

Official Journal

of the European Communities

ISSN 0378-6978

L 107

Volume 33

27 April 1990

English edition

Legislation

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Price : ECU 12,00

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1030/90
of 26 April 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 754/90⁽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 25 April 1990;

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 754/90 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 27 April 1990.

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

Done at Brussels, 26 April 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 83, 30. 3. 1990, p. 4.

ANNEX

to the Commission Regulation of 26 April 1990 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	38,43	129,59 ⁽¹⁾ ⁽²⁾
0712 90 19	38,43	129,59 ⁽¹⁾ ⁽²⁾
1001 10 10	47,93	184,23 ⁽¹⁾ ⁽²⁾
1001 10 90	47,93	184,23 ⁽¹⁾ ⁽²⁾
1001 90 91	39,41	135,92
1001 90 99	39,41	135,92
1002 00 00	64,09	133,68 ⁽⁴⁾
1003 00 10	55,34	131,08
1003 00 90	55,34	131,08
1004 00 10	46,74	125,08
1004 00 90	46,74	125,08
1005 10 90	38,43	129,59 ⁽²⁾ ⁽³⁾
1005 90 00	38,43	129,59 ⁽²⁾ ⁽³⁾
1007 00 90	55,34	138,20 ⁽⁴⁾
1008 10 00	55,34	31,74
1008 20 00	55,34	108,02 ⁽⁴⁾
1008 30 00	55,34	0,00 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	55,34	0,00
1101 00 00	69,49	204,61
1102 10 00	104,04	201,47
1103 11 10	89,07	300,34
1103 11 90	73,63	219,56

⁽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 715/90 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 applied in accordance with Regulation (EEC) No 715/90.

⁽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 1031/90

of 26 April 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 25 April 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 27 April 1990.

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

Done at Brussels, 26 April 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 26 April 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 4	1st period 5	2nd period 6	3rd period 7
0709 90 60	0	0	0	0,72
0712 90 19	0	0	0	0,72
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	13,33
1001 90 99	0	0	0	13,33
1002 00 00	0	0	0	0
1003 00 10	0	1,43	1,43	1,43
1003 00 90	0	1,43	1,43	1,43
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0,72
1005 90 00	0	0	0	0,72
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	18,66

B. Malt

CN code	(ECU/tonne)				
	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
1107 10 11	0	0	0	23,73	23,73
1107 10 19	0	0	0	17,73	17,73
1107 10 91	0	2,55	2,55	2,55	2,55
1107 10 99	0	1,90	1,90	1,90	1,90
1107 20 00	0	2,22	2,22	2,22	2,22

COMMISSION REGULATION (EEC) No 1032/90

of 26 April 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 23 and 24 April 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 27 April 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, 26 April 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 1033/90
of 26 April 1990
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 3879/89 ⁽²⁾, and in particular Article 17 (5) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EEC) No 1344/86 ⁽⁴⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,

— the need to avoid disturbances on the Community market, and

— the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products ⁽⁵⁾, as last amended by Regulation (EEC) No 222/88 ⁽⁶⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 36.

⁽⁵⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁶⁾ OJ No L 28, 1. 2. 1988, p. 1.

Whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

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⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾,
- 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 the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 140 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁵⁾, as last amended by Regulation (EEC) No 222/88, laid down

additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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 Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to Portugal, including the Azores and Madeira for milk and milk products listed in Article 1 of Regulation (EEC) No 804/68.

Article 2

This Regulation shall enter into force on 27 April 1990.

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

Done at Brussels, 26 April 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 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 91, 1. 4. 1984, p. 71.

ANNEX

to the Commission Regulation of 26 April 1990 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund
0401 10 10 000		4,55
0401 10 90 000		4,55
0401 20 11 100		4,55
0401 20 11 500		7,63
0401 20 19 100		4,55
0401 20 19 500		7,63
0401 20 91 100		10,51
0401 20 91 500		12,44
0401 20 99 100		10,51
0401 20 99 500		12,44
0401 30 11 100		16,29
0401 30 11 400		25,72
0401 30 11 700		39,20
0401 30 19 100		16,29
0401 30 19 400		25,72
0401 30 19 700		39,20
0401 30 31 100		46,90
0401 30 31 400		73,85
0401 30 31 700		81,55
0401 30 39 100		46,90
0401 30 39 400		73,85
0401 30 39 700		81,55
0401 30 91 100		93,10
0401 30 91 400		137,37
0401 30 91 700		160,47
0401 30 99 100		93,10
0401 30 99 400		137,37
0401 30 99 700		160,47
0402 10 11 000		50,00
0402 10 19 000		50,00
0402 10 91 000		0,5000
0402 10 99 000		0,5000
0402 21 11 200		50,00
0402 21 11 300		86,71
0402 21 11 500		92,17
0402 21 11 900		100,00
0402 21 17 000		50,00
0402 21 19 300		86,71
0402 21 19 500		92,17
0402 21 19 900		100,00
0402 21 91 100		100,83
0402 21 91 200		101,62
0402 21 91 300		103,07
0402 21 91 400		111,43
0402 21 91 500		114,29
0402 21 91 600		125,18
0402 21 91 700		131,75
0402 21 91 900		139,03
0402 21 99 100		100,83

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

Product code	Destination (*)	Amount of refund
0402 21 99 200		101,62
0402 21 99 300		103,07
0402 21 99 400		111,43
0402 21 99 500		114,29
0402 21 99 600		125,18
0402 21 99 700		131,75
0402 21 99 900		139,03
0402 29 15 200		0,5000
0402 29 15 300		0,8671
0402 29 15 500		0,9217
0402 29 15 900		1,0000
0402 29 19 200		0,5000
0402 29 19 300		0,8671
0402 29 19 500		0,9217
0402 29 19 900		1,0000
0402 29 91 100		1,0083
0402 29 91 500		1,1143
0402 29 99 100		1,0083
0402 29 99 500		1,1143
0402 91 11 110		4,55
0402 91 11 120		10,51
0402 91 11 310		17,83
0402 91 11 350		22,30
0402 91 11 370		27,65
0402 91 19 110		4,55
0402 91 19 120		10,51
0402 91 19 310		17,83
0402 91 19 350		22,30
0402 91 19 370		27,65
0402 91 31 100		21,87
0402 91 31 300		32,67
0402 91 39 100		21,87
0402 91 39 300		32,67
0402 91 51 000		25,72
0402 91 59 000		25,72
0402 91 91 000		93,10
0402 91 99 000		93,10
0402 99 11 110		0,0455
0402 99 11 130		0,1051
0402 99 11 150		0,1796
0402 99 11 310		20,57
0402 99 11 330		25,13
0402 99 11 350		34,08
0402 99 19 110		0,0455
0402 99 19 130		0,1051
0402 99 19 150		0,1796
0402 99 19 310		20,57
0402 99 19 330		25,13
0402 99 19 350		34,08
0402 99 31 110		0,2380
0402 99 31 150		35,55
0402 99 31 300		0,4690
0402 99 31 500		0,8155
0402 99 39 110		0,2380
0402 99 39 150		35,55
0402 99 39 300		0,4690

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

Product code	Destination (*)	Amount of refund
0402 99 39 500		0,8155
0402 99 91 000		0,9310
0402 99 99 000		0,9310
0403 10 11 100		4,55
0403 10 11 300		7,63
0403 10 13 000		10,51
0403 10 19 000		16,29
0403 10 31 100		0,0455
0403 10 31 300		0,0763
0403 10 33 000		0,1051
0403 10 39 000		0,1629
0403 90 11 000		50,00
0403 90 13 000		50,00
0403 90 19 000		100,83
0403 90 31 000		0,5000
0403 90 33 000		0,5000
0403 90 39 000		1,0083
0403 90 51 100		4,55
0403 90 51 300		7,63
0403 90 53 000		10,51
0403 90 59 110		16,29
0403 90 59 140		25,72
0403 90 59 170		39,20
0403 90 59 310		46,90
0403 90 59 340		73,85
0403 90 59 370		81,55
0403 90 59 510		93,10
0403 90 59 540		137,37
0403 90 59 570		160,47
0403 90 61 100		0,0455
0403 90 61 300		0,0763
0403 90 63 000		0,1051
0403 90 69 000		0,1629
0404 90 11 100		50,00
0404 90 11 910		4,55
0404 90 11 950		17,83
0404 90 13 120		50,00
0404 90 13 130		86,71
0404 90 13 140		92,17
0404 90 13 150		100,00
0404 90 13 911		4,55
0404 90 13 913		10,51
0404 90 13 915		16,29
0404 90 13 917		25,72
0404 90 13 919		39,20
0404 90 13 931		17,83
0404 90 13 933		22,30
0404 90 13 935		27,65
0404 90 13 937		32,67
0404 90 13 939		34,19
0404 90 19 110		100,83
0404 90 19 115		101,62
0404 90 19 120		103,07
0404 90 19 130		111,43
0404 90 19 135		114,29

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

Product code	Destination (*)	Amount of refund
0404 90 19 150		125,18
0404 90 19 160		131,75
0404 90 19 180		139,03
0404 90 19 900		—
0404 90 31 100		50,00
0404 90 31 910		4,55
0404 90 31 950		17,83
0404 90 33 120		50,00
0404 90 33 130		86,71
0404 90 33 140		92,17
0404 90 33 150		100,00
0404 90 33 911		4,55
0404 90 33 913		10,51
0404 90 33 915		16,29
0404 90 33 917		25,72
0404 90 33 919		39,20
0404 90 33 931		17,83
0404 90 33 933		22,30
0404 90 33 935		27,65
0404 90 33 937		32,67
0404 90 33 939		34,19
0404 90 39 110		100,83
0404 90 39 115		101,62
0404 90 39 120		103,07
0404 90 39 130		111,43
0404 90 39 150		114,29
0404 90 39 900		—
0404 90 51 100		0,5000
0404 90 51 910		0,0455
0404 90 51 950		20,57
0404 90 53 110		0,5000
0404 90 53 130		0,8671
0404 90 53 150		0,9217
0404 90 53 170		1,0000
0404 90 53 911		0,0455
0404 90 53 913		0,1051
0404 90 53 915		0,1629
0404 90 53 917		0,2572
0404 90 53 919		0,3920
0404 90 53 931		20,57
0404 90 53 933		25,13
0404 90 53 935		34,08
0404 90 53 937		35,55
0404 90 53 939		—
0404 90 59 130		1,0083
0404 90 59 150		1,1143
0404 90 59 930		0,5652
0404 90 59 950		0,8155
0404 90 59 990		0,9310
0404 90 91 100		0,5000
0404 90 91 910		0,0455
0404 90 91 950		20,57
0404 90 93 110		0,5000
0404 90 93 130		0,8671
0404 90 93 150		0,9217

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

Product code	Destination (*)	Amount of refund
0404 90 93 170		1,0000
0404 90 93 911		0,0455
0404 90 93 913		0,1051
0404 90 93 915		0,1629
0404 90 93 917		0,2572
0404 90 93 919		0,3920
0404 90 93 931		20,57
0404 90 93 933		25,13
0404 90 93 935		34,08
0404 90 93 937		35,55
0404 90 93 939		—
0404 90 99 130		1,0083
0404 90 99 150		1,1143
0404 90 99 930		0,5652
0404 90 99 950		0,8155
0404 90 99 990		0,9310
0405 00 10 100		—
0405 00 10 200		128,54
0405 00 10 300		161,71
0405 00 10 500		165,85
0405 00 10 700		170,00
0405 00 90 100		170,00
0405 00 90 900		215,00
0406 10 10 000		—
0406 10 90 000		—
0406 20 90 100		—
0406 20 90 913	028	—
	032	—
	400	87,74
	404	—
	...	84,94
0406 20 90 915	028	—
	032	—
	400	116,99
	404	—
	...	113,25
0406 20 90 917	028	—
	032	—
	400	124,30
	404	—
	...	120,33
0406 20 90 919	028	—
	032	—
	400	138,92
	404	—
	...	134,49
0406 20 90 990		—
0406 30 10 100		—
0406 30 10 150	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83

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

Product code	Destination (*)	Amount of refund
0406 30 10 200	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 250	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 300	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 350	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 10 400	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 10 450	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 500		—
0406 30 10 550	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68

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

Product code	Destination (*)	Amount of refund
0406 30 10 600	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42
0406 30 10 650	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 10 750	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 800	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 10 900		—
0406 30 31 100		—
0406 30 31 300	028	—
	032	—
	036	—
	038	—
	400	20,03
	404	—
	...	22,83
0406 30 31 500	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68

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

Product code	Destination (*)	Amount of refund
0406 30 31 710	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 730	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 910	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	—
	...	48,68
0406 30 31 930	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	—
	...	71,42
0406 30 31 950	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 100		—
0406 30 39 300	028	—
	032	—
	036	—
	038	—
	400	43,52
	404	20,00
	...	48,68
0406 30 39 500	028	—
	032	—
	036	—
	038	—
	400	63,88
	404	28,00
	...	71,42

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

Product code	Destination (*)	Amount of refund
0406 30 39 700	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 930	028	—
	032	—
	036	—
	038	—
	400	93,03
	404	—
	...	103,95
0406 30 39 950	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 30 90 000	028	—
	032	—
	036	—
	038	—
	400	113,54
	404	—
	...	126,87
0406 40 00 100		—
0406 40 00 900	028	—
	032	—
	038	—
	400	120,00
	404	—
	...	126,51
0406 90 13 000	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 15 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
0406 90 15 900	...	159,34
		—

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

Product code	Destination (*)	Amount of refund
0406 90 17 100	028	—
	032	—
	036	—
	038	—
	400	113,00
	404	—
	...	159,34
0406 90 17 900		—
0406 90 21 100		—
0406 90 21 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	732	139,68
	...	151,68
0406 90 23 100		—
0406 90 23 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 25 100		—
0406 90 25 900	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 27 100		—
0406 90 27 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 31 111		—
0406 90 31 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96

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

Product code	Destination (*)	Amount of refund
0406 90 31 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 31 159	...	—
0406 90 31 900	...	—
0406 90 33 111	...	—
0406 90 33 119	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 151	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 159	...	—
0406 90 33 911	...	—
0406 90 33 919	028	—
	032	—
	036	—
	038	15,00
	400	62,48
	404	16,00
	...	89,96
0406 90 33 951	028	—
	032	—
	036	—
	038	—
	400	58,40
	404	14,96
	...	83,83
0406 90 33 959	...	—
0406 90 35 110	...	—
0406 90 35 190	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	158,54

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

Product code	Destination (*)	Amount of refund
0406 90 35 910		—
0406 90 35 990	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 61 000	028	—
	032	—
	036	90,00
	400	190,00
	404	140,00
	...	185,00
0406 90 63 100	028	—
	032	—
	036	105,03
	400	220,00
	404	160,00
	...	212,12
0406 90 63 900	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 100		—
0406 90 69 910	028	—
	032	—
	036	70,00
	400	150,00
	404	80,00
	...	165,00
0406 90 69 990		—
0406 90 71 100		—
0406 90 71 930	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49

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

Product code	Destination (*)	Amount of refund
0406 90 71 950	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 71 970	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 71 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 71 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	...	135,35
0406 90 71 999		—
0406 90 73 100		—
0406 90 73 900	028	—
	032	—
	036	42,66
	400	160,00
	404	120,00
	...	151,00
0406 90 75 100		—
0406 90 75 900	028	—
	032	—
	036	—
	400	65,00
	404	—
	...	125,96
0406 90 77 100	028	24,00
	032	24,00
	036	—
	038	—
	400	58,77
	404	—
	...	110,79

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

Product code	Destination (*)	Amount of refund
0406 90 77 300	028	—
	032	—
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 77 500	028	—
	032	—
	036	—
	038	—
	400	75,00
	404	—
	732	123,35
	...	135,35
0406 90 79 100		—
0406 90 79 900	028	—
	032	—
	036	—
	038	—
	400	56,14
	404	—
	...	114,71
0406 90 81 100		—
0406 90 81 900	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 83 100		—
0406 90 83 910		—
0406 90 83 950	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 83 990	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 85 100		—
0406 90 85 910	028	—
	032	—
	036	42,67
	400	160,00
	404	90,00
	...	158,54

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

Product code	Destination (*)	Amount of refund
0406 90 85 991	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00
0406 90 85 995	028	27,50
	032	27,50
	036	—
	038	—
	400	65,00
	404	—
	732	123,35
	...	135,35
0406 90 85 999		—
0406 90 89 100	028	13,50
	032	13,50
	036	—
	038	—
	400	87,23
	404	—
	...	89,49
0406 90 89 200	028	20,00
	032	20,00
	036	—
	038	—
	400	96,18
	404	—
	...	98,13
0406 90 89 300	028	24,00
	032	24,00
	036	—
	038	—
	400	109,31
	404	—
	...	110,79
0406 90 89 910		—
0406 90 89 951	028	—
	032	—
	036	42,66
	400	160,00
	404	90,00
	...	151,00
0406 90 89 959	028	—
	032	—
	036	—
	038	—
	400	130,00
	404	—
	...	130,00

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

Product code	Destination (*)	Amount of refund
0406 90 89 971	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	732	123,35
	...	135,35
0406 90 89 972	028	—
	032	—
	400	39,03
	404	—
	...	47,97
0406 90 89 979	028	27,50
	032	27,50
	036	—
	038	—
	400	74,00
	404	—
	732	123,35
	...	135,35
0406 90 89 990		—
0406 90 91 100		—
0406 90 91 300	028	—
	032	—
	036	—
	038	—
	400	21,46
	404	—
	...	21,06
0406 90 91 510	028	—
	032	—
	036	—
	038	—
	400	37,62
	404	—
	...	35,97
0406 90 91 550	028	—
	032	—
	036	—
	038	—
	400	45,81
	404	—
	...	43,62
0406 90 91 900		—
0406 90 93 000		—
0406 90 97 000		—
0406 90 99 000		—
2309 10 15 010		—
2309 10 15 100		—
2309 10 15 200		15,00
2309 10 15 300		20,00
2309 10 15 400		25,00
2309 10 15 500		30,00
2309 10 15 700		35,00

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

Product code	Destination (*)	Amount of refund
2309 10 15 900		—
2309 10 19 010		—
2309 10 19 100		—
2309 10 19 200		15,00
2309 10 19 300		20,00
2309 10 19 400		25,00
2309 10 19 500		30,00
2309 10 19 600		35,00
2309 10 19 700		37,50
2309 10 19 800		40,00
2309 10 19 900		—
2309 10 70 010		—
2309 10 70 100		15,00
2309 10 70 200		20,00
2309 10 70 300		25,00
2309 10 70 500		30,00
2309 10 70 600		35,00
2309 10 70 700		40,00
2309 10 70 800		44,00
2309 10 70 900		—
2309 90 35 010		—
2309 90 35 100		—
2309 90 35 200		15,00
2309 90 35 300		20,00
2309 90 35 400		25,00
2309 90 35 500		30,00
2309 90 35 700		35,00
2309 90 35 900		—
2309 90 39 010		—
2309 90 39 100		—
2309 90 39 200		15,00
2309 90 39 300		20,00
2309 90 39 400		25,00
2309 90 39 500		30,00
2309 90 39 600		35,00
2309 90 39 700		37,50
2309 90 39 800		40,00
2309 90 39 900		—
2309 90 70 010		—
2309 90 70 100		15,00
2309 90 70 200		20,00
2309 90 70 300		25,00
2309 90 70 500		30,00
2309 90 70 600		35,00
2309 90 70 700		40,00
2309 90 70 800		44,00
2309 90 70 900		—

(¹) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EEC) No 3639/86 (OJ No L 336, 29. 11. 1986, p. 46).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

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

COMMISSION REGULATION (EEC) No 1034/90

of 26 April 1990

opening invitations to tender for the fixing of aid for the private storage of
carcasses and half-carcasses of lamb

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

Having regard to Council Regulation (EEC) No 3013/89
of 25 September 1989 on the common organization of
the market in sheepmeat and goatmeat⁽¹⁾, and in parti-
cular Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No 2659/80 of
17 October 1980 laying down detailed rules for granting
private storage aid for sheepmeat and goatmeat
products⁽²⁾, as amended by Regulation (EEC) No
3496/88⁽³⁾, provides in particular for detailed rules on the
invitation to tender;

Whereas Commission Regulation (EEC) No 287/90 of 1
February 1990 setting out some detailed rules for private
storage aid for lamb in the period 1 January to 30 April
1990⁽⁴⁾ provides in particular the list of products eligible
and the minimum quantities in respect of which a tender
may be submitted;

Whereas the application of Article 7 (3) of Regulation
(EEC) No 3013/89 results in the opening of invitations to
tender for private storage aid;

Whereas that Article provides for the application of these
measures on the basis of the situation of each quotation
zone; whereas it is appropriate consequently to open
tenders separately for each of the zones where the condi-
tions are fulfilled;

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

HAS ADOPTED THIS REGULATION:

Article 1

Separate invitations to tender are opened in Denmark,
France, Ireland, Northern Ireland, Germany, the Nether-
lands, Spain and Portugal for aid to private storage for
carcasses and half-carcasses of lamb.

Subject to the provisions of Regulation (EEC) No 287/90
tenders may be made to the intervention agencies of the
Member States concerned.

Article 2

Tenders must be submitted not later than 2 p.m. on 11
May 1990, to the relevant intervention agency.

Article 3

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

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

Done at Brussels, 26 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 276, 20. 10. 1980, p. 12.

⁽³⁾ OJ No L 306, 11. 11. 1988, p. 28.

⁽⁴⁾ OJ No L 31, 2. 2. 1990, p. 11.

COMMISSION REGULATION (EEC) No 1035/90

of 26 April 1990

prolonging the suspension in advance fixing of export refunds of certain cereals exported in the form of prepared foods obtained by the swelling or roasting of cereals or cereal products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 201/90 ⁽²⁾, and in particular the first paragraph of Article 16 (7) thereof,

Having regard to 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 3209/88 ⁽⁴⁾, and in particular the first subparagraph of Article 5 (3) thereof,

Whereas Article 16 (7) of Regulation (EEC) No 2727/75 and Article 5 (3) of Regulation (EEC) No 3035/80 make provision for advance fixing of the refund to be suspended for basic products exported in the form of certain goods;

Whereas Commission Regulation (EEC) No 701/90 ⁽⁵⁾ suspended advance fixing of export refunds on maize

exported in the form of prepared foods obtained by the swelling or roasting of cereals or cereal products falling within CN code 1904 10 10;

Whereas the reasons which led to that suspension still exist; whereas it is important therefore to continue that measure for limited period until the appropriate adjustment comes into force;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 701/90 '26 April 1990' is hereby replaced by '30 April 1990'.

Article 2

This Regulation shall enter into force on 27 April 1990.

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

Done at Brussels, 26 April 1990.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁴⁾ OJ No L 286, 20. 10. 1988, p. 6.

⁽⁵⁾ OJ No L 77, 23. 3. 1990, p. 16.

COMMISSION REGULATION (EEC) No 1036/90

of 26 April 1990

concerning the stopping of fishing for whiting by vessels flying the flag of Belgium

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

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities ⁽¹⁾, as amended by Regulation (EEC) No 3483/88 ⁽²⁾, and in particular Article 11 (3) thereof,

Whereas Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished ⁽³⁾, as amended by Regulation (EEC) No 738/90 ⁽⁴⁾, provides for whiting quotas for 1990;

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

Whereas, according to the information communicated to the Commission, catches of whiting in the waters of ICES divisions VII b, c, d, e, f, g, h, j and k by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1990; whereas Belgium has prohibited

fishing for this stock as from 19 April 1990; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of whiting in the waters of ICES divisions VII b, c, d, e, f, g, h, j and k by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1990.

Fishing for whiting in the waters of ICES divisions VII b, c, d, e, f, g, h, j and k by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 19 April 1990.

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

Done at Brussels, 26 April 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 82, 29. 3. 1990, p. 7.

COMMISSION REGULATION (EEC) No 1037/90

of 26 April 1990

on the issue of import licences on 30 April 1990 for sheepmeat and goatmeat products originating in certain non-member countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾,

Having regard to Council Regulation (EEC) No 3643/85 of 19 December 1985 concerning the import system applicable to certain non-member countries in the sheepmeat and goatmeat sector, as from 1986⁽²⁾, as last amended by Regulation (EEC) No 3939/87⁽³⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 3653/85⁽⁴⁾, as last amended by Regulation (EEC) No 1645/89⁽⁵⁾, laid down detailed rules for implementing the import system provided for in Regulation (EEC) No 3643/85; whereas provision should be made, pursuant to Article 2 (5) of Regulation (EEC) No 3653/85, for determining the extent to which import licences may be issued in connection with applications lodged in respect of the second quarter of 1990;

Whereas, in cases where the quantities in respect of which licence applications have been lodged exceed the quantities which may be imported pursuant to Article 1 of Regulation (EEC) No 3653/85, such quantities should be reduced by a single percentage figure in accordance with Article 2 (5) (b) of that Regulation;

Whereas all the licence applications may be granted in cases where the quantities in respect of which licence

applications have been lodged do not exceed the quantities provided for in Regulation (EEC) No 3653/85,

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall, on 30 April 1990, issue the import licences provided for in Regulation (EEC) No 3653/85 and applied for from 1 to 10 April 1990 subject to the following conditions:

- (a) for products falling within CN codes 0204 10 00, 0204 21 00, 0204 22 10, 0204 22 30, 0204 22 50, 0204 22 90, 0204 23 00, 0204 50 11, 0204 50 13, 0204 50 15, 0204 50 19, 0204 50 31 and 0204 50 39, the quantities applied for, originating in other non-member countries, shall be granted in full;
- (b) for products falling within CN codes 0204 30 00, 0204 41 00, 0204 42 10, 0204 42 30, 0204 42 50, 0204 42 90, 0204 43 00, 0204 50 51, 0204 50 53, 0204 50 55, 0204 50 59, 0204 50 71 and 0204 50 79, the quantities applied for originating:
 - in Chile, shall be granted in full,
 - in other non-member countries, shall be granted in full;
- (c) for products falling within CN codes 0104 10 90 and 0104 20 90, the quantities applied for, originating in other non-member countries, shall be reduced by 98,175 %.

Article 2

This Regulation shall enter into force on 30 April 1990.

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

Done at Brussels, 26 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 348, 24. 12. 1985, p. 2.

⁽³⁾ OJ No L 373, 31. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 348, 24. 12. 1985, p. 21.

⁽⁵⁾ OJ No L 162, 13. 6. 1989, p. 21.

COMMISSION REGULATION (EEC) No 1038/90**of 26 April 1990****fixing the import levies on live sheep and goats and on sheepmeat and goatmeat
other than frozen meat**

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular the Article 10 thereof,Whereas the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat were fixed by Commission Regulation (EEC) No 3868/89⁽²⁾, as last amended by Regulation (EEC) No 757/90⁽³⁾;Whereas Council Regulation (EEC) No 715/90⁽⁴⁾ lays down the arrangements applicable to agricultural products and certain goods resulting from the processing of agri-

cultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3868/89 to the quotations and other 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 on live sheep and goats and on sheepmeat and goatmeat other than frozen meat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 May 1990.

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

Done at Brussels, 26 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.⁽²⁾ OJ No L 374, 22. 12. 1989, p. 51.⁽³⁾ OJ No L 83, 30. 3. 1990, p. 12.⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.

ANNEX

to the Commission Regulation of 26 April 1990 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat

(ECU/100 kg)

CN code	Week No 19 from 7 to 13 May 1990	Week No 20 from 14 to 20 May 1990	Week No 21 from 21 to 27 May 1990	Week No 22 from 28 May to 3 June 1990
0104 10 90 ⁽¹⁾	133,851	130,792	127,737	121,843
0104 20 90 ⁽¹⁾	133,851	130,792	127,737	121,843
0204 10 00 ⁽²⁾	284,790	278,280	271,780	259,240
0204 21 00 ⁽²⁾	284,790	278,280	271,780	259,240
0204 22 10 ⁽²⁾	199,353	194,796	190,246	181,468
0204 22 30 ⁽²⁾	313,269	306,108	298,958	285,164
0204 22 50 ⁽²⁾	370,227	361,764	353,314	337,012
0204 22 90 ⁽²⁾	370,227	361,764	353,314	337,012
0204 23 00 ⁽²⁾	518,318	506,470	494,640	471,817
0204 50 11 ⁽²⁾	284,790	278,280	271,780	259,240
0204 50 13 ⁽²⁾	199,353	194,796	190,246	181,468
0204 50 15 ⁽²⁾	313,269	306,108	298,958	285,164
0204 50 19 ⁽²⁾	370,227	361,764	353,314	337,012
0204 50 31 ⁽²⁾	370,227	361,764	353,314	337,012
0204 50 39 ⁽²⁾	518,318	506,470	494,640	471,817
0210 90 11 ⁽³⁾	370,227	361,764	353,314	337,012
0210 90 19 ⁽³⁾	518,318	506,470	494,640	471,817

⁽¹⁾ The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3643/85 and (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

⁽²⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 753/90 and Commission Regulations (EEC) No 19/82, (EEC) No 3652/89, (EEC) No 3989/89, (EEC) No 479/90 and (EEC) No 952/90.

⁽³⁾ The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

COMMISSION REGULATION (EEC) No 1039/90
of 26 April 1990
fixing the import levies on frozen sheepmeat and goatmeat

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular the Article 10 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EEC) No 3869/89⁽²⁾, as last amended by Regulation (EEC) No 758/90⁽³⁾;

Whereas Council Regulation (EEC) No 715/90⁽⁴⁾ 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 it follows from applying the detailed rules contained in Regulation (EEC) No 3869/89 to the quotations and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 May 1990.

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

Done at Brussels, 26 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 374, 22. 12. 1989, p. 54.

⁽³⁾ OJ No L 83, 30. 3. 1990, p. 14.

⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.

ANNEX

to the Commission Regulation of 26 April 1990 fixing the import levies on frozen
sheepmeat and goatmeat ⁽¹⁾

(ECU/100 kg)

CN code	Week No 19 from 7 to 13 May 1990	Week No 20 from 14 to 20 May 1990	Week No 21 from 21 to 27 May 1990	Week No 22 from 28 May to 3 June 1990
0204 30 00	214,843	209,960	205,085	195,680
0204 41 00	214,843	209,960	205,085	195,680
0204 42 10	150,390	146,972	143,560	136,976
0204 42 30	236,327	230,956	225,594	215,248
0204 42 50	279,296	272,948	266,611	254,384
0204 42 90	279,296	272,948	266,611	254,384
0204 43 00	391,014	382,127	373,255	356,138
0204 50 51	214,843	209,960	205,085	195,680
0204 50 53	150,390	146,972	143,560	136,976
0204 50 55	236,327	230,956	225,594	215,248
0204 50 59	279,296	272,948	266,611	254,384
0204 50 71	279,296	272,948	266,611	254,384
0204 50 79	391,014	382,127	373,255	356,138

⁽¹⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 753/90 and Commission Regulations (EEC) No 19/82, (EEC) No 3652/89, (EEC) No 3989/89, (EEC) No 479/90 and (EEC) No 952/90.

COMMISSION REGULATION (EEC) No 1040/90
of 26 April 1990
fixing the export refunds on olive oil

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⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽³⁾, and in particular the first sentence of Article 3 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market;

Whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period;

Whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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;

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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;

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 1990.

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

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

Done at Brussels, 26 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 April 1990 fixing the export refunds on olive oil

Product code	Amount of refund ⁽¹⁾ (ECU/100 kg)
1509 10 90 100	63,20
1509 10 90 900	99,45
1509 90 00 100	72,29
1509 90 00 900	104,79
1510 00 90 100	15,50
1510 00 90 900	47,66

⁽¹⁾ For destinations mentioned in Article 5 of amended Commission Regulation (EEC) No 2730/79 (OJ No L 317, 12. 12. 1979, p. 1), as well as for exports to third countries.

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

COMMISSION REGULATION (EEC) No 1041/90

of 26 April 1990

fixing the maximum export refunds on olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89

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

Having regard to Council Regulation (EEC) No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2902/89 ⁽²⁾,

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

Whereas Commission Regulation (EEC) No 3246/89 ⁽⁴⁾, issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 7 of Regulation (EEC) No 3246/89 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 April 1990.

Article 2

This Regulation shall enter into force on 1 May 1990.

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

Done at Brussels, 26 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 314, 28. 10. 1989, p. 48.

ANNEX

to the Commission Regulation of 26 April 1990 fixing the maximum export refunds on olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89

(ECU/100 kg)	
Product code	Amount of refund
1509 10 90 100	65,00
1509 10 90 900	104,45
1509 90 00 100	74,01
1509 90 00 900	110,09
1510 00 90 100	17,00
1510 00 90 900	—

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

COMMISSION REGULATION (EEC) No 1042/90

of 26 April 1990

fixing the production refund for olive oil used in the manufacture of certain preserved fish and vegetables

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⁾,

Having regard to Council Regulation (EEC) No 591/79 of 26 March 1979 laying down general rules relating to the production refund for olive oil used in the manufacture of certain preserved foods⁽³⁾, as last amended by Regulation (EEC) No 2903/89⁽⁴⁾, and in particular Articles 3 and 5 thereof,

Whereas Article 2 of Council Regulation (EEC) No 591/79 provides for the granting of a production refund for olive oil used in the manufacture of certain preserved fish and vegetables;

Whereas under Article 3 of the abovementioned Regulation, without prejudice to the second subparagraph of Article 7 of the said Regulation, the Commission shall fix this refund every two months;

Whereas, by virtue of Article 5 of the Regulation cited above, where the tender system is employed for fixing the levy, the production refund shall be fixed on the basis of the minimum levies determined under the said system for

oils falling within subheading 1509 90 00 of the combined nomenclature; whereas, however, if the oil employed for manufacture of the preserves was produced within the Community, the amount referred to above shall be increased by a sum equal to the consumption aid in force on the day the said refund is applied;

Whereas application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of May and June 1990, the amount of the production refund referred to in Article 2 of Regulation (EEC) No 591/79 shall be:

- ECU 111,00 per 100 kilograms for olive oil produced in the Community and utilized in Member States other than Spain and Portugal,
- ECU 52,44 per 100 kilograms for olive oil other than that referred to in the preceding indent, utilized in the Member States other than Spain and Portugal,
- ECU 57,93 per 100 kilograms for olive oil utilized in Spain,
- ECU 100,22 per 100 kilograms for olive oil utilized in Portugal.

Article 2

This Regulation shall enter into force on 1 May 1990.

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

Done at Brussels, 26 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 78, 30. 3. 1979, p. 2.

⁽⁴⁾ OJ No L 280, 29. 9. 1989, p. 3.

COMMISSION REGULATION (EEC) No 1043/90

of 26 April 1990

fixing the import levies on products processed from cereals and rice

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 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and rice⁽⁵⁾, as last amended by Regulation (EEC) No 1906/87⁽⁶⁾, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products

and for compound feedingstuffs manufactured from cereals⁽⁷⁾, as last amended by Regulation (EEC) No 1740/78⁽⁸⁾, provides that the levy thus determined, increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas, in accordance with Article 5 of Regulation (EEC) No 2744/75 and Article 2 of Regulation (EEC) No 1579/74, the levy on certain processed products must be reduced by an amount equal to the production refund granted in respect of basic products for processing;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; whereas, in accordance with Council Regulation (EEC) No 2742/75⁽⁹⁾, as last amended by Regulation (EEC) No 1009/86⁽¹⁰⁾, the variable component of the levy on certain processed products must be reduced by the incidence of the production refund granted in respect of basic products intended for processing;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)⁽¹¹⁾;

Whereas Council Regulation (EEC) No 3899/89 of 18 December 1989 reducing for 1989 the levies on certain agricultural products originating in developing countries⁽¹²⁾ reduces by 50 % the levy on importation into the Community of products of CN code 1108 13 00, within the limit of a fixed amount of 5 000 tonnes a year;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 22, 27. 1. 1990, p. 7.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽¹⁰⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽¹¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽¹²⁾ OJ No L 383, 30. 12. 1989, p. 125.

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 10, 0714 10 90 and 0714 90 10 originating in certain third countries⁽¹⁾, as last amended by Regulation (EEC) No 3846/89⁽²⁾, and Council Regulation (EEC) No 885/89 of 5 April 1989 on the arrangements applying to imports for 1989 of products falling within CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 originating in third countries which are not members of the GATT, other than China⁽³⁾, lay down the terms on which the import levy is limited to 6 % *ad valorem*;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose⁽⁴⁾, as amended by Regulation (EEC) No 222/88⁽⁵⁾, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies;

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 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 1990.

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

Done at Brussels, 26 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 374, 22. 12. 1989, p. 3.

⁽³⁾ OJ No L 94, 7. 4. 1989, p. 1.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁵⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

ANNEX

to the Commission Regulation of 26 April 1990 fixing the import levies on products
processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
0714 10 10 (*)	59,67	120,47	127,12
0714 10 91	56,65	124,10 (*) (*)	124,10
0714 10 99	59,67	122,29	127,12
0714 90 11	56,65	124,10 (*) (*)	124,10
0714 90 19	59,67	122,29 (*)	127,12
1102 20 10	77,57	238,81	244,85
1102 20 90	43,55	135,32	138,34
1102 30 00	8,22	171,86	174,88
1102 90 10	108,01	223,38	229,42
1102 90 30	92,53	227,54	233,58
1102 90 90	60,80	143,52	146,54
1103 12 00	92,53	227,54	233,58
1103 13 11	77,57	238,81	244,85
1103 13 19	77,57	238,81	244,85
1103 13 90	43,55	135,32	138,34
1103 14 00	8,22	171,86	174,88
1103 19 10	123,76	243,02	249,06
1103 19 30	108,01	223,38	229,42
1103 19 90	60,80	143,52	146,54
1103 21 00	79,34	249,32	255,36
1103 29 10	123,76	243,02	249,06
1103 29 20	108,01	223,38	229,42
1103 29 30	92,53	227,54	233,58
1103 29 40	77,57	238,81	244,85
1103 29 50	8,22	171,86	174,88
1103 29 90	60,80	143,52	146,54
1104 11 10	60,80	126,58	129,60
1104 11 90	119,34	248,20	254,24
1104 12 10	52,03	128,94	131,96
1104 12 90	102,14	252,82	258,86
1104 19 10	79,34	249,32	255,36
1104 19 30	123,76	243,02	249,06
1104 19 50	77,57	238,81	244,85
1104 19 91	14,88	291,83	297,87
1104 19 99	108,01	253,28	259,32
1104 21 10	93,66	198,56	201,58
1104 21 30	93,66	198,56	201,58
1104 21 50	147,67	310,25	316,29
1104 21 90	60,80	126,58	129,60
1104 22 10 10 (*)	52,03	128,94	131,96
1104 22 10 90 (*)	89,51	227,54	230,56
1104 22 30	89,51	227,54	230,56
1104 22 50	79,90	202,26	205,28
1104 22 90	52,03	128,94	131,96
1104 23 10	66,60	212,27	215,29
1104 23 30	66,60	212,27	215,29

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1104 23 90	43,55	135,32	138,34
1104 29 11	57,18	184,22	187,24
1104 29 15	90,00	179,56	182,58
1104 29 19	93,66	225,14	228,16
1104 29 31	68,17	221,62	224,64
1104 29 35	107,66	216,02	219,04
1104 29 39	93,66	225,14	228,16
1104 29 91	44,55	141,28	144,30
1104 29 95	69,73	137,71	140,73
1104 29 99	60,80	143,52	146,54
1104 30 10	36,58	103,88	109,92
1104 30 90	35,85	99,50	105,54
1106 20 10	59,67	120,47 ^(*)	127,12
1106 20 91	84,53	209,97 ^(*)	234,15
1106 20 99	84,53	209,97 ^(*)	234,15
1107 10 11	83,36	246,55	257,43
1107 10 19	65,04	184,22	195,10
1107 10 91	111,72	220,90	231,78 ^(*)
1107 10 99	86,22	165,05	175,93
1107 20 00	98,69	192,36	203,24 ^(*)
1108 11 00	110,13	304,72	325,27
1108 12 00	84,53	213,60	234,15
1108 13 00	84,53	213,60	234,15 ^(*)
1108 14 00	84,53	106,80	234,15
1108 19 10	38,29	246,44	277,27
1108 19 90	84,53	106,80 ^(*)	234,15
1109 00 00	344,22	554,04	735,38
1702 30 51	180,17	278,61	375,33
1702 30 59	130,47	213,60	280,09
1702 30 91	180,17	278,61	375,33
1702 30 99	130,47	213,60	280,09
1702 40 90	130,47	213,60	280,09
1702 90 50	130,47	213,60	280,09
1702 90 75	184,15	291,87	388,59
1702 90 79	127,29	202,99	269,48
2106 90 55	130,47	213,60	280,09
2302 10 10	25,20	55,34	61,34
2302 10 90	47,13	118,58	124,58
2302 20 10	25,20	55,34	61,34
2302 20 90	47,13	118,58	124,58
2302 30 10	25,20	55,34	61,34
2302 30 90	47,13	118,58	124,58
2302 40 10	25,20	55,34	61,34
2302 40 90	47,13	118,58	124,58
2303 10 11	260,82	265,34	446,68

-
- (1) 6 % *ad valorem*, subject to certain conditions.
- (2) In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- (3) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:
- products falling within CN code ex 0714 10 91,
 - products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
 - flours and meal of arrow-root falling within CN code 1106 20,
 - arrow-root starch falling within CN code 1108 19 90.
- (4) Taric code: clipped oats.
- (5) Taric code: CN code 1104 22 10, other than 'clipped oats'.
- (6) Pursuant to Regulation (EEC) No 3899/89, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed amount of 5 000 tons.
- (7) In accordance with Regulation (EEC) No 715/90 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.
-

COMMISSION REGULATION (EEC) No 1044/90
of 26 April 1990
fixing the import levies on compound feedingstuffs

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 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 14 (1) (A) of Regulation (EEC) No 2727/75; whereas Article 4 of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽³⁾, as last amended by Regulation (EEC) No 944/87⁽⁴⁾, provides that the incidence on the prime costs of these feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable during the first 25 days of the month preceding that month of importation to the quantities of basic products considered to have been used in the manufacture of such compound feedingstuffs, this average being adjusted on the basis of the threshold price for the basic products in question ruling during the month of importation;

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on 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⁽⁵⁾;

Whereas, pursuant to Article 272 of the Act of Accession, the Community as constituted at 31 December 1985 must, in the case of products specified in Article 1 of Regulation (EEC) No 2727/75 and in Article 1 of Council Regulation (EEC) No 1418/76⁽⁶⁾, as last amended by Regulation (EEC) No 1806/89⁽⁷⁾, which are imported from Portugal, apply the arrangements which were applicable in respect of Portugal before accession; whereas, under Article 4 of Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the arrangements applying to trade in agricultural products between Spain and Portugal⁽⁸⁾, as last amended by Regulation (EEC) No 3296/88⁽⁹⁾, the same arrangements are to be applied in the case of Spain; whereas a levy should be applied pursuant to those arrangements and whereas that levy should be calculated in accordance with the rules laid down in Commission Regulation 156/67/EEC⁽¹⁰⁾, as last amended by Regulation (EEC) No 31/76⁽¹¹⁾, and taking into account the situation with regard to market prices in Portugal; whereas, in the case of imports into Spain, the accession compensatory amount applicable to trade between Spain and the Community as constituted at 31 December 1985 should be deducted from the levy;

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 Council Regulation (EEC) No 1676/85⁽¹²⁾, as last amended by Regulation (EEC) No 1636/87⁽¹³⁾,
- 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, in accordance with Article 18 (1) of Regulation (EEC) No 2727/75, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature,

⁽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. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁵⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁷⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁸⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁹⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽¹⁰⁾ OJ No 128, 27. 6. 1967, p. 2533/67.

⁽¹¹⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽¹²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹³⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75

Article 2

This Regulation shall enter into force on 1 May 1990.

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

Done at Brussels, 26 April 1990.

For the Commission

Ray MAC SHARRY

*Member of the Commission**ANNEX*

to the Commission Regulation of 26 April 1990 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies		
	Portugal	ACP and OCT	Third countries (other than ACP and OCT)
2309 10 11	10,88	21,23	32,11
2309 10 13	10,88	646,83	657,71
2309 10 31	10,88	66,34	77,22
2309 10 33	10,88	691,94	702,82
2309 10 51	10,88	132,67	143,55
2309 10 53	10,88	758,27	769,15
2309 90 31	10,88	21,23	32,11
2309 90 33	10,88	646,83	657,71
2309 90 41	10,88	66,34	77,22
2309 90 43	10,88	691,94	702,82
2309 90 51	10,88	132,67	143,55
2309 90 53	10,88	758,27	769,15

COMMISSION REGULATION (EEC) No 1045/90

of 26 April 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 27 April 1990.

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

Done at Brussels, 26 April 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 April 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	64,00
	05	64,00
	02	10,00
1002 00 00 000	03	64,00
	05	64,00
	02	10,00
1003 00 10 000	01	0
1003 00 90 000	04	61,00
	02	10,00
1004 00 10 000	06	50,00
	02	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	74,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	95,00
1101 00 00 120	01	95,00
1101 00 00 130	01	88,00
1101 00 00 150	01	85,00
1101 00 00 170	01	83,00
1101 00 00 180	01	79,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	95,00
1102 10 00 200	01	95,00
1102 10 00 300	01	95,00
1102 10 00 500	01	95,00
1102 10 00 900	—	—
1103 11 10 100	01	210,00
1103 11 10 200	01	198,00
1103 11 10 500	01	177,00
1103 11 10 900	01	167,00
1103 11 90 100	01	95,00
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 Sweden.

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).

COMMISSION REGULATION (EEC) No 1046/90
of 26 April 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 990/90 ⁽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 27 April 1990.

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

Done at Brussels, 26 April 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 100, 20. 4. 1990, p. 24.

ANNEX

to the Commission Regulation of 26 April 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	28,67 ⁽¹⁾
1701 11 90	28,67 ⁽¹⁾
1701 12 10	28,67 ⁽¹⁾
1701 12 90	28,67 ⁽¹⁾
1701 91 00	32,25
1701 99 10	32,25
1701 99 90	32,25 ⁽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 1047/90

of 26 April 1990

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

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 syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 793/90 ⁽³⁾, as last amended by Regulation (EEC) No 972/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 793/90 to the informa-

tion known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 793/90 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 April 1990.

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

Done at Brussels, 26 April 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 85, 31. 3. 1990, p. 11.

⁽⁴⁾ OJ No L 99, 19. 4. 1990, p. 12.

ANNEX

to the Commission Regulation of 26 April 1990 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,3225	—
1702 20 90	0,3225	—
1702 30 10	—	42,95
1702 40 10	—	42,95
1702 60 10	—	42,95
1702 60 90	0,3225	—
1702 90 30	—	42,95
1702 90 60	0,3225	—
1702 90 71	0,3225	—
1702 90 90	0,3225	—
2106 90 30	—	42,95
2106 90 59	0,3225	—

COUNCIL REGULATION (EEC) No 1048/90

of 25 April 1990

imposing a definitive anti-dumping duty on imports of small-screen colour television receivers originating in the Republic of Korea and collecting definitively the provisional duty

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 12 thereof,

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

Whereas :

A. Provisional measures

- (1) The Commission, by Regulation (EEC) No 3232/89⁽²⁾, imposed a provisional anti-dumping duty on imports into the Community of small-screen colour television receivers (hereafter referred to as SCTVs) originating in the Republic of Korea and falling within CN code 8528 10 71. The duty was extended for a maximum period of two months by Council Regulation (EEC) No 374/90⁽³⁾.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, all the exporters mentioned by name in Regulation (EEC) No 3232/89, as well as the representatives of the complainants, requested and were granted an opportunity to be heard by the Commission. They also made written submissions making known their views on the findings.
- (3) The Commission continued to seek and verify all information it deemed to be necessary for its determinations. For this purpose, investigations were carried out at the premises of the following :

Importers in the Community

- Schneider Rundfunkwerke AG, Türkheim, Federal Republic of Germany,
- Yoko International BV, Halfweg, Netherlands.

- (4) Upon request, parties 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 to make representations subsequent to these disclosure meetings. Their oral and written comments were considered and, where appropriate, the Commission's findings were modified to take account of them.

- (5) Owing to the complexity of the proceedings, in particular to the detailed verification of the voluminous data involved and the numerous arguments put forward, the investigation could not be concluded within the time limit provided for in Article 7 (9) (a) of Regulation (EEC) No 2423/88.

C. Like product, product under consideration, Community industry

- (6) In its provisional findings (recitals 7 to 9 of Regulation (EEC) No 3232/89) the Commission found that all Community-produced SCTVs are like products to the SCTVs exported from Korea. In its findings the Commission indicated what it considered to be the principal characteristics of the SCTV sector of the colour television market in the Community. In addition, it listed the main features on which it based its comparisons between Korean and Community-produced models, and explained that certain higher-range Community models had been excluded from the comparison exercises — but not from the like product definition — in order to ensure an overall equivalence of features between the models compared and to avoid possibly misleading results.
- (7) The Commission's inclusion within the scope of the proceeding of all SCTVs up to and including sets with a diagonal screen measurement of 42 cm (or 16 inches) was questioned, after the imposition of provisional duties, by a group of exporters which had not previously made themselves known to the Commission, requesting the exclusion of 6-inch

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 314, 28. 10. 1989, p. 1.

⁽³⁾ OJ No L 41, 15. 2. 1990, p. 1.

screen size SCTVs from the scope of the proceedings. A similar claim was submitted by one of the exporters which had collaborated since the initiation of the proceedings. In the latter case the producer/exporter concerned, although not apparently having sold domestically or to the Community any SCTVs of a screen size smaller than 14 inches (37 cm), submitted an initial request for the exclusion of 10-inch (25,4 cm) screen size (and below) SCTVs, later modifying this claim to cover 6-inch screen (approximately 15 cm) sizes and below only. 6-inch screen models are also commonly sold in a 5½-inch and 5-inch screen size presentation.

- (8) The parties arguing for this exclusion have based their claims on differences of a physical nature, on a series of distinctions between the usages for which 6-inch SCTVs are intended and those of larger SCTVs, as well as on points of a formal nature. The Commission accepts that 6-inch SCTVs are much smaller and lighter, and therefore much more portable than the 14-inch or 16-inch sets which constitute — as mentioned in the third paragraph of recital 35 in Regulation (EEC) No 3232/89 — the most representative model sizes of SCTV. It considers that a valid differentiation may be made between the 6-inch and larger SCTVs on the grounds of the disparity of size and weight, and because of the technical features which facilitate the use of most 6-inch models with various battery power sources. In addition 6-inch SCTVs are normally used for viewing of a discontinuous or short-term nature, and often in an out-of-doors environment. The somewhat special market position of these models is illustrated by the fact that, during the investigation period, no significant difference in price could be perceived between the 6-inch and the much larger 14- and 16-inch sets. In the absence of such price differences, the consumer's decision to buy the smaller set is clearly conditioned by the radically different usage for which it is intended.

In these circumstances the Commission concludes that SCTVs with a diagonal screen size of 6 inches and below should be excluded from the scope of the proceedings.

The Council confirms the above conclusions, in addition to the findings set out in recitals 7 to 9, 34 (on the contents of which recital there was no comment by interested parties) and 35 of Regulation (EEC) No 3232/89.

D. Dumping

(i) Normal value

- (9) For the purpose of definitive findings, normal value was, in general, established on the basis of the same methods as those used in the provisional determination of dumping, after taking into consideration new facts and arguments presented by the parties.
- (10) As explained in recital 11 of Regulation (EEC) No 3232/89, a form of rebate granted by Korean producers to their domestic customers in respect of instalment sales made by these customers to end-users was disallowed for the purpose of provisional findings as a deduction from domestic sales prices in establishing normal value. It was established that this instalment sales rebate, known to one company as the 'PSP' (promoting strategic products) rebate, is generally practised in the consumer electronics sector in Korea, although not all of the exporters claimed it as a deduction. The exporters concerned have reacted extensively to the Commission's provisional findings. These reactions have centred on factual considerations surrounding the granting of the instalment sales rebate, and on legal arguments concerning whether the rebate can be said to be directly related to the exporters' sales on the Korean market.

As previously stated in Regulation (EEC) No 3232/89, the Commission considers that there is no dispute as to the facts at issue. It accepts that the rebates are the subject of contracts between the exporter-producers and their customers, and have been applied over a considerable period. It also accepts — having examined the arguments of the exporters — that although payment of the rebate is conditional upon a sale made by the exporter's customer to an end-user on instalment terms, nevertheless it effectively reduces the price to the exporter's customer, and thereby should be considered as directly linked to the price in question as a form of deferred discount. The Commission concludes therefore that this rebate should be deducted from the exporter's domestic gross selling prices when establishing normal value.

This view is confirmed by the Council.

- (11) Where exports of SCTVs to the Community were made by the Korean producers on an OEM (original equipment manufacturer) basis, the Commission constructed the normal values for

comparison with the prices of such exports, and calculated the constructed values on the basis of cost of production and a profit margin reduced to 5 %, as explained in recitals 10, 13, 14 and 15 of Regulation (EEC) No 3232/89.

One Korean producer, who had originally proposed the reduced 5 % profit margin as an appropriate level for this purpose, argued however that the Commission's method, although the profit figure used represented a lower rate than that earned overall on domestic SCTV sales by any of the three collaborating Korean producers, nevertheless did not take sufficient account of the other differences between OEM-sales and branded-product sales. In particular, it was alleged that the Commission's method failed to recognise differences in levels of cost between these different types of sales, especially in respect of advertising and financing costs. These, it was said, were included in the constructed normal values used by the Commission, but would not have been incurred by the producers if there had been OEM sales on the Korean market.

In the absence of domestic OEM sales in Korea the Commission considers that there is no reasonable basis for postulating the existence of such differences, or for estimating what their size might be. Indeed, evidence available concerning Korean OEM sales in the Community shows that prices and profits on such sales may be superior to those on own-brand sales in the same market of comparable models: under such conditions, if the possibility existed of observing them on the Korean market, the aforementioned differences would be much more than compensated by the profit level retained for OEM constructed values. The Commission therefore concludes that the use of the reduced profit margin serves to offset any hypothetical differences in both costs (after adjustments granted) and profits in calculating constructed normal values to be compared with OEM export prices, and the Council confirms these findings.

- (12) It was alleged on behalf of the complainants that the description 'OEM' was being misused in the context of the present proceedings, and that this had resulted in an overly favourable treatment being accorded to Korean exports to the Community made on a distributor's own-brand basis. According to the complainants, exports to such distributors should not qualify for the sort of treatment which could only be justified in the case of exports to genuine original equipment manufactu-

rers who were supplementing their domestic sales of own-manufactured goods by sales of imports under the same name. However, the Commission is satisfied that, had sales to own-brand distributors been found on the Korean domestic market, it was reasonable to consider that such sales could have been accompanied by a perceptible difference in costs and/or profits, justifying the approach described above in recital 11. In the present proceeding, the Commission considers that the term 'OEM' has been used consistently, and that findings have not been distorted by comparing certain export prices with specific normal values established on an inappropriate basis. The Council confirms this position.

- (13) Referring to constructed normal values, one exporter has alleged that, although advertising costs should not be included in these values at all (as mentioned in recital 11 above), if they are included this should not be done on the basis used by the Commission. The exporter in fact claimed that his domestic advertising costs were incurred only on sales of high-tech SCTV models, which were not comparable with the models exported and with the domestic models used as the basis for constructed normal value. Therefore the advertising costs should only be allocated to the domestic turnover of high-tech SCTVs, and not across the whole turnover as proposed by the Commission. This analysis was not shared by the Commission, which considered that it was unrealistic to allocate advertising costs for television sets to individual models and that this could not be justified on the basis of the evidence made available to it. Even when a given model was displayed in some advertisements, effectively in this case the sales of the whole of the producer's range were being promoted. The Council confirms this view.
- (14) One exporter alleged that the Commission, in calculating constructed normal values on the basis of the cost of production for domestic models, had attributed financing costs in an unjustifiable and erroneous manner, in such a way as to circumvent the requirement to grant an allowance for the cost of domestic credit when determining normal value. In its submission the exporter had allocated total financial costs over total turnover, both domestic and export. This gave rise to a situation in which the deduction for domestic credit cost allowance on SCTVs verified in Korea on the basis of the extensive terms of credit granted to local customers and local short-term interest rates, proved to be substantially in excess of the financial costs actually

paid or payable as allocated over total turnover. The situation described was exceptional in that it was not reflected in the constructed normal values of the other collaborating Korean exporters, and was explained by the exporter concerned as resulting from the company's high amounts of retained shareholders' equity which enable it to finance its working capital without large-scale recourse to banks and credit institutions.

While recognizing that companies may find themselves in such a fortunate position, the Commission did not find that this corresponded to the case of the exporter in question, just as it did not apply to that of other exporters, even though their financial costs actually paid or payable were even lower than those of the exporter concerned, in relation to turnover. The Commission considers in effect that the exporter's flat rate allocation of financial costs actually paid or payable over turnover does not take account of the enormous disparity between the credit terms granted on his domestic and export markets. It does not consider that — in the absence of the availability of more detailed allocations of the audited financial costs — it is obliged to apply or accept this flat rate allocation. The method it has adopted for definitive determination is that which was submitted and used spontaneously by another exporter, which involves calculating first the absolute amount of interest costs required to finance the domestic credit terms granted, and then to allocate that amount to the domestic turnover of the reference period. When this absolute amount has been deducted from the financial costs actually paid or payable the remaining amount can be allocated over total turnover to cover remaining working capital requirements — stocks, work in progress, etc. The Commission underlines that the method it has used — far from being in conflict with the terms of Regulation (EEC) No 2423/88 — only seeks to take account, on the basis of the available data, of the structure of the exporter's selling terms. It does not involve the Commission in confusing attributed opportunity costs with actual costs, nor does it imply that the Commission sees 'somehow something wrong about the fact that domestic credit costs are higher than export credit costs', as argued by the exporter. His argument that the method circumvents or 'nullifies' the exporter's domestic credit cost allowance cannot be accepted, either. This allowance has been granted by the Commission, as verified; what is at issue is an allocation of financial costs which better reflects the facts available.

The Commission therefore concludes that this objective is achieved by the methodology outlined above, and the Council confirms this approach.

(ii) *Export price*

- (15) Where exports were made directly by the Korean producers to independent customers in the Community, export prices were determined on the basis of the prices actually paid or payable for the SCTVs concerned.

In the case of two exporters whose sales to the Community were made by way of related importers established in Member States, it was considered appropriate, in view of the relationship between exporter and importer, to construct export prices on the basis of the prices at which the SCTVs were first resold to an independent buyer.

This methodology was not applied to the third collaborating exporter, only 11 % of whose sales to the Community were made on an own-brand basis, with 8 % through subsidiary companies. The remaining 89 % of this exporter's sales, to Community OEM customers, were therefore considered to be representative, as set out in recital 16 of Regulation (EEC) No 3232/89.

These methods corresponded to those used for the provisional determination of dumping, taking into consideration new facts and arguments presented by interested parties.

- (16) Two of the Korean exporters claimed that they had been discriminated against in the use of constructed export price methodology, by comparison with the third collaborating exporter to whom this methodology had not had to be applied because its own-brand sales in the Community were excluded from the determination of dumping since they were not considered representative of its normal operations, as mentioned above. Findings for this producer-exporter were based exclusively on its exports to independent (OEM) importers. One of the two exporters concerned based his criticism on observations that dumping margins found on exports made through related importers were substantially higher than those on exports to independent importers in the Community. The other exporter claimed that this exclusion of own-brand sales from dumping determinations should have been extended to the relatively small share of its exports which were made through a subsidiary whose operations during the reference period were alleged to have been carried out under untypical (start-up) conditions.

The Commission does not admit the allegations made of discriminatory and inequitable treatment in the above matters. It considers that it has applied the methodologies laid down in Regulation (EEC) No 2423/88. The 89 % of the export sales taken into consideration for the purposes of the proceeding in the case of one exporter constituted, as already mentioned, its representative sales, while 11 % were excluded as being unrepresentative. In the case of the exporter which claimed that a small proportion (some 5 %) of his export sales should be excluded, the situation was not comparable, since these sales merely formed part of those own-brand sales which were considered representative for that exporter. While it is true that the profit and loss account of the related importer through which these sales were made was burdened with expenses relating to the start-up of the company, this is not considered to be a sufficient reason to justify the exclusion from dumping determinations of representative sales operations and the expenses involved in undertaking these operations.

- (17) The two Korean exporters principally affected by the use of constructed export price methodology claimed that the rate of profit imputed by the Commission (10 %) to related importers was unreasonable and unrealistic. In these claims reference was made to the maturity of colour television as a product and to the lower rate of profit used in some other recent proceedings, including a proceeding concerning a relatively new consumer electronics product. While the Commission would not contest the technological maturity of the current generation of colour televisions, nevertheless it believes that the SCTV sector, at least, was still quite buoyant and profitable for independent importers during 1987. Concerning profit margins adopted in other proceedings, it should be noted that in the case of another consumer electronics product whose reference period corresponded to a large extent to that of the present proceeding, a rate considerably higher than 10 % was used for definitive determination. The Korean exporters have also maintained that the theoretical independent importer's profit rate to be used for constructing export prices must be reasonable in relation to the size and organization of the related importers concerned. The Commission agrees with this argument, and for this reason examined closely the profitability of all those independent importers which collaborated with its investigation. It found that profit rates varied, but the rate it finally retained corresponded to that of a firm whose structure and size could be considered comparable to that of Korean related importers. The Commis-

sion would not agree, however, with one exporter which claimed that the profit rate used must take account of a start-up situation in one related importer. The very purpose of the reconstruction of an export price is to create a situation comparable to that of an unrelated importer — who has to make, on average, a reasonable level of profit in order to stay in business. In any case the Commission considers that the data available to it showed that the margin it used was equally valid for a small importer with low costs and for a large company with a structured sales and marketing organization.

- (18) Both the Korean exporters concerned by the previous recital had made large reimbursements to their Community subsidiaries for advertising and other expenses of a more general nature incurred by these subsidiaries. For the purposes of provisional duty determination the Commission had disregarded these reimbursements and treated the original expenses as costs of the subsidiaries which had originally paid them. Since these expenses originally paid by the subsidiaries constituted part of the costs incurred between importation and resale, their subsequent reimbursement by the Korean parent companies is irrelevant and must be disregarded in constructing export prices. The exporters continued to make representations about these reimbursements, referring in general to the very high amount repaid to the German subsidiaries, although the same phenomenon had been found to a lesser degree in the UK companies. The arguments presented did not differ substantially from those already set out in Regulation (EEC) No 3232/89 in recital 20, but in some cases alternative allocations of the expenses involved were proposed. With the exception of the correction of a guarantee costs item in the case of one exporter (the misinterpretation of which had been induced by the subsidiary's confusing accounting treatment of the reimbursement involved) and the exclusion of two smaller items in the case of the other which could be accepted as having no relationship with the ordinary costs of the subsidiary concerned, the Commission adopted the position it had already taken in Regulation (EEC) No 3232/89.

In the light of the Commission's considerations set out in recitals 15 to 18 above, the Council confirms the Commission's findings and conclusions in recitals 16 to 20 of Regulation (EEC) No 3232/89.

- (19) One Korean exporter-producer sold large quantities on an OEM basis to an importer in the Community which failed to provide all the financial information requested by the Commission in respect of its imports, as set out in recital 21 of Regulation

(EEC) No 3232/89. The Commission accepts that the data supplied by the exporter, which has made efforts to persuade the importer concerned to supply more information to the Commission, should not be re-examined or put in doubt because of the importer's partial non-collaboration. The Council confirms this finding.

- (20) Another Korean exporter was found on verification at an independent importer's premises to have a cooperative advertising agreement with the importer, as set out in recital 22 of Regulation (EEC) No 3232/89. Having now examined fully the arguments of the parties concerned and the circumstances of this agreement for the reimbursement of certain advertising expenses, the Commission accepts that there is no compensating arrangement between the exporter and the importer within the terms of Article 2 (8) of Regulation (EEC) No 2423/88. The exports to the importer in question have therefore now been included in the definitive determinations made. However, the reimbursements (in reality a form of deferred rebate) paid by the exporter to the importer in respect of the latter's advertising in the local market have been deducted from the invoice prices payable when comparing export prices with normal value, since these rebates effectively reduce the sales price to the independent importer and must therefore be considered to be directly related to the sales under consideration.

The Council confirms these findings.

(iii) *Comparison*

- (21) As explained in Regulation (EEC) No 3232/89, recitals 23 and 26, all comparisons were made at ex works level. For the purposes of ensuring a fair comparison between normal value and export prices, the Commission took account where appropriate of differences affecting price comparability, such as differences in physical characteristics, import charges and indirect taxes, and in conditions and terms of sale, where these differences could be satisfactorily demonstrated. Under this heading adjustments were also made for differences in commissions, packing, transport, insurance, handling, loading and ancillary costs, payment terms, warranty expenses, and salesmen's salaries and bonuses.

This approach is confirmed by the Council. New facts and arguments presented by interested parties

on these issues are treated in the following recitals numbers 22 to 26 of this Regulation.

- (22) The method of comparison of export with domestically sold SCTV models explained in recital 24 of Regulation (EEC) No 3232/89 was not contested by the parties, except by one exporter which noted that the Commission had not applied consistently the principle of comparison set out in that recital and had based the physical difference adjustment in its case on the difference in total costs of manufacturing comparable models instead of on the value of the difference in the significant physical characteristics of the models concerned, as required by Article 2 (10) (a) of Regulation (EEC) No 2423/88. The Commission corrected this inconsistency in its definitive determinations.

At the stage of its provisional determination, the Commission had valued the physical differences on the basis of the respective factory production costs involved, since it was impossible to isolate these physical differences and the corresponding market value differences by reference to SCTVs sold on the domestic market in Korea. However, for the purposes of definitive determination, the Commission decided to base this evaluation on the significant physical differences in full cost of production terms including the profit margin of the domestic models in question. The Commission considers that this represents a more reasonable approach to determining the appropriate differences in market value than one which neglects the ratio of selling, general, and administrative costs plus profit which are normally included in the prices of the domestic models, which models form the basis of the comparison. The Korean exporters have claimed that physical differences should continue to be evaluated on the basis of the relevant manufacturing costs in the absence of available price differences. This view appears to the Commission to neglect the market evidence available that significant physical differences in general correspond to marketing features for which the difference asked in price is much higher in proportion to manufacturing cost than the full cost plus normal profit method now used. The Commission therefore maintains the latter approach.

- (23) In respect of payment terms, one exporter claimed that certain D/A (documents against acceptance) interest charges, paid to third parties in respect of exports to its subsidiaries, should not be deducted from export prices when comparing these with

normal value, on the grounds that such costs formed part of the transfer price between related companies, which is ignored by the Commission when constructing export prices. The Commission cannot follow this reasoning: the D/A interest charges are costs actually borne by the exporter, whether paid in Korea or by the related importer company, which should be deducted when arriving at the ex-factory export price under the terms of Article 2 (8) and (10) of Regulation (EEC) No 2423/88.

This exporter also submitted, without prejudice to the claim mentioned above, that the rate of interest used by the Commission to calculate the incidence of these charges was too high. It provided data, in fact, which differed both from what was included in its original submission and from what the Commission had verified on the spot. However this data corresponded with the terms of Article 2 (10) (c) (iii) of Regulation (EEC) No 2423/88 and was accepted by the Commission, which used it for the calculation of the deduction in question.

- (24) The detailed treatment by the Commission of several adjustments were challenged by one exporter, generally on the grounds that the Commission's appreciation of the 'directly related' nature of the expenses concerned was erroneous.

This exporter argued that the Commission had neglected the directly related nature of the following selling costs, and should allow them as deductions against domestic prices when calculating normal value:

- financing costs for the collection of value added tax,
- certain servicing expenses,
- certain sales department salaries, of management and secretarial personnel.

As explained in recitals 27, 28 and 30 of Regulation (EEC) No 3232/89, the Commission had found that these expenses were not directly related to the sales in question, and were classifiable as overhead costs of the organization concerned. The arguments presented by the exporter did not lead the Commission to change the findings reached on the basis of its original verification.

The same exporter also argued that two export selling expenses, treated by the Commission as deductible from export price paid or payable, were in the nature of overhead expenses, and were not directly related to this price. One of these was a fee for service, relating mainly to export inspection and

handling charges. The other was a form of commission retained by the group headquarters corporation, through which all export invoices to the Community are processed, on the receipts collected from export customers by the headquarters corporation. The Commission did not consider that the facts and arguments presented were such as to change the findings made on the basis of its verification, or to change its conclusion that these charges had to be deducted in order to arrive at a correct level of ex-factory export price.

In view of the Commission's considerations set out in recitals 21 to 24 of this Regulation, the Council confirms the Commission's findings and conclusions in recitals 23 to 31 of Regulation (EEC) No 3232/89.

(iv) *Dumping margins*

- (25) On comparing normal values for domestically sold models of the Korean producer-exporters which were investigated with the export prices of comparable models on a transaction-by-transaction basis, the final examination of the facts shows the existence of dumping in respect of SCTVs originating in the Republic of Korea on the part of all three of these exporters, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

The weighted average margins, expressed as a percentage of cif frontier prices, varied according to the exporter as follows:

— Daewoo Electronics Co. Ltd :	10,23 %
— Goldstar Co. Ltd :	10,42 %
— Samsung Electronics Co. Ltd :	10,50 %

- (26) For those exporters who did not make themselves known in the course of the investigation, a dumping margin of 19,65 % was determined on the basis of the facts available as explained in recital 33 of Regulation (EEC) No 3232/89. No new facts or arguments were presented by exporters as to this methodology.

The complainants argued that this method was highly favourable to non-collaborating exporters, in that the average dumping margin found on the basis of Community import statistics was reduced since it incorporated the data of the collaborating companies, whose dumping margins are clearly considerably lower than the average margin resulting from the statistics. In order to offset this statistical bias the complainants suggested that the average import prices used should be corrected by a

factor of at least 5 %. The Commission maintains its position on this issue, since although it recognizes the statistical phenomenon pointed out, there are no facts available to it which would provide a basis for the introduction of this correction factor, which would therefore be completely arbitrary and unjustified.

The Council confirms the above conclusions.

E. Injury

(27) The Commission concluded in its provisional findings that the Community SCTV industry had suffered material injury. It based this finding principally on the Korean exporters' rapid increase in volume of exports and in market share, the price undercutting practised by these exporters in the Community market, the accelerating relocation of Community industrial capacity in third countries with consequent loss of Community employment, and the negative trend of profitability of complainant Community producers.

(28) No new facts concerning these findings were submitted to the Commission after the publication of Regulation (EEC) No 3232/89, but exporters did request clarification concerning the composition of market share statistics and the inclusion or otherwise in the statistics of extra-Community production by complainant producers, which was supplied to them. They also challenged injury findings on a number of points:

— Evidence of injury was contested by two exporters. One maintained that the data presented in Regulation (EEC) No 3232/89 showed only the existence of a 'normal, healthy' competitive situation, and a Community industry whose position did not effectively worsen between 1984 and 1987. This exporter claimed that the increase in demand over this period was 'in all likelihood' created by new competition in the market, whose price competitiveness was a function purely of cost advantage. The other exporter argued that the negative evolution of Community industry profitability from 1985/86 onwards was the result purely of factors existing prior to the arrival of Korean imports. This exporter also cited capacity utilization and stock levels of the Community industry as evidence of lack of injury, without in any way however addressing the Commission's arguments in recital 43 of Regulation (EEC) No 3232/89

which disqualified these factors as reliable indicators in the case of the SCTV Industry.

— One exporter contested the model comparison which formed the basis for the Commission's analysis of undercutting. Its detailed arguments on this question contained a number of material errors, and in any case did not provide grounds for a change in the Commission's basic position, namely, that its study does not compare Korean and Community SCTV models unfairly, taking all features into account. The Commission informed the exporter of these matters in writing.

The Council therefore confirms the findings of the Commission, as set out in recitals 36 to 47 of Regulation (EEC) No 3232/89.

F. Threat of Injury

(29) In its provisional findings, the Commission concluded that a threat existed of increased injury from Korean exports in the future, in view of the large Korean production capacities, and in view of the possibility of diverting exports from the now saturated United States market.

Two exporters commented on the Commission's findings on this issue, set out in recital 48 of Regulation (EEC) No 3232/89 claiming that no evidence has been produced by the Commission to meet the requirements of Article 4 (3) of Regulation (EEC) No 2423/88. The Commission would point out that it discusses the export capacity available in the country of origin in the said recital 48. The rate of increase of the dumped exports is not referred to explicitly in that recital, but is of course mentioned by the Commission in recital 37 of Regulation (EEC) No 3232/89. The annual rate of increase from 1984 to 1987 was over 100 %.

One exporter claimed that the possibility of diverting export capacity from the United States to the Community market was not substantiated because of the differences in models (presumably referring in particular to the difference in broadcasting standards). The Commission submits that this last argument itself does not seem strong, in view of the extreme flexibility of television production mentioned in recital 42 of Regulation (EEC) No 3232/89, and the industry's evident ability to introduce different featured models very rapidly.

The Council therefore confirms the provisional findings of the Commission.

G. Causation of injury

- (30) In recitals 49 to 55 of Regulation (EEC) No 3232/89, the Commission found that a rapid influx of Korean imports coincided with an equally rapid loss of market share by the Community industry, price erosion and undercutting of the industry's SCTV models, and worsening profitability on the part of Community companies, together with an accelerated relocation of their assembly facilities in third countries. The Commission concluded that dumped imports from Korea had, in isolation, caused material injury to the Community SCTV industry.
- (31) One exporter claimed that causation of material injury by the dumped Korean imports had not been demonstrated by the Commission, on the grounds that the economic circumstances constituting the injury would have occurred even in the absence of dumping. This argument addresses primarily the Commission's findings of price undercutting, which in fact was only one of several injury elements contributing to the material injury analysed in Regulation (EEC) No 3232/89. On the specific issue of price undercutting, the exporter in effect argues that the disparity between undercutting of 36 to 49 % and dumping of 10 to 13 % proves that some undercutting would have taken place even in the absence of dumping. This may be so, but it does not entitle the exporter to draw the conclusion that a material degree of injury resulting from undercutting cannot be attributed to the dumping in question. This argument appears equivalent to claiming that causation of injury could only be demonstrated, and accordingly protection against dumping could solely be justified, when dumping margins were at least as high as the injury thresholds determined. The Commission does not accept this view, and would refer also to the findings set out in recital 63 of Regulation (EEC) No 3232/89 on this matter.
- (32) Another exporter, in addition to repeating arguments already addressed by the Commission in recital 54 of Regulation (EEC) No 3232/89, alleged that the Commission had failed to examine the impact of Japanese-owned assembly operations in the Community.

The Commission considers that the location of Japanese-owned SCTV production in the Community has been a gradual process extending over a long time period. In terms of market shares, the trend is not distinct, since this production has to a large extent replaced previous imports from Japan or already existing capacity within the Community. There is however no evidence that it has contri-

buted particularly to the injury situation of the Community complainant industry examined in this proceeding.

- (33) The same exporter rejects the Commission's assertion that significant injury has taken place on the important United Kingdom market, on the grounds that it was protected by a voluntary restraint agreement. The Commission refers again to its arguments set out in recital 47 of Regulation (EEC) No 3232/89 and would observe that the determination of injury, like that of dumping, is a matter of analysis and calculation based on the facts gathered during an investigation. The non-existence of dumping and injury cannot simply be deduced from the existence of a voluntary agreement or another kind of restriction concerning the market in question. The Commission considers that there is no evidence for the exporter's claim and repeats that findings of injury have been made on data referring to the United Kingdom market.
- (34) This exporter alleges once more that there has been discrimination against Korean exporters in this proceeding, since other exporting countries, notably Austria, Japan, Malaysia and Singapore are not being investigated. The Commission presented its arguments on this question in recital 54 of Regulation (EEC) No 3232/89. Even if the Commission's arguments are true, claims the exporter, 'that does not necessarily mean that these products (i. e. SCTVs from the above countries) are not being dumped in the Community and causing injury'. Beyond these allegations, the exporters have however provided no evidence of such dumping and injury. In the absence of such data, having examined the position of other exporting countries to the Community, the Commission has no basis for opening anti-dumping proceedings against them as demanded by the exporter. Furthermore, even if these other exporting countries had caused injury, there is no indication that the injury caused by Korean dumped exports would thereby be rendered non-material.

The Council confirms the Commission's findings and conclusions in recitals 49 to 55 of Regulation (EEC) No 3232/89, that the imports under consideration, taken in isolation, have caused material injury.

H. Community interest

- (35) No further facts or arguments concerning this subject were submitted to the Commission by any of the parties. The Council therefore confirms the Commission's conclusions set out in recitals 56 to 60 of Regulation (EEC) No 3232/89, that it is in the Community's interest to eliminate the injurious

effects to the Community industry of the dumping determined. The benefits of such protection for the current viability and future development of that industry outweigh the possible disadvantages, of a temporary nature, for the consumer in terms of limited price increases for certain imported SCTVs.

I. Duty

- (36) Provisional measures took the form of anti-dumping duties; these were imposed at the level of the dumping margins determined, since injury thresholds, even when set on a restrictive basis at the level of the cif equivalent of the undercutting margins found, were much higher.
- (37) As the Commission's findings on injury set out in Regulation (EEC) No 3232/89 have now been confirmed by the Council, and injury thresholds remain much higher than the dumping margins definitively determined, the Council concluded on the basis of the injury threshold calculation method set out in recital 62 of that Regulation that duties should be imposed at the level of the dumping margins found.
- (38) The Council notes the readiness of the Commission to initiate review proceedings without delay when a Korean producer of SCTVs can provide satisfactory evidence that it did not export to the Community during the investigation period covered by the present proceedings, that it has since commenced exports or has the firm intention to do so, and that it is not related to or associated with any of the companies subject to the present investigation, as explained in recital 64 of Regulation (EEC) No 3232/89. Pending such a review, however, the Council considers that it would create an opportunity for circumvention to apply in such cases any anti-dumping duty lower than the highest dumping margin determined. The Council notes that no exporter has so far come forward on this basis.
- (39) In recital 65 of Regulation (EEC) No 3232/89, the Commission explained that it had decided to exclude, on a strictly temporary basis, certain Hong Kong exporters from the scope of the provisional duty, in the event that Korean origin should be attributed to any of their exports of SCTVs to the Community. This provision was made at the request of Hong Kong exporters and their representatives. It has been challenged by the complainants, and by a Korean producer, who argued that the derogation from the normal application of origin rules that the provision implies is incorrect and discriminatory towards Korean exporters. The Commission considers, in the light of the facts now available to it, that this derogation is not justified and should not be prolonged beyond the period of

provisional duty on SCTVs originating in Korea. The Council confirms this conclusion.

J. Undertakings

- (40) No formal offers of undertakings have been received. One exporter has made informal proposals, and was informed by the Commission that it would be unable to recommend the acceptance of undertakings in this case. In effect the Commission considers that the degree of non-collaboration experienced during the proceedings, and the rapidity with which model changes are introduced in this industry, would make the observance of undertakings difficult to verify, while their monitoring would be very costly. Given these considerations, and the general high level of mobility of SCTV production capacity, the Commission finds in addition that undertakings are unlikely to contribute at present to the restoration of fair competitive conditions in the market. The Council confirms these conclusions.

K. Collection of provisional duties

- (41) In view of the dumping margins established, and the seriousness of the injury caused to the Community industry, the Council considers it necessary that amounts collected by way of provisional anti-dumping duties should be definitively collected to the extent of the amount of the duty definitively imposed.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty of 19,6 % of the net free-at-Community-frontier price before duty is hereby imposed on imports of small-screen colour television receivers falling within CN code ex 8528 10 71 (Taric code 8528 10 71*10) originating in the Republic of Korea (Taric additional code 8429).

The rates of duty for small-screen colour television receivers manufactured and sold for export by the following companies shall be as set out below, expressed as a percentage of the net, free-at-Community-frontier price before duty:

	Rate of duty	Taric additional code
— Daewoo Electronics Co. Ltd:	10,2 %	8425
— Goldstar Co. Ltd:	10,4 %	8426
— Samsung Electronics Ltd:	10,5 %	8427

2. The duties specified in paragraph 1 shall apply to small-screen colour television receivers with a diagonal screen size of more than 15,5 cm but no greater than 42 cm, whether or not combined in the same housing with a radio broadcast receiver and/or a clock.

3. The provisions in force concerning customs duties shall apply.

Article 2

The amounts collected or secured by way of provisional anti-dumping duty under Regulation (EEC) No 3232/89 shall be collected at the rates of duty definitively imposed where the definitive rate of duty is lower than the provi-

sonal anti-dumping duty and at the rates of provisional duty in all other cases. Secured amounts which are not covered by the rates of duty definitively imposed shall be released.

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, 25 April 1990.

For the Council

The President

M. O'KENNEDY

II

(Acts whose publication is not obligatory)

COUNCIL

Information concerning the date of entry into force of the Agreement in the form of an Exchange of Letters between the European Economic Community and the Republic of Austria adapting the Agreement of 20 September 1977 concerning certain types of cheese negotiated under Article XXVIII of GATT ⁽¹⁾

On 15 November 1989 and 29 March 1990 respectively, the European Economic Community and the Republic of Austria notified each other that they had completed the procedures necessary for the said Agreement to enter into force. This agreement therefore entered into force, in accordance with point 4 thereof, on 29 March 1990.

Information concerning the date of entry into force of the Protocol on financial and technical cooperation between the European Economic Community and the Republic of Cyprus signed in Brussels on 30 November 1989 ⁽²⁾

As the instruments of notification of completion of the procedures necessary for entry into force of the Protocol on financial and technical cooperation between the European Economic Community and the Republic of Cyprus, signed in Brussels, on 30 November 1989, were exchanged on 4 April 1990, the Protocol will enter into force, in accordance with Article 21 (2) thereof, on 1 June 1990.

⁽¹⁾ OJ No L 357, 7. 12. 1989, p. 23.

⁽²⁾ OJ No L 82, 29. 3. 1990, p. 32.