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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2112/90

of 23 July 1990

imposing a definitive anti-dumping duty on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in Japan and collecting definitively the provisional duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 9 and 12 thereof,

Having regard to the proposal submitted by the Commission after consultations within the Advisory Committee as provided for by the above Regulation,

Whereas,

A. Provisional measures

- (1) The Commission, by Regulation (EEC) No 165/90⁽²⁾, imposed a provisional anti-dumping duty on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in Japan, accepted undertakings offered by certain exporters in connection with the anti-dumping proceeding concerning imports of these products and terminated the investigation in this respect. The Commission subsequently published two corrigenda to this Regulation⁽³⁾. Furthermore, the validity of the provisional duty was extended for a period not exceeding two months by Council Regulation (EEC) No 1361/90⁽⁴⁾.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, one independent importer which had not previously made itself known, requested, and was granted, an opportunity to be heard orally by the Commission and made its views known in

writing. One Japanese producer/exporter also made its views known in writing.

- (3) Several Japanese producers/exporters have requested that further related companies be added to the list contained in Annex I to Regulation (EEC) No 165/90.
- (4) The oral and written submissions and comments of the parties were considered and, where appropriate, the Commission's findings were modified to take account of them.
- (5) Due to the complexity of the DRAM industry, in particular the internationalization of manufacturing processes, the huge volume of data to be processed and verified and the numerous arguments put forward, this investigation could not be concluded within the time provided for in Article 7 (9) (a) of Regulation (EEC) No 2423/88.

C. Products under investigation, like products and Community industry

(a) Products under investigation

- (6) The products under investigation are certain types of electronic microcircuits known as dynamic random access memories (DRAMs)⁽⁵⁾ whether assembled, in processed wafer or dice form, manufactured using variations of metal oxide semiconductor (MOS) process technology including

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1990, p. 5.

⁽³⁾ OJ No L 22, 27. 1. 1990, p. 79 (English edition only).

OJ No L 38, 10. 2. 1990, p. 44.

⁽⁴⁾ OJ No L 131, 23. 5. 1990, p. 6.

⁽⁵⁾ A DRAM is a monolithic integrated memory circuit containing thousands of memory storage cells (bits) each of which contains a transistor and capacitor. A stored programme can be created in the DRAM by charging selected capacitors. The storage cells in a DRAM are arranged in a rectangular array of columns and rows, which allows each cell to be accessed independently (random access). The electrical charge stored on the cells must be regenerated after being accessed, and periodically because of leakage. The required regeneration of the charge on the capacitors makes the device 'dynamic'. DRAMs vary, *inter alia*, in the speed at which the storage cells can be accessed (access time) and in the amount of information that can be stored (density) expressed as multiples of 1 024 capacitors, kilobits or K.

complementary MOS types (CMOS) and N-channel types (NMOS) of all densities irrespective of access speed, configuration package or frame.

Finished DRAMs fall within CN codes 8542 11 41, 8542 11 43 and 8542 11 45; wafers fall within CN code ex 8542 11 10; dice fall within CN code ex 8542 11 30 (chips); memory boards (modules) fall within the CN codes for finished DRAMs or within CN code ex 8473 30 00 or ex 8548 00 00.

(b) *Like products determination*

(7) The Commission determined for its preliminary findings that:

- processed wafers and dice are like finished DRAMs because, once a wafer is processed or diffused, the dice contained therein have all the essential electric properties which distinguish DRAMs from other products and processed dice are exclusively dedicated to a single use as the memory storage unit in a finished DRAM,
- different densities and processes of DRAMs constitute different sub-types of the same like product because the similarities of DRAMs of different densities and process technology outweigh their differences in memory capacity, design and process technology,
- on the basis of the information available with respect to current density and future density DRAMs, in particular with regard to technical specifications and applications, all densities of DRAMs including future densities are one like product,
- further processed DRAMs such as 'stack' DRAMs, 'piggy-back' DRAMs or 'modules' which incorporate two or more DRAM units are like finished DRAMs because most of these sub-assemblies are very little more than a grouping of standard DRAMs into the package, the function of which is to provide large quantities of memory capacity,
- DRAMs for military applications and DRAMs for commercial applications also fall into the like product, and
- video RAMs (VRAMs), which are not based on DRAM technology but on other technologies such as static RAM (SRAM) technology, are not to be regarded as like products, but products which are used in video applications which are based on DRAM technology are like products.

Given that no new arguments were raised in this respect, the Council confirms these determinations.

(c) *Community industry*

- (8) The Commission interpreted for the purposes of its preliminary findings the term 'Community industry' as referring to the complainant companies represented by EECA i.e., Motorola, SGS-Thomson and Siemens; which accounted for almost all known Community production of the like product.
- (9) While diffusion is, from a technological and capital investment point of view, more significant than the assembly and testing operations, assembly and testing operations can account for a significant part of cost of manufacture. The Commission has not determined whether companies performing only assembly or testing operations belong to the Community DRAM industry because, even if companies performing only assembly or testing operations were part of the Community DRAM industry, pursuant to the first indent of Article 4 (5) of Regulation (EEC) No 2423/88 those companies were related to Japanese exporters, which themselves import the products under investigations and should therefore be excluded from the definition of Community industry.

This is confirmed by the Council.

D. *Normal value*

- (10) Normal value for the DRAM products subject to the provisional duty was, for the purpose of definitive findings, established on the basis for the methods used for the provisional determination of dumping.
- (11) As regards the Commission's provisional findings concerning reasonable profit (recitals 59 and 60), the only exporter who further commented after the publication of the provisional duty Regulation referred to the profit margin of 9,5 % of total costs which is applied under the terms of the undertakings in order to establish the reference prices and suggested that this margin should have been applied for the normal value calculation rather than the method applied by the Commission. This argument is inconclusive because the profit which has to be added to cost of production pursuant to Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88, in order to establish a normal value, has been based on the actual profits earned on the domestic market and bears no relation to the profit margin which has been included in an undertaking with a view to calculating a preference price to the first independent purchaser in the Community. Furthermore, the profit margin contained in the

undertaking is, as expressly stated in the undertaking text, a 'minimum margin for a short period in an oversupply market situation and that an average long term profit margin should be higher'.

Thus, the Council also confirms the Commission's provisional findings as regards the establishment of reasonable profit.

E. Export price

- (12) With regard to exports by Japanese producers directly to independent importers in the Community and to independent purchasers in Japan (Japanese purchase offices), export prices were provisionally determined by the Commission on the basis for the prices actually paid or payable for the product sold for export to the Community.
- (13) In accordance with Article 2 (8) (b) of Regulation (EEC) No 2423/88, in all other cases, i.e. where exports were made to subsidiary companies which imported the product into the Community, the Commission considered it appropriate, in view of the relationship between exporter and importer, to construct export prices on the basis of prices at which the finished products were first resold to independent purchasers in the Community.

Constructed cif Community-border export prices for finished products were reached by deducting from resale prices to independent purchasers all costs incurred by the sales subsidiary between import and resale, including duties and taxes, and a reasonable profit margin. In the absence of cooperation from independent importers, the profit margin was, on the basis of Commission experience, assessed at 5 % on sales turnover.

Constructed cif Community-border export prices for unfinished products were reached by deducting from resale prices to independent purchasers, as a first step, the costs and the profit margin determined for the sales subsidiary and, as a second step, all costs incurred by the manufacturing subsidiary for the assembly or further processing operations. No additional profit margin was attributed to the manufacturing subsidiary.

- (14) As no new argument or evidence was submitted, the Council confirms the provisional findings reached by the Commission.

F. Comparison

- (15) For the purposes of a fair comparison between normal value and export prices, the Commission took account, where appropriate, of differences affecting price comparability such as differences in physical characteristics, import charges and indirect taxes and differences in directly-related selling costs where claims for these differences in the sales under consideration were made. All comparisons were made at ex-works level.

This is confirmed by the Council.

G. Margins

- (16) The Commission's preliminary examination of the facts showed the existence of dumping in respect of imports of DRAMs originating in Japan from all the Japanese producers/exporters investigated, namely Fujitsu Limited, Hitachi Ltd, Mitsubishi Electric Corporation, NEC Corporation, NMB Semiconductor Ltd/Minebea Co. Ltd, Miyazaki Oki Electric Co. Ltd/Oki Electric Industry Co. Ltd, Texas Instruments (Japan) Ltd, and Toshiba Corporation. The weighted average margins of the exporters named above when expressed as a percentage of the cif Community-border price vary between 8,5 and 206,2 %.
- (17) For those exporters which neither replied to the Commission's questionnaire nor otherwise made themselves known, dumping was determined on the basis of the facts available in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88 and it was considered appropriate to use the highest dumping margin for this group of exporters.
- (18) The same considerations were applied by the Commission to three exporters which had exported small quantities during the period under investigation and made themselves known as interested parties at a later stage of the proceeding. The Commission therefore considered that the highest dumping margin should also be applied to these companies.

The Council confirms these findings.

H. Injury

- (19) The volume of the dumped imports, their market penetration, the prices at which the dumped DRAMs have been offered in the Community market and the condition of the Community industry has led the Commission to determine for the purpose of its preliminary findings that the effects of dumped imports of DRAMs originating in Japan, taken in isolation, have to be considered as causing injury to the Community industry.
- (20) Furthermore, the Commission has reached the conclusion that the facts of this case support a finding of either material injury or injury in the form of material retardation. In the first instance, the huge financial losses resulting from the non-utilization of plant and manpower have to be considered as material, whether related to an established industry or an industry that exists but which is an infant or nascent state. In the second instance, the dumped imports have clearly materially retarded the development of a Community industry, established or otherwise, by causing delays in the adoption of decisions that would have

occurred in a fair market environment. The Commission, therefore, left the question open of whether the Community industry was established at the time.

- (21) In the absence of any new evidence or arguments, the Council confirms the Commission's provisional findings.

I. Community interest

- (22) The Commission, taking into consideration the changes in supply and demand factors on the Community market, the benefits derived from mass DRAM production and the particular situation of the Community DRAM industry and user industries, has found that:

- Japanese suppliers now have, to a large extent through dumping practices, a huge market share not only in the Community but also worldwide. This has contributed, on the one hand, to the DRAM shortages, and, on the other, to a dependence of the electronics user industries on these Japanese suppliers,
- the semiconductor industry, of which DRAM production is a part, is a strategic industry in that semiconductors are a key component for the data processing, telecommunications and automotive industries,
- a viable Community DRAM industry will provide an alternative source of supply to the Community electronics industry, thereby reducing dependence on the dominant Japanese producers of DRAMs,
- the benefits derived from mass DRAM production in the Community will contribute to a strong Community electronics industry overall because DRAMs serve as a technology driver for other more complex semiconductor devices,
- the use of the most advanced technology in DRAM production not only improves the competitiveness of this industry but also that of the downstream electronics industry.

- (23) On the basis of its provisional findings, the Commission considered that Community interest calls for protection of the Community DRAM industry to ensure that it can develop in a fair market environment. However, given the particular characteristics of the DRAM industry, it was considered that in the interest of the Community, the necessary protection should be given by means of measures suitably tailored to follow the dyna-

mics of the DRAM industry without causing unnecessary hindrance to the user industry.

This is confirmed by the Council.

J. Measures

(a) Price undertakings

- (24) The Commission has, by Regulation (EEC) No 165/90, accepted undertakings offered by 11 Japanese DRAM producers/exporters. These undertakings are intended to ensure that sales prices in the Community do not fall below a certain reference price level considered adequate to eliminate to a satisfactory extent the injury caused to the complainant companies. Due consideration is given to the exporters' actual and projected costs of production. The reference price level is determined quarterly.

(b) Duty

- (25) Even though in its provisional findings the Commission believed that all Japanese producers/exporters, whose undertakings were accepted, currently represent all Japanese DRAM producers which export DRAMs to the Community, it considered it necessary, in order to safeguard the effectiveness of the undertakings by covering, *inter alia*, 'grey market' sales to the Community, known to exist for this product, to impose a residual anti-dumping duty.
- (26) One independent importer argued that the imposition of a residual duty is particularly unfair because the duty applies even if it sells in the Community well above the reference prices level established under the terms of the undertakings. First of all, it has to be noted that the imposition of a residual duty in connection with the acceptance of undertakings is a standard Community practice in order to avoid that companies which did not produce/export the goods during the investigation period or companies which did not make themselves known are put at a competitive advantage *vis-à-vis* such exporters from which undertakings have been accepted. The complexities of the products under consideration, in particular the great number of producers/exporters and device types, exclude the possibility of a minimum price residual duty. Secondly, it has to be remembered that independent importers can indirectly benefit from the terms of the undertakings pursuant to the third indent of Article 1 (4) of Regulation (EEC) No 165/90. For these reasons, the Council cannot accept the importer's argument and considers it necessary to impose a residual duty.

(c) *Collection of provisional duties*

HAS ADOPTED THIS REGULATION:

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

(28) Given that under the terms of the undertakings, the exporters concerned benefit from a phase-in provision, it appears appropriate to allow independent importers who comply with the conditions to benefit from this phase-in provision as well. Thus, provisional duty levied on imports of products by independent importers where the latter can prove to the satisfaction of the competent customs authorities that the phase-in conditions are met, i.e.:

- the date of order confirmation to the first independent purchaser for the products in question is prior to 26 January 1990,
- effective delivery of these goods to the first independent purchaser occurred not later than 30 June 1990, and
- the products in question were produced by one of the companies listed in the first indent of Article 1 (4) of this Regulation

shall not be definitively collected; provisional anti-dumping duties collected or securities received shall therefore be released.

(29) Given the specific circumstances of this case, in particular the fact that undertakings offered by all known Japanese DRAM producers exporting to the Community have been accepted and as a consequence of the methodology applied in the undertakings for the reference price calculation, the Council considers that a duty lower than the highest dumping margin found in the investigation is sufficient to achieve the objective of imposing a residual duty in this case. Furthermore, in view of the numerous different DRAM devices exported and the volatility of costs and prices in this industry, the duty should be in the form of an *ad valorem* duty. In the light of these considerations, the rate should be 60 % of the net free-at-Community-frontier price before duty.

(30) In view of the fact that the undertakings offered by 11 exporters have been accepted by the Commission (Article 2 of Regulation (EEC) No 165/90), these exporters can be excluded from the scope of application of the duty on imports of DRAMs originating in Japan,

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) falling within CN code ex 8473 30 00, ex 8542 11 10, ex 8542 11 30, 8542 11 41, 8542 11 43, 8542 11 45 or ex 8548 00 00 (for Taric and additional codes see Annex II), originating in Japan.

2. For the purpose of this Regulation, DRAMs comprise all types and densities including unfinished forms such as wafers and dice (mounted or unmounted), VRAMs if based on DRAM technology and multi-combinational forms, such as 'stack' DRAMs, 'piggy-back' DRAMs and 'modules'.

3. The rate of the duty shall be 60 % of the net free-at-Community-frontier price before duty.

4. Products referred to in paragraph 1 shall be exempt from the duty, provided that:

- they are produced and exported to the Community by the following companies, which have offered undertakings which have been accepted pursuant to Article 2 of Regulation (EEC) No 165/90:

- Fujitsu Limited,
- Hitachi Ltd,
- Matsushita Electronics Corporation,
- Mitsubishi Electric Corporation,
- NEC Corporation,
- NMB Semiconductor Co. Ltd,
- Oki Electric Industry Co. Ltd,
- Sanyo Electric Co. Ltd,
- Sharp Corporation,
- Texas Instruments (Japan) Ltd, and
- Toshiba Corporation, or that

- they are produced by one of the companies listed in the first indent and exported to the Community by one of its affiliated companies listed in Annex I, or that

- they are produced, and sold for export to the Community, by one of the companies listed in the first indent: in this case, exemption from the duty shall be conditional upon presentation to the customs authorities of documentation from the producers confirming that it sold the products for which the exemption is sought for export to the Community; the documentation, the format of which is contained in Annex III, must contain a clear description of the device type(s) sold, the total quantity per device type, the unit price per device type or a statement that the price was not lower than the applicable reference price, the invoice number and the confirmation that these products

were produced and sold for export to the Community by the said company under the undertakings referred to in Article 2 of Regulation (EEC) No 165/90.

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

Article 2

The amounts secured by way of a provisional anti-dumping duty pursuant to Regulation (EEC) No 165/90 shall be definitively collected. However, where the importer requests so and the following conditions are fulfilled :

— the date of order confirmation to the first independent purchaser for the products in question is prior to 26 January 1990,

— effective delivery of these goods to the first independent purchaser occurred not later than 30 June 1990, and

— the products in question were produced by one of the companies listed in the first indent of Article 1 (4) of this Regulation,

provisional duties collected or securities lodged shall be released.

Article 3

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

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

Done at Brussels, 23 July 1990.

For the Council

The President

G. CARLI

ANNEX I

List of companies affiliated to producers named in the first indent of Article 1 (4) of the Regulation

Companies affiliated to Fujitsu Ltd, Japan:

- Fujitsu Microelectronics Inc., USA,
- Fujitsu Microelectronics Pacific Asia Ltd, Hong Kong,
- Fujitsu Microelectronics Asia Pte. Ltd, Singapore,
- Fujitsu Microelectronics (Malaysia) Sdn. Bhd., Malaysia.

Companies affiliated to Hitachi Ltd, Japan:

- Hitachi America, Ltd, USA,
- Hitachi Semiconductor (America) Inc., USA,
- Hitachi (Canadian) Ltd, Canada,
- Hitachi Asia Pte. Ltd, Singapore, Malaysia, Indonesia,
- Hitachi Asia (Hong Kong) Ltd, Hong Kong, South Korea, China, Taiwan,
- Hitachi Semiconductor Technology (Malaysia) Sdn. Bhd., Malaysia,
- Hitachi Australia Ltd, Australia,
- Nissei Sangyo Co. Ltd, Japan, Hong Kong, Australia, Taiwan,
- Nissei Sangyo America Ltd, USA,
- Nissei Sangyo (Singapore) Pte. Ltd, Singapore,
- Hitachi Micro Devices Ltd, Japan,
- Hitachi Electronic Components Sales Co. Ltd, Japan,
- Hitachi Semiconductor (Malaysia) Sdn. Bhd., Malaysia,
- Hitachi Semiconductor (Penang) Sdn. Bhd., Malaysia,
- Hitachi Semiconductor (Kedah) Sdn. Bhd., Malaysia.

Companies affiliated to Mitsubishi Electric Corporation, Japan:

- Mitsubishi Electronics America Inc., USA,
- Mitsubishi Semiconductor America Inc., USA,
- Mitsubishi Electric (HK) Ltd, Hong Kong,
- Melco-Taiwan Co. Ltd, Taiwan,
- Melco Sales Singapore Pte. Ltd, Singapore,
- Mitsubishi Electric Australia Pte. Ltd, Australia.

Companies affiliated to NMB Semiconductor Co. Ltd:

- Minebea Co. Ltd, Japan,
- NMB Corporation, USA,
- Kelaisha NMB Co. Ltd, Japan,
- NMB Technologies Inc., USA,
- Minebea Co. Ltd, Singapore branch, Singapore,
- Minebea Co. Ltd, Seoul branch, South Korea,
- Micaltronic Industries (Pte.) Ltd, Singapore.

Companies affiliated to Oki Electric Industry Co. Ltd:

- Oki Semiconductor Group, a division of Oki America, Inc.,
- Oki Electronics (Hong Kong) Ltd, (Singapore and Taipei branches),

- Oki (Thailand) Co. Ltd, Thailand.

Companies affiliated to Sanyo Electric Co. Ltd:

- Sanyo Semiconductor Corporation, USA,
- Sanyo Semiconductor (HK) Co. Ltd, Hong Kong,
- Sanyo Semiconductor (S) Pte. Ltd, Singapore,
- Shin-Nichi Electronics Device (HK) Ltd, Hong Kong,
- Shin-Nichi Electronics (S) Pte. Ltd, Singapore,
- OS Electronics (S) Pte. Ltd, Singapore.

Companies affiliated to Sharp Corporation:

- Sharp Electronics Corporation, USA,
- Sharp Microelectronics Technology, USA,
- Sharp Digital Information Products, USA,
- Sharp Electronics of Canada Ltd, USA,
- Sharp Electronics (Svenska) AB, Sweden,
- Sharp Electronics GmbH, Austria,
- Sharp Electronics AG, Switzerland,
- Sharp-Roxy Sales Pte. Ltd, Singapore,
- Sharp Electronics Pte. Ltd, Singapore,
- Sharp Roxy Sales & Service Company, Malaysia,
- Sharp Roxy Ltd, Hong Kong,
- Sharp Korea Corporation, South Korea,
- Sharp (Phils) Corporation, Philippines,
- Sharp Thebnakorn Co. Ltd, Thailand,
- Sharp Electronics Co. Ltd, Taiwan.

Companies affiliated to Texas instruments (Japan) Ltd:

- Texas Instruments, Inc., USA,
- Texas Instruments Pte. Ltd, Singapore.

Companies affiliated to Toshiba Corporation:

- Toshiba America Electronic Components, Inc., USA,
- Toshiba Electronics Scandinavia AB, Sweden.

Companies affiliated to NEC Corporation:

- NEC Electronics Inc., USA,
- NEC Electronics Pte. Ltd, Singapore,
- NEC Electronics Ltd, Hong Kong,
- NEC Australia Pte. Ltd, Australia,
- NEC Semiconductor Sdn. Bhd., Malaysia,
- NEC Electronics Taiwan Ltd, Taiwan.

Companies affiliated to Matsushita Electronics Corporations:

- Matsushita Electric Corporation of America, USA,
- Quasar Company, a division of Matsushita Electric Corporation of America, USA,
- Matsushita Services Company, a division Company of Matsushita Electric Corporation of America, USA,
- Matsushita Communication Corporation of America, USA,

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- | | |
|--|---|
| — America Kotobuki Electronics Industries, Inc., USA, | — Matsushita Denshi (S) Pte. Ltd, Singapore, |
| — Matsushita Industrial Canada Ltd, Canada, | — Asia Matsushita Electric (S) Pte. Ltd, Singapore, |
| — Matsushita Electronic of Canada Ltd, Canada, | — Panasonic Industrial Company, a division company of Matsushita, Electric Corporation of America, USA, |
| — Kotobuki Electronics Industries (S) Pte. Ltd, Singapore, | — AMAC Corporation, USA, |
| — Matsushita Graphic Communication Systems (S) Pte. Ltd, Singapore, | — Sung Tien Mou Co., Ltd, China, |
| — Matsushita Television Co., (Malaysia) Sdn. Bhd., Malaysia, | — Panasonic (Australia) Pty. Ltd, Australia, |
| — Matsushita Sales and Service Sdn. Bhd., Malaysia, | — Matsushita Electric Trading AG, Switzerland, |
| — Matsushita Communication Industrial Corporation of the Philippines, The Philippines, | — Panasonic Svenska AB, Sweden, |
| | — Panasonic Norge A/S, Norway, |
| | — Panasonic Austria Handelsgesellschaft mbH, Austria. |
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ANNEX II

Taric and additional codes

CN code	Taric codes
ex 8473 30 00	8473 30 00* 15
ex 8542 11 10	8542 11 10* 20
ex 8542 11 30	8542 11 30* 40
ex 8548 00 00	8548 00 00* 20

Additional codes	Firms/rate
8295	Fujitsu Limited Hitachi Limited Matsushita Electronics Corporation Mitsubishi Electric Corporation NEC Corporation NMB Semiconductor Co. Ltd Oki Electric Industry Co. Ltd Sanyo Electric Co. Ltd Sharp Corporation Texas Instruments (Japan) Ltd and Toshiba Corporation <i>No anti-dumping duty⁽¹⁾</i>
8296	Other : 60 %

⁽¹⁾ Also included here are the affiliated companies mentioned in Annex I and other companies complying with the conditions in the third indent of Article 1 (4) of this Regulation.

ANNEX III

Certification document pursuant to the third indent of Article 1 (4) of this Regulation

1 Exporter (Name and full address)		DOCUMENTATION FOR IMPORT OF DRAMs IN THE EUROPEAN COMMUNITY	
2 Consignee (Name and full address)		3 ISSUING COMPANY (Name and full address)	
NOTE This documentation must be presented to the competent customs office in the European Community together with the entry for free circulation relating to the products		4 Invoice number(s)	
5 Description of the device type(s)		6 Total quantity per device type	7 Unit price per device type
8 This is to confirm that the products shown above were produced and sold for export to the European Community by the company shown in box 3 under the undertaking referred to in Regulation (EEC) No 165/90. Place and date : Signature : 			
9 For use by competent customs office in the European Community			

COMMISSION REGULATION (EEC) No 2113/90

of 24 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⁽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 1801/90⁽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 23 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 25 July 1990.

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

Done at Brussels, 24 July 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 167, 30. 6. 1990, p. 8.

ANNEX

to the Commission Regulation of 24 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	138,27 ⁽²⁾ ⁽³⁾
0712 90 19	36,66	138,27 ⁽²⁾ ⁽³⁾
1001 10 10	11,90	166,78 ⁽¹⁾ ⁽²⁾
1001 10 90	11,90	166,78 ⁽¹⁾ ⁽²⁾
1001 90 91	20,22	147,81
1001 90 99	20,22	147,81
1002 00 00	45,72	119,30 ⁽⁴⁾
1003 00 10	36,95	132,07
1003 00 90	36,95	132,07
1004 00 10	28,59	106,60
1004 00 90	28,59	106,60
1005 10 90	36,66	138,27 ⁽²⁾ ⁽³⁾
1005 90 00	36,66	138,27 ⁽²⁾ ⁽³⁾
1007 00 90	53,63	145,07 ⁽⁴⁾
1008 10 00	36,95	38,70
1008 20 00	36,95	94,74 ⁽⁴⁾
1008 30 00	36,95	0,00 ⁽²⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	36,95	0,00
1101 00 00	41,31	218,94
1102 10 00	77,01	180,16
1103 11 10	31,45	271,51
1103 11 90	44,61	236,45

⁽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 2114/90

of 24 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 ⁽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 1802/90 ⁽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 23 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 25 July 1990.

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

Done at Brussels, 24 July 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 167, 30. 6. 1990, p. 11.

ANNEX

to the Commission Regulation of 24 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 7	1st period 8	2nd period 9	3rd period 10
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	6,23
1001 10 90	0	0	0	6,23
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 7	1st period 8	2nd period 9	3rd period 10	4th period 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 2115/90
of 20 July 1990
concerning the stopping of fishing for cod by vessels flying the flag of the
United Kingdom

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

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

Whereas Council Regulation (EEC) No 4047/89 of 19 December 1989 fixing, for certain fishstocks and groups of fish stocks, the total allowable catches for 1990 and certain conditions under which they may be fished⁽³⁾, as last amended by Regulation (EEC) No 1887/90⁽⁴⁾, provides for cod quotas for 1990;

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

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES division II b by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quota allocated for 1990; whereas the United Kingdom has prohibited fishing for this stock as from 10

July 1990; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES division II b by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1990.

Fishing for cod in the waters of ICES division II b by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 10 July 1990.

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

Done at Brussels, 20 July 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 1.

⁽⁴⁾ OJ No L 172, 5. 7. 1990, p. 1.

COMMISSION REGULATION (EEC) No 2116/90

of 24 July 1990

fixing for the first five months of the 1990/91 marketing year the maximum quantities of sunflower oil that may be released for consumption in Spain and exported therefrom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 475/86 of 25 February 1986 laying down general rules for the system for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain ⁽¹⁾, as last amended by Regulation (EEC) No 387/90 ⁽²⁾, and in particular Article 16 thereof,

Whereas Article 2 (2) of Commission Regulation (EEC) No 1183/86 of 21 April 1986 laying down detailed rules for the system for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain ⁽³⁾, as last amended by Regulation (EEC) No 1581/90 ⁽⁴⁾, provides that the quantity of sunflower oil to be released for consumption in Spain is to be fixed for each marketing year and also the quantity of sunflower seed harvested in Spain on which the compensatory aid specified in Article 14 of Regulation (EEC) No 475/86 may be granted; whereas these quantities should be set in accordance with the provisions of Article 94 of the Act of Accession;

Whereas the forecast supply balance for sunflower oil for the first five months of the 1990/91 marketing year has been determined;

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

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

Done at Brussels, 24 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

Article 1

For the first five months of the 1990/91 marketing year:

- the quantity of sunflower oil to be released for human consumption in Spain shall be 133 333 tonnes,
- the quantity of sunflower oil to be imported for human consumption shall be 0 tonnes,
- the quantity of sunflower seed harvested in Spain used to produce oil for export or utilization in products of CN codes 1516, 1517 or 2103 90 90, on which the compensatory aid specified in Article 14 of Regulation (EEC) No 475/86 may be granted, shall be 250 000 tonnes.

Article 2

Applications as provided for in Article 13 of Regulation (EEC) No 1183/86 may not be lodged until the seventh day following publication of this Regulation in the *Official Journal of the European Communities*.

Article 3

Certification of export or delivery to an approved establishment, as mentioned in Article 13 of Regulation (EEC) No 1183/86, must take place by 31 December 1990 at the latest.

Article 4

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 August 1990.

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽²⁾ OJ No L 42, 16. 2. 1990, p. 8.

⁽³⁾ OJ No L 107, 24. 4. 1986, p. 17.

⁽⁴⁾ OJ No L 150, 14. 6. 1990, p. 9.

COMMISSION REGULATION (EEC) No 2117/90

of 24 July 1990

laying down detailed rules for the application of temporary measures relating to
production aid for processed tomato products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1203/90 of 7 May 1990 on temporary measures relating to production aid for processed tomato products⁽¹⁾, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EEC) No 1203/90 provides that the quantity of fresh tomatoes intended for the manufacture of processed tomato products attracting production aid is to be allocated among processing undertakings on the basis of their average production during the 1987/88, 1988/89 and 1989/90 marketing years; whereas processing undertakings which commenced their activities after beginning of the 1988/89 marketing year and which did not receive production aid, but which wish to benefit from the aid scheme from the next marketing year, must satisfy the conditions laid down in Article 2 of Commission Regulation (EEC) No 1599/84 of 5 June 1984 laying down detailed rules for the application of the system of production aid for products processed from fruit and vegetables⁽²⁾, as last amended by Regulation (EEC) No 396/90⁽³⁾; whereas undertakings commencing their activities during the 1990/91 or 1991/92 marketing year must communicate to the competent authorities information on their production capacity for the different finished products;

Whereas the competent authorities allocate to each processing undertaking the quantities of fresh tomatoes which may be used for the manufacture of finished products attracting aid; whereas the allocation must be based on the particulars communicated by the undertakings, whereas, in cases where doubt exists as to the accuracy of the particulars received, the competent authorities should be authorized to defer the allocation until such doubt is resolved;

Whereas the result of allocating specific quantities to each undertaking is that the payment of production aid is limited to a fixed quantity; whereas the aim of the aid system is respected if a quantity allocated to an undertaking can be transferred to another undertaking; whereas such a possibility confers flexibility on the undertakings; whereas the competent authorities should be authorized

to allow transfer of the right deriving from an allocation where this is possible without unfavourable consequences for the production aid system;

Whereas an undertaking may, during the marketing year, apply for only one adjustment to the distribution of its quota among the finished products; whereas a final date for making use of this option should be fixed;

Whereas for tomato concentrate only one rate of aid is applicable; whereas for preserved whole pelled tomatoes and for other tomato-based products two or more rates are applicable; whereas, in cases where an undertaking uses more fresh tomatoes for the manufacture of the latter products than those allocated, the reduction of production aid should be made for all products in proportion to the extent by which the quantity allocated is exceeded;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The allocation referred to in Article 1 (2), (3), (4) and (5) of Regulation (EEC) No 1203/90 for the 1990/91 marketing year shall be made among processing undertakings:

- (a) having complied with Article 2 of Regulation (EEC) No 1599/84; and
- (b) having submitted applications for production aid for the 1987/88, 1988/89 and 1989/90 marketing years or for one or two of those years; or
- (c) having commenced their activities, during the 1988/89 or 1989/90 marketing years and communicated to the competent authorities the quantities of finished products obtained; or
- (d) commencing their activities during the 1990/91 marketing year. At the start of the 1990/91 marketing year the producer Member States shall, if necessary, redistribute the quantity referred to in Article 1 (5) of Regulation (EEC) No 1203/90, taking into account those undertakings which are to commence their activities in the course of that year.

⁽¹⁾ OJ No L 119, 11. 5. 1990, p. 68.

⁽²⁾ OJ No L 152, 8. 6. 1984, p. 16.

⁽³⁾ OJ No L 42, 16. 2. 1990, p. 47.

The quantities of fresh tomatoes allocated to the undertakings referred to under (b) and (c) shall be calculated on the basis of the average of the quantities actually processed, as the case may be during the marketing years in question, without prejudice to any transfers as provided for in Article 4 (3). For Portugal, the allocation of quantities for 'other tomato based products' may be made on the basis of requests made by processors and, if necessary, *pro rata* with the quantities available.

2. The allocation referred to in Article 2 (1), (2), (3) and (4) of Regulation (EEC) No 1203/90 for the 1991/92 marketing year shall be made among processing undertakings:

- (a) having complied with Article 2 of Regulation (EEC) No 1599/84; and
- (b) having submitted applications for production aid for the 1988/89, 1989/90 and 1990/91 marketing years or for one or two of those years; or
- (c) having commenced their activities, during the 1990/91 marketing year and communicated to the competent authorities all the information enabling them to check the finished products obtained; or
- (d) having commenced their activities, during the 1991/92 marketing year in accordance with Article 2 (4) of Regulation (EEC) No 1203/90.

The quantities of fresh tomatoes to be allocated to the undertakings referred to under (b) and (c) shall be calculated on the basis of the average of the quantities actually processed, as the case may be during the marketing years in question, without prejudice to any transfers as provided for in Article 4 (3).

Article 2

1. The processing undertakings referred to in Article 1 (1) (b) and (2) (b) shall communicate to the competent authorities:

- (a) the quantity of fresh tomatoes used during each of those marketing years;
- (b) the quantity of processed products obtained from the quantity referred to in (a) broken down into two groups, according to whether production aid was granted or not.

The processed products shall be broken down into:

- tomato concentrate, expressed as concentrate with a dry weight content of 28 % or more but less than 30 %;
- preserved whole peeled tomatoes;
- other tomato-based products.

The quantity of fresh tomatoes used shall be given for each group of finished products, broken down according to whether production aid was received or not.

2. The processing undertakings referred to in Article 1 (1) (b) and (2) (c) shall communicate to the competent authorities:

- (a) the quantity of fresh tomatoes used during each of those marketing years;
- (b) the quantity of processed products obtained from the quantity referred to in (a) broken down according to the three groups of finished products, and which would have been eligible for production aid.

3. Processing undertakings commencing their activities during the 1990/91 or 1991/92 marketing year shall communicate to the competent authorities their production capacity and the quantity of processed products they have planned to produce. The products shall be broken down as provided for in the second subparagraph of paragraph 1.

4. Where the competent authorities of a Member State are already in possession of all the particulars needed in order to make the allocation provided for in Articles 1 and 2 of Regulation (EEC) No 1203/90, they may decide that the particulars referred to in paragraphs 1 and 2 need not be communicated.

Article 3

1. The communications referred to in Article 2 must reach the competent authorities not later than 30 June; however, for the 1990/91 marketing year, such communications must be received before 1 August 1990.

2. Member States may, in exceptional cases and where there is good reason for doing so, accept communications after the time limit laid down in paragraph 1, provided this does not lead to the quantities fixed in Article 1 of Regulation (EEC) No 1203/90 being exceeded.

Article 4

1. On the basis of the communications provided for in Article 2, competent authorities shall allocate a specific quantity of fresh tomatoes to each processing undertaking.

This quantity shall be broken down into tomatoes intended for the manufacture of:

- tomato concentrate,
- preserved whole peeled tomatoes,
- other tomato-based products.

2. In cases of proven or suspected irregularities and where administrative or legal inquiries have been commenced concerning entitlement to aid, the competent authority may refuse to allocate the quantity in dispute until the dispute has been resolved.

3. Where undertakings change hands, and in particular in cases of merger, Member States may authorize transfer of the rights deriving from the allocation referred to in paragraph 1 among processing undertakings operating in the same Member State, provided that this can be done without unfavourable consequences for the production aid system.

Such transfer shall be authorized only when it is requested before the date laid down for the submission of applications for production aid.

4. Where a Member State establishes that the total quantity allocated to its processing undertakings has not been the subject of preliminary contracts as provided for in Article 4a of Regulation (EEC) No 1599/84, for a given marketing year, that Member State may decide to allocate the unused quantity among processing undertakings that are prepared to conclude additional processing contracts for that quantity. Such additional allocations of fresh tomatoes shall have effect only for the marketing year involved.

Member States may allocate the additional quantities not later than 15 August each year. Notification by the competent authority to the recipient undertaking concerning the decision to proceed to an additional allocation shall release those undertakings from the obligation to conclude the abovementioned preliminary contracts for the quantities redistributed for the purposes of the aid. Such additional processing contracts shall be concluded not later than 31 August.

Article 5

An undertaking may, not later than 30 September, request from the competent authorities of the Member State authorization to carry out the transfer referred to in Article 1 (2) of Regulation (EEC) No 1203/90.

The notification of authorization to the undertaking shall specify the new distribution of the quotas of fresh tomatoes allocated to the three groups of finished products at the level of the undertaking.

Article 6

An undertaking may exceed the quantities of products processed from the total quantity of fresh tomatoes allo-

cated, only when the quantities allocated for processing have been used up.

In cases where the quantities of processed products for which an undertaking requests aid relate in the final analysis to quantities of fresh tomatoes which are greater than the quantities allocated to it for production of the groups of products referred to in Article 4 (1), the production aid shall be reduced within each group in proportion to the extent by which the quantity of fresh tomatoes used has exceeded the quantity allocated for the production of products falling within the group.

Article 7

Member States shall take all necessary steps to ensure that:

- the quantities provided for in Article 1 (1) of Regulation (EEC) No 1203/90 are not exceeded,
- the quantities referred to above are allocated fairly among the undertakings.

Article 8

1. Processing undertakings shall, in addition to the information required under Article 4 (e) of Regulation (EEC) No 1599/84 and before the date stipulated in that Article, communicate to the designated agency:

- (a) the quantity of fresh tomatoes purchased or to be purchased during the current marketing year and used or to be used for processing into finished products for which no aid is or will be claimed. The products shall be broken down by category of finished product to be obtained;
- (b) the quantity of finished products obtained or estimated to be obtained from the quantity referred to in (a). The products shall be broken down in accordance with the last subparagraph of Article 4 (e) of Regulation (EEC) No 1599/84.

2. The aid application shall, in addition to the documents provided for in Article 12 (2) of Regulation (EEC) No 1599/84, be accompanied by a declaration in which the processing undertaking indicates:

- (a) the net weight of the finished products produced during the current marketing year for which no aid is applicable. The products shall be broken down in the same way as products attracting aid;
- (b) the net weight of the raw material used for processing into each of the finished products referred to in (a).

Article 9

In addition to the information referred to in Article 19 of Regulation (EEC) No 1599/84, each Member State shall notify the Commission:

(a) not later than 1 April each year of:

(i) the total quantity, expressed as net weight, of finished products as referred to in Article 8 (2) (a). The products shall be broken down as provided for in Article 19 (a) of Regulation (EEC) No 1599/84;

(ii) the total quantity of raw material used for processing into each group of finished products as referred to in (i);

(b) not later than 16 November each year of:

(i) the total quantity of fresh products as referred to in Article 8 (1) (a) used or to be used for processing. The products shall be broken down by reference to be finished products to be obtained;

(ii) the estimated production of finished products, expressed as net weight to be obtained from the quantity referred to in (i). The products shall be broken down as provided for in Article 19 (f) (ii) of Regulation (EEC) No 1599/84.

Article 10

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, 24 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2118/90

of 24 July 1990

amending quantitative limits fixed for imports of certain textile products
(categories 20 and 39) originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European
Economic Community,

HAS ADOPTED THIS REGULATION:

Article 1

Having regard to Council Regulation (EEC) No 22135/89
of 12 June 1989 on common rules for imports of certain
textile products originating in the Peoples Republic of
China ⁽¹⁾, as amended by Regulation (EEC) No 960/90 ⁽²⁾,
and in particular Article 10 (2) thereof,

The quantitative limits for textile products originating in
the Peoples Republic of China, as fixed in Annex III to
Regulation (EEC) No 2135/89, are hereby amended for
1990 as laid down in the Annex hereto.

Article 2

Whereas, under Article 10 (2) of Regulation (EEC) No
2135/90, quantitative limits may be increased where it
appears that additional imports are required;

This Regulation shall enter into force on the day follo-
wing its publication in the *Official Journal of the Euro-
pean Communities*.

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

Done at Brussels, 24 July 1990.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 212, 22. 7. 1989, p. 1.

⁽²⁾ OJ No L 98, 18. 4. 1990, p. 5.

ANNEX

ANNEX III

Category No	CN code	Description	Third country	Unit	Member State	Quantitative limits from 1 January to 31 December 1990
20	6302 21 00	Bed linen, other than knitted or crocheted	People's Republic of China	tonnes	EL	} ⁽¹⁾
	6302 22 90				EEC	
	6302 29 90					
	6302 31 10					
	6302 31 90					
	6302 32 90					
	6302 39 90					
39	6302 51 10	Table linen, toilet and kitchen linen, other than knitted or crocheted, other than of terry towelling or similar terry fabrics of cotton	People's Republic of China	tonnes	EL	507
	6302 51 90				EEC	6 540 ⁽²⁾
	6302 53 90					
	ex 6302 59 00					
	6302 91 10					
	6302 91 90					
	6302 93 90					
	ex 6302 99 00					

⁽¹⁾ See category 39.⁽²⁾ See appendix.

COMMISSION REGULATION (EEC) No 2119/90
of 24 July 1990
amending Regulation (EEC) No 1788/90 introducing a countervailing charge on
fresh lemons originating in Argentina

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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 1193/90 ⁽²⁾, and in particular the first subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1788/90 ⁽³⁾, as last amended by Regulation (EEC) No 2054/90 ⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Argentina;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh lemons originating in Argentina must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1788/90 '13,04' ECU is hereby replaced by '7,03' ECU.

Article 2

This Regulation shall enter into force on 25 July 1990.

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

Done at Brussels, 24 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 199, 11. 5. 1990, p. 43.
⁽³⁾ OJ No L 163, 29. 6. 1990, p. 56.
⁽⁴⁾ OJ No L 187, 19. 7. 1990, p. 46.

COMMISSION REGULATION (EEC) No 2120/90**of 24 July 1990****fixing the maximum export refund for white sugar for the 13th 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 13th 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 13th 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 38,445 per 100 kilograms.

Article 2

This Regulation shall enter into force on 25 July 1990.

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

Done at Brussels, 24 July 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 2121/90
of 24 July 1990
fixing the aid for soya beans

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 1491/85 of 23 May 1985 laying down special measures in respect of soya beans ⁽¹⁾, as last amended by Regulation (EEC) No 2217/88 ⁽²⁾, and in particular Article 2 (7) thereof,

Having regard to Council Regulation 2286/88 of 19 July 1988 providing for the granting of special aid for soya beans produced and processed in Portugal ⁽³⁾,

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 marketing year, has not yet been fixed; whereas the amount of the subsidy for the 1990/91 marketing year has been calculated provisionally on the basis of the abatement for the 1989/90 marketing year;

Whereas the amount of the aid referred to in Article 2 (1) of Regulation (EEC) No 1491/85 was fixed by Commission Regulation (EEC) No 1478/90 ⁽⁴⁾, as last amended by Regulation (EEC) No 2002/90 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1478/90 to the information at present available to the Commission that the amount of the aid at present in force should be altered as set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the aid provided for in Regulation (EEC) No 1491/85 and the amount of the special aid provided for in Article 1 of Regulation (EEC) No 2286/88 in the case of Portugal shall be as set out in the Annex hereto.

2. However, the amount of the subsidy in the case of advance fixing for the 1990/91 marketing year for soya beans, will be confirmed or replaced as from 25 July 1990 to take into account the application of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 25 July 1990.

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

Done at Brussels, 24 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 11.

⁽³⁾ OJ No L 201, 27. 7. 1988, p. 2.

⁽⁴⁾ OJ No L 140, 1. 6. 1990, p. 72.

⁽⁵⁾ OJ No L 180, 13. 7. 1990, p. 31.

ANNEX

to the Commission Regulation of 24 July 1990 fixing the aid for soya beans

(ECU/100 kg)

	Seed harvested in		
	Spain	Portugal	another Member State
Seed processed in current period			
— Spain	0,000	28,474	28,474
— Portugal	20,547	28,474 (*)	28,474
— another Member State	20,547	28,474	28,474
Seed processed in first period			
— Spain	0,000	28,422	28,422
— Portugal	20,495	28,422 (*)	28,422
— another Member State	20,495	28,422	28,422
Seed processed in second period (*)			
— Spain	0,000	28,049	28,049
— Portugal	21,852	28,049 (*)	28,049
— another Member State	21,852	28,049	28,049
Seed processed in third period (*)			
— Spain	0,000	27,865	27,865
— Portugal	21,668	27,865 (*)	27,865
— another Member State	21,668	27,865	27,865
Seed processed in fourth period (*)			
— Spain	0,000	27,882	27,882
— Portugal	21,685	27,882 (*)	27,882
— another Member State	21,685	27,882	27,882
Seed processed in fifth period (*)			
— Spain	0,000	27,594	27,594
— Portugal	21,397	27,594 (*)	27,594
— another Member State	21,397	27,594	27,594

(*) Special aid.

(*) Subject, in cases of advance fixing for the 1990/91 marketing year, to application of maximum guaranteed quantity arrangements for that marketing year.

COMMISSION REGULATION (EEC) No 2122/90**of 24 July 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 1812/90 ⁽³⁾, as last amended by Regulation (EEC) No 2110/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1812/90 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 25 July 1990.

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

Done at Brussels, 24 July 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 167, 30. 6. 1990, p. 41.

⁽⁴⁾ OJ No L 191, 24. 7. 1990, p. 42.

ANNEX

to the Commission Regulation of 24 July 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	35,19 ⁽¹⁾
1701 11 90	35,19 ⁽¹⁾
1701 12 10	35,19 ⁽¹⁾
1701 12 90	35,19 ⁽¹⁾
1701 91 00	38,59 ...
1701 99 10	38,59
1701 99 90	38,59 ⁽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 2123/90

of 24 July 1990

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

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 1811/90 ⁽³⁾, as last amended by Regulation (EEC) No 2090/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1811/90 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 1811/90 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 July 1990.

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

Done at Brussels, 24 July 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 167, 30. 6. 1990, p. 39.

⁽⁴⁾ OJ No L 190, 21. 7. 1990, p. 41.

ANNEX

to the Commission Regulation of 24 July 1990 altering the basic amount of the import
levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,3859	—
1702 20 90	0,3859	—
1702 30 10	—	45,61
1702 40 10	—	45,61
1702 60 10	—	45,61
1702 60 90	0,3859	—
1702 90 30	—	45,61
1702 90 60	0,3859	—
1702 90 71	0,3859	—
1702 90 90	0,3859	—
2106 90 30	—	45,61
2106 90 59	0,3859	—

COMMISSION REGULATION (EEC) No 2124/90

of 24 July 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 2043/90 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2043/90 to the information 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 Regulation (EEC) No 2043/90 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 July 1990.

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

Done at Brussels, 24 July 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, 19. 7. 1990, p. 18.

ANNEX

to the Commission Regulation of 24 July 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	32,38 ⁽¹⁾	
1701 11 90 910	31,14 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	32,38 ⁽¹⁾	
1701 12 90 910	31,14 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3520
1701 99 10 100	35,20	
1701 99 10 910	35,45	
1701 99 10 950	35,45	
1701 99 90 100		0,3520

⁽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 2125/90

of 24 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⁽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 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 1733/90⁽⁷⁾, as last amended by Regulation (EEC) No 2111/90⁽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:

⁽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 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 161, 27. 6. 1990, p. 5.

⁽⁸⁾ OJ No L 191, 24. 7. 1990, p. 44.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

— 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 23 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⁽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 1733/90 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 25 July 1990.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 24 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 24 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 (other than ACP or OCT)
1102 90 90	58,19	147,69	150,71
1103 19 90	58,19	147,69	150,71
1103 29 90	58,19	147,69	150,71
1104 19 99	103,40	260,62	266,66
1104 29 19	89,56	231,66	234,68
1104 29 39	89,56	231,66	234,68
1104 29 99	58,19	147,69	150,71

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION OPINION

of 10 July 1990

concerning the Windscale Vitrification Plant and the Vitrified Product Store
(United Kingdom)

(Only the English text is authentic)

(90/389/EEC)

The general data concerning the plan for the disposal of radioactive waste from the operation of the Windscale Vitrification Plant and the Vitrified Product Store were provided by the United Kingdom Government to the Commission, in accordance with Article 37 of the Euratom Treaty, by letter received on 8 January 1990.

On the basis of the data thus obtained and having consulted the Group of Experts, the Commission drew up the following opinion :

1. The distance from the installation to the closest point on the territory of another Member State, Ireland is approximately 180 km ; France is 510 km distant.
2. In normal conditions, the liquid and gaseous effluent discharges will give rise to negligible exposure of the population of other Member States from the point of view of health.
3. High and medium level radioactive waste will be stored on site ; low level waste will be disposed off to the Drigg site.
4. In the case of an unplanned discharge of radioactive effluents which could be occasioned by an accident of the magnitude considered in the general data, doses liable to be received in other Member States will not be significant from the point of view of health.

In conclusion, the Commission is of the opinion that the implementation of the plan for the disposal of radioactive waste from operation of the Windscale Vitrification Plant and the Vitrified Product Store is not liable, either in normal operation or in the case of an accident of the magnitude considered in the general data, to result in the radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State.

This opinion is addressed to the United Kingdom.

Done at Brussels, 10 July 1990.

For the Commission

Carlo RIPA DI MEANA

Member of the Commission

COMMISSION DECISION

of 16 July 1990

amending Decision 79/542/EEC drawing up a list of third countries from which
the Member States authorize imports of bovine animals, swine and fresh meat

(90/390/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Directive 72/462/EEC of 12
December 1972 on health and veterinary inspection
problems upon importation of bovine animals and swine
and fresh meat or meat products from third countries ⁽¹⁾,
as amended by Directive 89/662/EEC ⁽²⁾, and in particular
Articles 1 (1) and 3 thereof,

Whereas Council Decision 79/542/EEC ⁽³⁾, as last
amended by Commission Decision 89/8/EEC ⁽⁴⁾, lists
third countries from which Member States authorize
imports of bovine animals, swine and fresh meat;

Whereas Namibia has become independent it is necessary
to amend the list of countries accordingly;

Whereas the measures provided for in this Decision are in
accordance with the opinion of the Standing Veterinary
Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 79/542/EEC is hereby replaced
by the Annex to this Decision.

Article 2

This Decision shall apply from 30 June 1990.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽³⁾ OJ No L 146, 14. 6. 1979, p. 15.

⁽⁴⁾ OJ No L 7, 10. 1. 1989, p. 27.

ANNEX

ANNEX

Country	Fresh meat					Live animals
	Domestic bovine animals (including buffalo)	Domestic swine	Domestic sheep and goats	Domestic solipeds	Wild cloven-hoofed animals	
Albania		x	x	x		
Argentina	x		x	x		x
Australia	x	x	x	x	x	x
Austria	x	x	x	x	x	x
Belize	x			x		
Botswana	x		x	x	x ⁽¹⁾ ⁽²⁾	
Brazil	x		x	x		
Bulgaria	x	x	x	x	x	x
Canada	x	x	x	x	x	x
Chile	x		x	x	x ⁽¹⁾	
People's Republic of China		x		x	x ⁽¹⁾	
Colombia	x			x		
Costa Rica	x			x		
Cuba	x			x		
Cyprus	x	x	x	x	x	x ⁽²⁾
Czechoslovakia	x	x	x	x	x	x
El Salvador	x		x	x		
Finland	x	x	x	x	x	x
German Democratic Republic	x	x	x	x	x	x
Greenland	x		x	x	x ⁽¹⁾	
Guatemala	x			x		
Honduras	x			x		
Hungary	x	x	x	x	x	x
Iceland	x	x	x	x	x	x
Israel				x		
Madagascar	x		x	x		
Malta	x	x		x		x
Mexico	x			x		
Morocco				x		
Namibia	x		x	x	x ⁽¹⁾ ⁽²⁾	
New Zealand	x	x	x	x	x	x
Norway	x	x	x	x	x	x
Nicaragua	x			x		
Panama	x			x		
Paraguay	x		x	x		
Poland	x	x	x	x	x	x
Romania	x	x	x	x	x	x
South Africa	x	x	x	x	x ⁽¹⁾ ⁽²⁾	
Swaziland	x			x	x ⁽¹⁾ ⁽²⁾	
Sweden	x	x	x	x	x	x
Switzerland	x	x	x	x	x	x
Turkey				x		
United States of America	x	x	x	x	x	x
Uruguay	x		x	x		
Union of Soviet Socialist Republics	x	x	x	x	x ⁽¹⁾	x
Yugoslavia	x	x	x	x	x	x
Zimbabwe	x					

⁽¹⁾ Excluding meat of wild swine.⁽²⁾ Excluding domestic bovine animals.⁽³⁾ Excluding bone-in meat and offal.

COMMISSION DECISION

of 16 July 1990

amending Decision 82/527/EEC on health protection measures in respect of imports of fresh meat from South Africa

(90/391/EEC)

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

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importations of bovine animals and swine and fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 89/662/EEC⁽²⁾, and in particular Article 15 thereof,

Whereas Namibia has become independent it is necessary to amend Commission Decision 82/527/EEC of 22 July 1982 on health protection measures in respect of imports of fresh meat from South Africa⁽³⁾;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 82/527/EEC is amended as follows:

1. In Article 1 (a), after 'of the bovine species', '(including buffalo), and of domestic sheep and goats' is added.

2. In Article 1 (a), the second indent is deleted.

3. In Article 1 (b), 'and to South-West Africa/Namibia' is deleted.

Article 2

This Decision shall apply from 30 June 1990.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 395, 30. 12. 1989, p. 13.

⁽³⁾ OJ No L 233, 7. 8. 1982, p. 39.

COMMISSION DECISION

of 18 July 1990

on applications for import licences for Basmati rice submitted during the first five working days of the month of July 1990 under the arrangements provided for in Council Regulation (EEC) No 3877/86

(90/392/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3877/86 of 16 December 1986 on imports of rice of the long-grain aromatic Basmati variety falling within subheading ex 10.06 B I and II of the Common Customs Tariff⁽¹⁾,

Having regard to Commission Regulation (EEC) No 833/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within subheading ex 10.06 B I or II of the Common Customs Tariff⁽²⁾, as amended by Regulation (EEC) No 1546/87⁽³⁾, and in particular Article 5 (1) thereof,

Whereas under Article 5 (1) of Regulation (EEC) No 833/87 the Commission must, not later than the 13th day after the expiry of the time limit for submitting applications for licences, notify the Member States:

- that licences may be issued in respect of all the quantities applied for, or
- that the standard percentage reduction should be applied to those quantities, or
- that the conditions for applying the reduced levy have not been met;

Whereas, in the light of the quantities for which applications have been submitted, the quantities available and Basmati rice price during the first five working days

of the month of July 1990, licences may be issued subject to the application of a percentage reduction,

HAS ADOPTED THIS DECISION:

Article 1

Import licences for Basmati rice falling within CN code 1006 may be issued, subject to the application, to the quantities applied for, of a standard reduction of 95,080 %, in cases where the applications for import licences were submitted, under the arrangements provided for in Regulation (EEC) No 3877/86, during the first five working days of the month of July 1990 and were the subject of the communication to the Commission provided for in Article 7 of Regulation (EEC) No 833/87.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 361, 20. 12. 1986, p. 1.

⁽²⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽³⁾ OJ No L 144, 4. 6. 1987, p. 10.

COMMISSION DECISION

of 18 July 1990

on import licences in respect of beef and veal products originating in Botswana,
Kenya, Madagascar, Swaziland and Zimbabwe

(90/393/EEC)

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 715/90 of
5 March 1990 on the arrangements applicable to agricul-
tural products and certain goods resulting from the
processing of agricultural products originating in the ACP
States or in the overseas countries and territories (OCT) ⁽¹⁾,
and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No
2377/80 of 4 September 1980 on special detailed rules for
the application of the system of import and export
licences in the beef and veal sector ⁽²⁾, as last amended by
Regulation (EEC) No 1618/90 ⁽³⁾, and in particular Article
15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the
possibility of issuing import licences for beef and veal
products; whereas, however, imports must take place
within the limits of the quantities specified for each of
these exporting non-member countries;

Whereas the applications for imports licences submitted
between 1 and 10 July 1990, expressed in terms of boned
meat, in accordance with Article 15 (1) (b) of Regulation
(EEC) No 2377/80, do not exceed, in respect of products
originating from Botswana, Kenya, Madagascar, Swaziland
and Zimbabwe, the quantities available from these States;
whereas it is therefore possible to issue import licences in
respect of the quantities requested;

Whereas the remaining quantities, in respect of which
licences may be applied for from 1 August 1990, should
be fixed within the scope of the total quantity of 39 100
tonnes;

Whereas it seems expedient to recall that this Decision is
without prejudice to Council Directive 72/462/EEC of 12
December 1972 on health and veterinary inspection
problems upon importation of bovine animals and swine

and fresh meat from third countries ⁽⁴⁾, as last amended by
Directive 89/227/EEC ⁽⁵⁾,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 July 1990
import licences concerning beef and veal products,
expressed in terms of boned meat, originating from
certain African, Caribbean and Pacific States, in respect of
the quantities and the countries of origin stated:

France:

— 25,00 tonnes originating in Swaziland;

United Kingdom:

— 566,08 tonnes originating in Botswana;

Germany:

— 496,10 tonnes originating in Botswana,
— 55,00 tonnes originating in Swaziland;

Netherlands:

— 616,08 tonnes originating in Botswana.

Article 2

Applications for licences may be submitted, in accordance
with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80
during the first 10 days of August 1990 in respect of the
following quantities of boned beef and veal:

— Botswana:	10 945,96 tonnes,
— Kenya:	142,00 tonnes,
— Madagascar:	7 579,00 tonnes,
— Swaziland:	2 546,62 tonnes,
— Zimbabwe:	9 100,00 tonnes.

Article 3

This Decision is addressed to the Member States, with the
exception of Portugal.

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽³⁾ OJ No L 152, 16. 6. 1990, p. 39.

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽⁵⁾ OJ No L 93, 6. 4. 1989, p. 25.