

Official Journal

of the European Communities

ISSN 0378-6978

L 60

Volume 33

9 March 1990

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 590/90

of 8 March 1990

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 201/90⁽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 7 March 1990;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas Council Regulation (EEC) No 486/85⁽⁶⁾, as last amended by Regulation (EEC) No 3530/89⁽⁷⁾, lays down the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories; whereas the Council has not yet been able formally to adopt the Regulation intended to replace Regulation (EEC) No 486/85; whereas, in order to avoid discontinuity in the arrangements applying, the application of the arrangements laid down in Regulation (EEC) No 486/85 should be contained as a precaution and without prejudice to the definitive arrangements to be adopted subsequently by the Council;

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 9 March 1990.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 1.

⁽⁶⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁷⁾ OJ No L 347, 28. 11. 1989, p. 3.

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

Done at Brussels, 8 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 8 March 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	35,37	135,56 ⁽²⁾ ⁽³⁾
0712 90 19	35,37	135,56 ⁽²⁾ ⁽³⁾
1001 10 10	43,59	186,10 ⁽¹⁾ ⁽³⁾
1001 10 90	43,59	186,10 ⁽¹⁾ ⁽³⁾
1001 90 91	36,15	139,93
1001 90 99	36,15	139,93
1002 00 00	61,28	131,51 ⁽⁴⁾
1003 00 10	52,45	117,93
1003 00 90	52,45	117,93
1004 00 10	43,85	122,91
1004 00 90	43,85	122,91
1005 10 90	35,37	135,56 ⁽²⁾ ⁽³⁾
1005 90 00	35,37	135,56 ⁽²⁾ ⁽³⁾
1007 00 90	52,45	144,72 ⁽⁴⁾
1008 10 00	52,45	29,21
1008 20 00	52,45	87,38 ⁽⁴⁾
1008 30 00	52,45	0,00 ⁽³⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	52,45	0,00
1101 00 00	64,78	210,07
1102 10 00	99,96	198,62
1103 11 10	82,30	303,19
1103 11 90	68,70	225,61

⁽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 products imported directly into the French overseas departments, 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 591/90

of 8 March 1990

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 201/90⁽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 7 March 1990;

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 9 March 1990.

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

Done at Brussels, 8 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 8 March 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	5,87
1003 00 90	0	0	0	5,87
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	10,45	10,45
1107 10 99	0	0	0	7,81	7,81
1107 20 00	0	0	0	9,10	9,10

COMMISSION REGULATION (EEC) No 592/90

of 8 March 1990

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2902/89⁽²⁾, and in particular Article 16 (2) thereof,Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 4014/88⁽⁴⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88⁽⁶⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88⁽¹⁰⁾, and in particular Article 10 (2) thereof,Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 5 and 6 March 1990 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 9 March 1990.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 8 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	75,00 ⁽¹⁾
1509 10 90	75,00 ⁽¹⁾
1509 90 00	87,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by:

- (a) Lebanon: ECU 0,60 per 100 kg;
- (b) Tunisia: ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;
- (c) Turkey: ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;
- (d) Algeria and Morocco: ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this CN code:

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽³⁾ For imports of oil falling within this CN code:

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,50
0711 20 90	16,50
1522 00 31	37,50
1522 00 39	60,00
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 593/90**of 8 March 1990****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 564/90⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1920/89 to the information 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 9 March 1990.

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

Done at Brussels, 8 March 1990.

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 58, 7. 3. 1990, p. 5.

ANNEX

to the Commission Regulation of 8 March 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	29,17 ⁽¹⁾
1701 11 90	29,17 ⁽¹⁾
1701 12 10	29,17 ⁽¹⁾
1701 12 90	29,17 ⁽¹⁾
1701 91 00	33,64
1701 99 10	33,64
1701 99 90	33,64 ⁽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.

COMMISSION REGULATION (EEC) No 594/90

of 8 March 1990

fixing the export refunds 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 201/90 ⁽²⁾, and in particular the fourth subparagraph of Article 16 ⁽²⁾,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated,

account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC ⁽⁴⁾, as amended by Regulation (EEC) No 1607/71 ⁽⁵⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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 ⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 March 1990.

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

Done at Brussels, 8 March 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 8 March 1990 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	01	10,00
1001 90 91 000	—	—
1001 90 99 000	04	56,00
	05	56,00
	02	10,00
1002 00 00 000	03	60,00
	05	60,00
	02	10,00
1003 00 10 000	06	68,00
	02	0
1003 00 90 000	04	60,00
	02	10,00
1004 00 10 000	01	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	72,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	93,00
1101 00 00 120	01	93,00
1101 00 00 130	01	86,00
1101 00 00 150	01	83,00
1101 00 00 170	01	81,00
1101 00 00 180	01	77,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	93,00
1102 10 00 200	01	93,00
1102 10 00 300	01	93,00
1102 10 00 500	01	93,00
1102 10 00 900	—	—
1103 11 10 100	08	215,00
	02	209,00
1103 11 10 200	08	204,00
	02	198,00
1103 11 10 500	01	177,00
1103 11 10 900	01	167,00
1103 11 90 100	01	93,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Zone II (b),
- 06 Hungary, Poland and the USSR,
- 07 Switzerland,
- 08 Algeria.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 February 1990

concerning applications for refund of anti-dumping duties collected on certain imports of light sodium carbonate originating in Bulgaria (Industrial Resinera Valcan, SA)

(Only the Spanish text is authentic)

(90/86/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) On 1 February 1963 the Council adopted Regulation (EEC) No 273/83⁽²⁾ imposing a definitive anti-dumping duty on imports of light sodium carbonate originating in Bulgaria and other non-member countries. The rate of duty applied to imports of light sodium carbonate in bulk or bagged originating in Bulgaria was fixed as follows :
- 14,09 % of the price per tonne net, free at Community frontier, before duty,
 - or
 - the difference between the price per tonne net, free at Community frontier, before duty, and the sum of ECU 113,85,
- whichever amount is the higher.

This duty was increased by ECU 9,50 per tonne net for imports in bags of a weight of less than 500 kg each.

- (2) On 25 August 1987 industrial Resinera Valcan, SA, of Cuenca (Spain) submitted an application of a refund of anti-dumping duties paid on the import, in May 1987, of 1 000 tonnes of light sodium carbonate in bags of less than 500 kg originating in Bulgaria. The duties amounted to a total of Ptas...⁽³⁾.

- (3) It is clear from the original procedure that prices on the Austrian market had been used as the reference prices for determining the normal value⁽⁴⁾. The applicant was not able to obtain the necessary information in that regard since it did not know the identity of the Austrian producer, which was not named in Regulation No 273/83. On being contacted by the Commission, the producer sent to the Commission information concerning prices on the Austrian market for the references period of six months preceding the import in question⁽⁵⁾.

- (4) In accordance with the Notice, the applicant asked the Bulgarian exporter for information relating to export prices for the other consignments made by the Bulgarian exporter to the Community during

⁽³⁾ In the published version of the Decision, some information has hereinafter been omitted, pursuant to the provisions of Article 21 of Regulation No 17 concerning non-disclosure of business secrets.

⁽⁴⁾ See Regulation (EEC) No 2667/82 (provisional duty), OJ No L 283, 6. 10. 1982, p. 9, and Regulation No 273/83, quoted above, end of sixth recital.

⁽⁵⁾ See Commission notice concerning the reimbursement of anti-dumping duties, point I (3) (B) (a), OJ No C 266, 22. 10. 1986, p. 2, hereinafter referred to as 'the Notice'.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 32, 3. 2. 1983, p. 1.

the reference period. The applicant received no reply, so the Commission itself approached the exporter, also without success. All that is known is the export period paid by the applicant.

- (5) On 21 June 1988, in the course of examining the refund application, the Commission published a notice of initiation of a review of the anti-dumping measures imposed by Regulation (EEC) No 273/83 ⁽¹⁾. Referring to point I (5) of the Notice, the Commission, with the agreement of the applicant, decided to suspend the refund procedure until publication of the results of the review ⁽²⁾.

It was established that for the period from 1 January 1987 to 31 May 1988 the dumping margin for imports originating in Bulgaria was 67 % and upwards ⁽³⁾. This margin was calculated on the basis of a normal value established by reference to prices on the Mexican market.

- (6) The Commission informed the applicant that its application did not appear to be justified and that it intended to reject it.
- (7) The applicant had the opportunity to submit its comments.
- (8) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

B. Argument of the applicant

- (9) The applicant argued in essence that the imports could not have been dumped because the price it paid was greater than a price invoiced in April 1986 by a Spanish producer for the same product. The Commission argued that the absence of information from the exporter concerning the prices of other consignments put into free circulation in the Community during the reference period prevented calculation at the Community level of the effective dumping margin, bearing in mind the application of weighted average. In reply, the applicant requested a specific review of its case, claiming that there may be exceptional cases justifying a departure from the general guidelines on refunds.

C. Admissibility

- (10) 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

- (11) The application must be rejected. Article 16 (1) of Regulation (EEC) No 2423/88 stipulates that the importer requesting the refund must show that the anti-dumping duty paid exceeds the effective dumping margin, bearing in mind the application of weighted averages. This has not been done, for the exporter has not provided information permitting a determination of all the export prices which could serve as a basis for calculating the effective dumping margin. Although the review procedure compensated for the absence of adequate evidence it should be stressed that it is independent of the refund procedure and that, in its absence, the refund application would have had to be rejected. Lastly, it should be noted that a refund can only be granted on the basis of a comparison of the anti-dumping duty paid for one or more imports and the dumping margin found for the representative period for the import(s) (the 'effective dumping margin'). This margin is calculated on the basis of the producer-exporter's normal value and the prices paid for all consignments from that source put into free circulation in the Community. As a result, the applicant's reference to the prices charged on the Spanish market by a European producer, which were, moreover, for a period which was not representative for the import in question, is immaterial.

- (12) The review procedure also specifically established that the effective dumping margin amounted to 67 % for the reference period in question. The review file showed that the margin was precisely that applicable to the six months preceding the import in question. The margin subsequently became even greater when other imports of products from the Bulgarian exporter put into free circulation in the Community were taken into account in relation to the total investigation period of 17 months used for the review. The effective dumping margin was therefore greater than the dumping margin originally found, which varied between 54 % and 63,5 % for Bulgaria ⁽⁴⁾.

For a refund to be granted it would have been necessary for the effective dumping margin to fall below 14,09 %, the rate of duty applied to the import in question. That is manifestly not the case.

- (13) The investigation also covered the question of whether the result would have been different if the reference used to establish the normal value had not been the Mexican market prices used in the

⁽¹⁾ OJ No C 162, 21. 6. 1988, p. 9.

⁽²⁾ Council Regulation (EEC) No 1306/89, OJ No L 131, 13. 5. 1989, p. 4.

⁽³⁾ Regulation No (EEC) 1306/89, point 19.

⁽⁴⁾ Regulation (EEC) No 2667/82, cited above.

review but the Austrian market prices used in the original inquiry. It was found that in such a case the effective dumping margin would have been even greater than that mentioned above because the normal value would have been higher. The application for refund must therefore be rejected,

Article 2

This Decision is addressed to the Kingdom of Spain and Industrial Resinera Valcan, SA, Carretera de Alcázar, Cuenca, Spain.

HAS ADOPTED THIS DECISION:

Done at Brussels, 22 February 1990.

Article 1

The application for the refund of anti-dumping duties submitted by industrial Resinera Valcan, SA is hereby rejected.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 22 February 1990

concerning an application for refund of an anti-dumping duty collected on the import of flat-rolled products of iron or non-alloy steel originating in Mexico and Yugoslavia (Transformados Siderúrgicos, SA)

(Only the Spanish text is authentic)

(90/87/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. Procedure

- (1) By Decision No 2132/88/ECSC⁽²⁾ the Commission imposed a definitive anti-dumping duty on imports of certain iron or steel coils originating in Mexico and Yugoslavia and definitively collected provisional anti-dumping duty imposed on those imports. The rate of duty was fixed at ECU 50 per 1 000 kg for Mexico and ECU 64 per 1 000 kg for Yugoslavia.
- (2) On 30 November 1988 the Spanish firm Transformados Siderurgicos SA submitted, through the intermediary of the Spanish authorities, an application for the partial refund of the anti-dumping duties definitively collected on imports of rolled products originating in Mexico and Yugoslavia. The duties paid were Ptas [...] and Ptas [...] respectively. The refunds requested were Ptas [...] and Ptas [...] respectively⁽³⁾. In view of the fact that the applicant had not claimed nor tried to prove, in accordance with Article 16 of Decision No 2424/88/ECSC, that the duties collected exceeded the effective dumping margin, bearing in mind the application of weighted averages, the Commission informed it that its application could not be accepted.
- (3) The applicant had the opportunity to submit its comments prior to the final decision.

- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

B. Argument of the applicant

- (5) The applicant argued that its claim should have been covered by the provisions of Council Regulation (EEC) No 2336/86 of 24 July 1986 concerning the anti-dumping duties applicable to imports from third countries into Spain and Portugal⁽⁴⁾. The rate of customs duty in force in Spain for the imported products in question (8,9 % at the relevant time) was, during the transitional period prior to Spain's accession to the European Communities, higher than that fixed by the Common Customs Tariff (4,4 %). The sums for which a refund has been requested are equivalent to the difference, on the basis of the abovementioned Regulation No 2336/86. The applicant maintained that if the refund were not granted the Spanish firms would be the victims of discrimination because they would have to bear an additional charge not borne by firms in other Member States and not justified by the objective of the anti-dumping measure.

C. Admissibility

- (6) 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 the time-limits.

D. Merits of the claim

- (7) The application is unfounded. A refund of anti-dumping duties can be granted only on the basis of proof furnished by the applicant importer that the effective dumping margin is less than the anti-dumping duty paid or is zero. The applicant wrote that it agreed with the size of the dumping margin and how it was determined. The Commission reminded the applicant of the information which had to be produced in order to establish the effective dumping margin, but the applicant merely referred to the invoices and customs documents produced in support of its application, which it proposed to compare with the normal value calcu-

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 18.⁽²⁾ OJ No L 188, 19. 7. 1988, p. 18.⁽³⁾ In accordance with Article 8 of Decision No 2424/88/ECSC, which deals with the non-disclosure of business secrets, certain figures have been omitted from the published version of this Decision.⁽⁴⁾ OJ No L 203, 26. 7. 1986, p. 8.

lated during the original investigation. The applicant was reminded that the effective dumping margin is established on the basis of the normal value and the export prices during a period of six months preceding the import in question. The applicant did not attempt to produce information other than that presented with the application.

- (8) With regard to the application of Regulation (EEC) No 2336/86, which was the sole object of the applicant's arguments, this is the responsibility of the national administrative or legal authorities, or, if necessary, the Court of Justice of the European Communities. It is therefore not for the Commission to decide whether to apply it, even though the Spanish authorities in their notice accompanying the application to the Commission indicated that Regulation (EEC) No 2336/86 would not apply in the case of anti-dumping duties imposed by virtue of Decision No 2424/88/ECSC. This question has yet to be settled by the Tribunal Económico Administrativo before which the applicant states in its application that it has brought the matter.
- (9) The applicant had asked the Commission to ask the Council to amend Regulation (EEC) No 2336/86. The Commission decided not to take that step since the aim of the Regulation was to settle

the specific case of the anti-dumping duties already in force prior to the accession of the two new Member States to the Communities.

- (10) Consequently, the application is unfounded and must be rejected,

HAS ADOPTED THIS DECISION :

Article 1

The application for the refund of anti-dumping duties submitted by Transformados Siderurgicos SA is hereby rejected.

Article 2

This Decision is addressed to the Kingdom of Spain and Transformados Siderurgicos SA, Polígono Cantarranas, Pancorbo (Burgos), Spain.

Done at Brussels, 22 February 1990.

For the Commission

Frans ANDRIESEN

Vice-President

CORRIGENDA

Corrigendum to Council Decision 90/73/EEC of 12 February 1990 concerning the conclusion of a Cooperation Agreement between the European Economic Community and the Kingdom of Norway on a programme plan to stimulate the international cooperation and interchange needed by European research scientists (Science)

(Official Journal of the European Communities No L 50 of 26 February 1990)

On page 17, Article 7 of the Cooperation Agreement shall read as follows :

'Article 7

The Commission and the Royal Norwegian Ministry for Education and Research shall ensure the implementation of this Agreement.'

Corrigendum to Commission Regulation (EEC) No 583/90 of 7 March 1990 correcting Regulation (EEC) No 1785/89 amending Regulation (EEC) No 4103/88 fixing the monetary compensatory amounts in the agricultural sector and certain coefficients and rates required for their application

(Official Journal of the European Communities No L 59 of 8 March 1990)

On page 33 the Annex should read :

'ANNEX

CN code	Table	Additional code	Notes	Positive			Negative							
				Germany	Netherlands	Spain	United Kingdom	Belgium/Luxembourg	Denmark	Italy	France	Greece	Ireland	Portugal
				DM	Fl	Pta	£	Bfrs/Lfrs	Dkr	Lit	FF	Dr	£ Irl	Esc
				— 100 kg —										

Amounts to be deducted

—	51xx	0,146
—	52xx	0,309
—	53xx	0,494
—	54xx	0,664
—	55xx	0,973
—	56xx	1,447
—	570x	2,217
—	571x	2,217
—	572x	3,070
—	573x	3,070
—	574x	3,947
—	575x	3,947
—	576x	4,825
—	577x	4,825
—	578x	5,702
—	59xx	0,146

Amounts to be deducted

—	61xx	0,106
—	62xx	0,224
—	63xx	0,358
—	64xx	0,481
—	65xx	0,705
—	66xx	1,047
—	670x	1,605
—	671x	1,605
—	672x	2,223
—	673x	2,223
—	674x	2,858
—	675x	2,858
—	676x	3,493
—	677x	3,493
—	678x	4,128
—	69xx	0,106