4% anti-dumping duty. In the original investigation the dumping margin was determined for each model by comparing a monthly average normal value with export prices during the relevant month on a transaction-by-transaction basis. An average dumping margin was then calculated for all the models. No new finding suggested that the method first used to determine the actual dumping margin should be abandoned.

- (14) In accordance with Article 16 (1) of Regulation (EEC) No 2176/84 and the second part of the Commission notice, and submitting the data according to the same principles established in the original investigation, the applicant showed that the duties collected in the two reference periods exceeded the actual dumping margin by varying degrees according to the model being imported. A check showed this to be the result of some reduction in normal value compared with an upward trend in export prices during the relevant period. This led to an average actual dumping margin lower than that determined in the initial investigation (4,8% during the first reference period, 0,8% during the second), which justifies a partial reimbursement of the anti-dumping duties paid.

E. AMOUNT TO BE REIMBURSED

- (15) The Commission considered that account could be taken of the corrections requested by the applicant, as this involved not new data but merely the correction of the data submitted during the time allowed and which it had already been claimed showed a change in relation to the period of the initial investigation.

In accordance with point II.2 (d) of the Commission notice, a total of FF . . . is reimbursable, established as the difference between the amount of duty collected and the average actual dumping margin. This represents the whole amount requested, as reassessed following checks,

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

HAS ADOPTED THIS DECISION: -

Article 3

This Decision is addressed to the French Republic and Equipco SA, le Blanc-Mesnil, France.

Article 1

The refund applications submitted by Equipco SA, le Blanc-Mesnil, for the period from March 1985 to March 1986 are hereby granted for FF . . .

Done at Brussels, 21 March 1989.

Article 2

The amount set out in Article 1 shall be refunded by the French authorities.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION DECISION

of 21 March 1989

concerning applications for refund of anti-dumping duties collected on certain imports of hydraulic excavators originating in Japan (C. H. Beazer (Plant Sales) Ltd)

(Only the English text is authentic)

(89/264/EEC)

THE COMMISSION 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⁽¹⁾, and in particular Article 16 thereof,

Whereas:

A. PROCEDURE

- (1) Council Regulation (EEC) No 1877/85⁽²⁾ imposed a definitive anti-dumping duty on imports of certain hydraulic excavators exceeding six tonnes but not exceeding 35 tonnes originating in Japan. The rate of duty applied to Hitachi Construction Machinery Co. Ltd, Tokyo, was 12,4%.
- (2) Between March 1985 and September 1986 C. H. Beazer (Plant Sales) Ltd, Bridgewater, Somerset, United Kingdom, made four applications, following the normal procedure, for the refund of definitive anti-dumping duties paid on the importation of hydraulic excavators produced by Hitachi Construction Machinery Co. Ltd, Tokyo. The total amount requested was £ ...⁽³⁾, representing part of the £ ... paid altogether in anti-dumping duties on the imports.
- (3) The applications were treated as recurring applications within the meaning of point I.4 (a) of the Commission notice concerning the reimbursement of anti-dumping duties (hereinafter referred to as the 'Commission notice')⁽⁴⁾. They were therefore

grouped by six-month periods for the presentation of the required information and the assessment of the actual dumping margin.

- (4) The Commission asked the applicant for further details on certain calculations and for additional information on trends in certain costs, the comparability of certain new models with those covered by the original investigation, and certain reductions or sales facilities granted to the applicant's customers.
- (5) The applicant complied with the Commission's request only in respect of the applications for reimbursement relating to the period from March 1985 to March 1986 inclusive, i.e. the first two reference periods, and stated that it was withdrawing the subsequent applications and would not therefore be completing the case histories.
- (6) Information regarding the normal value and freight costs between March 1985 and March 1986 was checked on the premises of Hitachi Construction Machinery Co. Ltd in Japan and with C. Itoh, the exporting company.
- (7) Following these checks, which led to a number of corrections being made to the data originally supplied, the applicant produced new calculations, reducing the amount originally requested for the period from March 1985 to March 1986 from £ ... to £ ... However, it pointed out that, during the on-the-spot checks on normal value, Hitachi Construction Machinery Co. Ltd had discovered that data relating to the first reference period had mistakenly been used again in calculating the normal value for the second period. This had resulted in a higher normal value. The applicant argued that this error at its own cost was clearly involuntary since it resulted in a wider dumping margin, and that its applications should therefore be considered justified for a larger amount.
- (8) The Commission found that the calculations presented by the applicant for the comparisons between normal value and export price were in line with the method used during the original

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 176, 6. 7. 1985, p. 1.

⁽³⁾ In accordance with Article 8 of Regulation (EEC) No 2423/88, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.

⁽⁴⁾ OJ No C 266, 22. 10. 1986, p. 2.

investigation. However, they were incomplete in that they gave an actual dumping margin based solely on the applicant's imports into the United Kingdom. An average actual dumping margin therefore had to be calculated which included all exports to the Community of excavators produced by Hitachi Construction Machinery Co. Ltd during the relevant periods and for which information had also been supplied. This gave an average actual dumping margin different from that calculated with reference only to the applicant's own imports, as other dumping margins were established for imports into other Member States during the same period.

- (9) The applicant was informed of the preliminary results of this examination and given an opportunity to comment. Account has been taken of its comments in this Decision.
- (10) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

B. ARGUMENT OF THE APPLICANT

- (11) The applicant maintained that the information it supplied showed that, during the period from March 1985 to March 1986, the amount of definitive duties it paid was higher than the actual dumping margin, owing to a drop in normal values resulting from a rationalization of production costs and a rise in export prices. It also argued that the reimbursable amounts should be those resulting from the Commission's checks on the data submitted at the beginning of the procedure, account being taken of the resulting corrections and the application of the method used during the original investigation.

C. ADMISSIBILITY

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

D. MERITS OF THE CLAIM

- (13) The applications, as they stood corrected at the end of the procedure, appear to be well founded. Pursuant to Article 16(1) of Council Regulation (EEC)

No 2176/84 ⁽¹⁾ (and under Regulation (EEC) No 2423/88) anti-dumping duties which have already been paid may be refunded when the importer who has paid the duties can show that the duty collected exceeds the actual dumping margin. Applying, as far as possible, the method used during the first investigation, the dumping margin which existed at the time the goods in question were imported had therefore to be calculated over a representative period, account being taken of the application of weighted averages, and then compared with the duties paid on the basis of a 12,4 % anti-dumping duty.

In the original investigation the dumping margin was determined for each model by comparing a monthly average normal value with export prices during the relevant month on a transaction-by-transaction basis. An average dumping margin was then calculated for all the models. No new finding suggested that the method first used to determine the actual dumping margin should be abandoned.

In accordance with Article 16(1) of Regulation (EEC) No 2176/84 and the second part of the Commission notice, and submitting the data according to the same principles established in the original investigation, the applicant showed that the duties collected in the two reference periods exceeded the actual dumping margin by varying degrees according to the model being imported. A check showed this to be the result of some reduction in normal value compared with an upward trend in export prices during the relevant period. This led to an average actual dumping margin lower than that determined in the initial investigation (4,8 % during the first reference period 0,8 % during the second), which justifies a partial reimbursement of the anti-dumping duties paid.

E. AMOUNT TO BE REIMBURSED

- (14) The Commission considered that account could be taken of the corrections requested by the applicant, as this involved not new data but merely the correction of the data submitted during the time allowed and which it had already been claimed showed a change in relation to the period of the initial investigation.

In accordance with point II.2 (d) of the Commission notice, a total of £ . . . is reimbursable, established as the difference between the amount of duty collected and the average actual dumping margin,

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

HAS ADOPTED THIS DECISION:

Article 3

This Decision is addressed to the United Kingdom and C. H. Beazer (Plant Sales) Ltd, Bridgewater, Somerset, United Kingdom.

Article 1

The refund applications submitted by C. H. Beazer (Plant Sales) Ltd, Bridgewater, Somerset, for the period from March 1985 to March 1986 are hereby granted for £ . . . and rejected for the remainder.

Done at Brussels, 21 March 1989.

Article 2

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

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 30 March 1989

approving the plan relating to the examination for residues of substances other than those having a hormonal action submitted by Spain

(Only the Spanish text is authentic)

(89/265/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning examination of animals and fresh meat for the presence of residues ⁽¹⁾, and in particular Article 4 thereof,

Whereas, by letter of 21 November 1988, Spain sent the Commission a plan setting out the national measures taken on the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC;

Whereas examination of this plan, as modified, has shown that it conforms to the provisions laid down in Directive 86/469/EEC, and in particular Article 4 (1) thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan relating to the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC submitted by Spain is hereby approved.

Article 2

Spain shall adopt the necessary laws, regulations and administrative provisions for the implementation of the plan referred to in Article 1.

Article 3

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.

COMMISSION DECISION

of 30 March 1989

approving the plan relating to the examination for residues of substances other than those having a hormonal action submitted by Denmark

(Only the Danish text is authentic)

(89/266/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning examination of animals and fresh meat for the presence of residues ⁽¹⁾, and in particular Article 4 thereof,

Whereas, by letter of 25 November 1988, Denmark sent the Commission a plan setting out the national measures taken on the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC;

Whereas examination of this plan, as modified, has shown that it conforms to the provisions laid down in Directive 86/469/EEC, and in particular Article 4 (1) thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan relating to the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC submitted by Denmark is hereby approved.

Article 2

Spain shall adopt the necessary laws, regulations and administrative provisions for the implementation of the plan referred to in Article 1.

Article 3

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.

COMMISSION DECISION

of 30 March 1989

approving the plan relating to the examination for residues of substances other than those having a hormonal action submitted by Italy

(Only the Italian text is authentic)

(89/267/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning examination of animals and fresh meat for the presence of residues ⁽¹⁾, and in particular Article 4 thereof, ...

Whereas, by letter of 26 July 1988, Italy sent the Commission a plan setting out the national measures taken on the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC;

Whereas examination of this plan, as modified, has shown that it conforms to the provisions laid down in Directive 86/469/EEC, and in particular Article 4 (1) thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan relating to the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC submitted by Italy is hereby approved.

Article 2

Italy shall adopt the necessary laws, regulations and administrative provisions for the implementation of the plan referred to in Article 1.

Article 3

This Decision is addressed to the Kingdom of Italy.

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.

COMMISSION DECISION

of 30 March 1989

approving the plan relating to the examination for residues of substances other than those having a hormonal action submitted by France

(Only the French text is authentic)

(89/268/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning examination of animals and fresh meat for the presence of residues ⁽¹⁾, and in particular Article 4 thereof,

Whereas, by letter of 12 December 1989, France sent the Commission a plan setting out the national measures taken on the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC;

Whereas examination of this plan, as modified, has shown that it conforms to the provisions laid down in Directive 86/469/EEC, and in particular Article 4 (1) thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan relating to the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC submitted by France is hereby approved.

Article 2

France shall adopt the necessary laws, regulations and administrative provisions for the implementation of the plan referred to in Article 1.

Article 3

This Decision is addressed to the Republic of France.

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.

COMMISSION DECISION

of 30 March 1989

approving the plan relating to the examination for residues of substances other than those having a hormonal action submitted by Belgium

(Only the French and Dutch texts are authentic)

(89/269/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning examination of animals and fresh meat for the presence of residues ⁽¹⁾, and in particular Article 4 thereof,

Whereas, by letter of 22 June 1988, Belgium sent the Commission a plan setting out the national measures taken on the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC;

Whereas examination of this plan, as modified, has shown that it conforms to the provisions laid down in Directive 86/469/EEC, and in particular Article 4 (1) thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan relating to the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC submitted by Belgium is hereby approved.

Article 2

Belgium shall adopt the necessary laws, regulations and administrative provisions for the implementation of the plan referred to in Article 1.

Article 3

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.

COMMISSION DECISION

of 30 March 1989

approving the plan relating to the examination for residues of substances other than those having a hormonal action submitted by the Federal Republic of Germany

(Only the German text is authentic)

(89/270/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning examination of animals and fresh meat for the presence of residues ⁽¹⁾, and in particular Article 4 thereof,

Whereas, by letter of 21 October 1988, the Federal Republic of Germany sent the Commission a plan setting out the national measures taken on the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC;

Whereas examination of this plan, as modified, has shown that it conforms to the provisions laid down in Directive 86/469/EEC, and in particular Article 4 (1) thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan relating to the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC submitted by the Federal Republic of Germany is hereby approved.

Article 2

The Federal Republic of Germany shall adopt the necessary laws, regulations and administrative provisions for the implementation of the plan referred to in Article 1.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.

COMMISSION DECISION

of 30 March 1989

approving the plan relating to the examination for residues of substances other than those having a hormonal action submitted by Portugal

(Only the Portuguese text is authentic)

(89/271/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning examination of animals and fresh meat for the presence of residues ⁽¹⁾, and in particular Article 4 thereof,

Whereas, by letter of 22 June 1988, Portugal sent the Commission a plan setting out the national measures taken on the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC;

Whereas examination of this plan, as modified, has shown that it conforms to the provisions laid down in Directive 86/469/EEC, and in particular Article 4 (1) thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan relating to the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC submitted by Portugal is hereby approved.

Article 2

Portugal shall adopt the necessary laws, regulations and administrative provisions for the implementation of the plan referred to in Article 1.

Article 3

This Decision is addressed to the Republic of Portugal.

Done at Brussels, 30 March 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.

COMMISSION DECISION

of 30 March 1989

approving the plan relating to the examination for residues of substances other than those having a hormonal action submitted by Luxembourg

(Only the French text is authentic)

(89/272/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning examination of animals and fresh meat for the presence of residues ⁽¹⁾, and in particular Article 4 thereof,

Whereas, by letter of 12 September 1988, Luxembourg sent the Commission a plan setting out the national measures taken on the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC;

Whereas examination of this plan, as modified, has shown that it conforms to the provisions laid down in Directive 86/469/EEC, and in particular Article 4 (1) thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan relating to the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC submitted by Luxembourg is hereby approved.

Article 2

Luxembourg shall adopt the necessary laws, regulations and administrative provisions for the implementation of the plan referred to in Article 1.

Article 3

This Decision is addressed to the Grand Duchy of Luxembourg.

Done at Brussels, 30 March 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.

COMMISSION DECISION

of 30 March 1989

approving the plan relating to the examination for residues of substances other than those having a hormonal action submitted by the Netherlands

(Only the Dutch text is authentic)

(89/273/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning examination of animals and fresh meat for the presence of residues ⁽¹⁾, and in particular Article 4 thereof,

Whereas, by letter of 6 June 1988, the Netherlands sent the Commission a plan setting out the national measures taken on the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC;

Whereas examination of this plan, as modified, has shown that it conforms to the provisions laid down in Directive 86/469/EEC, and in particular Article 4 (1) thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan relating to the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC submitted by the Netherlands is hereby approved.

Article 2

The Netherlands shall adopt the necessary laws, regulations and administrative provisions for the implementation of the plan referred to in Article 1.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.

COMMISSION DECISION**of 30 March 1989****approving the plan relating to the examination for residues of substances other than those having a hormonal action submitted by the United Kingdom****(Only the English text is authentic)****(89/274/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning examination of animals and fresh meat for the presence of residues ⁽¹⁾, and in particular Article 4 thereof,

Whereas, by letter of 29 July 1988, the United Kingdom sent the Commission a plan setting out the national measures taken on the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC;

Whereas examination of this plan, as modified, has shown that it conforms to the provisions laid down in Directive 86/469/EEC, and in particular Article 4 (1) thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan relating to the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC submitted by the United Kingdom is hereby approved.

Article 2

The United Kingdom shall adopt the necessary laws, regulations and administrative provisions for the implementation of the plan referred to in Article 1.

Article 3

This Decision is addressed to the United Kingdom.

Done at Brussels, 30 March 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.

COMMISSION DECISION

of 30 March 1989

approving the plan relating to the examination for residues of substances other than those having a hormonal action submitted by Greece

(Only the Greek text is authentic)

(89/275/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning examination of animals and fresh meat for the presence of residues ⁽¹⁾, and in particular Article 4 thereof,

Whereas, by letter of 25 May 1988, Greece sent the Commission a plan setting out the national measures taken on the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC;

Whereas examination of this plan, as modified, has shown that it conforms to the provisions laid down in Directive 86/469/EEC, and in particular Article 4 (1) thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan relating to the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC submitted by Greece is hereby approved.

Article 2

Greece shall adopt the necessary laws, regulations and administrative provisions for the implementation of the plan referred to in Article 1.

Article 3

This Decision is addressed to the Republic of Greece.

Done at Brussels, 30 March 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.

COMMISSION DECISION

of 30 March 1989

approving the plan relating to the examination for residues of substances other than those having a hormonal action submitted by Ireland

(Only the English text is authentic)

(89/276/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 86/469/EEC of 16 September 1986 concerning examination of animals and fresh meat for the presence of residues ⁽¹⁾, and in particular Article 4 thereof,

Whereas, by letter of 9 November 1988, Ireland sent the Commission a plan setting out the national measures taken on the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC;

Whereas examination of this plan, as modified, has shown that it conforms to the provisions laid down in Directive 86/469/EEC, and in particular Article 4 (1) thereof;

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

HAS ADOPTED THIS DECISION:

Article 1

The plan relating to the examination for residues of the substances referred to in Annex I, Groups A.III and B to Directive 86/469/EEC submitted by Ireland is hereby approved.

Article 2

Ireland shall adopt the necessary laws, regulations and administrative provisions for the implementation of the plan referred to in Article 1.

Article 3

This Decision is addressed to Ireland.

Done at Brussels, 30 March 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

⁽¹⁾ OJ No L 275, 26. 9. 1986, p. 36.