

Official Journal

of the European Communities

ISSN 0378-6978

L 138

Volume 33

31 May 1990

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- * Council Regulation (EEC) No 1434/90 of 14 May 1990 implementing certain provisions of the Agreement between the European Economic Community and the European Atomic Energy Community and the Union of the Soviet Socialist Republics on trade and commercial and economic cooperation** 1
- * Council Regulation (EEC) No 1435/90 of 21 May 1990 amending Regulation (EEC) No 987/68 laying down general rules for granting aid for skimmed milk processed into casein or caseinates** 8
- * Council Regulation (EEC) No 1436/90 of 21 May 1990 amending Regulation (EEC) No 3033/80 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products** 9
- * Council Regulation (EEC) No 1437/90 of 21 May 1990 opening and providing for the administration of a Community quota for chemically pure fructose originating in third countries not bound to the Community by a preferential trade agreement (July to December 1990)** 10
- * Council Regulation (EEC) No 1438/90 of 21 May 1990 amending Regulation (EEC) No 1010/86 laying down general rules for the production refund on certain sugar products used in the chemical industry** 12
- Commission Regulation (EEC) No 1439/90 of 30 May 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal 14
- Commission Regulation (EEC) No 1440/90 of 30 May 1990 fixing the premiums to be added to the import levies on cereals, flour and malt 16
- Commission Regulation (EEC) No 1441/90 of 30 May 1990 fixing the import levies on milk and milk products 18

* Commission Regulation (EEC) No 1442/90 of 30 May 1990 amending Regulation (EEC) No 1822/77 laying down detailed rules for the collection of the co-responsibility levy introduced in respect of milk and milk products	23
* Commission Regulation (EEC) No 1443/90 of 30 May 1990 laying down detailed rules governing the grant of private storage aid for Pecorino Romano cheese	25
Commission Regulation (EEC) No 1444/90 of 30 May 1990 adjusting the corrective amount on the import of courgettes into the Community of Ten from Spain except the Canary Islands	28
Commission Regulation (EEC) No 1445/90 of 30 May 1990 fixing the import levies on white sugar and raw sugar	29
Commission Regulation (EEC) No 1446/90 of 30 May 1990 fixing the import levy on molasses	31
Commission Regulation (EEC) No 1447/90 of 30 May 1990 altering the export refunds on white sugar and raw sugar exported in the natural state	32
Commission Regulation (EEC) No 1448/90 of 30 May 1990 fixing the maximum export refund for white sugar for the fifth partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 983/90	34
Commission Regulation (EEC) No 1449/90 of 30 May 1990 altering the import levies on products processed from cereals and rice	35
Commission Regulation (EEC) No 1450/90 of 30 May 1990 fixing the import levies on compound feedingstuffs	37
Commission Regulation (EEC) No 1451/90 of 30 May 1990 fixing the import levies on products processed from cereals and rice	39

II Acts whose publication is not obligatory

Commission

90/240/EEC :

* Commission Decision of 22 May 1990 terminating the proceeding in connection with a review of anti-dumping measures regarding imports of fibre building-board (hardboard) originating in Finland, Argentina, Switzerland and Yugoslavia and repealing Decisions 86/35/EEC and 86/232/EEC accepting the undertakings given by the exporters concerned	44
---	----

90/241/EEC :

* Commission Decision of 22 May 1990 accepting undertakings given in connection with the anti-dumping proceeding concerning imports of photo albums originating in South Korea and Hong Kong, and terminating the investigation	48
---	----

Corrigenda

Corrigendum to Commission Regulation (EEC) No 1408/90 of 23 May 1990 amending Regulation (EEC) No 1207/90 fixing the monetary compensatory amounts in the agricultural sector and certain coefficients and rates required for their application (OJ No L 135 of 28. 5. 1990)	56
--	----

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1434/90

of 14 May 1990

implementing certain provisions of the Agreement between the European Economic Community and the European Atomic Energy Community and the Union of the Soviet Socialist Republics on trade and commercial and economic cooperation

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the European Atomic Energy Community and the Union of Soviet Socialist Republics on trade and commercial and economic cooperation⁽¹⁾, hereinafter referred to as the 'Agreement', was signed in Brussels on 18 December 1989 and entered into force on 1 April 1990;

Whereas, under this Agreement, certain liberalization measures intended to facilitate access to the Community market for goods from the Union of Soviet Socialist Republics, hereinafter referred to as the 'USSR', are to be introduced progressively; whereas, pursuant to Article 8 of the Agreement, the Community undertakes, in particular, to eliminate quantitative restrictions on imports into regions of the Community of those products listed in Annex I to the Agreement and to suspend application of quantitative restrictions on imports into regions of the Community of those products listed in Annex II to the Agreement, on the terms and conditions specified therein;

Whereas, however, the Community has already adopted some of the measures provided for in Annex I to the Agreement, by Commission communications to the Council Nos 89/C 288/03⁽²⁾, 89/C 315/05⁽³⁾, 90/C 1/06⁽⁴⁾ and 90/C 36/06⁽⁵⁾; whereas it is therefore necessary simply to abolish the quantitative restrictions on imports of the remaining products listed in Annex I and to suspend the quantitative restrictions on imports of the products listed in Annex II to the Agreement, except in the case of one product falling within CN code 4910 00 00 which has already been liberalized at Community level;

Whereas, in consequence, Community imports of some of the products listed in Annex I to the Agreement, originating in the USSR, will be free of all quantitative restrictions; whereas these products — now listed in Annex III — can therefore be covered by Council Regulation (EEC) No 1765/82 of 30 June 1982 on common rules for imports from State-trading countries⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantitative restrictions on the release for free circulation in the Community of the products listed in Annex I, originating in the USSR, are hereby abolished in the regions of the Community specified in the Annex in relation to those products.

2. The application of quantitative restrictions on the release for free circulation in the Community of products listed in Annex II, originating in the USSR, is hereby suspended in the regions of the Community listed in the Annex, on the terms and conditions specified in that Annex.

Article 2

The quantitative restrictions on the release for free circulation in the Community of products listed in Annex III, originating in the USSR, are hereby abolished throughout the Community. Imports of these products into the Community shall be subject to Regulation (EEC) No 1765/82. The products concerned shall be added to the Annex to that Regulation.

Article 3

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

⁽¹⁾ OJ No L 68, 15. 3. 1990, p. 1.

⁽²⁾ OJ No C 288, 16. 11. 1989, p. 3.

⁽³⁾ OJ No C 315, 15. 12. 1989, p. 9.

⁽⁴⁾ OJ No C 1, 4. 1. 1990, p. 9.

⁽⁵⁾ OJ No C 36, 16. 2. 1990, p. 5.

⁽⁶⁾ OJ No L 195, 5. 7. 1982, p. 1.

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

Done at Brussels, 14 May 1990.

For the Council

The President

D. J. O'MALLEY

ANNEX I

List of regions of the Community and products referred to in Article 1 (1)

BENELUX	BENELUX (cont'd)	FEDERAL REPUBLIC OF GERMANY (cont'd)	DENMARK (cont'd)
0701 90 51	ex 8501 52 93		1806 20 90
0702 00 90	ex 8501 52 99		1806 31 00
	ex 8501 53 10	7117 19 10	1806 32 10
1704 90 30	ex 8501 53 91	7117 90 00	1806 32 90
1704 90 51	ex 8501 53 99		1806 90 11
1704 90 55		7202 80 00	1806 90 19
1704 90 61	FEDERAL REPUBLIC OF GERMANY	7202 92 00	1806 90 31
1704 90 65			1806 90 39
1704 90 71		7214 10 00	1806 90 50
1704 90 75			1806 90 60
1704 90 81	0712 10 00	7307 19 10	1806 90 70
1704 90 99			1806 90 90
	2833 22 00	7318 12 10	
1806 10 10		7318 12 90	6906 00 00
1806 10 30	3102 40 10	7318 15 81	
1806 10 90		7318 16 30	9603 29 10
1806 20 10	4202 11 10	7318 16 50	9603 29 30
1806 20 30	4202 11 90	7318 16 91	9603 30 10
1806 20 50	4202 21 00	7318 16 99	9603 40 10
1806 20 70	4202 31 00		9603 40 90
1806 20 90	4202 91 10	7601 10 00	9603 90 91
1806 31 00	4202 91 50	7601 20 10	
1806 32 10	4202 91 90	7601 20 90	
1806 32 90	4202 92 15		GREECE
1806 90 11	4202 92 95	7905 00 11	8215 10 10
1806 90 19	4202 99 10		8215 20 10
1806 90 31		8901 10 90	8215 20 90
1806 90 39	4203 29 91	8901 20 90	8215 99 10
1806 90 50	4203 29 99	8901 30 90	
1806 90 60		8901 90 91	8506 19 10
1806 90 70	4410 10 10	8901 90 99	8506 19 90
1806 90 90	4410 10 50		
		8902 00 90	8508 20 00
1901 10 00	4411 11 00		8508 90 00
1901 90 90	4411 91 00	9025 11 91	
	4411 99 00		
1904 10 10		9205 10 00	SPAIN
1904 10 30	6403 19 00		
1904 10 90	6403 20 00	9503 30 10	2529 10 00
1904 90 10	6403 40 00	9503 41 00	2529 21 00
1904 90 90	6403 51 11	9503 49 10	2529 22 00
	6403 51 91	9503 49 90	2529 30 00
6911 10 00	6403 59 31	9503 60 10	
6911 90 00	6403 59 91	9503 90 37	2903 14 00
	6403 91 11	9503 90 99	2903 21 00
ex 7017 20 00 ⁽¹⁾	6403 91 91		2903 22 00
ex 7017 90 00	6403 99 31	9505 10 10	2903 23 00
	6403 99 91		2903 29 00
7905 00 11		9617 00 11	2903 30 10
7905 00 19	6801 00 00	9617 00 19	2903 30 31
7905 00 90			2903 30 39
	6815 91 00		
ex 8501 20 10 ⁽²⁾		DENMARK	2905 14 10
ex 8501 31 10	6902 10 00		2905 16 90
ex 8501 32 10		1806 10 10	2905 19 90
ex 8501 33 10	6912 00 90	1806 10 30	2905 22 10
ex 8501 40 10		1806 10 90	2905 22 90
ex 8501 51 10	7013 21 11	1806 20 10	2905 29 00
ex 8501 51 90	7013 21 19	1806 20 30	2905 49 90
ex 8501 52 10	7013 31 10	1806 20 50	2905 50 10
ex 8501 52 91	7013 91 10	1806 20 70	2905 50 30

SPAIN (cont'd)	IERLAND (cont'd)	ITALY (cont'd)	ITALY (cont'd)
2917 14 00	6906 00 00	2907 23 10	3801 30 00
2917 34 10			
	6912 00 30	2912 11 00	3808 30 30
2929 10 00	9404 29 90	2912 12 00	3808 30 90
	9404 30 10	2912 50 00	
2933 61 00	9404 30 90	2912 60 00	3811 21 00
2933 71 00	9404 90 10		
2933 90 50		2918 30 00	3816 00 00
2933 90 60			
2933 90 70	ITALY	2921 12 00	3818 00 10
		2921 19 30	
2934 90 50	0701 90 51	2921 30 10	3819 00 00
2934 90 60	0701 90 59		
2934 90 80		2922 12 00	3823 20 00
	0710 10 00	2922 49 10	3823 30 00
3206 49 10	0712 10 00		3823 50 10
		2929 10 00	3823 60 11
3301 11 10			3823 60 19
3301 12 10	2009 11 19	2932 11 00	3823 60 91
3301 13 10			3823 60 99
	2208 10 10		3823 90 30
3904 61 00		2933 11 10	3823 90 50
	2209 00 99	2933 61 00	3823 90 60
3907 20 11		2933 79 00	3823 90 81
3907 20 19	2402 10 00	2933 90 50	3823 90 83
		2933 90 60	3823 90 87
ex 3909 10 00 (2)	2523 10 00	2933 90 70	3823 90 93
	2523 21 00		
3916 10 00	2523 30 00	2934 90 40	3920 73 10
	2523 90 10	2934 90 50	
3917 21 10	2523 90 30	2934 90 60	4104 31 90
3917 32 31		2934 90 80	4104 39 90
	2529 21 00		
3920 73 10	2529 22 00	2936 26 00	4410 10 30
	2529 30 00		
4002 60 00		3003 20 00	4418 30 10
	2704 00 11	3003 31 00	4418 30 90
4203 29 10	2704 00 90	3003 39 00	
4203 29 91		3003 40 00	4501 10 00
	2815 12 00	3003 90 10	4501 19 00
4410 10 30			
4410 90 10	2818 30 00	3102 10 91	4502 00 00
		3102 10 99	
7017 20 00	2824 10 00	3102 29 10	4802 30 00
	2824 90 00	3102 30 10	
8110 00 19		3102 40 10	4804 19 39
8110 00 90	2833 22 00	3102 40 90	4804 29 10
	2833 30 10	3102 60 00	4804 31 10
8545 19 10		3102 80 00	4804 39 10
	2840 30 00	3102 90 00	
8705 40 00			4805 40 00
	2841 20 00	3105 60 10	4805 50 00
		3105 90 10	4805 80 11
FRANCE	2849 90 90		
		3206 49 10	4808 20 00
8528 20 71	2903 14 00		4808 30 00
8528 20 73	2903 30 10	3602 00 00	
8528 20 79	2903 30 31		4814 20 00
	2903 30 39	3603 00 10	
	2903 40 00		6401 10 10
IRELAND		3604 10 00	6401 10 90
	2904 10 00	3604 90 00	6401 91 10
4011 40 00	2904 90 10		6401 92 10
4011 50 10		3606 10 00	6401 92 90
4011 50 90	2905 14 10	3606 90 10	6401 99 10
	2905 22 10	3606 90 90	6401 99 90
4013 20 00	2905 22 90		
4013 90 10	2905 50 30	3701 20 00	6402 11 00

ITALY (cont'd)	ITALY (cont'd)	ITALY (cont'd)	ITALY (cont'd)
6402 19 00	7004 10 30	7608 20 30	8545 90 10
6402 20 00	7004 90 50	7608 20 91	
6402 30 90		7608 20 99	8546 90 10
6402 91 10	7005 30 00		
6402 91 90		7609 00 00	8705 40 00
6402 99 10	7016 90 30		
6402 99 39		7803 00 00	8710 00 00
6402 99 50	7604 10 10		
6402 99 91	7604 10 90	7804 11 00	8714 20 00
6402 99 95	7604 21 00	7804 19 00	8714 91 30
6402 99 99			8714 92 10
	7606 11 10	7805 00 00	8714 92 90
6403 11 00	7606 11 91		8714 93 10
6403 30 00	7606 11 93	7903 90 00	8714 96 10
6403 51 11	7606 11 99		8714 96 30
6403 51 91	7606 12 10	7904 00 00	8714 99 10
6403 59 11	7606 12 50		8714 99 30
6403 91 11	7606 92 00	7905 00 19	8714 99 50
6403 91 91			
6403 99 31	7607 11 10	7906 00 00	9306 30 30
	7607 11 90		9306 90 10
6601 99 10	7607 19 10	8443 11 00	
6601 99 90	7607 19 90	8443 21 00	
	7607 20 10	8443 29 00	UNITED
6904 10 00	7607 20 90	8443 30 00	KINGDOM
6904 90 00		8443 40 00	
			0701 90 10
6912 00 30	7608 10 10		0701 90 51
	7608 10 91	8452 40 00	0701 90 59
7003 20 10	7608 10 99		
7003 20 90	7608 20 10	8543 80 10	3605 00 00

Notes to Annex I, explaining the partial liberalization of certain products:

- | | | |
|---------------------|------------|---|
| (¹) ex | 7017 20 00 | Laboratory glassware. |
| ex | 7017 90 00 | |
| (²) ex | 8501 20 10 | Motors of an output exceeding 0,75 kW but not exceeding 150 kW. |
| to | 8501 53 99 | |
| (³) ex | 3909 10 00 | Urea glues. |

ANNEX II

List of regions of the Community and products referred to in Article 1 (2)

The schemes for the suspension of quantitative restrictions referred to below have been established in order to permit the import of the products concerned without a quantitative limit on an experimental and temporary basis. Consequently, in particular instances, as a result of USSR exports to the regions of the Community concerned, market trends may make it necessary for the Community to discontinue this practice; in this, the USSR will be informed to this effect immediately.

A. BENELUX (automatic licensing arrangements TLA)	B. FRANCE : (system without quantitative limits — SLQ).	C. ITALY (cont'd)	C. ITALY (cont'd)
0701 90 59	7601 10 00	4804 21 10	7005 10 91
ex 7004 90 95 ⁽¹⁾	7601 20 10	4804 39 51	7005 10 93
ex 7004 90 99	7601 20 90	4804 39 59	7005 10 95
		4804 41 10	7005 21 10
7010 90 10		4804 42 10	7005 21 20
7010 90 21		4804 49 10	7005 21 30
7010 90 31		4804 51 10	7005 21 40
7010 90 45		4804 52 10	7005 21 50
7010 90 47		4804 59 10	7005 21 90
7010 90 55			7005 29 10
7010 90 57			7005 29 31
7010 90 71			7005 29 33
7010 90 81			7005 29 35
7010 90 87			7005 29 91
7010 90 99			7005 29 93
			7005 29 95
Textile categories			
125 A			
ex 126 ⁽²⁾			
127 A			
148 A			
149 A			
149 B			
149 C			

Notes to Annex II, explaining the suspension of a partial restriction on certain products :

⁽¹⁾ ex 7004 90 95 : Glass for polishing.

⁽²⁾ ex category 126 : All CN codes except 5502 00 10 and 5502 00 90.

ANNEX III

List of products referred to in Article 2

Products in respect of which quantitative restrictions are abolished at Community level

CN code 1990	CN code 1990	CN code 1990	CN code 1990
2208 10 10	2933 11 10	3916 10 00	7607 11 10
	2933 61 00		7607 11 90
2529 10 00	2933 71 00	3917 21 10	7607 19 10
2529 21 00	2933 90 50	3917 32 31	7607 19 90
2529 22 00	2933 90 60		7607 20 10
2529 30 00	2933 90 70	3920 73 10	7607 20 90
2815 12 00	2934 90 40	4002 60 00	7608 10 10
	2934 90 50		7608 10 91
2824 10 00	2934 90 60	4010 91 00	7608 10 99
2824 90 00	2934 90 80	4010 99 00	7608 20 10
			7608 20 30
2833 22 00	2936 26 00	4104 31 90	7608 20 91
2833 30 10		4104 39 90	7608 20 99
	3003 20 00		
2840 30 00	3003 31 00	4410 10 30	7609 00 00
	3003 39 00	4410 90 10	
2841 20 00	3003 40 00		7803 00 00
	3003 90 10	4501 10 00	
2849 10 00		4501 90 00	7804 11 00
2849 90 90	3206 49 10		7804 19 00
		4502 00 00	
2903 14 00			7805 00 00
2903 21 00	3301 11 10	4808 20 00	
2903 22 00	3301 12 10	4808 30 00	7902 00 00
2903 23 00	3301 13 10		
2903 29 00		6801 00 00	7903 90 00
2903 30 10	3606 10 00		
2903 30 31	3606 90 10	6815 91 00	7904 00 00
2903 30 39	3606 90 90		
		6902 10 00	7905 00 19
2905 14 10	3701 20 00		
2905 16 90		6908 90 51	7906 00 00
2905 19 90	3801 30 00		
2905 22 10		7003 20 10	
2905 22 90	3816 00 00	7003 20 90	8110 00 19
2905 29 00			8110 00 90
2905 49 90	3818 00 10	7004 10 30	
2905 50 10		7004 90 50	8443 11 00
2905 50 30	3819 00 00		8443 21 00
		7005 30 00	8443 29 00
2907 23 10	3823 20 00		8443 30 00
	3823 30 00	7016 90 30	8443 40 00
2912 11 00	3823 50 10		
2912 12 00	3823 60 11	7017 20 00	8508 20 00
2912 50 00	3823 60 19		8508 90 00
2912 60 00	3823 60 91	7325 91 00	
	3823 60 99		8543 80 10
2918 30 00	3823 90 30	7326 11 00	
	3823 90 50	7326 20 30	8545 19 10
2921 12 00	3823 90 60		8545 90 10
2921 19 30	3823 90 81	7604 10 10	
2921 30 10	3823 90 83	7604 10 90	
2921 51 90	3823 90 87	7604 21 00	9025 11 91
2921 59 00	3823 90 93		
		7606 11 10	9205 10 00
2922 12 00	3904 61 00	7606 11 91	
2922 49 10		7606 11 93	9505 10 10
	3907 20 11	7606 11 99	
2929 10 00	3907 20 19	7606 12 10	9617 00 11
		7606 12 50	9617 00 19
2932 11 00	3909 10 00	7606 92 00	

COUNCIL REGULATION (EEC) No 1435/90

of 21 May 1990

amending Regulation (EEC) No 987/68 laying down general rules for granting aid for skimmed milk processed into casein or caseinates

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 11 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 2 (4) of Regulation (EEC) No 987/68 ⁽³⁾, as last amended by Regulation (EEC) No 836/90 ⁽⁴⁾, provides that the aid may be granted only for certain utilizations of casein and caseinates where the market situation so requires; whereas that restrictive measure is applicable until 31 May 1990;

Whereas an analysis of the way that measure operates has revealed certain difficulties arising from its implementation and confirmed the need to pursue a restrictive policy as regards the utilization of casein and caseinates; whereas that objective should be achieved by general rules

on the utilization of casein and caseinates in the manufacture of certain milk products; whereas, in order to avoid disturbance of the market pending the entry into force of such rules, the measure provided for in Article 2 (4) of Regulation (EEC) No 987/68 should continue to apply,

HAS ADOPTED THIS REGULATION:

Article 1

The third subparagraph of Article 2 (4) of Regulation (EEC) No 987/68 shall be replaced by the following:

'This measure is applicable until 31 July 1990.'

Article 2

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

It shall apply from 1 June 1990.

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

Done at Brussels, 21 May 1990.

For the Council

The President

M. O'KENNEDY

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁴⁾ OJ No L 86, 31. 3. 1990, p. 53.

COUNCIL REGULATION (EEC) No 1436/90

of 21 May 1990

amending Regulation (EEC) No 3033/80 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas imports of chemically pure fructose (laevulose) are subject to a relatively low rate of duty compared to the incidence of the difference between prices in the Community and in the world market for the agricultural raw materials which it contains;

Whereas imports of chemically pure fructose into the Community have, as a result, increased substantially, from 3 900 tonnes in 1984 to 8 100 tonnes in 1987, amounting to 58 % of Community consumption in 1987;

Whereas the duty on chemically pure fructose is not bound in the GATT;

Whereas, in the circumstances, it is necessary to provide for a variable component in the customs duty on chemically pure fructose in order to restore normal terms of competition;

Whereas, since chemically pure fructose can compete directly with isoglucose, it is appropriate that the level of the variable component on the former should be aligned with the level of the levy on the latter provided for by Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽²⁾, as last amended by Regulation (EEC) No 1069/89⁽³⁾;

Whereas the Community has entered into preferential trade arrangements with certain third countries; whereas

the variable component should not apply to imports of the said product from the third countries concerned;

Whereas Regulation (EEC) No 3033/80⁽⁴⁾, as amended by Commission Regulation (EEC) No 3743/87⁽⁵⁾, must be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3033/80 is hereby amended as follows:

1. The following Article is inserted:

Article 7a

1. With effect from 1 July 1990 and notwithstanding Articles 6 and 7, the variable component charged on imports of products falling within CN code 1702 50 00 shall be equal to the levy referred to in Article 16 (6) of Regulation (EEC) No 1785/81⁽⁶⁾, as last amended by Regulation (EEC) No 1069/89⁽⁷⁾, on imports of products falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30.

2. Paragraph 1 shall not apply to imports of products falling within CN code 1702 50 00 originating in third countries with which the Community has concluded a preferential trade agreement.

(¹) OJ No L 177, 1. 7. 1981, p. 4.

(²) OJ No L 114, 27. 4. 1989, p. 1.

2. The following is added to the Annex:

CN code	Description
1702 50 00	Chemically pure fructose

Article 2

This Regulation shall enter into force on the third 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, 21 May 1990.

For the Council

The President

M. O'KENNEDY

(¹) Opinion delivered on 17 May 1990 (not yet published in the Official Journal).

(²) OJ No L 177, 1. 7. 1981, p. 4.

(³) OJ No L 114, 27. 4. 1989, p. 1.

(⁴) OJ No L 323, 29. 11. 1980, p. 1.

(⁵) OJ No L 352, 15. 12. 1987, p. 29.

COUNCIL REGULATION (EEC) No 1437/90

of 21 May 1990

opening and providing for the administration of a Community quota for chemically pure fructose originating in third countries not bound to the Community by a preferential trade agreement (July to December 1990)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 7a of Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, as last amended by Regulation (EEC) No 1436/90 ⁽²⁾, provides that the variable component which will be imposed, as from 1 July 1990, on imports of the products falling within CN code 1702 50 00, originating in third countries not bound to the Community by a preferential trade agreement, will be equal to the levy referred to in Article 16 (6) of Regulation (EEC) No 1785/81 ⁽³⁾, as last amended by Regulation (EEC) No 1069/89 ⁽⁴⁾, imposed on imports of products falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30;

Whereas, in the current context of the Uruguay Round, it is appropriate to maintain the possibility of exporting to the Community market chemically pure fructose originating in third countries not bound to the Community by a preferential trade agreement; whereas this aspect is fulfilled if the possibility for individual agricultural products, originating in the aforesaid third countries, to penetrate the Community market is not less, in 1990, than the average for 1987 and 1988; whereas the average imports of chemically pure fructose, originating in these countries, during 1987 and 1988, amounted to 4 504

tonnes; whereas it is therefore appropriate to open, for the period 1 July to 31 December 1990, a Community quota, exempt from the variable component, for an amount equal to 2 252 tonnes;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the product in question into all the Member States until the quota is exhausted; whereas it is appropriate not to provide for allocation among Member States, without prejudice to the drawing on the amount of the quota, of such quantities as they may need, under conditions and according to the procedure provided for in Article 3;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of the drawings made by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 July to 31 December 1990, the variable component applicable to imports, into the Community, of the following product, originating in third countries not bound to the Community by a preferential trade agreement, shall be suspended totally, within the limits of a Community quota as shown below:

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.0091	1702 50 00	Chemically pure fructose	2 252	20

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ See page 9 of this Official Journal.

⁽³⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 1.

Article 2

The quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit of the quota for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings shall be granted by the Commission on the basis of the date of acceptance of the declarations of entry

into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the tariff quota, allocation shall be made on a *pro rata* basis with respect to the requests, Member States shall be informed by the Commission of the drawings made.

Article 4

Each Member State shall ensure that importers of the product concerned have equal and continuous access to the quota for such times as the residual balance of the quota so permits.

Article 5

This Regulation shall enter into force on 1 July 1990.

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

Done at Brussels, 21 May 1990.

For the Council

The President

M. O'KENNEDY

COUNCIL REGULATION (EEC) No 1438/90

of 21 May 1990

amending Regulation (EEC) No 1010/86 laying down general rules for the production refund on certain sugar products used in the chemical industry

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 9 (5) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽³⁾,

Whereas, pursuant to Regulation (EEC) No 1010/86 ⁽⁴⁾, as last amended by Regulation (EEC) No 2306/88 ⁽⁵⁾, production refunds, given the specific character of the sugar production system, cannot be claimed for basic sugar products used in the manufacture of chemically pure fructose (laevulose) falling within CN code 1702 50 00; whereas, as the production refund system does not apply in this case and as imports at zero or low duty originating in certain third countries linked to the Community by free trade agreements are increasing, the Community laevulose industry operates in a situation of undue disadvantage when compared with that of the laevulose industry obtaining supplies on the world market;

Whereas, under these circumstances and in order to avoid laevulose being used for food purposes, which could pose a serious threat to the sugar market, that product should be treated as an intermediate product eligible for production refunds provided it is obtained from a basic product of Community origin and is used for its processing into one of the chemical products referred to in the Annex to Regulation (EEC) No 1010/86; whereas it is also desirable to establish the possibility of setting limits, where neces-

sary, to take account of the development of the market in laevulose,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph shall be inserted in Article 1 of Regulation (EEC) No 1010/86:

'1a. For the purposes of this Regulation, chemically pure fructose (laevulose) falling within CN code 1702 50 00 shall, as an intermediate product, be considered as one of the basic products referred to in paragraph 1 if, on the one hand, it is obtained in the Community directly from those basic products with the exception of any product coming under other production refund arrangements and, on the other hand, it is used for processing into one of the chemical products referred to in the Annex.'

The amount of the production refund granted per 100 kilograms of laevulose used, expressed as dry matter, shall be equal to the production refund applicable for 100 kilograms of white sugar on the day on which the application for a production refund is received.

It may in addition be stipulated, if necessary, that the granting of a production refund for laevulose shall be restricted to an overall quantity of that product to be determined for the Community.

That quantity shall be determined for one or more marketing years on the basis in particular of:

- (a) the average Community production of laevulose obtained over a reference period;
- (b) the development of the market in, and imports of, laevulose;
- (c) the possible effects on the sugar market in the Community.'

Article 2

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

It shall apply from 1 July 1990.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ Opinion delivered on 17 May 1990 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁵⁾ OJ No L 201, 27. 7. 1988, p. 65.

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

Done at Brussels, 21 May 1990.

For the Council

The President

M. O'KENNEDY

COMMISSION REGULATION (EEC) No 1439/90

of 30 May 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 1340/90 ⁽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 29 May 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 31 May 1990.

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

Done at Brussels, 30 May 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 134, 28. 5. 1990, 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 83, 30. 3. 1990, p. 4.

ANNEX

to the Commission Regulation of 30 May 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	39,80	129,78 ⁽²⁾ ⁽³⁾
0712 90 19	39,80	129,78 ⁽²⁾ ⁽³⁾
1001 10 10	49,77	190,87 ⁽¹⁾ ⁽³⁾
1001 10 90	49,77	190,87 ⁽¹⁾ ⁽³⁾
1001 90 91	40,78	150,21
1001 90 99	40,78	150,21
1002 00 00	65,46	136,30 ⁽⁶⁾
1003 00 10	56,71	132,02
1003 00 90	56,71	132,02
1004 00 10	48,11	124,76
1004 00 90	48,11	124,76
1005 10 90	39,80	129,78 ⁽²⁾ ⁽³⁾
1005 90 00	39,80	129,78 ⁽²⁾ ⁽³⁾
1007 00 90	56,71	143,47 ⁽⁴⁾
1008 10 00	56,71	39,29
1008 20 00	56,71	107,15 ⁽⁴⁾
1008 30 00	56,71	3,88 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	56,71	3,88
1101 00 00	71,56	224,76
1102 10 00	106,11	205,35
1103 11 10	91,98	310,68
1103 11 90	75,71	241,16

⁽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 1440/90

of 30 May 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 1340/90⁽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 29 May 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 31 May 1990.

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

Done at Brussels, 30 May 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 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 187, 1. 7. 1989, p. 4.

ANNEX

to the Commission Regulation of 30 May 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 5	1st period 6	2nd period 7	3rd period 8
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	2,32
1001 90 99	0	0	0	2,32
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	3,25

B. Malt

CN code	(ECU/tonne)				
	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	0	0	4,13	4,13
1107 10 19	0	0	0	3,09	3,09
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1441/90
of 30 May 1990
fixing the import levies 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 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EEC) No 1243/90 ⁽³⁾, as amended by Regulation (EEC) No 1259/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1243/90 to the prices 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

1. The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.
2. There shall be no levy for imports from 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 1 June 1990.

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

Done at Brussels, 30 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 121, 12. 5. 1990, p. 12.

⁽⁴⁾ OJ No L 124, 15. 5. 1990, p. 10.

ANNEX

to the Commission Regulation of 30 May 1990 fixing the import levies on milk and milk products

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

CN code	Note	Import levy
0401 10 10		18,54
0401 10 90		17,33
0401 20 11		25,03
0401 20 19		23,82
0401 20 91		29,76
0401 20 99		28,55
0401 30 11		74,58
0401 30 19		73,37
0401 30 31		141,83
0401 30 39		140,62
0401 30 91		236,27
0401 30 99		235,06
0402 10 11	(*)	135,35
0402 10 19	(*)	128,10
0402 10 91	(*) (*)	1,2810/kg + 23,63
0402 10 99	(*) (*)	1,2810/kg + 16,38
0402 21 11	(*)	179,62
0402 21 17	(*)	172,37
0402 21 19	(*)	172,37
0402 21 91	(*)	218,16
0402 21 99	(*)	210,91
0402 29 11	(*) (*) (*)	1,7237/kg + 23,63
0402 29 15	(*) (*)	1,7237/kg + 23,63
0402 29 19	(*) (*)	1,7237/kg + 16,38
0402 29 91	(*) (*)	2,1091/kg + 23,63
0402 29 99	(*) (*)	2,1091/kg + 16,38
0402 91 11	(*)	28,57
0402 91 19	(*)	28,57
0402 91 31	(*)	35,71
0402 91 39	(*)	35,71
0402 91 51	(*)	141,83
0402 91 59	(*)	140,62
0402 91 91	(*)	236,27
0402 91 99	(*)	235,06
0402 99 11	(*)	49,40
0402 99 19	(*)	49,40
0402 99 31	(*) (*)	1,3820/kg + 20,01
0402 99 39	(*) (*)	1,3820/kg + 18,80
0402 99 91	(*) (*)	2,3264/kg + 20,01
0402 99 99	(*) (*)	2,3264/kg + 18,80

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

CN code	Note	Import levy
0403 10 11		27,44
0403 10 13		32,17
0403 10 19		76,99
0403 10 31	(¹)	0,2140/kg + 22,42
0403 10 33	(¹)	0,2613/kg + 22,42
0403 10 39	(¹)	0,7095/kg + 22,42
0403 90 11		135,35
0403 90 13		179,62
0403 90 19		218,16
0403 90 31	(¹)	1,2810/kg + 23,63
0403 90 33	(¹)	1,7237/kg + 23,63
0403 90 39	(¹)	2,1091/kg + 23,63
0403 90 51		27,44
0403 90 53		32,17
0403 90 59		76,99
0403 90 61	(¹)	0,2140/kg + 22,42
0403 90 63	(¹)	0,2613/kg + 22,42
0403 90 69	(¹)	0,7095/kg + 22,42
0404 10 11		27,23
0404 10 19	(¹)	0,2723/kg + 16,38
0404 10 91	(²)	0,2723/kg
0404 10 99	(²)	0,2723/kg + 16,38
0404 90 11		135,35
0404 90 13		179,62
0404 90 19		218,16
0404 90 31		135,35
0404 90 33		179,62
0404 90 39		218,16
0404 90 51	(¹)	1,2810/kg + 23,63
0404 90 53	(¹)(²)	1,7237/kg + 23,63
0404 90 59	(¹)	2,1091/kg + 23,63
0404 90 91	(¹)	1,2810/kg + 23,63
0404 90 93	(¹)(²)	1,7237/kg + 23,63
0404 90 99	(¹)	2,1091/kg + 23,63
0405 00 10		243,50
0405 00 90		297,07
0406 10 10	(⁴)	239,78
0406 10 90	(⁴)	292,67
0406 20 10	(²)(⁴)	389,56
0406 20 90	(⁴)	389,56
0406 30 10	(²)(⁴)	188,10
0406 30 31	(²)(⁴)	181,02
0406 30 39	(²)(⁴)	188,10
0406 30 90	(²)(⁴)	284,82
0406 40 00	(²)(⁴)	148,14
0406 90 11	(²)(⁴)	213,86

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

CN code	Note	Import levy
0406 90 13	(3) (*)	190,56
0406 90 15	(3) (*)	190,56
0406 90 17	(3) (*)	190,56
0406 90 19	(3) (*)	389,56
0406 90 21	(3) (*)	213,86
0406 90 23	(3) (*)	195,95
0406 90 25	(3) (*)	195,95
0406 90 27	(3) (*)	195,95
0406 90 29	(3) (*)	195,95
0406 90 31	(3) (*)	195,95
0406 90 33	(*)	195,95
0406 90 35	(3) (*)	195,95
0406 90 37	(3) (*)	195,95
0406 90 39	(3) (*)	195,95
0406 90 50	(3) (*)	195,95
0406 90 61	(*)	389,56
0406 90 63	(*)	389,56
0406 90 69	(*)	389,56
0406 90 71	(*)	239,78
0406 90 73	(*)	195,95
0406 90 75	(*)	195,95
0406 90 77	(*)	195,95
0406 90 79	(*)	195,95
0406 90 81	(*)	195,95
0406 90 83	(*)	195,95
0406 90 85	(*)	195,95
0406 90 89	(3) (*)	195,95
0406 90 91	(*)	239,78
0406 90 93	(*)	239,78
0406 90 97	(*)	292,67
0406 90 99	(*)	292,67
1702 10 10		35,96
1702 10 90		35,96
2106 90 51		35,96
2309 10 15		98,50
2309 10 19		127,96
2309 10 39		119,83
2309 10 59		98,71
2309 10 70		127,96
2309 90 35		98,50
2309 90 39		127,96
2309 90 49		119,83
2309 90 59		98,71
2309 90 70		127,96

-
- (¹) The levy on 100 kg of product falling within this subheading is equal to the sum of the following :
- (a) the amount per kilogram shown, multiplied by the weight of milk and milk cream contained in 100 kg of product ; and
 - (b) the other amount indicated.
- (²) The levy on 100 kg of product falling within this subheading is equal to :
- (a) the amount per kilogram shown, multiplied by the weight of the dried milk contained in 100 kg of product plus, where appropriate,
 - (b) the other amount indicated.
- (³) Products falling within this subheading imported from a third country under special arrangements concluded between that country and the Community for which an IMA 1 certificate issued under the conditions provided for in Regulation (EEC) No 1767/82 is issued are subject to the levies in Annex I to that Regulation.
- (⁴) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.
-

COMMISSION REGULATION (EEC) No 1442/90

of 30 May 1990

amending Regulation (EEC) No 1822/77 laying down detailed rules for the collection of the co-responsibility levy introduced in respect of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1079/77 of 17 May 1977 on a co-responsibility levy and on measures for expanding the markets in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1181/90⁽²⁾, and in particular Article 6 thereof,

Whereas, in accordance with Council Regulation (EEC) No 1180/90 of 7 May 1990 fixing the target price for milk and the intervention prices for butter, skimmed-milk powder and Grana Padano and Parmigiano Reggiano cheeses for the 1990/91 milk year⁽³⁾, the target price for milk was reduced by 3,5 % from 14 May 1990; whereas the amounts in Articles 2 (1) and 5 (2) of Commission Regulation (EEC) No 1822/77⁽⁴⁾, as last amended by Regulation (EEC) No 1425/89⁽⁵⁾, should be amended accordingly;

Whereas Regulation (EEC) No 1079/77 fixes the reduced rate of the co-responsibility levy for the 1990/91 milk year at 1 % of the target price for milk as received by producers whose real reference quantity available is less than or equal to 60 000 kilograms; whereas it should be specified that the reduced rate is to apply for the seventh period of the additional levy arrangements;

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

Regulation (EEC) No 1822/87 is hereby amended as follows:

⁽¹⁾ OJ No L 131, 26. 5. 1977, p. 6.

⁽²⁾ OJ No L 119, 11. 5. 1990, p. 25.

⁽³⁾ OJ No L 119, 11. 5. 1990, p. 23.

⁽⁴⁾ OJ No L 203, 9. 8. 1977, p. 1.

⁽⁵⁾ OJ No L 141, 25. 5. 1989, p. 36.

1. Article 2 (1) and (2) is replaced by the following:

'1. During the 1990/91 milk year, the levy per 100 kilograms of cow's milk shall be:

- (a) as regards the general rate referred to in Article 2 (12) of Regulation (EEC) No 1079/77, ECU 0,4021;
- (b) as regards the reduced rate resulting from the application of Article 1 (4) of Regulation (EEC) No 1079/77, ECU 0,2681.

2. For the purpose of applying the first subparagraph of Article 1 (4) of Regulation (EEC) No 1079/77, the reduced rate referred to in paragraph 1 (b) shall be charged on quantities of milk delivered by producers who, on the first day of the seventh period of application of the additional levy or where a specific reference quantity is allocated during the period pursuant to Article 3 (2) of Regulation (EEC) No 857/84, have on the date of such allocation an individual reference quantity less than or equal to 60 000 kilograms.'

2. The first subparagraph of Article 5 (2) is replaced by the following:

'2. During the 1990/91 milk year, the levy per 100 kilograms of skimmed milk or buttermilk in respect of which the aid referred to in paragraph 1 is granted shall be:

- (a) as regards the general rate referred to in Article 2 (12) of Regulation (EEC) No 1079/77, ECU 0,4423;
- (b) as regards the reduced rate resulting from the application of Article 1 (4) of Regulation (EEC) No 1079/77, ECU 0,2949.'

Article 2

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

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

Done at Brussels, 30 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1443/90

of 30 May 1990

laying down detailed rules governing the grant of private storage aid for Pecorino Romano cheese

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 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 Articles 9 (3) and 28 thereof,

Aid shall be granted in respect of the private storage of 14 000 tonnes of Pecorino Romano cheese manufactured in the Community and satisfying the requirements of Articles 2 and 3.

Whereas Council Regulation (EEC) No 508/71 of 8 March 1971 laying down general rules on private storage aid for long-keeping cheeses ⁽³⁾ permits the granting of private storage aid for sheep's milk cheeses requiring at least six months for maturing where a serious market imbalance could be eliminated or reduced by seasonal storage;

Article 2

1. The intervention agency shall conclude storage contracts only when the following conditions are met:

- (a) the quantity of cheese to which the contract relates is not less than two tonnes;
- (b) the cheese was manufactured at least 90 days before the date specified in the contract as being the date of commencement of storage, and after 1 November 1989;
- (c) the cheese has undergone tests which show that it meets the condition laid down in (b) and that it is of first quality;
- (d) the storer undertakes:

Whereas the market in Pecorino Romano cheese is at present disturbed by the existence of stocks which are difficult to sell and which are causing a lowering of prices; whereas seasonal storage should therefore be introduced for the quantities to improve the situation and allow producers time to find outlets for their cheese;

Whereas the detailed rules for the application of such measures should essentially be the same as those laid down for a similar measure during previous years;

Whereas experience of the different private storage arrangements for agricultural products indicates that it should be specified to what extent Council Regulation (EEC, Euratom) No 1182/71 ⁽⁴⁾ is applicable for determination of the periods, dates and time limits mentioned in these arrangements and that the dates of the beginning and end of storage under contract should be precisely defined;

Whereas experience shows that provisions on checks should be laid down, particularly as regards the documents to be submitted and checks to be made on the spot; whereas therefore, it should be provided that Member States require the costs of checks be fully or partly borne by the contractor;

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

- to keep the cheese during the entire period of storage in premises where the maximum temperature is +16 °C,
- not, during the term of the contract, to alter the composition of the batch which is the subject of the contract without authorization from the intervention agency. If the condition concerning the minimum quantity fixed for each batch continues to be met, the intervention agency may authorize an alteration which is limited to the removal or replacement of cheeses which are found to have deteriorated to such an extent that they can no longer be stored.

In the event of release from store of certain quantities:

- (i) if the aforesaid quantities are replaced with the authorization of the intervention agency, the contract is deemed not to have undergone any alteration,
- (ii) if the aforesaid quantities are not replaced, the contract is deemed to have been concluded *ab initio* for the quantity permanently retained.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 378, 27. 12. 1989, p. 1.

⁽³⁾ OJ No L 58, 11. 3. 1971, p. 1.

⁽⁴⁾ OJ No L 124, 8. 6. 1971, p. 1.

Any supervisory costs arising from an alteration shall be met by the storer,

- to keep stock accounts and to inform the intervention agency each week of the quantity of cheese put into from storage during the previous week and of any planned withdrawals.

2. The storage contract shall be concluded :

- (a) in writing, stating the date when storage covered by the contract begins ; this may not be earlier than the day following that on which the operations connected with putting the batch of cheese covered by the contract into storage were completed ;
- (b) after completion of the operations connected with putting the batch of cheese covered by the contract into storage and at the latest 40 days after the date on which the storage covered by the contract begins.

Article 3

1. Aid shall be granted only for cheese put into storage during the period 1 June to 15 December 1990.

2. No aid shall be granted in respect of storage under contract for less than 60 days.

3. The aid payable may not exceed an amount corresponding to 150 days storage under contract terminating before 31 March 1991. By way of derogation from the second indent of Article 2 (1) (d), when the period of 60 days specified in paragraph 2 has elapsed, the storer may remove all or part of the batch under contract. The minimum quantity that may be removed shall be 500 kilograms. The Member States may, however, increase this quantity to two tonnes.

The date of the start of operations to remove cheese covered by the contract shall not be included in the period of storage under contract.

Article 4

1. The amount of aid shall be ECU 2,24 per tonne per day.

2. The amount of aid in ecus in relation to a storage contract shall be that applying on the first day of storage under contract. It shall be converted into national currency at the representative rate applicable on the last day of storage under contract.

3. Aid shall be paid not later than 90 days from the last day of storage under contract.

Article 5

The periods, dates and time limits mentioned in this Regulation shall be determined in accordance with Regulation (EEC, Euratom) No 1182/71. However, Article 3 (4)

of that Regulation shall not apply for determination of the duration of storage under contract.

Article 6

1. The Member States shall ensure that the conditions granting entitlement to payment of the aid are fulfilled.

2. The contractor shall make available to the national authorities responsible for verifying execution of the measure any documentation permitting in particular the following particulars of products placed in private storage to be verified :

- (a) ownership at the time of entry into storage ;
- (b) the origin and date of manufacture of the cheeses ;
- (c) the date of entry into storage ;
- (d) presence in the store ;
- (e) the date of removal from storage.

3. The contractor or, where applicable, the operator of the store shall keep stock accounts available at the store, covering :

- (a) identification, by contract number, of the products placed in private storage ;
- (b) the dates of entry, into and removal from storage ;
- (c) the number of cheeses and their weight shown for each lot ;
- (d) the location of the products in the store.

4. Products stored must be easily identifiable and must be identified individually by contract. A special mark shall be affixed to cheese covered by contract.

5. Without prejudice to Article 2 (1) (d), on entry into storage, the competent bodies shall conduct checks in particular to ensure that products stored are eligible, for the aid and to prevent any possibility of substitution of products during storage under contract.

6. The national authorities responsible for controls shall undertake :

- (a) an unannounced check to see that the products are present in the store. The sample concerned must be representative and must correspond to at least 10 % of the overall quantity under contract for a private storage aid measure. Such checks must include, in addition to an examination of the accounts referred to in paragraph 3, a physical check of the weight and type of product and their identification. Such physical checks must relate to at least 5 % of the quantity subject to the unannounced check ;
- (b) a check to see that the products are present at the end of the storage period under contract.

7. Checks conducted pursuant to paragraphs 5 and 6 must be the subject of a report stating :

- the date of the check,
- its duration,
- the operations conducted.

The report on checks must be signed by the official responsible and countersigned by the contractor or, where applicable, by the store operator.

8. In the case of irregularities affecting at least 5 % of the quantities of products subject to the checks the latter shall be extended to a larger sample to be determined by the competent body.

The Member States shall notify such cases to the Commission within four weeks.

9. The Member States may provide that the costs of checks will be borne partly or fully by the contractor.

Article 7

Member States shall communicate to the Commission on or before the Tuesday of each week :

- (a) the quantity of cheese for which storage contracts have been concluded during the previous week ;
- (b) any quantities in respect of which the authorization referred to in the second indent of Article 2 (d) has been given.

Article 8

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

It shall apply with effect from 1 June 1990.

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

Done at Brussels, 30 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1444/90**of 30 May 1990****adjusting the corrective amount on the import of courgettes into the
Community of Ten from Spain except the Canary Islands**

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 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain⁽¹⁾, and in particular Article 4 (2) thereof,

Whereas Article 152 of the Act of Accession introduces from 1 January 1990 a compensatory mechanism for imports into the Community as constituted on 31 December 1985, hereinafter called 'the Community of Ten', of fruit and vegetables from Spain (except the Canary Islands) for which a reference price is fixed with regard to third countries;

Whereas Regulation (EEC) No 3709/89 lays down general rules for applying the said compensatory mechanism and Commission Regulation (EEC) No 3815/89⁽²⁾ lays down detailed rules for applying the said compensatory mechanism;

Whereas Commission Regulation (EEC) No 1161/90⁽³⁾, as last amended by Regulation (EEC) No 1337/90⁽⁴⁾, introduces a corrective amount on imports of courgettes into the Community of Ten from Spain (except the Canary Islands);

Whereas Article 3 (4) of Regulation (EEC) No 3709/89 lays down the conditions under which a corrective amount introduced pursuant to Article 3 (1) of the said Regulation, is to be adjusted; whereas the said conditions require that the corrective amount on imports of courgettes from Spain (except the Canary Islands) into the Community of Ten be adjusted,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1161/90 amended 'ECU 31,33' is replaced by 'ECU 28,15'.

Article 2

This Regulation shall enter into force on 31 May 1990.

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

Done at Brussels, 30 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 371, 20. 12. 1989, p. 28.

⁽³⁾ OJ No L 116, 8. 5. 1990, p. 15.

⁽⁴⁾ OJ No L 130, 22. 5. 1990, p. 7.

COMMISSION REGULATION (EEC) No 1445/90
of 30 May 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 1369/90 ⁽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 31 May 1990.

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

Done at Brussels, 30 May 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 131, 23. 5. 1990, p. 19.

ANNEX

to the Commission Regulation of 30 May 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	31,26 ⁽¹⁾
1701 11 90	31,26 ⁽¹⁾
1701 12 10	31,26 ⁽¹⁾
1701 12 90	31,26 ⁽¹⁾
1701 91 00	33,56
1701 99 10	33,56
1701 99 90	33,56 ⁽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 1446/90**of 30 May 1990****fixing the import levy on molasses**

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
market in sugar ⁽¹⁾, as last amended by Regulation (EEC)
No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by
Commission Regulation (EEC) No 1898/89 ⁽³⁾, as last
amended by Regulation (EEC) No 1392/90 ⁽⁴⁾;

Whereas it follows from applying the rules and other
provisions contained in Regulation (EEC) No 1898/89 to

the information at present available to the Commission
that the levy at present in force should be altered
pursuant to Article 1 of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of Regulation
(EEC) No 1785/81 shall be, in respect of molasses falling
within CN codes 1703 10 00 and 1703 90 00, ECU 0,69
per 100 kilograms.

Article 2

This Regulation shall enter into force on 31 May 1990.

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

Done at Brussels, 30 May 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 184, 30. 6. 1989, p. 10.

⁽⁴⁾ OJ No L 133, 24. 5. 1990, p. 51.

COMMISSION REGULATION (EEC) No 1447/90

of 30 May 1990

altering the export refunds on white sugar and raw sugar exported in the natural state

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 the second subparagraph of Article 19 ⁽⁴⁾ thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1406/90 ⁽³⁾, as amended by Regulation (EEC) No 1416/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1406/90 to the infor-

mation known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 1406/90 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 May 1990.

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

Done at Brussels, 30 May 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 133, 24. 5. 1990, p. 82.

⁽⁴⁾ OJ No L 136, 29. 5. 1990, p. 16.

ANNEX

to the Commission Regulation of 30 May 1990 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	26,75 ⁽¹⁾	
1701 11 90 910	26,95 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	26,75 ⁽¹⁾	
1701 12 90 910	26,95 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,2908
1701 99 10 100	29,08	
1701 99 10 910	29,30	
1701 99 10 950	28,30	
1701 99 90 100		0,2908

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 1448/90

of 30 May 1990

fixing the maximum export refund for white sugar for the fifth partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 983/90

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 the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 983/90 of 19 April 1990 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 983/90, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the fifth partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the fifth partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 983/90 the maximum amount of the export refund is fixed at ECU 31,798 per 100 kilograms.

Article 2

This Regulation shall enter into force on 31 May 1990.

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

Done at Brussels, 30 May 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 100, 20. 4. 1990, p. 9.

COMMISSION REGULATION (EEC) No 1449/90

of 30 May 1990

altering 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 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⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1043/90⁽⁷⁾, as last amended by Regulation (EEC) No 1401/90⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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 over 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 29 May 1990;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 1043/90 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 31 May 1990.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽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 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 107, 27. 4. 1990, p. 41.

⁽⁸⁾ OJ No L 133, 24. 5. 1990, p. 71.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

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

Done at Brussels, 30 May 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 30 May 1990 altering 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)
1103 21 00	79,34	271,06	277,10
1104 19 10	79,34	271,06	277,10
1104 29 11	57,18	200,28	203,30
1104 29 31	68,17	240,94	243,96
1104 29 91	44,55	153,60	156,62
1104 30 10	36,58	112,94	118,98
1107 10 11	83,36	268,05	278,93
1107 10 19	65,04	200,28	211,16
1108 11 00	110,13	331,30	351,85
1109 00 00	344,22	602,36	783,70

COMMISSION REGULATION (EEC) No 1450/90
of 30 May 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 1340/90 ⁽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 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽³⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁴⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁵⁾ OJ No L 293, 27. 10. 1988, p. 7.

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

⁽⁷⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

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 June 1990.

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

Done at Brussels, 30 May 1990.

For the Commission

Ray MAC SHARRY

*Member of the Commission**ANNEX*

to the Commission Regulation of 30 May 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	21,18	32,06
2309 10 13	10,88	638,63	649,51
2309 10 31	10,88	66,19	77,07
2309 10 33	10,88	683,64	694,52
2309 10 51	10,88	132,38	143,26
2309 10 53	10,88	749,83	760,71
2309 90 31	10,88	21,18	32,06
2309 90 33	10,88	638,63	649,51
2309 90 41	10,88	66,19	77,07
2309 90 43	10,88	683,64	694,52
2309 90 51	10,88	132,38	143,26
2309 90 53	10,88	749,83	760,71

COMMISSION REGULATION (EEC) No 1451/90

of 30 May 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 1340/90⁽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 or 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 134, 28. 5. 1990, p. 1.

⁽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 June 1990.

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

Done at Brussels, 30 May 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 30 May 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 ⁽¹⁾	59,73	130,93	137,58
0714 10 91	56,71	134,56 ⁽²⁾ (7)	134,56
0714 10 99	59,73	132,75	137,58
0714 90 11	56,71	134,56 ⁽²⁾ (7)	134,56
0714 90 19	59,73	132,75 ⁽²⁾	137,58
1102 20 10	77,68	238,28	244,32
1102 20 90	43,62	135,03	138,05
1102 30 00	8,22	178,82	181,84
1102 90 10	108,12	242,21	248,25
1102 90 30	92,64	229,39	235,43
1102 90 90	60,86	144,49	147,51
1103 12 00	92,64	229,39	235,43
1103 13 11	77,68	238,28	244,32
1103 13 19	77,68	238,28	244,32
1103 13 90	43,62	135,02	138,05
1103 14 00	8,22	178,82	181,84
1103 19 10	123,87	246,64	252,68
1103 19 30	108,12	242,21	248,25
1103 19 90	60,86	144,49	147,51
1103 21 00	79,44	253,08	259,12
1103 29 10	123,87	246,64	252,68
1103 29 20	108,12	242,21	248,25
1103 29 30	92,64	229,39	235,43
1103 29 40	77,68	238,28	244,32
1103 29 50	8,22	178,82	181,84
1103 29 90	60,86	144,49	147,51
1104 11 10	60,86	137,25	140,27
1104 11 90	119,46	269,12	275,16
1104 12 10	52,09	129,99	133,01
1104 12 90	102,26	254,88	260,92
1104 19 10	79,44	253,08	259,12
1104 19 30	123,87	246,64	252,68
1104 19 50	77,68	238,28	244,32
1104 19 91	14,88	303,66	309,70
1104 19 99	108,12	254,99	261,03
1104 21 10	93,76	215,30	218,32
1104 21 30	93,76	215,30	218,32
1104 21 50	147,82	336,40	342,44
1104 21 90	60,86	137,25	140,27
1104 22 10 10 ⁽⁴⁾	52,09	129,99	133,01
1104 22 10 90 ⁽⁵⁾	89,62	229,39	232,41
1104 22 30	89,62	229,39	232,41
1104 22 50	80,00	203,90	206,92
1104 22 90	52,09	129,99	133,01
1104 23 10	66,70	211,81	214,83
1104 23 30	66,70	211,81	214,83

CN code	Import levies (ECU/tonne)		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1104 23 90	43,62	135,03	138,05
1104 29 11	57,26	187,00	190,02
1104 29 15	90,08	182,24	185,26
1104 29 19	93,76	226,66	229,68
1104 29 31	68,27	224,96	227,98
1104 29 35	107,76	219,23	222,25
1104 29 39	93,76	226,66	229,68
1104 29 91	44,62	143,41	146,43
1104 29 95	69,79	139,76	142,78
1104 29 99	60,86	144,49	147,51
1104 30 10	36,63	105,45	111,49
1104 30 90	35,89	99,29	105,33
1106 20 10	59,73	130,93 ^(?)	137,58
1106 20 91	84,63	209,50 ^(?)	233,68
1106 20 99	84,63	209,50 ^(?)	233,68
1107 10 11	83,47	250,27	261,15
1107 10 19	65,12	187,00	197,88
1107 10 91	111,82	239,52	250,40 ^(?)
1107 10 99	86,30	178,96	189,84
1107 20 00	98,78	208,57	219,45 ^(?)
1108 11 00	110,27	309,32	329,87
1108 12 00	84,63	213,13	233,68
1108 13 00	84,63	213,13	233,68 ^(?)
1108 14 00	84,63	106,56	233,68
1108 19 10	38,29	256,42	287,25
1108 19 90	84,63	106,56 ^(?)	233,68
1109 00 00	344,46	562,40	743,74
1702 30 51	180,30	278,00	374,72
1702 30 59	130,57	213,13	279,62
1702 30 91	180,30	278,00	374,72
1702 30 99	130,57	213,13	279,62
1702 40 90	130,57	213,13	279,62
1702 90 50	130,57	213,13	279,62
1702 90 75	184,28	291,24	387,96
1702 90 79	127,38	202,54	269,03
2106 90 55	130,57	213,13	279,62
2302 10 10	25,22	57,06	63,06
2302 10 90	47,19	122,26	128,26
2302 20 10	25,22	57,06	63,06
2302 20 90	47,19	122,26	128,26
2302 30 10	25,22	57,06	63,06
2302 30 90	47,19	122,26	128,26
2302 40 10	25,22	57,06	63,06
2302 40 90	47,19	122,26	128,26
2303 10 11	260,94	264,76	446,10

-
- (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.
-

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 May 1990

terminating the proceeding in connection with a review of anti-dumping measures regarding imports of fibre building-board (hardboard) originating in Finland, Argentina, Switzerland and Yugoslavia and repealing Decisions 86/35/EEC and 86/232/EEC accepting the undertakings given by the exporters concerned

(90/240/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 14 thereof,

After consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. PRODUCT

- (1) The product concerned is fibreboard of a density exceeding 0,8 g/cm³ falling within CN codes 4411 11 00 and 4411 19 00.

B. PROCEDURE

- (2) In June 1988⁽²⁾ following requests lodged by the European Confederation of Woodworking Industries, the Commission initiated, under Articles 14 and 15 of Regulation (EEC) No 2423/88, a review proceeding of the anti-dumping measures concerning imports of hardboard originating in Czechos-

lovakia, Poland, USSR, Romania, Brazil and Sweden. In June 1989⁽³⁾, this proceeding was terminated and the anti-dumping measures were either allowed to expire or were repealed. The changed circumstances observed during the investigation carried out in connection with that proceeding led the Commission to consider that a review should also be carried out in respect of the rest of the countries, i.e. Finland, Argentina, Switzerland and Yugoslavia, for which anti-dumping measures concerning imports of hardboard into the Community were in force. This was done in order to ensure non-discrimination with regard to these countries.

- (3) The Commission accordingly announced by a notice in the *Official Journal of the European Communities*⁽⁴⁾ the initiation of a review of anti-dumping measures concerning imports into the Community of fibre building-board (hardboard) originating in Finland, Argentina, Switzerland and Yugoslavia, and commenced an investigation which covered, in respect of dumping, the period from 1 July 1988 to 31 May 1989.

- (4) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting countries and the Community producers, and gave the parties directly concerned the opportunity to answer the questionnaires addressed to them, to make known their views in writing and to request hearings.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.
⁽²⁾ OJ No C 165, 24. 6. 1988, p. 2.

⁽³⁾ OJ No L 176, 23. 6. 1989, pp. 1 and 51.
⁽⁴⁾ OJ No C 150, 17. 6. 1989, p. 3.

- (5) Most of the Community producers, exporters in Finland, Switzerland and Argentina, one exporter in Yugoslavia and some importers returned the duly completed questionnaires to the Commission. The other two exporters in Yugoslavia respectively answered the questionnaire in part and failed to supply any information at all. The Commission therefore based its determinations on facts available in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88.

Some exporters and one importer made their views known in writing, and requested and were granted a hearing.

- (6) The Commission sought and verified all information it deemed necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following importing companies in the Community:

- Ernst Zürn (Munich), Federal Republic of Germany,
- Johann Scharf GmbH (Bremen), Federal Republic of Germany,
- Steinbrügge and Berninghausen GmbH & Co (Bremen), Federal Republic of Germany,
- Resim SRL (Trieste), Italy.

The Commission considered it unnecessary to check on the spot the information received from Community producers as most of them had already been visited in connection with the review proceeding concerning imports of hardboard originating in Czechoslovakia, Poland, USSR, Romania, Brazil and Sweden. The results of these visits showed that the information submitted was highly accurate. In addition, since the end of 1988 there have been no indications of major changes in the economic situation of the Community's producers of hardboard.

C. INJURY OR THREAT OF INJURY

(i) Present situation

- (7) The evidence available to the Commission shows that imports of hardboard originating in the four countries involved in the proceeding increased from 82 700 tonnes in 1986 to 89 900 tonnes in 1988 and reached 44 000 tonnes in the first five months of 1989. The development of these imports assessed in the light of the increase in Community consumption of hardboard over the same period was such that the combined market share held by imports from those exporting countries remained stable at about 7,5 %.

- (8) In particular, imports from Finland, Switzerland and Yugoslavia taken together showed a decline of their market share from 7,6 % in 1986 to 7 % during the first five months of 1989. In terms of volume these imports increased by 16,8 % during that period which is distinctly slower than the rise in Community consumption.

- (9) Imports originating in Argentina increased over the same period faster than Community consumption. It was found, however, that the impact of these imports on the Community industry is limited by their reduced market share which has remained below one per cent since 1986.

- (10) Regarding prices of the imports from Finland, Switzerland and Yugoslavia, their comparison during the period under investigation with Community producers' prices of like products either did not show any margins of undercutting at all, or showed such margins to be negligible. As for the prices of imports from Argentina, margins of undercutting found did not significantly affect the Community industry due to the very small market share held by those imports.

- (11) As far as the possible impact of the imports on the situation of the Community producers is concerned, account had to be taken of the following factors:

- (a) Community production of hardboard during the first five months of 1989, extrapolated on an annual basis, increased by 22 % when compared to that in 1986. In the same period the overall Community production capacity increased by 25 % and capacity utilization by 18 %. These trends enabled the Community industry to achieve a rate of capacity utilization of 97 % on average during the first five months of 1989;

- (b) the Community producers' closing stocks to production ratio was found to have been 11 % lower at the end of May 1989 than that at the end of December 1986;

- (c) sales by Community producers of hardboard in the Community were in line with the increase of production between 1986 and the first five months of 1989;

- (d) the development of production and sales of Community producers compared to that of Community consumption of hardboard shows a Community producers' market share which remained stable at about 61 % during the last three years, and increased to 62,7 % during the first five months of 1989. This indicates that the Community industry was able to take advantage of the increasing demand;

- (e) with regard to profitability the Community situation had improved considerably since the end of 1986 and the majority of Community producers had achieved once again reasonable profit margins.
- (12) In the light of the trends of the relevant economic factors referred to above, it would appear that the situation of the Community industry had substantially improved. This is especially demonstrated by the good financial results and the high level of capacity utilization reached by most Community producers. Under these circumstances, it is concluded that the Community industry is presently not suffering material injury as a result of the imports concerned.
- (ii) **Possible injurious effects of a termination of measures in force**
- (13) In order to analyse whether terminating the undertakings in force would lead to a situation causing or threatening to cause material injury to the Community industry, the probable development of volumes and prices of the imported product was considered.
- (14) As previously mentioned, imports from the four countries concerned progressed in terms of volume from the beginning of 1986 to the end of May 1989 no faster than Community consumption and, consequently, the Community market share held by those countries remained stable over that period.
- (15) With regard to the production capacities in those exporting countries, no indications were found of additional capacities either having been installed in recent years or planned to be installed in the near future.
- (16) Neither was there any indication that spare capacities, which might exist in those countries, will be used to increase exports to the Community. Moreover, given the traditional distribution of exports from those countries between the Community and other regions, it is doubtful if such a potential increase in production would lead to significant increases in exports to the Community in relation to the Community consumption.
- (17) It follows that, when the protective measures are repealed, the foreseeable development of the volume of the imports concerned will not be likely to have a significant impact on the Community industry.
- (18) Concerning prices of imports from Finland, Switzerland and two Yugoslav exporters, it was found that the imported product was sold in the Community at a level similar to that of Community producers and that the minimum prices set out in the undertakings in force were respected and, in many cases, even exceeded. This leads to the assumption that, when the undertakings are repealed, prices for these imports will not be likely to decline and undercut Community producers' prices to an extent which could cause material injury.
- (19) With regard to prices of imports from Argentina and the third Yugoslav exporter, whatever undercutting would remain following the repeal of the protective measures should have, under the present circumstances, a limited effect on the prices of Community producers. This is because, in addition to the fact that no sizeable increase of these imports is expected, the Community market share held by imports originating in Argentina remained below one per cent during the last four years, and a major proportion of imports from Yugoslavia consisted of hardboard with specifications which were hardly produced in the Community and which did not therefore directly compete with the Community production.
- (20) In view of the above considerations it must be assumed that, following the repeal of Commission Decisions 86/35/EEC ⁽¹⁾ and 86/232/EEC ⁽²⁾ accepting the undertakings in force, a situation in which the imports from the four countries concerned would cause or threaten to cause material injury to the Community industry is not at present clearly foreseeable.
- D. DUMPING**
- (21) Given the above findings with respect to injury and threat of injury, the Commission has considered it unnecessary further to investigate the question of dumping with regard to the imports concerned.
- E. TERMINATION OF REVIEW PROCEEDING**
- (22) In these circumstances, therefore, the review proceeding concerning imports of hardboard originating in Finland, Argentina, Switzerland and Yugoslavia should be terminated without the imposition of further measures. Decisions 86/35/EEC and 86/232/EEC accepting the undertakings currently in force and offered by the exporters concerned should be repealed.
- (23) No objections to this course of action were raised in the Advisory Committee.
- (24) The European Confederation of Wood Working Industries was informed of the considerations and main facts on the basis of which the Commission intended to terminate the proceeding,

⁽¹⁾ OJ No L 46, 25. 2. 1986, p. 23.

⁽²⁾ OJ No L 157, 12. 6. 1986, p. 61.

HAS DECIDED AS FOLLOWS:

Sole Article

1. The review proceeding of the anti-dumping measures concerning imports of fibre building-board (hardboard) falling within CN codes 4411 11 00 and 4411 19 00, originating in Finland, Argentina, Switzerland and Yugoslavia, is hereby terminated.

2. Decisions 86/35/EEC and 86/232/EEC are hereby repealed with effect from the day following the publication of this Decision in the *Official Journal of the European Communities*.

Done at Brussels, 22 May 1990.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION

of 22 May 1990

accepting undertakings given in connection with the anti-dumping proceeding concerning imports of photo albums originating in South Korea and Hong Kong, and terminating the investigation

(90/241/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾ and in particular Article 10 thereof,

After consultations within the Advisory Committee as provided for in the above Regulation,

Whereas :

A. PROCEDURE

- (1) In September 1988 the Commission received a complaint lodged by the Committee of European Photo Album Manufacturers (Cepam) on behalf of producers representing the majority of Community production of the photo albums concerned. The complaint contained evidence of dumping of the product concerned originating in South Korea and Hong Kong and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of photo albums falling within CN codes ex 4820 50 00, ex 3919 90 10 and ex 3926 90 91, originating in South Korea and Hong Kong and subsequently commenced an investigation.
- (2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants and gave the parties concerned the opportunity to make known their views in writing and to request a hearing.

All exporters concerned had the opportunity to exercise their right provided for in Article 7 (4) of Regulation (EEC) No 2423/88 and have partially done so.

- (3) Some of the South Korean exporters and the only known Hong Kong exporter made their views known in writing. The Korean Stationery Industry Cooperative (a division of the Federation of Small and Medium Industries of Korea) prepared a separate submission on behalf of all photo album manufacturers in Korea. The Hong Kong Government Office in Brussels made representations on behalf of the Hong Kong exporters in writing and had an opportunity to inspect the information made available to the Commission and to comment thereon. Some importers, dealers and organizations representing Community purchasers and all complainant Community producers submitted a detailed response to the Commission's questionnaire. A considerable number of submissions from dealers and importers were made outside the time limit (Article 7 (7) (b) of Regulation (EEC) No 2423/88) but the Commission was still able to take them into account.

Some of the South Korean exporters, the Korean Stationery Industry Cooperative, the representatives of the Hong Kong Government, some importers and the complainants have requested and have been granted hearings.

- (4) The Commission sought and verified all information it deemed necessary for the purpose of establishing the facts and carried out investigations at the following premises :

EEC producers :

- Walter Aulfes GmbH, Germany,
- Ludwig Fleischmann GmbH & Co KG, Germany,
- Henzo BV, The Netherlands,
- Holson GmbH, Germany,
- Karl Walter GmbH & Co KG, Germany.

These Community producers are all members of Cepam.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 322, 15. 12. 1988, p. 9.

South Korean exporters:

- Dong In Industrial Co. Ltd, Seoul,
- Young Stationery Ltd, Seoul,
- The More Stationery Ltd, Seoul.

These exporters are members of the Korean Stationery Industry Cooperative.

Importers in the Community:

- Porst AG, Germany,
- Rheita-Krautkrämer GmbH, Germany,
- KLS Service — Non-Food-Vertriebsgesellschaft GmbH, Germany,
- Web International Ltd, United Kingdom.

The Commission requested and received detailed written submissions from the complainant Community producers, the abovementioned exporters and a number of importers, and verified the information therein to the extent considered necessary.

Because of the large number of interested parties involved, the number of hearings which had to be granted and the extension of time limits requested by all exporters, the time for completion of the investigation exceeded a 12-month period.

- (5) The investigation of dumping covered the period from 1 December 1987 to 30 November 1988 (investigation period).

B. PRODUCT UNDER CONSIDERATION, LIKE PRODUCT AND COMMUNITY INDUSTRY

1. Product under consideration

- (6) The product concerned is defined in the notice of initiation of the anti-dumping proceeding and is referred to as photo albums.
- (7) The investigation showed that photo albums are actually supplied in three different types or categories:
- category 1: traditional photo albums,
 - category 2: self-adhesive photo albums,
 - category 3: flip-up albums, slip-in albums and similar types of photo albums.
- (8) The first category of traditional albums are book-bound or post-bound consisting of cardboard leaves and pergamyn interleaves.
- (9) The second category of self-adhesive albums are book-bound, spiral-bound or post-bound with self-adhesive leaves consisting of cardboard with a glue

layer and a transparent foil. Self-adhesive filler pages for photo albums, loose or in form of book blocks, also fall into this category.

- (10) The third category of flip-up, slip-in and similar albums are photo albums with different bindings (spiral binding, ring spring-clip, post binding or similar bindings). These photo albums can be identified because photos can be stuck in prefabricated transparent foil pockets. The block of this type of photo album is partly high-frequency welded and partly produced on paper basis with glued-on transparent foil. The pockets of flip albums have to be arranged in an overlapping order.

- (11) The products concerned in the investigation fall within the following CN codes:

- categories 1, 2 and 3: ex 4820 50 00
- categories 2 and 3: ex 3926 90 91
- category 3: ex 3919 90 10.

The classification of categories 2 and 3 under CN codes ex 4820 50 00 or ex 3926 90 91 and ex 3919 90 10 depends on the degree of plastic material used and contained in the finished product.

2. Like product and Community industry

- (12) The Commission established that the photo albums produced and sold in Hong Kong and Korea, those exported to the Community from these countries and the photo albums produced in the Community are like products within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88. The great variety in design, format, materials used and binding procedures does not change the basic physical characteristics of the products under consideration to the extent that clear definitive lines exist between the various types of albums.

- (13) Certain exporters contested this view of the Commission and claimed that the photo albums which are the subject of the investigation consist of three different products and have requested that a clear distinction should be made between the three categories of photo albums because they do not have the same characteristics and should therefore not be considered as like products.

The reasons advanced are that traditional albums, self-adhesive albums and flip-up or slip-in albums have different physical characteristics with regard to materials used, the binding procedure, sizes and design. It was further claimed that certain manufacturing procedures are different according to the album type and that because of relatively stable consumer preferences the interchangeability of the different album types is rather low.

- (14) The arguments advanced in the Commission's opinion are not sufficient to allow the segregation of the market for photo albums into three separate segments of different products which would require, as claimed by the exporters, a division of the Community industry into three different sectors.

In the Commission's opinion the photo albums under consideration are like products because irrespective of differences in materials used, in design and sizes they have closely resembling characteristics, are products of the same general category and have a unique use, i.e. to file photos on sheets or in pockets bound together in a cover which cannot be substituted by any other similar product. There is no doubt that all photo albums under consideration are interchangeable for this purpose. In this context, it is not relevant that some consumers show preferences for one and other consumers for other types of albums. Suppliers are thus obliged to offer the whole range of products in an adequate design in order to cover the whole consumer market for photo albums.

- (15) In conclusion the Commission considers that the photo albums under consideration are like products which constitute a clearly identifiable market on which the dumped imports compete with each other and the Community products. The term Community industry is accordingly interpreted by the Commission as referring to the complainant companies producing and marketing the like product in the Community. The Commission has verified that the Community producers on behalf of which the complaint was lodged represent about 80 % of the total Community output of the like product.
- (16) The Commission also had to consider that some of the complaining Community producers had imported substantial quantities of the dumped products themselves during the reference period and had to assess whether the definition of the Community industry concerned should be restricted only to the remainder of the Community producers who had not imported the photo albums in question themselves.
- (17) The Commission's investigation revealed that the imports of photo albums by certain Community producers mainly concerned the lower-end product lines of cheap albums of the self-adhesive and flip or slip-album types which were imported into the Community from Hong Kong and Korea at dumped prices which were considerably lower than the cost of production of the Community producers in question. It was also found that the products in question have not been resold in the Community by the producers concerned at prices by which they did unduly benefit from the dumped imports.

Under these circumstances the Commission is of the opinion that it was therefore not unreasonable for the Community producers concerned to import the dumped goods in order to protect themselves against dumped sales by other importers and to minimize their financial losses and maintain their market share.

- (18) This situation also confirms that all types of photo albums belong to an inseparable market requiring a supplier to offer the whole product range. Therefore, the lower-end products were still manufactured in the Community although at a sharply reduced level and sold at loss-making prices because of the price depression caused by the dumped imports from South Korea and Hong Kong.
- (19) The Commission is therefore of the opinion that these imports were made in order to defend the complainants' own market position against low-price offers from South Korea and Hong Kong and that there is no justification to exclude the complainants as Community producers in the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

C. NORMAL VALUE

1. South Korea

- (20) The photo albums sold on the South Korean domestic market differ somewhat in size, outfit and appearance and thus did not permit a proper comparison with those exported to the EEC. The production is made to specific order and the material, size, design etc. differ considerably for each order and customer. In addition the Korean domestic market requires a more sophisticated type of album that includes special equipment, e.g. cases, sticker pads, registers, more expensive cover material etc. This kind of outfit accounts for considerable extra costs for the domestic models. Therefore, instead of making rather imprecise adjustments to the domestic sales prices, it was decided to construct normal value on the basis of cost of production of the products exported to the Community. Normal value was established for every individual model and for every export contract separately, on a transaction-by-transaction basis.
- (21) The constructed normal value was determined by adding to the cost of production, on the basis of all costs, a reasonable margin of profit. The amount for selling, general and administrative expenses and profit was calculated by reference to the expenses incurred and the profit realized by the Korean producers on the domestic market (Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88).

(22) With regard to the profit margin to be added to the cost of production certain Korean exporters claimed that export sales of photo albums from Korea to the Community are made on an OEM (original equipment manufacture) basis and that therefore a reduced profit margin, taking account of this particular situation, should be allowed by the Commission. The following arguments were advanced:

- export sales are made to very detailed Community customer specifications such as size, capacity, colour, design, materials, labels, packing etc.,
- export sales are essentially factory sales for which no distribution or advertising costs are incurred,
- resales are made under the customer's own brand name,
- EC export sales involve high-volume transactions.

(23) The Commission formed the opinion that the factors mentioned are characteristics of the great majority of export transactions and do not sufficiently distinguish the sales of the photo albums concerned in order to qualify for the application of the OEM concept which the Commission applied in certain previous cases. These specific conditions involved the commercialization of technologically advanced electronic products with high brand profiles and which in the Commission's opinion are not at issue in respect of photo albums.

In establishing constructed normal value in these previous cases the Commission has applied a reduced OEM profit margin where export sales were made to Community companies which generally had a manufacturing activity or which had ceased such activity.

The purpose of these purchases has generally been to complete or to replace the OEM manufacturing activity of the original equipment manufacturers because these products were offered at prices below their production cost in the Community. The imported products have then been resold in the Community as own-products of the OEM under its established brand name, assuming the full responsibility of a manufacturer with regard to guarantee, warranties, after sales service, maintenance, supply of spare parts and repairs, the product thus being clearly identified as individual produce of the OEM and distinguished from all other products of the same kind.

However, with regard to the importers of the photo albums under consideration, these importers assume a mere trading function, none of them being or having been involved in a manufacturing

activity of photo albums. In particular, the mere fact that the photo albums are sold in the EC under the importer's company name does not sufficiently distinguish these photo albums from all others whether originating in Korea, Hong Kong or produced in the Community. There is no indication that the importers concerned sell their own product under an established brand or trade mark which clearly differentiates their merchandise from all other photo albums in the market. The high fungibility of the products, the normal commercial activity of the importers, which does not distinguish them from any other supplier of photo albums, and the interchangeability of the products from different sources in the consumer's perception are factors which in the Commission's opinion exclude the application of the OEM concept to such imports.

(24) Consequently, the Commission takes the view that the export sales from South Korea to the Community are not sales made on an OEM basis and that there is no justification to allow in any way for differences in cost or profit in establishing normal value.

2. Hong Kong

(25) In order to establish normal value for Hong Kong, the only Hong Kong exporter known to the Commission was contacted. The response to the Commission's questionnaire was incomplete and did not permit the establishment of normal value either on the basis of sales of the like product on the domestic market or on the basis of all costs. The exporter also refused on-the-spot verification and completion of the information submitted. No other Hong Kong exporters reacted to the Commission's publication of the initiation of the anti-dumping proceeding in the Official Journal or made their views known in writing. Therefore, as no sales could be established on the domestic market, the Commission decided to use best available evidence and construct the normal value in accordance with Article 2 (3) (b) and Article 7 (7) (b) of Regulation (EEC) No 2423/88. For this purpose the Commission had to rely partially on information submitted by the complainants, which was however adjusted and completed by information which was obtained during the course of the investigation.

D. EXPORT PRICES

(26) The Korean export prices for every export model and transaction to independent Community customers were determined on the basis of the prices actually paid or payable.

- (27) The only Hong Kong exporter known had submitted a list of his export prices to the Community. The Commission was prepared to use this information but as on-the-spot verification was not made possible by the exporter, the Commission requested and obtained additional information from Community importers. The information obtained from these importers was used in particular to cross-check the invoiced export prices (purchase prices of the importer) with adjustments for freight, insurance and other transport costs as well as for payment terms.

On this basis, export prices were established for representative export models and transactions to independent Community customers.

E. COMPARISON

- (28) Normal values and export prices of the Korean exporters were adjusted to net ex-works level in order to take account of conditions and terms of sale and were compared on a transaction-by-transaction basis.

Comparing normal value and export prices the Commission granted allowances which had been requested for differences in directly related selling expenses such as transport, insurance, handling and ancillary costs and for cost differences resulting from design and packing of the albums concerned and varying credit terms.

- (29) For the Hong Kong exporter the normal values and export prices were compared ex-works at the same level of trade. The Commission took account, when circumstances permitted and where sufficient evidence was available, of differences affecting price comparability, including transport and insurance costs and payment schedules.

F. MARGINS

- (30) This comparison revealed for South Korea that the prices for most export transactions were below normal value. The dumping amounts (difference between normal value and export price) were aggregated for all export transactions and for all photo album models. The total weighted average dumping margins expressed as a percentage of the exporter's 'cif Community border' export price, are outlined hereunder by exporters:

— Young Stationery Ltd :	9,3 %
— The More Stationery Ltd :	16,7 %
— Dong In Industrial Co. Ltd :	10,2 % .

- (31) The corresponding dumping margin established for the Hong Kong exporter is as follows:

— Climax Paper Converters Ltd :	24,8 %.
---------------------------------	---------

G. INJURY

- (32) The volume of imports from South Korea increased from 11 947 tonnes in 1985 to 18 716 tonnes in 1988 and from Hong Kong from 1 207 tonnes in 1985 to 3 490 tonnes in 1988.

Cumulated imports from South Korea and Hong Kong increased from 13 154 tonnes in 1985 to 22 206 tonnes in 1988 corresponding to an increase of 69 % over that period.

The Hong Kong exporter claimed that the impact of its exports to the Community should be examined separately and that because of their low respective volume in the Community market, they did not cause material injury.

- (33) In considering whether cumulation was appropriate, the Commission took account of the comparability of the products imported in terms of physical characteristics, import volumes, the increase in those volumes by comparison with a reference period, the low price level of the products exported by all the exporters in question and the extent to which each imported product competed in the Community with the like product of the Community industry. On the basis of its analysis, the Commission believed that the dumped imports from Hong Kong in question could be considered to contribute to the material injury caused to the Community industry, and that those imports took place under such conditions that if the Commission were to treat one exporter separately, it would be discriminating against the others. The Commission therefore concluded that, in order to establish the level of injury caused to the Community industry, it was appropriate to consider the overall effect of all dumped imports from both South Korea and Hong Kong.

- (34) The corresponding market shares increased from 49,7 % in 1985 to 58,2 % in 1988 for South Korea and from 5 % to 10,8 % for Hong Kong in the same period. The cumulated market shares of the imports under consideration increased from 54,7 % in 1985 to 69 % in 1988.

- (35) The Commission established price undercutting by comparing the Korean export prices of the albums with the corresponding albums of the Community producers. The comparison was carried out at the same level of trade (cif Community border, customs cleared) by using weighted average prices for all photo albums of Korean and European production.

The price undercutting margins established for the three Korean companies are :

— Young Stationery Ltd :	47 %
— The More Stationery Ltd :	13,2 %
— Dong In Industrial Co. Ltd :	68 %.

- (36) For exports from Hong Kong the calculation was done on the basis of selected export models and transactions that could be established during the investigation period. As a result, the most representative sales prices of photo albums of Hong Kong (cif Community border, customs cleared) and European production (ex-works) were compared. The weighted average price undercutting margin thus established amounts to 30,9 %.

- (37) As far as the situation of the Community industry is concerned, the Commission found a decrease in market share of the main EEC producers from 26,4 % to 21,1 % during the period 1985 to 1988. In the same period the corresponding combined market shares of Korean and Hong Kong exporters increased from 54,7 % to 69 %.

- (38) The low price level of the products under consideration has significantly jeopardized the recovery of Community production. A moderate increase in Community production of 6,8 % between 1985 and 1988 is to be measured against a growth in Community consumption of 33,9 % over the same period. As a result at least nine Community producers in Belgium, France and the United Kingdom went bankrupt or had to abandon the production of photo albums during the last few years. The consequent impact on the remaining Community producers was a decline in market share, increasing financial losses or a reduction in profits.

- (39) Since the photo album market is a price sensitive market, the low prices at which the photo albums of Korean and Hong Kong production were sold in the Community, undercutting Community producers, combined with a substantial increase in market share, caused clearly the price depression

on the Community photo album market. Community producers were forced either to make sales at a loss or to reduce their sales.

- (40) The Commission has also considered whether injury might have been caused by factors other than the dumped imports. It was found that imports from other third countries were steadily decreasing in the period 1985 to 1988 as opposed to the increasing imports from South Korea and Hong Kong.

Besides the decrease in volume and market share, it was also found that these imports were made at considerably higher prices than in the case of South Korea and Hong Kong and that there was no indication of these imports being dumped.

- (41) The increased level of dumped imports and in particular the low prices which undercut the prices of Community producers contributed significantly to the sharp decrease in sales of Community producers and their considerable loss of market share. The necessity to align their prices also caused heavy financial losses to Community producers. The Commission therefore considers that the dumped imports of photo albums from South Korea and Hong Kong taken in isolation are causing material injury to the Community industry.

H. COMMUNITY INTEREST

- (42) In assessing whether it is in the interest of the Community to take measures against dumped imports, the Commission considers that since a substantial number of producers in Belgium, France and the United Kingdom have ceased to exist and the profit situation of the remaining producers is deteriorating, the existence of this industry is at risk. The photo album industry, with a total turnover of ECU 30 million in 1988, essentially consists of small and medium-sized enterprises largely situated in structurally weak areas of the Community with overproportionate unemployment. Important investments have been made in the last few years which are jeopardized by the low-priced dumped imports from South Korea and Hong Kong. In the case of disappearance of the photo album industry the upstream industry, i.e. suppliers of paper, board, PVC foils etc., would also be affected and would suffer a consequent decrease in demand.

- (43) Importers, dealers and associations of department stores have forwarded their objections to any protective measures against imports from South Korea and Hong Kong. They state that, if anti-dumping measures were taken, consumer prices would necessarily have to be increased to the detriment of both the importers and the final customers. Furthermore, they express the view that the remaining Community producers would not be capable of meeting the increased demand as a result of the imposition of protective measures.

The arguments forwarded by the importers have been considered by the Commission insofar as certain photo albums of categories 2 and 3 are concerned. An analysis of the current situation reveals that the market supply by the Community industry of cheap non-book-bound photo albums of both categories 2 and 3 is insufficient and that therefore a shortage in overall supply would have to be expected if protective measures were taken with respect to these products.

The Commission is of the opinion that, in the given circumstances, on balance, the consumer interest takes precedence over the interest of the Community industry and has therefore decided to limit protective measures to book-bound albums of category 1 and those albums of category 2 which are book-bound.

- (44) In conclusion it is considered that it is in the interest of the Community to take anti-dumping measures being sufficient to eliminate the injury caused by the dumped imports. For the reasons outlined above these measures are limited to book-bound photo albums of categories 1 and 2 and sheets for the respective photo albums.

I. UNDERTAKINGS

- (45) Having regard to the injury caused, the Commission intended to impose provisional duties at a rate adequate to remove the injury caused but not exceeding the dumping margins established. A rate equivalent to the price undercuttings found for each exporting country was considered as sufficient to remove the injury caused by imports of photo albums originating in South Korea and Hong Kong. Indeed, the removal of the substantial price undercutting should allow the Community industry also to increase its prices, thus to improve considerably its financial situation, to remain in the market or even increase its production and overall market share.

Having been informed of the essential facts and considerations on the basis of which it was intended to take protective measures, all the South Korean and Hong Kong exporters concerned

offered price undertakings concerning the exports of book-bound traditional and self-adhesive photo albums of category 1 and category 2 falling under CN code ex 4820 50 00.

The Commission regards these undertakings as acceptable, considering that the effect of these undertakings will be to increase the prices of the products concerned to an extent sufficient to eliminate the margins of dumping. It appears that correct operation of the undertakings can be effectively monitored in particular in view of the participation of the Korean Stationery Industry Cooperative.

The Advisory Committee has been consulted on this course of action and has raised no objections.

Moreover the Commission notes that in case of violation of these price undertakings it can impose provisional duties according to Article 10 (6) of Regulation (EEC) No 2423/88 and the Council subsequent definitive duties based on the facts established in the present investigation and without carrying out new investigations concerning dumping and injury resulting therefrom,

HAS DECIDED AS FOLLOWS:

Article 1

The undertakings offered by:

1. Chin Sung Ind Co. Ltd
2. Eun Jin Industrial Co. Ltd
3. Korea Enterprise Co. Ltd
4. Young Stationery Ltd
5. Chung Woo Ind Co. Ltd
6. The More Stationery Ltd
7. Hankook Trading Co. Ltd
8. Dongin Ind Co. Ltd
9. Daeho Industries Corporation
10. Hansang Industrial Co. Ltd
11. KMB Industries Corporation
12. Samwang Ind Co. Ltd
13. Woomi Ind Co. Ltd
14. Donam Ind Co. Ltd
15. Shinia Ind Co.
16. Young Sung Ltd
17. Raf Korea Ind Co. Ltd
18. Eunsung Ind Co.
19. Samjin Industrial Co. Ltd
20. Dae Myung Ind Co.
21. Little Prince Gift Co.
22. Shin Song Co.
23. Dae Sung Corporation
24. Sevenstar Industrial Co.
25. Daesin Ind Co.
26. Samwoo Trading Corporation
27. Sunghim Industrial Co. Ltd
28. Korea Trading Co. Ltd

29. Daewoo Corp.
30. Sambang Trading Co. Ltd
31. Yuhan Incorporated
32. Seyang Ploymer Co. Ltd
33. C & G Corporation
34. Saeron Plastics Co. Ltd

all in South Korea,

and :

Climax Paper Converters Ltd, Hong Kong,

in connection with the anti-dumping proceeding concerning imports of photo albums falling under CN code ex 4820 50 00 and originating in South Korea and Hong Kong are hereby accepted.

Article 2

The investigation in connection with the anti-dumping proceeding concerning imports of photo albums originating in South Korea and Hong Kong is hereby terminated.

Done at Brussels, 22 May 1990.

For the Commission

Frans ANDRIESEN

Vice-President

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 1408/90 of 23 May 1990 amending Regulation (EEC) No 1207/90 fixing the monetary compensatory amounts in the agricultural sector and certain coefficients and rates required for their application

(Official Journal of the European Communities No L 135 of 28 May 1990)

Page 43, Annex II, Pigmeat, column 'United Kingdom':

for: '1,097'

read: '1,096'.
