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I Acts whose publication is obligatory

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2808/89

of 18 September 1989

imposing a definitive anti-dumping duty on imports of calcium metal originating in the People's Republic of China and the Soviet Union and definitively collecting the provisional anti-dumping duty imposed 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⁽¹⁾, and in particular Article 12 thereof,

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

Whereas :

A. Provisional measures

- (1) The Commission, by Regulation (EEC) No 707/89⁽²⁾, imposed a provisional anti-dumping duty on imports of calcium metal originating in the People's Republic of China and the Soviet Union. That duty was extended for a maximum period of two months by Regulation (EEC) No 2165/89⁽³⁾.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, the Community producer and an independent importer (who also transforms the product) requested, and were granted, an opportunity to be heard by the Commission. They also made written submissions known their views on the findings.
- (3) Upon request, the Community producer and the importer were informed of the essential facts and considerations on the basis of which it was

intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which they could make further representations to these disclosure meetings. The importer made comments which were considered prior to the Commission finalizing its conclusions.

The Chinese and Soviet exporters were also informed of the intention to recommend the imposition of definitive duties higher than the amount of the provisional anti-dumping duties. The Chinese exporter responded by repeating an allegation concerning injury, which was considered prior to the Commission finalizing its conclusions.

C. Description of the product

- (4) In its provisional findings, recital 6 of Regulation (EEC) No 707/89, the Commission had concluded that calcium metal is used chiefly in the metallurgical and uranium industries. This conclusion was contested by one importer, who also transforms the product in question, on the grounds that calcium metal is no longer used in the production of uranium. The Commission has examined this claim and has found that, whilst calcium metal continues to be used in the uranium industry, this usage is indeed limited and that calcium metal is used essentially in the metallurgical industry.
- (5) The same importer has also claimed that the imported calcium metal from the People's Republic of China and the Soviet Union is not a like product to calcium metal produced in the Community. The importer has alleged that Community-produced calcium metal is of a poorer quality and is more difficult to transform than Chinese or Soviet imported calcium metal and that only Chinese and Soviet imported calcium metal can be used for many of the uses of that product.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 78, 21. 3. 1989, p. 10.

⁽³⁾ OJ No L 208, 20. 7. 1989, p. 1.

With respect to physical and technical characteristics, although Community-produced calcium metal, without distillation, is of a slightly lower degree of purity than Chinese and Soviet imported calcium metal, both the Community-produced calcium metal and the imported products are commercial grade material and both need further distillation to produce the highest purity grade of calcium metal.

The majority of calcium metal end uses are for metallurgical applications, where, in many cases, Community-produced calcium metal is directly substitutable by Chinese and Soviet imported calcium metal. The importer has claimed that only calcium metal from the People's Republic of China and the Soviet Union can be used for certain technical applications in the iron and steel industry and for calcium thermic reactions, although this claim was denied by the Community producer. The importer has also requested that an expert be nominated to carry out a technical analysis of the products in question. This request has not been accepted since the importer, as a transformer, whilst claiming to experience difficulties in using the Community product, has itself acknowledged that it can technically use the Community-produced calcium metal instead of the Chinese or Soviet imported product. The importer has even complained that the Community producer has refused to supply Community produced calcium metal for its use. (See recital 15 below).

- (6) The Soviet exporter had also claimed during the procedure that its product was not a like product to the Community producer, but on the grounds that Soviet-produced calcium metal was poorer in quality. No end user of calcium metal has either requested a hearing or made any written submission to contest the Commission's findings on this subject.

In these circumstances, the Commission has concluded that, although Community-produced calcium metal is of a slightly lower degree of purity than Chinese and Soviet imported calcium metal, Community produced calcium metal and, the imported product from the People's Republic of China and the Soviet Union have sufficiently close physical and technical characteristics, the same end uses and the same markets to be considered as like products.

- (7) In the light of the findings presented in Regulation (EEC) No 707/89 (recitals 6 to 8), and of the considerations set out above, the Council concludes

that the Chinese and Soviet imports are like products to calcium metal produced in the Community, within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

D. Dumping

- (8) In establishing the normal value, the Commission had to take account of the fact that neither the People's Republic of China nor the Soviet Union have a market economy and that, therefore, in accordance with Regulation (EEC) No 2423/88, normal value should be determined with reference to prices or costs of a producer or producers in a market economy country. In this connection the Commission based its calculation of normal value on the domestic market prices of the like product in the United States and set out its reasons for so doing in recital 11 of Regulation (EEC) No 707/89.

One importer contested the calculation of the normal value alleging that the prices used by the Commission were based on inter-company transactions by the United States producer and that, as a result, the United States producer had made excessive profits. To support this claim, the importer produced statistics for United States consumption for the year 1983 and suggested, therefore, that normal value should be determined on the basis of constructed value, as per Article 2 (5) (b) of Regulation (EEC) No 2423/88.

The Commission has only taken sales transactions to independent end users into account for the period of the investigation, namely the year of 1987, to determine prices and, as pointed out in recital 11 of Regulation (EEC) No 707/89, the prices charged by the United States producer during the reference period allowed a reasonable but not excessive profit. The Council therefore confirms the Commission's provisional findings concerning the basis for determining the normal value.

- (9) As regards the calculation of normal value, the Commission has only considered the United States sales prices of calcium metal crowns and pieces, requiring no distillation or major transformation of form by the producer, and determined a weighted average normal value.
- (10) Export prices were determined on the basis of prices actually paid or payable for the Chinese or Soviet product sold for export to the Community.

- (11) In comparing normal value with export prices, the Commission took account, where appropriate, of differences affecting price comparability, including transport, insurance, handling, loading and ancillary costs, commissions paid in respect of the sales under consideration, and credit terms. All comparisons were made on an ex-works basis.

One importer has claimed that an adjustment for physical characteristics should be made as the quality of the United States produced calcium metal is slightly lower than that of the Chinese and Soviet product. This request has not been accepted as the normal value in the United States market was determined by; restricting the calculation to sales prices of calcium metal crowns and pieces, requiring no distillation or major transformation, i.e. those products directly comparable to, and which compete directly with, Chinese and Soviet products.

- (12) The comparison showed that Chinese and Soviet exports to the Community were being dumped during the reference period. Weighted average dumping margins, calculated as a percentage of the net, free-at-Community-frontier price of the product, before duty, are 21,8 % for the Chinese product and 22,0 % for the Soviet product. The Council confirms these definitive dumping margins.

E. Injury

- (13) As regards the injury caused by the dumped imports, one importer has advanced six arguments to contest the Commission's conclusions as set out in Regulation (EEC) No 707/89.

The first argument is that the year 1985 cannot serve as the reference year for examining injury as the Community production in the year 1985 is not in line with the trend for production recorded in the years 1981 to 1983.

The argument cannot be accepted since the period for the examination of injury, the years from 1985 to 1987, was chosen as these years corresponded to the most recent period for the examination of the trend of imports into the Community. As regards the production figures for this period, they have been verified by the Commission. References made by the importer to trends in the earlier years of 1981 to 1983 are not therefore considered relevant.

- (14) The second argument is that the producer's decision to invest in new capacity was not justified and was responsible for the fall in capacity utilization.

This claim is considered to be unfounded. In recital 20 of Regulation (EEC) No 707/89, the

Commission had referred to investments made by the Community producer in 1985 and 1986. The decision, however, to invest in new capacity, representing a 35 % increase, was taken in 1984 when capacity utilization was at a level of 92 % and with the market in a state of expansion. In any event, the announcement to double capacity, to which the importer is referring, was consequently suspended and has not taken place.

- (15) The third argument concerns a claim that the Community producer has suffered self-inflicted injury in refusing to supply calcium metal to the importer, who has begun Court proceedings in one Member State against the Community producer alleging abuse of dominant position.

The Commission notes that the Community producer has denied these allegations and that no final judgement has yet been reached in the Court proceedings in the Member State concerned.

The Commission takes the view that the purpose of anti-dumping proceedings is not, and cannot be, to condone or encourage restrictive business practices, and that the initiation of such a proceeding does not therefore deprive an undertaking of its right to initiate proceedings under Articles 85 or 86 of the Treaty, the outcome of which cannot be prejudiced by an anti-dumping investigation. Moreover, if and when an infringement of Articles 85 and 86 is discovered and a decision has been made under Regulation No 17⁽¹⁾, the Commission may review the present anti-dumping proceeding in accordance with Article 14 (1) of Regulation (EEC) No 2423/88.

- (16) The fourth argument is that the fall in sales price of the Community producer was not only due to competition from imported products but also due to a lack of competition in the absence of any other producers, coupled with poor management practices and high fixed costs of the Community producer. The importer requested that the Commission should recalculate the selling prices of the Community producer by deducting the level of its fixed costs.

The request cannot be accepted since the Commission has established the actual selling prices in the marketplace based on the sales transactions to independent purchasers. In addition, it has been found that the fall in sales price has occurred during the period in which imports of Chinese and Soviet calcium metal have increased in terms of both volume and market share. In any event, fixed costs are not a factor to be deducted in

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

determining the actual sales prices found in the marketplace. Under these circumstances, there is no reason to recalculate the selling prices.

- (17) The fifth argument claims that other third country imports have been responsible for any injury caused.

The Commission, in its preliminary determination, has already examined whether the injury sustained by the Community producer was caused by factors other than the dumped imports. With respect to the level of imports from other third countries, these have declined by over 46 % during the period 1985 to 1987 with a reduction in market share. Additionally the price of other imports during the reference period was found to be higher than those of the imported Chinese and Soviet product.

- (18) The sixth argument alleges that, prior to 1985, it was the Community producer who practised price undercutting and forced the Chinese and Soviet exporters to follow its prices. This allegation was also made by the Chinese exporter.

The Commission, in its preliminary conclusions, had established price undercutting by the Chinese and Soviet exporters during the reference period. A recalculation of the undercutting figures, based on weighted average cif export prices, shows price undercutting of 6,5 % for the Chinese imported product and 9,8 % for the Soviet imported product, i.e. figures lower than provisionally established (10,7 % and 11,2 % respectively). The argument as to who started the price undercutting, prior to 1985, is now considered difficult, if not impossible, to determine and in any event, whether the exporters concerned initially intended only to align their prices on those of the Community producer is not considered relevant to the issue of price undercutting during the period in which injury had been examined. The recalculation of price undercutting has confirmed that there is evidence that dumped Chinese and Soviet exports have undercut the prices of the Community producer.

- (19) None of the above arguments put forward by the importer calls into question the conclusions as regards the injury to the Community industry which the Commission reached in its preliminary conclusions, recitals 16 to 22 of Regulation (EEC) No 707/89. Consequently, the Council confirms those conclusions.

F. Community interest

- (20) One importer has also disputed the Commission's preliminary conclusions concerning Community

interest. Firstly, it is claimed that calcium metal is no longer used in the production of uranium and therefore there is no strategic reason for maintaining calcium metal production in the Community.

This claim, referring to the use of calcium metal in the production of uranium, has already been examined in recital 4 above. Even without this particular use, the Commission, however, still considers that, in the absence of any protection against the injurious effects of the dumped Chinese and Soviet imports, the viability of the sole Community producer would be jeopardized and the Community would then be entirely dependent on outside sources of calcium metal for use in the metallurgical industry.

- (21) Secondly, the importer, who also transforms the product, has alleged that the impact of a duty would significantly increase its costs and threaten its viability to continue in business.

The Commission is unable to accept this claim. An examination of the submission made by the importer shows that the importer has based its claim on a calculation incorporating, not only the expected duty increase but also, other increases in product costs and changes in currency rates in the period 1988 to 1989. The Commission, in examining the impact of the duty on imports of calcium metal, has necessarily to base its examination on the facts established in the investigation period. This shows that the proposed measures would have the effect of a limited increase in the total costs of a company which transforms the product and an insignificant increase for the Community end users of calcium metal.

- (22) Finally, the importer has claimed that it is in the interest of the Community to pursue developments in the industrial sector of new types of magnets, to which the importer as a transformer of calcium metal is a leading contributor through the use of imported Chinese and Soviet calcium metal.

The claim has already been examined under two aspects — namely 'like product' and cost increase — and has had to be rejected for the following reasons. With regard to 'like product' it was shown in recital 5 that Chinese and Soviet imported products are considered as like products to the Community calcium metal. Secondly, with regard to cost increase as discussed in recital 21 above, the limited impact of definitive anti-dumping duties, on the total costs of a company which transforms calcium metal is not considered to be an economic deterrent to pursuing these developments.

- (23) No Community end users have either requested a hearing or made any written submission after the imposition of provisional measures.

Taking into account the considerations set out above, the Council has come to the conclusion that it is in the Community's interest that action be taken and that protection of the Community's interest calls for the imposition of a definitive anti-dumping duty on imports of calcium metal originating in the People's Republic of China and the Soviet Union.

- (24) One independent importer has also requested a special exemption in the event that a decision should be taken to impose definitive duties. The Council is unable to grant such a request from an independent importer, when it is clear that it is in the Community's interest that action be taken to prevent the injurious effect of dumped Chinese and Soviet imports and since this objective would be rendered nugatory if such an exemption were to be made and which would also be difficult to defend on the grounds of equality of treatment of all importers.

G. Definitive duty

- (25) The Commission has re-examined the purchase prices of the Community importers with the selling price necessary to provide an adequate profit (5 % margin on the sales price) for the Community producer, the injury threshold. Taking into account the conclusions reached concerning injury, that there has been price undercutting and that the Community producer has suffered considerable financial losses in selling below its production cost, the Commission has concluded that definitive anti-dumping duties should be imposed upon imports of calcium metal originating in the People's Republic of China and the Soviet Union higher than the amount of the provisional anti-dumping duties and equivalent to the definitive dumping margins found, which are

below the injury threshold. The Council confirms this conclusion.

- (26) The Council considers that, to ensure the effectiveness of the protective measures and to facilitate customs clearance, the definitive duty should take the form of an *ad valorem* duty.

H. Collection of the provisional duty

- (27) The amounts secured by way of provisional anti-dumping duty should therefore be collected in their entirety,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of calcium metal originating in the People's Republic of China and the Soviet Union and corresponding to CN code 2805 21 00, and the rate thereof is set as follows:

- (a) The rate of duty for calcium metal originating in the People's Republic of China shall be 21,8 % of the net, free-at-Community-frontier price of the product, before duty;
- (b) The rate of duty for calcium metal originating in the Soviet Union shall be 22,0 % of the net, free-at-Community-frontier price of the product, before duty.

2. The provisions in force with regard to customs duties shall apply.

Article 2

The sums secured by way of provisional anti-dumping duty under Regulation (EEC) No 707/89 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, 18 September 1989.

For the Council

The President

E. CRESSON

COMMISSION REGULATION (EEC) No 2809/89

of 19 September 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1834/89 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1915/89 ⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 18 September 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 1915/89 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 20 September 1989.

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

Done at Brussels, 19 September 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

ANNEX

to the Commission Regulation of 19 September 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	34,31	136,65
0712 90 19	34,31	136,65
1001 10 10	17,45	153,00 ⁽¹⁾ ⁽²⁾
1001 10 90	17,45	153,00 ⁽¹⁾ ⁽²⁾
1001 90 91	16,30	103,34
1001 90 99	16,30	103,34
1002 00 00	44,06	111,85 ⁽³⁾
1003 00 10	34,73	104,50
1003 00 90	34,73	104,50
1004 00 10	26,13	99,02
1004 00 90	26,13	99,02
1005 10 90	34,31	136,65 ⁽²⁾ ⁽³⁾
1005 90 00	34,31	136,65 ⁽²⁾ ⁽³⁾
1007 00 90	52,35	139,45 ⁽⁴⁾
1008 10 00	34,73	0,00
1008 20 00	34,73	69,50 ⁽⁴⁾
1008 30 00	34,73	0,00 ⁽²⁾
1008 90 10	(7)	(7)
1008 90 90	34,73	0,00
1101 00 00	36,12	158,85
1102 10 00	74,98	169,88
1103 11 10	41,47	251,58
1103 11 90	38,70	171,25

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

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

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

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

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

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (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).

⁽⁷⁾ 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 2810/89

of 19 September 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1834/89 ⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1916/89 ⁽⁵⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

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

Whereas these exchange rates being those recorded on 18 September 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 20 September 1989.

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

Done at Brussels, 19 September 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 11. 11. 1975, p. 1.⁽²⁾ OJ No L 180, 27. 6. 1989, p. 1.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 19 September 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	Current	1st period	2nd period	3rd period
	9	10	11	12
0709 90 60	0	0	0	0,34
0712 90 19	0	0	0	0,34
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0,34
1005 90 00	0	0	0	0,34
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	Current	1st period	2nd period	3rd period	4th period
	9	10	11	12	1
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 2811/89

of 19 September 1989

fixing the export refunds on eggs

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 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 9 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 2774/75 of 29 October 1975⁽³⁾ lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾;
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of

these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas it follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

Whereas Commission Regulation (EEC) No 633/86 of 28 February 1986 laying down specific rules on export refunds in the egg sector following the accession of Portugal and amending Regulation (EEC) No 188/86⁽⁶⁾ established the principle that no Community refund should be granted on egg products originating in Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of codes of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.
2. The refund referred to in paragraph 1 shall not be granted in respect of exports to Portugal from 1 March 1986.
3. The refund referred to in paragraph 1 shall not be granted in respect of exports of products originating in Portugal.

Article 2

This Regulation shall enter into force on 20 September 1989.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 68.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁶⁾ OJ No L 60, 1. 3. 1986, p. 13.

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

Done at Brussels, 19 September 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 19 September 1989 fixing the export refunds on eggs

Product code	Destination (1)	Amount of refund
		ECU/100 units
0407 00 11 000	02	5,20
0407 00 19 000	04	3,50
	03	4,50
		ECU/100 kg
0407 00 30 000	06	22,00
	05	28,00
0408 11 10 000	01	107,00
0408 19 11 000	01	47,00
0408 19 19 000	01	51,00
0408 91 10 000	01	100,00
0408 99 10 000	01	25,00

(1) The destinations are as follows:

- 01 All destinations,
- 02 All destinations except the United States of America,
- 03 Iraq,
- 04 All destinations except the United States of America and Iraq,
- 05 Bahrain, Oman, Qatar, the United Arab Emirates, Kuwait, North Yemen and Hong Kong,
- 06 All destinations except those of 05 above.

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

COMMISSION REGULATION (EEC) No 2812/89
of 19 September 1989
fixing the export refunds on poultrymeat

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 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 9 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 2779/75 of the Council of 29 October 1975 ⁽³⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the poultrymeat sector;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁵⁾;

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

Whereas Commission Regulation (EEC) No 634/86 of 28 February 1986 laying down specific rules on export refunds in the poultrymeat sector following the accession of Portugal and amending Regulation (EEC) No 189/86 ⁽⁶⁾ established the principle that no Community refund should be granted on poultrymeat products originating in Portugal;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultry meat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products for which, when they are exported, the export refund referred to in Article 9 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.
2. The refund referred to in paragraph 1 shall not be granted in respect of exports to Portugal from 1 March 1986.
3. The refund referred to in paragraph 1 shall not be granted in respect of exports of products originating in Portugal.

Article 2

This Regulation shall enter into force on 20 September 1989.

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

Done at Brussels, 19 September 1989.

For the Commission
Ray MAC SHARRY
Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁶⁾ OJ No L 60, 1. 3. 1986, p. 15.

ANNEX

to the Commission Regulation of 19 September 1989 fixing the export refunds on poultrymeat

Product code	Destination of refund ⁽¹⁾	Amount of refund
		ECU/100 units
0105 11 00 000	01	4,20
0105 19 10 000	01	8,40
0105 19 90 000	01	4,20
		ECU/100 kg
0105 91 00 000	01	17,00
0207 10 11 000	01	18,00
0207 10 15 000	04	36,00
	05	29,00
	06	25,00
0207 10 19 100	04	40,00
	05	33,00
	06	25,00
0207 10 19 900	01	25,00
0207 10 31 000	01	25,00
0207 10 39 000	01	25,00
0207 10 51 000	01	33,00
0207 10 55 000	01	33,00
0207 10 59 000	01	33,00
0207 21 10 000	04	36,00
	05	29,00
	06	25,00
0207 21 90 100	04	40,00
	05	33,00
	06	25,00
0207 21 90 900	01	25,00
0207 22 10 000	01	25,00
0207 22 90 000	01	25,00
0207 23 11 000	01	33,00
0207 23 19 000	01	33,00
0207 39 11 110	01	8,00
0207 39 11 190	—	—
0207 39 11 910	—	—
0207 39 11 990	01	50,00
0207 39 13 000	02	32,00
	03	28,00
0207 39 15 000	01	10,00
0207 39 21 000	01	37,00
0207 39 23 000	02	41,00
	03	36,00
0207 39 25 100	02	32,00
	03	28,00
0207 39 25 200	02	32,00
	03	28,00
0207 39 25 300	02	32,00
	03	28,00
0207 39 25 900	—	—
0207 39 31 110	01	8,00
0207 39 31 190	—	—
0207 39 31 910	—	—
0207 39 31 990	01	50,00
0207 39 33 000	01	28,00
0207 39 35 000	01	10,00

Product code	Destination of refund (*)	Amount of refund
		ECU/100 kg
0207 39 41 000	01	37,00
0207 39 43 000	01	18,00
0207 39 45 000	01	36,00
0207 39 47 100	01	10,00
0207 39 47 900	—	—
0207 39 55 110	01	8,00
0207 39 55 190	—	—
0207 39 55 910	—	—
0207 39 55 990	01	54,00
0207 39 57 000	01	40,00
0207 39 65 000	01	15,00
0207 39 73 000	01	40,00
0207 39 77 000	01	39,00
0207 41 10 110	01	8,00
0207 41 10 190	—	—
0207 41 10 910	—	—
0207 41 10 990	01	50,00
0207 41 11 000	02	32,00
	03	28,00
	01	10,00
0207 41 21 000	01	37,00
0207 41 41 000	02	41,00
0207 41 51 000	03	36,00
	02	32,00
	03	28,00
0207 41 71 100	02	32,00
	03	28,00
	02	32,00
0207 41 71 200	03	28,00
	02	32,00
	03	28,00
0207 41 71 300	02	32,00
	03	28,00
	—	—
0207 41 71 900	—	—
0207 42 10 110	01	8,00
0207 42 10 190	—	—
0207 42 10 910	—	—
0207 42 10 990	01	50,00
0207 42 11 000	01	28,00
0207 42 21 000	01	10,00
0207 42 41 000	01	37,00
0207 42 51 000	01	18,00
0207 42 59 000	01	36,00
0207 42 71 100	01	10,00
0207 42 71 900	—	—
0207 43 15 110	01	8,00
0207 43 15 190	—	—
0207 43 15 910	—	—
0207 43 15 990	01	54,00
0207 43 21 000	01	40,00
0207 43 31 000	01	15,00
0207 43 53 000	01	40,00
0207 43 63 000	01	39,00
1602 39 11 100	01	19,00
1602 39 11 900	—	—

(¹) The destinations are as follows :

- 01 All destinations except the United States of America,
- 02 Egypt, Iraq, the Canary Islands, Ceuta and Melilla, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman and the United Arab Emirates,
- 03 All destinations except the United States of America and those of 02 above,
- 04 Egypt, Iraq, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates and Singapore,
- 05 Canary Islands, Ceuta and Melilla,
- 06 All destinations except the United States of America and those of 04 and 05 above.

NB : The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 as amended (OJ No L 366, 24. 12. 1987, p. 1).

COMMISSION REGULATION (EEC) No 2813/89

of 19 September 1989

on the sale at prices fixed at a standard rate in advance of certain bone-in beef held by the German intervention agency and intended for export to Poland and amending Regulation (EEC) No 569/88

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas the German intervention agency has a stock of bone-in intervention meat;

Whereas, in view of the special supply needs of the Polish population, part of that meat should be put up for sale at a price fixed at a standard rate in advance in accordance with Commission Regulation (EEC) No 985/81 ⁽³⁾, as last amended by Regulation (EEC) No 1809/87 ⁽⁴⁾, for export to Poland;

Whereas, in view of the present situation on the Polish market and in particular of the abovementioned supply problems, the sale must be made subject to the presentation of contracts concluded with the sole body acting on behalf of the Polish Government; whereas, in view of the urgency and the specific nature of the operation and of the need for controls, special detailed rules must be laid down in particular as regards the minimum quantity which may be purchased;

Whereas products held by intervention agencies and intended for export are subject to Commission Regulation (EEC) No 569/88 ⁽⁵⁾, as last amended by Regulation (EEC) No 2669/89 ⁽⁶⁾; whereas the Annex to the said Regulation should be extended as regards the endorsements to be entered on the control copy;

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

1. A sale shall be organized of approximately:

— 5 000 tonnes of hindquarters, and

— 5 000 tonnes of forequarters,

held by the German intervention agency and bought in before 1 June 1989.

The qualities and selling price are laid down in Annex I.

2. This meat must be exported to Poland.

3. The sale shall take place in accordance with Regulation (EEC) No 985/81, subject to the provisions of this Regulation.

4. To be admissible, purchase applications must:

(a) relate to an equal quantity of forequarters and hindquarters, such quantity being at least 2 500 tonnes of each of the two presentations in question;

(b) be accompanied by a copy of a sales contract for a quantity of beef equal to the quantity applied for, concluded by the applicant with PHZ Animex ⁽⁷⁾.

5. Interested parties may obtain information on the quantities and the places where the products stored are located at the address indicated in Annex II.

Article 2

1. The security provided for in Article 3 (1) of Regulation (EEC) No 985/81 shall be ECU 10 per 100 kilograms.

2. The security provided for in Article 3 (2) of Regulation (EEC) No 985/81 shall be ECU 160 per 100 kilograms.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 99, 10. 4. 1981, p. 38.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁶⁾ OJ No L 257, 2. 9. 1989, p. 20.

⁽⁷⁾ PHZ Animex, Warszawa, ul. Chalubisiskiebo 8; tel. 30 08 10, telex 814491 ax pl.

Article 3

The following item 49 and the relevant footnote are hereby added to Part I of the Annex to Regulation (EEC) No 569/88, entitled 'Products to be exported in the same state as that in which they were removed from intervention stock':

'49. Commission Regulation (EEC) No 2813/89 on the sale at prices fixed at a standard rate in

advance of certain bone-in beef held by the German intervention agency and intended for export to Poland ⁽⁴⁹⁾.

⁽⁴⁹⁾ OJ No L 271, 20. 9. 1989, p. 16.'

Article 4

This Regulation shall enter into force on 21 September 1989.

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

Done at Brussels, 19 September 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I —
ALLEGATO I — BIJLAGE I — ANEXO I

Precio de venta expresado en ecus por 100 kg
Salgspris i ECU pr. 100 kg af produkterne
Verkaufspreise in Ecu je 100 kg des Erzeugnisses
Τιμή πώλησεως σε Ecu ανά 100 χγγ προϊόντων
Selling price in ECU per 100 kg of product
Prix de vente en écus par 100 kilogrammes de produits
Prezzi di vendita in ECU per 100 kg di prodotti
Verkoopprijzen in ecu per 100 kg produkt
Preço de venda expresso em ECU por 100 kg

BUNDESREPUBLIK DEUTSCHLAND

- *Vorderviertel, auf 8 Rippen geschnitten, stammend von:*
Kategorie A, Klassen U und R / Kategorie C, Klassen U und R 130,00
- *Hinterviertel, auf 5 Rippen geschnitten, stammend von:*
Kategorie A, Klassen U und R / Kategorie C, Klassen U und R 200,00
- *Vorderviertel, auf 5 Rippen geschnitten, mit Dünnung am Vorderviertel eingeschlossen, stammend von:*
Kategorie A, Klassen U und R / Kategorie C, Klassen U und R 130,00
- *Hinterviertel, auf 8 Rippen geschnitten (Pistola), ohne Dünnung, stammend von:*
Kategorie A, Klassen U und R / Kategorie C, Klassen U und R 200,00

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —
ALLEGATO II — BIJLAGE II — ANEXO II

Dirección del organismo de intervención — Interventionsorganets adresse — Anschrift der
Interventionsstelle — Διευθύνσεις των οργανισμών παρεμβάσεως — Address of the intervention
agency — Adresse de l'organisme d'intervention — Indirizzo dell'organismo d'intervento —
Adres van het interventiebureau — Endereço do organismo de intervenção

BUNDESREPUBLIK
DEUTSCHLAND:

Bundesanstalt für landwirtschaftliche Marktordnung (BALM)
Referat 313 — Adickesallee 40
D-6000 Frankfurt am Main 18
(Tel.: (06 11) 55 04 61 / 55 05 41; Telex: 411 156 / 411 727 —
Tel.: 0 69 / 15 64 (0) 7 04 / 7 05; Telefax 069-1 564 776; Teletext 6 990 732)

COMMISSION REGULATION (EEC) No 2814/89

of 19 September 1989

fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

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 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular the first sentence of the fifth subparagraph of Article 9 (2) thereof,

Whereas Article 9 (1) of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices within the Community may be covered by an export refund; whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EEC) No 4055/87⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75;

Whereas, in accordance with the second subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kg for each of the basic products in question must be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed;

Whereas, in accordance with paragraph 2 of that Article, when that rate is being determined particular account should be taken of:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world market;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions; and
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the products appearing in Annex A to Regulation (EEC) No 3035/80 and listed in Article 1 (1) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 20 September 1989.

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

Done at Brussels, 19 September 1989.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 379, 31. 12. 1987, p. 1.

ANNEX

to the Commission Regulation of 19 September 1989 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)

CN code	Description	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked :	
	– Of poultry :	
0407 00 30	– – Other	22,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter :	
	– Egg yolks :	
0408 11	– – Dried :	
ex 0408 11 10	– – – Suitable for human consumption : not sweetened	107,00
0408 19	– – Other :	
	– – – Suitable for human consumption :	
ex 0408 19 11	– – – – Liquid : not sweetened	47,00
ex 0408 19 19	– – – – Frozen : not sweetened	51,00
	– Other :	
0408 91	– – Dried :	
ex 0408 91 10	– – – Suitable for human consumption : not sweetened	100,00
0408 99	– – Other :	
ex 0408 99 10	– – – Suitable for human consumption : not sweetened	25,00

COMMISSION REGULATION (EEC) No 2815/89
of 19 September 1989
temporarily suspending the advance fixing of export refunds on poultrymeat

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

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾,

Having regard to Regulation (EEC) No 2779/75 of the Council of 29 October 1975 laying down general rules for granting export refunds on poultrymeat and criteria for fixing the amount of such refunds⁽³⁾, and in particular the first subparagraph of Article 5 (4) thereof,

Whereas consideration of the situation on the market in poultrymeat reveals the existence of a number of problems arising from the application of the provisions concerning the advance fixing of the refund; whereas applications are, for speculative purposes, being submitted for the advance fixing of the refund as a result; whereas

the advance fixing of refunds should therefore be suspended, with no action being taken on applications already lodged but not yet dealt with;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management committee for Poultrymeat and Eggs,

HAS ADOPTED THIS REGULATION:

Article 1

The advance fixing of export refunds for the products referred to in Article 1 of Regulation (EEC) No 2777/75 is suspended for the period 20 to 26 September 1989.

Article 2

This Regulation shall enter into force on 20 September 1989.

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

Done at Brussels, 19 September 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 90.

COMMISSION REGULATION (EEC) No 2816/89
of 19 September 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1225/89 ⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 2639/89 ⁽⁴⁾,

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 ⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88 ⁽⁶⁾, 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 2645/89 ⁽⁷⁾, as last amended by Regulation (EEC) No 2785/89 ⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2645/89 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 the abatement of the subsidy for sunflower seed which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 year, has not, to date, been fixed; whereas the amount of the subsidy for the 1989/90 year has been provisionally calculated on the basis of an abatement of ECU 11,55 per 100 kilograms for sunflower seed,

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 ⁽⁹⁾ 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 ⁽¹⁰⁾ 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 ⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is as set out in Annex III.
4. However, the amount of the subsidy for sunflower seed will be confirmed or replaced as from 20 September 1989 to take into account the consequences of the application of the system of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 20 September 1989.

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

Done at Brussels, 19 September 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 255, 1. 9. 1989, p. 14.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 255, 1. 9. 1989, p. 32.

⁽⁸⁾ OJ No L 268, 15. 9. 1989, p. 51.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

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

(amounts per 100 kg)

	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2
1. Gross aids (ECU):						
— Spain	1,170	1,170	1,170	1,170	1,170	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	21,557	21,347	21,822	22,100	22,235	22,685
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	51,23	50,73	51,85	52,51	52,83	54,03
— Netherlands (Fl)	56,86	56,31	57,56	58,30	58,65	60,03
— BLEU (Bfrs/Lfrs)	1 040,92	1 030,78	1 053,72	1 067,14	1 073,66	1 095,39
— France (FF)	163,42	161,77	165,46	167,61	168,63	172,13
— Denmark (Dkr)	192,51	190,63	194,87	197,35	198,56	202,58
— Ireland (£ Irl)	18,188	18,005	18,416	18,655	18,768	19,158
— United Kingdom (£)	14,215	14,057	14,371	14,529	14,618	14,826
— Italy (Lit)	36 166	35 816	36 610	37 009	37 235	37 790
— Greece (Dr)	3 526,67	3 474,02	3 536,05	3 559,74	3 581,31	3 577,40
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	178,89	178,89	178,89	178,89	178,89	178,89
— in another Member State (Pta)	3 088,59	3 058,01	3 117,57	3 150,37	3 171,68	3 213,99
(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)	4 375,64	4 334,91	4 366,91	4 398,08	4 416,15	4 445,96

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2
1. Gross aids (ECU):						
— Spain	3,670	3,670	3,670	3,670	3,670	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	24,057	23,847	24,322	24,600	24,735	25,185
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	57,13	56,64	57,75	58,41	58,73	59,94
— Netherlands (Fl)	63,46	62,90	64,16	64,89	65,25	66,62
— BLEU (Bfrs/Lfrs)	1 161,64	1 151,50	1 174,43	1 187,86	1 194,38	1 216,11
— France (FF)	182,66	181,02	184,71	186,85	187,88	191,37
— Denmark (Dkr)	214,83	212,96	217,20	219,68	220,89	224,90
— Ireland (£ Irl)	20,330	20,147	20,558	20,797	20,910	21,299
— United Kingdom (£)	15,969	15,810	16,124	16,283	16,371	16,580
— Italy (Lit)	40 349	39 999	40 792	41 192	41 418	41 972
— Greece (Dr)	3 975,14	3 922,48	3 984,52	4 008,20	4 029,77	4 025,86
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	561,13	561,13	561,13	561,13	561,13	561,13
— in another Member State (Pta)	3 470,83	3 440,25	3 499,81	3 532,61	3 553,92	3 596,23
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	480,01	480,01	480,01	480,01	480,01	480,01
— in another Member State (Esc)	4 855,65	4 814,91	4 846,92	4 878,09	4 896,15	4 925,96

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 9 (1)	1st period 10 (1)	2nd period 11 (1)	3rd period 12 (1)	4th period 1 (1)
1. Gross aids (ECU):					
— Spain	6,890	6,890	6,890	6,890	6,890
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	21,431	21,562	21,693	22,024	22,230
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	50,99	51,29	51,60	52,39	52,87
— Netherlands (Fl)	56,53	56,88	57,22	58,10	58,64
— BLEU (Bfrs/Lfrs)	1 034,84	1 041,16	1 047,49	1 063,47	1 073,42
— France (FF)	162,00	163,03	164,02	166,57	168,14
— Denmark (Dkr)	191,38	192,55	193,72	196,68	198,52
— Ireland (£ Irl)	18,031	18,145	18,255	18,539	18,714
— United Kingdom (£)	13,968	14,067	14,112	14,302	14,441
— Italy (Lit)	35 973	36 192	36 412	36 889	37 233
— Greece (Dr)	3 444,01	3 457,97	3 444,89	3 473,38	3 508,30
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	1 053,45	1 053,45	1 053,45	1 053,45	1 053,45
— in another Member State (Pta)	3 602,89	3 621,91	3 630,08	3 669,52	3 701,52
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 461,36	6 487,43	6 440,61	6 479,95	6 510,98
— in another Member State (Esc)	6 297,15	6 322,57	6 276,93	6 315,28	6 345,52
3. Compensatory aids:					
— in Spain (Pta)	3 554,63	3 573,64	3 581,81	3 621,25	3 651,82
4. Special aid:					
— in Portugal (Esc)	6 297,15	6 322,57	6 276,93	6 315,28	6 345,52

(1) Subject to the consequences of the application of the system of maximum guaranteed quantities.

(2) 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 ECU 1)

	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2
DM	2,076500	2,073210	2,069810	2,066900	2,066900	2,058140
Fl	2,341260	2,337420	2,333550	2,329900	2,329900	2,319320
Bfrs/Lfrs	43,434100	43,407800	43,380700	43,354300	43,354300	43,265900
FF	6,997310	6,997580	6,997470	6,997140	6,997140	6,994510
Dkr	8,065500	8,066380	8,068870	8,070840	8,070840	8,078670
£Irl	0,778766	0,778400	0,778795	0,778975	0,778975	0,781394
£	0,676918	0,679545	0,682179	0,684452	0,684452	0,691559
Lit	1 488,21	1 491,74	1 495,51	1 499,20	1 499,20	1 510,05
Dr	178,81100	180,34300	182,05800	183,70700	183,70700	189,22100
Esc	173,43100	174,01200	174,64400	175,46900	175,46900	178,26100
Pta	129,47000	130,11900	130,69500	131,17700	131,17700	132,46900

COMMISSION REGULATION (EEC) No 2817/89
of 19 September 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 ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1920/89 ⁽³⁾, as last amended by Regulation (EEC) No 2805/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 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 20 September 1989.

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

Done at Brussels, 19 September 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 187, 1. 7. 1989, p. 13.

⁽⁴⁾ OJ No L 270, 19. 9. 1989, p. 8.

ANNEX

to the Commission Regulation of 19 September 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	25,68 ⁽¹⁾
1701 11 90	25,68 ⁽¹⁾
1701 12 10	25,68 ⁽¹⁾
1701 12 90	25,68 ⁽¹⁾
1701 91 00	28,24
1701 99 10	28,24
1701 99 90	28,24 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ 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.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2800/89 of 18 September 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(Official Journal of the European Communities No L 270 of 19 September 1989)

Page 1, Article 2 reads as follows:

'Article 2

This Regulation shall enter into force on 19 September 1989.'

Corrigendum to Commission Regulation (EEC) No 2801/89 of 18 September 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

(Official Journal of the European Communities No L 270 of 19 September 1989)

Page 3, Article 2 reads as follows:

'Article 2

This Regulation shall enter into force on 19 September 1989.'
