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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EEC) No 2019/90****of 16 July 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1340/90 <sup>(2)</sup>, 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 <sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87 <sup>(4)</sup>, 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 1801/90 <sup>(5)</sup> 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 13 July 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 1801/90 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 17 July 1990.

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

Done at Brussels, 16 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 134, 28. 5. 1990, p. 1.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 167, 30. 6. 1990, p. 8.

## ANNEX

to the Commission Regulation of 16 July 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

| CN code    | Levies   |                                      |
|------------|----------|--------------------------------------|
|            | Portugal | Third country                        |
| 0709 90 60 | 36,66    | 136,28 <sup>(2)</sup> <sup>(3)</sup> |
| 0712 90 19 | 36,66    | 136,28 <sup>(2)</sup> <sup>(3)</sup> |
| 1001 10 10 | 11,90    | 161,23 <sup>(1)</sup> <sup>(5)</sup> |
| 1001 10 90 | 11,90    | 161,23 <sup>(1)</sup> <sup>(5)</sup> |
| 1001 90 91 | 20,22    | 145,37                               |
| 1001 90 99 | 20,22    | 145,37                               |
| 1002 00 00 | 45,72    | 119,30 <sup>(4)</sup>                |
| 1003 00 10 | 36,95    | 117,90                               |
| 1003 00 90 | 36,95    | 117,90                               |
| 1004 00 10 | 28,59    | 106,60                               |
| 1004 00 90 | 28,59    | 106,60                               |
| 1005 10 90 | 36,66    | 136,28 <sup>(2)</sup> <sup>(3)</sup> |
| 1005 90 00 | 36,66    | 136,28 <sup>(2)</sup> <sup>(3)</sup> |
| 1007 00 90 | 53,63    | 144,00 <sup>(4)</sup>                |
| 1008 10 00 | 36,95    | 41,84                                |
| 1008 20 00 | 36,95    | 95,49 <sup>(4)</sup>                 |
| 1008 30 00 | 36,95    | 0,00 <sup>(7)</sup>                  |
| 1008 90 10 | (7)      | (7)                                  |
| 1008 90 90 | 36,95    | 0,00                                 |
| 1101 00 00 | 41,31    | 216,52                               |
| 1102 10 00 | 77,01    | 180,02                               |
| 1103 11 10 | 31,45    | 263,50                               |
| 1103 11 90 | 44,61    | 233,84                               |

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

<sup>(2)</sup> 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'.

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

<sup>(4)</sup> 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.

<sup>(5)</sup> 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.

<sup>(6)</sup> 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).

<sup>(7)</sup> 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 2020/90

of 16 July 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1340/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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 1802/90<sup>(5)</sup> 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 13 July 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 17 July 1990.

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

Done at Brussels, 16 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.<sup>(2)</sup> OJ No L 134, 28. 5. 1990, p. 1.<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.<sup>(5)</sup> OJ No L 167, 30. 6. 1990, p. 11.

## ANNEX

to the Commission Regulation of 16 July 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<br>7 | 1st period<br>8 | 2nd period<br>9 | 3rd period<br>10 |
| 0709 90 60 | 0            | 0               | 0               | 0                |
| 0712 90 19 | 0            | 0               | 0               | 0                |
| 1001 10 10 | 0            | 0               | 0               | 8,70             |
| 1001 10 90 | 0            | 0               | 0               | 8,70             |
| 1001 90 91 | 0            | 0               | 0               | 0                |
| 1001 90 99 | 0            | 0               | 0               | 0                |
| 1002 00 00 | 0            | 0               | 0               | 0                |
| 1003 00 10 | 0            | 0               | 0               | 0                |
| 1003 00 90 | 0            | 0               | 0               | 0                |
| 1004 00 10 | 0            | 0,70            | 0,70            | 0,70             |
| 1004 00 90 | 0            | 0,70            | 0,70            | 0,70             |
| 1005 10 90 | 0            | 0               | 0               | 0                |
| 1005 90 00 | 0            | 0               | 0               | 0                |
| 1007 00 90 | 0            | 0               | 0               | 0                |
| 1008 10 00 | 0            | 0               | 0               | 0                |
| 1008 20 00 | 0            | 0               | 0               | 0                |
| 1008 30 00 | 0            | 0               | 0               | 0                |
| 1008 90 90 | 0            | 0               | 0               | 0                |
| 1101 00 00 | 0            | 0               | 0               | 0                |

## B. Malt

| CN code    | (ECU/tonne)  |                 |                 |                  |                  |
|------------|--------------|-----------------|-----------------|------------------|------------------|
|            | Current<br>7 | 1st period<br>8 | 2nd period<br>9 | 3rd period<br>10 | 4th period<br>11 |
| 1107 10 11 | 0            | 0               | 0               | 0                | 0                |
| 1107 10 19 | 0            | 0               | 0               | 0                | 0                |
| 1107 10 91 | 0            | 0               | 0               | 0                | 0                |
| 1107 10 99 | 0            | 0               | 0               | 0                | 0                |
| 1107 20 00 | 0            | 0               | 0               | 0                | 0                |

## COMMISSION REGULATION (EEC) No 2021/90

of 16 July 1990

fixing the maximum buying-in price and the quantities of beef bought in for the  
26th partial invitation to tender under Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EEC) No 571/89 <sup>(2)</sup>, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 859/89 of 29 March 1989 laying down detailed rules for the application of intervention measures in the beef and veal sector <sup>(3)</sup>, as last amended by Regulation (EEC) No 1726/90 <sup>(4)</sup>, an invitation to tender was opened by Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender <sup>(5)</sup>, as last amended by Regulation (EEC) No 1942/90 <sup>(6)</sup>;

Whereas, in accordance with Article 11 (1) of Regulation (EEC) No 859/89, a maximum buying-in price is to be fixed for quality R3, where appropriate, for each partial invitation to tender in the light of the tenders received; whereas, in accordance with Article 12 of that Regulation, only tenders lower than or equal to the maximum price are to be accepted;

Whereas, after the tenders submitted for the 26th partial invitation to tender have been examined and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughterings, the maximum buying-in price and the quantities which may be accepted into intervention should be fixed;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 11 (3) of Regulation (EEC) No 859/89;

Whereas, moreover, since the conditions laid down in the first indent of Article 6 (5) of Regulation (EEC) No 805/68 are met in respect of certain Member States or regions of Member States and certain quality groups, all

the tenders relating thereto which do not exceed 80 % of the intervention price should be accepted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 26th partial invitation to tender opened by Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price is hereby fixed at ECU 271,5 per 100 kilograms of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses or half-carcasses accepted is hereby fixed at 13 509 tonnes; the quantities offered at a price of over ECU 269,5 per 100 kilograms are hereby reduced by 75 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89; the quantities offered at a price equal to or less than ECU 269,5 per 100 kilograms are reduced by 50 %;

(b) for category C:

- (i) in the Member States or regions of Member States which meet the conditions laid down in Article 6 (2) of Regulation (EEC) No 805/68:
  - the maximum buying-in price is hereby fixed at ECU 271,5 per 100 kilograms of carcasses or half-carcasses of quality R3,
  - the maximum quantity accepted is hereby fixed at 142 tonnes; the quantities offered at a price greater than ECU 269,5 per 100 kilograms are hereby reduced by 75 % pursuant to Article 11 (3) of Regulation (EEC) No 859/89; the quantities offered at a price equal to or less than ECU 269,5 per 100 kilograms are reduced by 50 %;
- (ii) in the Member States or regions of Member States which meet the conditions laid down in the first indent of Article 6 (5) of Regulation (EEC) No 805/68:
  - the maximum buying-in price is hereby fixed at ECU 274,4 per 100 kilograms of carcasses or half-carcasses of quality R3,
  - the maximum quantity accepted is hereby fixed at 13 424 tonnes.

*Article 2*

This Regulation shall enter into force on 17 July 1990.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 61, 4. 3. 1989, p. 43.

<sup>(3)</sup> OJ No L 91, 4. 4. 1989, p. 5.

<sup>(4)</sup> OJ No L 160, 26. 6. 1990, p. 31.

<sup>(5)</sup> OJ No L 159, 10. 6. 1989, p. 36.

<sup>(6)</sup> OJ No L 174, 7. 7. 1990, p. 36.

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

Done at Brussels, 16 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 2022/90

of 16 July 1990

fixing the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

Whereas, in view of the present circumstances in the German Democratic Republic and their effects on the market situation, no refund should be fixed for products to be exported to that destination;

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 17 July 1990.

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 49.

<sup>(2)</sup> OJ No L 128, 11. 5. 1989, p. 29.

<sup>(3)</sup> OJ No L 282, 1. 11. 1975, p. 68.

<sup>(4)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(5)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(6)</sup> OJ No L 60, 1. 3. 1986, p. 13.

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

Done at Brussels, 16 July 1990.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

# ANNEX

to the Commission Regulation of 16 July 1990 fixing the export refunds on eggs

| Product code   | Destination (*) | Amount of refund |
|----------------|-----------------|------------------|
|                |                 | ECU/100 units    |
| 0407 00 11 000 | 02              | 5,20             |
| 0407 00 19 000 | 04              | 3,00             |
|                | 03              | 3,80             |
|                |                 | ECU/100 kg       |
| 0407 00 30 000 | 06              | 18,00            |
|                | 05              | 26,00            |
| 0408 11 10 000 | 01              | 96,00            |
| 0408 19 11 000 | 01              | 47,00            |
| 0408 19 19 000 | 01              | 51,00            |
| 0408 91 10 000 | 01              | 90,00            |
| 0408 99 10 000 | 01              | 15,00            |

(\*) The destinations are as follows:

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

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

## COMMISSION REGULATION (EEC) No 2023/90

of 16 July 1990

laying down definitive measures on the issuing of STM licences for beef and veal

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, and in particular Article 85 (3) thereof,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade <sup>(1)</sup>, as last amended by Regulation (EEC) No 3296/88 <sup>(2)</sup>, and in particular Article 7 (1) thereof,Whereas Commission Regulation (EEC) No 4026/89 <sup>(3)</sup> sets the indicative ceiling for imports into Spain of certain beef and veal products for 1990;

Whereas applications for STM licences lodged in the week 18 to 22 June 1990 for live animals are for quantities far higher than the fraction of the indicative ceiling applying for the second quarter of 1990;

Whereas the Commission accordingly adopted by an emergency procedure appropriate interim protective measures by Regulation (EEC) No 1830/90 <sup>(4)</sup>; whereas definitive measures must be adopted; whereas, in view of the situation of the market in Spain, an increase in the indicative ceiling cannot be contemplated;

Whereas, as a definitive measure as mentioned in Article 85 (3) of the Act, suspension of the issuing of STM licences provided for in Article 1 (2) of Regulation (EEC) No 1830/90 should be extended in order to prevent any disturbance on the Spanish market;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The issuing of STM licences for the beef and veal products referred to in Regulation (EEC) No 1830/90 is hereby suspended until 30 September 1990 inclusive.
2. Applications for STM licences may be reintroduced from 17 September 1990.

*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, 16 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*<sup>(1)</sup> OJ No L 55, 1. 3. 1986, p. 106.<sup>(2)</sup> OJ No L 293, 27. 10. 1988, p. 7.<sup>(3)</sup> OJ No L 382, 30. 12. 1989, p. 62.<sup>(4)</sup> OJ No L 167, 30. 6. 1990, p. 84.

**COMMISSION REGULATION (EEC) No 2024/90**  
**of 16 July 1990**  
**amending Regulation (EEC) No 2750/86 in respect of aid for the marketing of**  
**sugar produced in the French overseas departments**

THE COMMISSION 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1069/89 <sup>(2)</sup>, and in particular Article 9 (6) thereof,

Whereas Council Regulation (EEC) No 2225/86 of 15 July 1986 laying down measures for the marketing of sugar produced in the French overseas departments and for the equalization of the price conditions with preferential raw sugar <sup>(3)</sup> provides in particular for the grant of a flat-rate amount of Community aid for marketing to producers of sugar produced in the French overseas departments and delivered to European ports in the Community; whereas that aid comprises two components, one representing transport costs from the exfactory stage to the fob stage and the other representing the costs of sea transport from the fob stage in the French overseas departments to the cif ship's hold stage in European ports in the Community;

Whereas Commission Regulation (EEC) No 2750/86 <sup>(4)</sup>, as amended by Regulation (EEC) No 437/87 <sup>(5)</sup>, makes provision for payment in advance only after the raw sugar produced in the French overseas departments has actually arrived at European ports in the Community;

Whereas, as the producers of such sugar do not have major storage facilities in their factories, all sugar intended to be marketed to Community refineries has to be stocked after production in port silos; whereas, accordingly, those producers have to bear at an early stage the cost of transport from the factory to the port of loading; whereas in recent years the interval following that early payment has increased with the duration of storage in port silos owing to the irregular frequency of consignments, which has resulted in an increasingly greater burden on those producers; whereas provision should accordingly be made for granting an advance on the definitive payment of the aid equal to the fob component of that aid; whereas the grant of that advance should be made subject to the lodging by the applicant of a corresponding security and the other conditions required for

the grant of that advance should be laid down including in particular the quantities of sugar in question;

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*

The following paragraph 3 is hereby added to Article 1 of Regulation (EEC) No 2750/86:

'3. Without prejudice to paragraph 2 and on application by the producer(s) of the raw sugar concerned, an initial payment in advance equal to the component of the aid referred to in point (a) of the first paragraph of Article 2 of Regulation (EEC) No 2225/86 may also be made. This initial payment in advance shall constitute an instalment on the payment in advance provided for in paragraph 2.

The advance referred to in the first subparagraph shall be calculated on the basis of the weights recorded in the silo of the port of loading by the competent French authorities or the persons acting under their supervision, converted into white sugar according to a standard yield of 96 %.

Applications as referred to in the first subparagraph must be accompanied by the lodging of a security corresponding to the amount of the advance applied for. That security shall be released in respect of quantities for which the definitive payment of the total aid referred to in points (a) and (b) of the first paragraph of Article 2 of Regulation (EEC) No 2225/86 is made under the conditions laid down in paragraph 1.

At the applicant's discretion, the security shall be in cash or in the form of a guarantee given by an establishment meeting the criteria laid down by France.

That part of the security or the security which is not released shall be forfeit in respect of the quantity of sugar for which the corresponding obligations have not been met.'

*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 with effect from 1 July 1990.

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 114, 27. 4. 1989, p. 1.

<sup>(3)</sup> OJ No L 194, 17. 7. 1986, p. 7.

<sup>(4)</sup> OJ No L 253, 5. 9. 1986, p. 8.

<sup>(5)</sup> OJ No L 43, 13. 2. 1987, p. 21.

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

Done at Brussels, 16 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

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## COMMISSION REGULATION (EEC) No 2025/90

of 16 July 1990

**amending Regulation (EEC) No 1562/85 laying down detailed rules for the application of measures to encourage the processing of oranges and the marketing of products processed from lemons**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2601/69 of 18 December 1969 laying down special measures to encourage the processing of certain varieties of oranges <sup>(1)</sup>, as last amended by Regulation (EEC) No 3848/89 <sup>(2)</sup>, and in particular Article 3 (1) thereof,

Having regard to Council Regulation (EEC) No 1035/77 of 17 May 1977 laying down special measures to encourage the marketing of products processed from lemons <sup>(3)</sup>, as last amended by Regulation (EEC) No 1199/90 <sup>(4)</sup>, and in particular Article 1 (3) thereof,

Whereas Article 12 of Commission Regulation (EEC) No 1562/85 <sup>(5)</sup>, as last amended by Regulation (EEC) No 2987/89 <sup>(6)</sup>, provides that processors are to submit applications for financial compensation to the competent body in the Member State within 30 days at the latest following the end of processing operations; whereas administrative requirements in certain Member States make it difficult to comply with that time limit; whereas the latter should be extended to 60 days and the necessary adaptations should be made;

Whereas, so that the intervention threshold system for lemons operates properly, the quantities of lemons delivered for processing pursuant to Regulation (EEC) No 1035/77 between 1 March in one year and 28/29 February in the following year must be known;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 1562/85 is hereby amended as follows:

1. In Article 12 (1) and (2), '30 days' is replaced by '60 days'.
2. Article 20 is amended as follows:
  1. The introductory phrase is replaced by the following:  
'Each Member State shall notify to the Commission no later than three months after the end of the marketing year for each product:'.
  2. The following subparagraph is added after point 7:  
'Each Member State shall notify to the Commission by 31 March at the latest of each year the quantities of lemons delivered for processing between 1 March of the preceding year and 28/29 February of the current year pursuant to Regulation (EEC) No 1035/77:'.

*Article 2*

For the 1989/90 marketing year, applications for the granting of financial compensation shall be submitted no later than:

- 15 July 1990 for mandarins, satsumas and clementines,
- 31 July 1990 for lemons.

*Article 3*

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

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

Done at Brussels, 16 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 324, 27. 12. 1969, p. 21.

<sup>(2)</sup> OJ No L 374, 22. 12. 1989, p. 6.

<sup>(3)</sup> OJ No L 125, 19. 5. 1977, p. 3.

<sup>(4)</sup> OJ No L 119, 11. 5. 1990, p. 61.

<sup>(5)</sup> OJ No L 152, 11. 6. 1985, p. 5.

<sup>(6)</sup> OJ No L 286, 4. 10. 1989, p. 10.

## COMMISSION REGULATION (EEC) No 2026/90

of 16 July 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 1340/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1806/89<sup>(4)</sup>, 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<sup>(5)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(6)</sup>, 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 1733/90<sup>(7)</sup>, as last amended by Regulation (EEC) No 2018/90<sup>(8)</sup>;

Whereas Council Regulation (EEC) No 1906/87<sup>(9)</sup> amended Council Regulation (EEC) No 2744/75<sup>(10)</sup> 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 13 July 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<sup>(11)</sup>, as last amended by Regulation (EEC) No 1740/78<sup>(12)</sup>, 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 1733/90 are hereby altered to the amounts set out in the Annex.

*Article 2*

This Regulation shall enter into force on 17 July 1990.

<sup>(11)</sup> OJ No L 168, 25. 6. 1974, p. 7.

<sup>(12)</sup> OJ No L 202, 26. 7. 1978, p. 8.

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 134, 28. 5. 1990, p. 1.

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 177, 24. 6. 1989, p. 1.

<sup>(5)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(6)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(7)</sup> OJ No L 161, 27. 6. 1990, p. 5.

<sup>(8)</sup> OJ No L 181, 14. 7. 1990, p. 27.

<sup>(9)</sup> OJ No L 182, 3. 7. 1987, p. 49.

<sup>(10)</sup> 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, 16 July 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

# ANNEX

to the Commission Regulation of 16 July 1990 altering the import levies on products processed from cereals and rice

(ECU/tonne)

| CN code                   | Import levies |                                      |                                            |
|---------------------------|---------------|--------------------------------------|--------------------------------------------|
|                           | Portugal      | ACP or OCT                           | Third countries<br>(other than ACP or OCT) |
| 0714 10 10 <sup>(1)</sup> | 40,43         | 114,26                               | 120,91                                     |
| 0714 10 91                | 37,41         | 117,89 <sup>(1)</sup> <sup>(7)</sup> | 117,89                                     |
| 0714 10 99                | 40,43         | 116,08                               | 120,91                                     |
| 0714 90 11                | 37,41         | 117,89 <sup>(1)</sup> <sup>(7)</sup> | 117,89                                     |
| 0714 90 19                | 40,43         | 116,08 <sup>(1)</sup>                | 120,91                                     |
| 1102 20 10                | 72,96         | 246,53                               | 252,57                                     |
| 1102 20 90                | 40,94         | 139,70                               | 142,72                                     |
| 1102 90 10                | 73,38         | 212,20                               | 218,24                                     |
| 1103 13 11                | 72,96         | 246,53                               | 252,57                                     |
| 1103 13 19                | 72,96         | 246,53                               | 252,57                                     |
| 1103 13 90                | 40,94         | 139,70                               | 142,72                                     |
| 1103 19 30                | 73,38         | 212,20                               | 218,24                                     |
| 1103 21 00                | 43,46         | 263,45                               | 269,49                                     |
| 1103 29 20                | 73,38         | 212,20                               | 218,24                                     |
| 1103 29 40                | 72,96         | 246,53                               | 252,57                                     |
| 1104 11 10                | 41,18         | 120,25                               | 123,27                                     |
| 1104 11 90                | 80,86         | 235,78                               | 241,82                                     |
| 1104 19 10                | 43,46         | 263,45                               | 269,49                                     |
| 1104 19 50                | 72,96         | 246,53                               | 252,57                                     |
| 1104 21 10                | 62,88         | 188,62                               | 191,64                                     |
| 1104 21 30                | 62,88         | 188,62                               | 191,64                                     |
| 1104 21 50                | 99,57         | 294,73                               | 300,77                                     |
| 1104 21 90                | 41,18         | 120,25                               | 123,27                                     |
| 1104 23 10                | 62,51         | 219,14                               | 222,16                                     |
| 1104 23 30                | 62,51         | 219,14                               | 222,16                                     |
| 1104 23 90                | 40,94         | 139,70                               | 142,72                                     |
| 1104 29 11                | 30,67         | 194,66                               | 197,68                                     |
| 1104 29 31                | 36,28         | 234,18                               | 237,20                                     |
| 1104 29 91                | 24,23         | 149,29                               | 152,31                                     |
| 1104 30 10                | 21,63         | 109,77                               | 115,81                                     |
| 1104 30 90                | 33,93         | 102,72                               | 108,76                                     |
| 1106 20 10                | 40,43         | 114,26 <sup>(1)</sup>                | 120,91                                     |
| 1106 20 91                | 80,41         | 216,88 <sup>(1)</sup>                | 241,06                                     |
| 1106 20 99                | 80,41         | 216,88 <sup>(1)</sup>                | 241,06                                     |

(ECU/tonne)

| CN code    | Import levies |                       |                                            |
|------------|---------------|-----------------------|--------------------------------------------|
|            | Portugal      | ACP or OCT            | Third countries<br>(other than ACP or OCT) |
| 1107 10 11 | 47,89         | 260,52                | 271,40                                     |
| 1107 10 19 | 38,53         | 194,66                | 205,54                                     |
| 1107 10 91 | 77,47         | 209,84                | 220,72 <sup>(1)</sup>                      |
| 1107 10 99 | 60,64         | 156,79                | 167,67                                     |
| 1107 20 00 | 68,87         | 182,73                | 193,61 <sup>(1)</sup>                      |
| 1108 11 00 | 66,29         | 321,99                | 342,54                                     |
| 1108 12 00 | 80,41         | 220,51                | 241,06                                     |
| 1108 13 00 | 80,41         | 220,51                | 241,06 <sup>(6)</sup>                      |
| 1108 14 00 | 80,41         | 110,25                | 241,06                                     |
| 1108 19 90 | 80,41         | 110,25 <sup>(1)</sup> | 241,06                                     |
| 1109 00 00 | 264,50        | 585,44                | 766,78                                     |
| 1702 30 51 | 174,80        | 287,62                | 384,34                                     |
| 1702 30 59 | 126,35        | 220,51                | 287,00                                     |
| 1702 30 91 | 174,80        | 287,62                | 384,34                                     |
| 1702 30 99 | 126,35        | 220,51                | 287,00                                     |
| 1702 40 90 | 126,35        | 220,51                | 287,00                                     |
| 1702 90 50 | 126,35        | 220,51                | 287,00                                     |
| 1702 90 75 | 178,52        | 301,31                | 398,03                                     |
| 1702 90 79 | 123,38        | 209,55                | 276,04                                     |
| 2106 90 55 | 126,35        | 220,51                | 287,00                                     |
| 2302 10 10 | 19,35         | 55,75                 | 61,75                                      |
| 2302 10 90 | 34,61         | 119,47                | 125,47                                     |
| 2302 20 10 | 19,35         | 55,75                 | 61,75                                      |
| 2302 20 90 | 34,61         | 119,47                | 125,47                                     |
| 2302 30 10 | 19,35         | 55,75                 | 61,75                                      |
| 2302 30 90 | 34,61         | 119,47                | 125,47                                     |
| 2302 40 10 | 19,35         | 55,75                 | 61,75                                      |
| 2302 40 90 | 34,61         | 119,47                | 125,47                                     |
| 2303 10 11 | 255,70        | 273,92                | 455,26                                     |

<sup>(1)</sup> 6 % *ad valorem*, subject to certain conditions.

<sup>(2)</sup> 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.

<sup>(3)</sup> 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.

<sup>(6)</sup> 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.

<sup>(7)</sup> 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 13 July 1990

accepting an undertaking given in connection with the anti-dumping review concerning imports of oxalic acid originating in Brazil and terminating the investigation

(90/378/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 originating in countries not members of the European Economic Community<sup>(1)</sup>, and in particular Article 10 thereof,

After consultations within the Advisory Committee as provided for by Regulation (EEC) No 2423/88,

Whereas :

## A. PREVIOUS PROCEEDING

- (1) On 8 March 1984 the Commission published a notice in the *Official Journal of the European Communities* initiating an anti-dumping proceeding concerning imports of oxalic acid originating in Brazil, the German Democratic Republic and Spain<sup>(2)</sup>.

In a Decision dated 21 December 1984, the Commission accepted an undertaking offered by one Brazilian producer<sup>(3)</sup>, and Council Regulation (EEC) No 228/85 imposed a definitive anti-dumping duty on imports of oxalic acid originating in Brazil<sup>(4)</sup>.

- (2) Pursuant to Article 15 of Regulation (EEC) No 2423/88, the Commission gave notice in June

1989<sup>(5)</sup> of the impending expiry of the undertaking, and in August 1989<sup>(6)</sup> of that of the anti-dumping duty.

## B. REQUEST FOR A REVIEW AND INITIATION OF THE PROCEEDING

- (3) In September 1989, the Commission received a request for a review of the measures in question from a group of producers accounting for a large part of Community production.
- (4) The complainants justified their request for a review on the grounds that Brazilian exporters had continued dumping and that the probable expansion of their production capacity was likely to result in a new influx of oxalic acid on to the Community market following the expiry of the anti-dumping measures; the combined effects of these factors could result in a recurrence of injury to the Community industry if the measures in question were lifted.
- (5) Having decided that there was sufficient evidence of dumping and injury to justify the initiation of an investigation, the Commission published notices in the *Official Journal of the European Communities* announcing its intention to carry out a review concerning imports into the Community of oxalic acid originating in Brazil<sup>(7)</sup>, and initiating the review<sup>(8)</sup>, and started an investigation. In accordance with Article 15 of Regulation (EEC) No

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No C 67, 8. 3. 1984, p. 7.

<sup>(3)</sup> OJ No L 340, 28. 12. 1984, p. 80.

<sup>(4)</sup> OJ No L 26, 31. 1. 1985, p. 6.

<sup>(5)</sup> OJ No C 163, 30. 6. 1989, p. 5.

<sup>(6)</sup> OJ No C 199, 4. 8. 1989, p. 2.

<sup>(7)</sup> OJ No C 301, 30. 11. 1989, p. 3.

<sup>(8)</sup> OJ No C 318, 20. 12. 1989, p. 2.

2423/88, the anti-dumping duty on imports of oxalic acid from Brazil and the undertaking given by the Brazilian exporter remained in force.

### C. PRODUCT

- (6) The product concerned is oxalic acid, which is sold in the form of a white, crystalline powder and used *inter alia* in the textile industry, the building industry, metal-working and chemical and pharmaceutical industries. The product falls within CN code ex 2917 11 00.
- (7) None of those concerned had any comment to make in respect of the 'likeness', within the meaning of Article 2 (12) of Council Regulation (EEC) No 2423/88, of the Brazilian and Community products since their chemical properties and end-use were the same, and the manufacturing process, from a glucide base, also identical.

### D. SUBSEQUENT PROCEEDING

- (8) The Commission officially informed the exporters and importers known to be concerned, the representatives of the exporting country concerned and the complainants. It gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
- (9) Pursuant to, and in accordance with, Article 7 (4) of Regulation (EEC) No 2423/88, those concerned had the opportunity to study any information made available to the Commission by anyone concerned in the investigation.
- (10) The Commission collected and verified all information it deemed necessary and carried out checks at the premises of the following companies:

#### *Complainant Community producer:*

Destillados Agrícolas Vimbodi SA (DAVSA), Tarra-gona, Spain.

#### *Non-Community producer/exporter:*

Indústrias Químicas e Explosivos SA (Explo), São Paulo, Brazil.

- (11) The Commission asked for, and received, detailed written comments from other Community producers and importers. One importer requested and obtained a hearing.
- (12) The investigation of dumping covered the period from 1 January to 30 November 1989 (hereinafter referred to as 'investigation period').

### E. RESULTS OF DUMPING INVESTIGATION

#### (a) Normal value

- (13) Normal value was established on the basis of the prices charged on the domestic market of the exporting country concerned. Normal value was established on a month-by-month basis.

#### (b) Export price

- (14) The export price was established on the basis of the prices actually paid or payable for products sold for export to the Community.

#### (c) Comparison

- (15) The normal monthly value and the export price were compared for each transaction at the ex works stage.
- (16) The Commission took account where necessary, by means of adjustments, of differences affecting price comparability, e.g. transport, insurance, handling and credit costs. On this basis, the weighted average dumping margin, expressed as a percentage of the total cif value of imports of the product in question during the reference period, is 28,1 %.

### F. FORESEEABLE EFFECTS OF THE EXPIRY OF THE ANTI-DUMPING MEASURES

- (17) The purpose of the Commission investigation was to examine whether imports of the product in question would lead to a recurrence of the injury or threat of injury if the anti-dumping measures in force were lifted. The Commission therefore studied the current situation and assessed the possibility of the injury recurring were the measures to expire.

#### (a) Current state of the market and Community industry

##### *Volume and market share of dumped imports*

- (18) Figures available to the Commission show that imports of oxalic acid originating in Brazil were relatively stable from 1986 to 1987 but rose from 1 340 tonnes in 1987 to 1 824 tonnes in 1988, an increase of 36 %, before falling back to 1 241 tonnes in the investigation period. Extrapolating these figures to cover 1989 indicates that imports from Brazil remained relatively stable over the period from 1986 to 1989 (up 1,7 %).
- (19) The share taken by Brazil of total Community consumption of oxalic acid, which stabilized at about 18 600 tonnes between 1986 and 1988, rose from 7 to 10 % before falling to 6,1 % for the investigation period owing to an increase in apparent consumption to 22 000 tonnes. This figure was extrapolated for 1989 from figures relating to non-member countries.

*Price difference*

- (20) Evidence available to the Commission showed that the prices of these imports mainly undercut those on the Italian market, which was the largest export market for the Brazilian product. These price differences ranged from 0,3 to 29 %.

*Community production*

- (21) Between 1986 and 1987 Community production fell by 13 %, rising again in 1988. Extrapolation for 1989 shows production to be 3 % up on 1988.

*Utilization of capacity*

- (22) Utilization of capacity, which had declined from 80,5 to 70,3 % between 1986 and 1987, climbed to 82,9 % in 1988 before slipping to 78,1 % during the investigation period.

*Community sales and market share*

- (23) The complainant's sales on the Community market fell 23,7 % between 1986 and 1987, regaining in 1988 a level slightly higher than that of 1986. Extrapolation during the investigation period shows 1989 to be stable in comparison with 1988.
- (24) The share of the market held by these Community sales fell from 17,13 to 13,79 % between 1986 and 1987 before climbing to 19 % in 1988. It fell again to 16,1 % in the investigation period.

*Stocks*

- (25) Stocks held by the Community industry concerned declined considerably between 1986 and 1988 (down 22,7 %) before rising by 68,9 % between 1988 and the investigation period.

*Prices*

- (26) The Community industry dropped its prices by 11,58 % between 1986 and 1987. Since 1988, the average unit price of the Community product has followed the upward trend on the world market in oxalic acid, rising by 20,8 % between 1987 and 1988 and 13,9 % between 1988 and 1989 (the investigation period).

*Financial results*

- (27) The losses experienced in 1986 were still greater in 1987. The Community industry regained its profitability in 1988, only to see it decline again during the investigation period.

*Employment*

- (28) Employment has remained stable since 1986.

**(b) Conclusions on the current state of the Community industry**

- (29) Following a marked decline in the state of the Community industry in 1987, when all indicators — production, sales, prices, financial losses — were down, 1989 saw a clear recovery. Community production and sales were back at 1986 levels; financial results became positive, while Brazilian exports were making particularly strong inroads (rising by 36 % between 1987 and 1988).

Despite a degree of stability in Community production and sales, the investigation period saw capacity utilization decline, stocks rise and financial results worsen significantly.

In view of the above, the state of the Community industry is far from healthy.

**(c) Foreseeable state of the Community industry***General state of the oxalic acid market*

- (30) The precarious situation of the Community industry in question must in any event be assessed in the context of the market.

The oxalic acid market has undergone a number of changes since 1988, when anti-dumping measures were taken against several countries (China, South Korea, Taiwan, Czechoslovakia) and world prices began to recover.

Note also that:

- the Brazilian exporter has succeeded in retaining almost all the market share held before becoming the subject of anti-dumping measures, 7,5 % compared with 6 % today,
- it has continued dumping in spite of the anti-dumping measures applied against it,
- substantial profits from the domestic market permit it to undercut Community prices and continue dumping exports without risking major losses,
- it has a dominant position on the home market, although it is beginning to experience competition from foreign imports, which could lead it, while retaining the advantages of economies of scale by maintaining current production levels, to offset some of the loss of domestic market share by increasing sales to the Community,

especially as these currently represent only a quarter of their exports.

Lastly, this exporter could very easily step up production by bringing into use new production capacity, currently available on the factory site.

In these circumstances, the Community industry's already precarious situation would be bound to deteriorate, since it is financially weak and holds only a relatively small share of the Community market, which would lead to the recurrence of material injury.

The situation of the Community industry should moreover be assessed in the context of the measures taken against other countries which have been dumping, whose combined exports have a marked influence on the Community market. It would therefore be discriminatory not to apply anti-dumping measures to the Brazilian exporter.

#### G. COMMUNITY INTEREST

- (31) It must be emphasized that the Community interest requires the reestablishment of fair competition.

In view of the arguments set out above, the Commission feels that there is a major risk of the Community industry being wiped out, given its precarious situation, if no anti-dumping measures are taken against the Brazilian exporter. The disappearance of the industry concerned would be particularly injurious to the Community interest in that it is the only one geared solely to the production of oxalic acid, and would leave the Community market dependent on exporters who may not prove able to guarantee regular supply. Lastly, the failure of firms using oxalic acid to respond during the proceeding must be noted. Under the circumstances, the Commission considers that some of the anti-dumping measures in respect of imports of oxalic acid from Brazil should be renewed.

#### H. UNDERTAKING AND CLOSURE OF THE INVESTIGATION

- (32) On being notified of the main conclusions, the Brazilian exporter offered a price undertaking concerning its exports of oxalic acid to the Community. This price was based on the production costs of the Community producer concerned plus a reasonable profit margin, representative of profits in this sector of industry.

The effect of this undertaking will be to bring the price of exports to the Community to a level which

the Commission considers high enough not to cause the injury which would certainly occur if existing anti-dumping measures were to expire.

Under the circumstances the undertaking must be considered acceptable and the investigation closed. The anti-dumping duty which had remained in force pending review becomes null and void.

- (33) It should furthermore be noted that, in the event of the undertaking being breached, the proceeding can be re-initiated in respect of the breach of the undertaking alone and that provisional and definitive anti-dumping measures can be taken on the basis of the facts and considerations concerning dumping, injury and threshold of injury established by the Commission before it accepted this undertaking.
- (34) However, since the exporter concerned in this investigation is the only producer/exporter of oxalic acid originating in Brazil and its undertaking thus covers all Brazilian exports of the product, and since it is unlikely that any other Brazilian firm will begin producing oxalic acid and exporting it to the Community given that the exporter's production greatly exceeds the needs of Brazil's market and it is having to face competition on this market from foreign exporters, there is, under the circumstances, no need to maintain in force a definitive anti-dumping duty.
- (35) The Advisory Committee opposed the measure proposed.

HAS DECIDED AS FOLLOWS:

#### *Sole Article*

The undertaking offered by Industrias Quimicas e Explosivos SA (Explo), in connection with the review procedure concerning imports of oxalic acid falling within CN code ex 2917 11 00 originating in Brazil, is hereby accepted.

Done at Brussels, 13 July 1990.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

**CORRIGENDA**

**Corrigendum to Commission Regulation (EEC) No 1859/90 of 29 June 1990 on the supply  
of corned beef as food aid**

*(Official Journal of the European Communities No L 170 of 3 July 1990)*

On page 9, Annex, point 25, second line:

*for:* '1602 50 90 110 or 1602 50 90 310',

*read:* '1602 50 90 120 or 1602 50 90 320'.

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