

Official Journal

of the European Communities

ISSN 0378-6978

L 264

Volume 33

27 September 1990

English edition

Legislation

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I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EEC) No 2735/90****of 24 September 1990**

imposing a definitive anti-dumping duty on imports of tungsten ores and concentrates originating in the People's Republic of China and definitively collecting the provisional anti-dumping 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 Article 12 thereof,

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

Whereas :

A. Provisional measures

- (1) The Commission, by Regulation (EEC) No 761/90⁽²⁾, imposed a provisional anti-dumping duty on imports of tungsten ores and concentrates originating in the People's Republic of China. This duty was extended for a maximum period of two months by Regulation (EEC) No 2128/90⁽³⁾.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters, on behalf of two Chinese exporters — the China National Non-Ferrous Metals Imports and Export Corporation (CNIEC) and the China National Metals and Minerals Import and Export Corporation (Minmetals), requested and was granted a hearing.
- (3) The Commission informed the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters of the essential facts and

considerations on the basis of which it intended to recommend the importation of definitive duties and the definitive collection of amounts secured by way of the provisional duties. The Chinese exporters were also granted a period by the Commission within which they could make further representations.

- (4) The investigation has not been concluded within the time limit set by Article 7 (9) (a) of Regulation (EEC) No 2423/88 because of the time spent in consultation within the Advisory Committee prior to the imposition of provisional measures.

C. Products covered by the investigation and definition of like product

- (5) The Chinese exporters have alleged that their exports of tungsten ores and concentrates are not like products to those produced in the Community. They claimed that they have only exported wolframite concentrate with a 55 % to 56 % tungsten oxide content whereas the Community produces both wolframite and scheelite at a much higher percentage tungsten oxide content.

The Commission in its investigation has found that the imports of these products from the two Chinese exporters concerned during the investigation period consisted of wolframite with a tungsten oxide content of between 72 % and 74 %. The Community producer is also only producing wolframite concentrates, and not scheelite, with a 75 % to 76 % tungsten oxide content. Furthermore, the Commission has found that both the Chinese imports and the Community produced products have the same end uses and the same markets in the Community.

- (6) In these circumstances the Commission has concluded that the products under consideration have sufficiently close physical and technical characteristics, and the same end uses and markets to be considered as like products. The Council

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 83, 30. 3. 1990, p. 23.

⁽³⁾ OJ No L 195, 26. 7. 1990, p. 3.

therefore confirms the conclusion that tungsten ores and concentrates produced in the Community are like products to all Chinese imports of tungsten ores and concentrates, within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

D. Dumping

- (7) In establishing the normal value, the Commission had to take account of the fact that the People's Republic of China does not have a market economy and that, therefore, in accordance with Regulation (EEC) No 2423/88, normal value should be determined with reference to prices or costs of a producer or producers in a market economy country. In this connection the Commission based its calculation of normal value on the constructed value of the like product in Australia and set out its reasons for so doing in recitals 11, 12 and 13 of Regulation (EEC) No 761/90.

- (8) The Chinese exporters repeated the objections concerning the use of a scheelite mine in Australia for determining normal value which had been presented by an importer to the Commission prior to the determination of provisional findings (recital 12 of Regulation (EEC) No 761/90).

The Commission has already given careful consideration to these arguments and notes that the Chinese exporters produced no evidence to support their claims nor did they suggest an alternative basis for determining normal value. The Council therefore confirms the Commission's provisional findings concerning the basis for determining the normal value.

- (9) No further observations concerning the establishment of dumping were submitted to the Commission. Consequently the findings on dumping, as set out in recitals 16 and 17 of Regulation (EEC) No 761/90, are confirmed by the Council.

E. Injury

- (10) As regards the injury caused by the dumped imports, the Chinese exporters advanced two main arguments to contest the Commission's preliminary conclusions as set out in Regulation (EEC) No 761/90.

- (11) The Chinese exporters have claimed firstly that a fall in demand has had a more significant impact on prices and on sales volumes in the Community than the Chinese imports. Secondly, they have alleged that the prices of Chinese exporters to the Community have been undercut by other third country exports into the Community.

- (12) In recital 22 of Regulation (EEC) No 761/90, the Commission had examined the impact of both the above two factors on the Community market. The

reduction in consumption in the Community of tungsten ores and concentrates resulted in a fall in sales of the Community producer from 1984 to 1988. The Community producer implemented restructuring measures by reducing the level of employment and significantly reducing its unit costs of production (see recital 20 of Regulation (EEC) No 761/90). Due to these actions, the Community producer succeeded in maintaining its market share, which in 1988 was virtually identical to that in 1984, but its financial losses were substantial as it had been forced to match the selling prices of the Chinese imports. In fact, as set out in recital 19 of Regulation (EEC) No 761/90, the Chinese exporters maintained their prices during this period at levels which jeopardized all efforts of the Community producer to adapt to the reduction in demand for this product in the Community. It is clear therefore that the reduction in consumption has not had the same effect on the Community industry as on the dumped Chinese imports, which increased their share of the Community market from 37 % to 47 % from 1984 to 1988.

- (13) In the case of other third country imports, the Commission had found that these prices did not undercut those of the Chinese imports during the reference period and that the market share of other third country imports has fallen from 1984 to 1988 whilst the market share held by Chinese imports has increased.

- (14) While factors of falling demand and other third country imports may have contributed in part to the material injury found, the Commission has concluded that the injury to the Community industry caused by dumped imports originating in the People's Republic of China is, taken in isolation, material. Moreover, Article 4 of Regulation (EEC) No 2423/88 does not confine findings of injury to cases where dumping is the principal cause (see the Judgment of the Court of 5 October 1988 in Joined Cases 277 and 300/85, Canon v. Council, [1988] ECR, p. 5731, Ground 62).

- (15) Consequently the Council confirms the conclusions as regards the injury to the Community industry which the Commission reached in its preliminary conclusions (recitals 18 to 23 of Regulation (EEC) No 761/90).

F. Community interest

- (16) No new information concerning Community interest has been received since the imposition of provisional measures and the Council has therefore confirmed the Commission's conclusions in Regulation (EEC) No 761/90 and has thus concluded that it is in the Community's interest that action be taken.

G. Definitive duty

- (17) The Council confirms that it is considered necessary to apply an *ad valorem* duty which, while remaining substantially lower than the dumping margin, corresponds to the minimum price required to ensure that the Community producer receives an adequate return on his sales.
- (18) Since the Commission's conclusions concerning the form and rate of the provisional anti-dumping duty set out in Regulation (EEC) No 761/90 remain unchanged, the amount of the definitive anti-dumping duty should be equal to that of the provisional anti-dumping duty.

H. Undertaking

- (19) Two Chinese exporters, CNIEC and Minmetals, have offered price undertakings which are considered to be acceptable. The effect of these undertakings will be to increase the prices of the products concerned to remove the injury caused to the Community industry. After consultation, these undertakings were accepted by Commission Decision 90/478/EEC (*).

I. Collection of provisional duty

- (20) In view of the size of the dumping margins established and the seriousness of the injury caused to the Community industry, the Council considers it necessary that the amounts secured by way of provisional anti-dumping duty should be definitively collected to the extent of the amount of the duty definitively imposed. In respect of the exporters whose undertakings have been accepted the provisional duty should be collected at the levels of the dumping margins definitively established,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of tungsten ores and concentrates falling within CN code 2611 00 00 and originating in the People's Republic of China.

2. The rate of duty shall be 42,4 % of the net, free-at-Community-frontier price, before duty (Taric additional code : 8433).

3. The duty specified in paragraph 2 shall not apply to tungsten ores and concentrates exported to the Community by :

— China National Non-Ferrous Metals Import and Export Corporation (CNIEC), (Taric additional code : 8432)

— China National Metals and Minerals Import and Export Corporation (Minmetals), (Taric additional code : 8432)

Article 2

The amounts secured by way of provisional anti-dumping duties, under Regulation (EEC) No 761/90, shall be collected up to 42,4 % except for China National Non-Ferrous Metals Import and Export Corporation (CNIEC) for which a rate of 37,0 % shall apply.

Amounts secured which are not covered by the above rates of duty shall be released.

Article 3

This Regulation shall enter into force on the day following that 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 September 1990.

For the Council

The President

V. SACCOMANDI

(*) See page 55 of this Official Journal.

COUNCIL REGULATION (EEC) No 2736/90

of 24 September 1990

imposing a definitive anti-dumping duty on imports of tungstic oxide and tungstic acid originating in the People's Republic of China and definitively collecting 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 Article 12 thereof,

Having regard to the proposal presented by the Commission after consultation within the Advisory Committee as provided for in that Regulation,

Whereas :

A. Provisional measures

- (1) Commission Regulation (EEC) No 762/90⁽²⁾ imposed a provisional anti-dumping duty on imports of tungstic oxide and tungstic acid originating in the People's Republic of China and falling within CN code ex 2825 90 40. Regulation (EEC) No 2126/90⁽³⁾ extended this duty for a period not exceeding two months.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters, hereinafter referred to as 'the China Chamber of Commerce', acting on behalf of two Chinese exporters, China National Non-Ferrous Metals Import and Export Corporation (CNIEC) and China National Metals Import and Export Corporation (Minmetals), requested and was granted a hearing by the Commission.
- (3) The Commission informed the China Chamber of Commerce of the essential facts and considerations on which it intended to base a recommendation to impose definitive anti-dumping duties and definitively collect amounts secured by way of a provisional duty. The China Chamber of Commerce and the Chinese exporters were also granted a period within which to submit further comments.

- (4) The Commission considered all the comments made before formulating its final conclusions, which have been confirmed by the Council.

- (5) This investigation was not concluded within the one-year period specified in Article 7 (9) (a) of Regulation (EEC) No 2423/88 owing to the duration of consultations within the Advisory Committee prior to the imposition of provisional measures.

C. Dumping

- (6) In order to establish that imports of tungstic oxide and tungstic acid from China were being dumped, the Commission had to take account of the fact that China does not have a market economy and it accordingly based its calculations on the normal value of the products in a country with a market economy; to this end, the Commission had used information gathered at the premises of a South Korean producer of intermediate tungsten products, Korea Tungsten Mining Co. Ltd (KTMC), which had agreed to cooperate with the Commission during this investigation.

- (7) Since KTMC did not sell any of the product in question on its domestic or export markets during the investigation period, although it had manufactured the product as an intermediate stage in its production of tungsten metal powder, the Commission determined normal value on the basis of the constructed value, calculated by adding together the cost of production of tungstic oxide and a reasonable profit margin.

The cost of production included selling, administrative and other general expenses, calculated, in the absence of data on other producers or exporters in the country of origin, by reference to sales of tungsten metal powder by KTMC on its domestic market during the reference period.

- (8) The China Chamber of Commerce asserted that, as a totally integrated company, KTMC's sales costs were higher than those incurred by companies like the Chinese exporters, which sold directly to independent distributors or processors. On these grounds, the China Chamber of Commerce disputed the method used by the Commission to determine the amount of general expenses to be included in production costs.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 83, 30. 3. 1990, p. 29.

⁽³⁾ OJ No L 195, 26. 7. 1990, p. 1.

- (9) The Commission notes that the method chosen for establishing normal value complies with provisions set out at the end of Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88. This Article admittedly provides for other methods in addition to that chosen, but they involve data which were unavailable in this case.

Since the China Chamber of Commerce was unable to furnish such data, the Commission considers that its objection should be dismissed.

Furthermore, adjustments were made when comparing prices to take account of differences in transport and sales costs.

- (10) Since the provisional duty was imposed, no further elements have been communicated in respect of dumping. The Council confirms the conclusions concerning dumping contained in Regulation (EEC) No 762/90.

D. Injury

- (11) The China Chamber of Commerce put forward an argument concerning injury which was based on two comparisons (one of price levels, the other of the level of sales volume) between imports into the Community of tungstic acid and oxide originating in the People's Republic of China and the Community's exports of its own output of these products.

From these comparisons, based on official Community statistics for 1984 to 1988, the Chinese exporters' representatives concluded that the Community industry had chosen to export its production at high prices rather than sell it on the Community market where prices were under pressure from Chinese shipments.

The China Chamber of Commerce therefore felt that the injury should be reassessed, taking account of the behaviour of Community producers on markets outside the Community, in respect both of the prices and the quantities involved. On these grounds, it considered that the Community producers had suffered no material injury on the Community market.

- (12) The Commission examined this objection and came to the conclusion that its provisional conclusions concerning injury were not called into question.

In fact this objection is based on the analysis of trends in Community exports of the products in question, as revealed by Community statistics for 1984 to 1988 and claims that this trend reflects the action of Community producers. This is not, however, the case and data gathered and checked during the Commission's investigation at the premises of the three producers concerned show:

- neither an increase in export sales,
- nor an increase in the prices and profitability of these sales.

The disparity which emerges between the Community's official statistics and sales by Community producers probably corresponds to transactions by traders in non-ferrous metals. In the circumstances, the Commission considers that the argument, based on less accurate and less reliable data than those gathered during the investigation, should be dismissed.

- (13) No further evidence of injury, or the causal link between dumping and injury, has been produced since the provisional duty was imposed. The Council confirms the conclusions concerning injury as they figure in Regulation (EEC) No 762/90.

E. Community interest

- (14) No further facts or arguments have been presented to the Commission by those concerned. The Council confirms the Commission's conclusions, contained in recitals 38 to 42 of Regulation (EEC) No 762/90, namely that it is in the Community's interest to remove the injury caused to the Community industry by the dumping observed.

F. Definitive duty

- (15) The Council confirms that it is considered necessary to apply an *ad valorem* duty which, while substantially lower than the margin of dumping established, is sufficient to remove the injury to the Community industry.
- (16) Since the Commission's conclusions concerning the form and level of the provisional anti-dumping duty, as set out in recital 43 of Regulation (EEC) No 762/90, remain unchanged, the rate of the definitive anti-dumping duty should be the same as that of the provisional anti-dumping duty.

G. Undertakings

- (17) Two Chinese exporters, CNIEC and Minmetals, have offered undertakings which are considered acceptable. The undertakings will increase the price of the products in question by a level sufficient to remove the injury caused to Community production.

Following consultations, during which two Member States raised objections to this solution, the undertakings were accepted by Commission Decision No 90/479/EEC⁽¹⁾.

H. Collection of the provisional duty

- (18) In view of the size of the dumping margins established and the serious injury to the Community industry, the Council judges it necessary to collect the amounts secured by way of provisional anti-dumping duty in their entirety,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of tungstic oxide (Taric code: 2825 90 40*10) and tungstic acid (Taric code: 2825 90 40*20) falling within CN code 2825 90 40 originating in the People's Republic of China.

2. The duty shall be 35 % of the net, free-at-Community-frontier price of the product, before duty (Taric additional code: 8480).

The free-at-Community-frontier price shall be net if the actual conditions of payment provide for payment within 30 days of the arrival of the goods on the customs territory of the Community. It shall be increased by 1 % for each further month by which the period for payment is extended.

3. The duty referred to in paragraph 2 shall not apply to tungstic oxide and tungstic acid exported to the Community by:

- China National Non-Ferrous Metals Import and Export Corporation (CNIEC) (Taric additional code: 8481), and
- China National Metals and Mineral Import and Export Corporation (Minmetals) (Taric additional code: 8481).

4. The provisions in force with regard to customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty pursuant to Regulation (EEC) No 762/90 shall be definitively collected in their entirety.

Article 3

This Regulation shall enter into force on the day following that 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 September 1990.

For the Council

The President

V. SACCOMANDI

⁽¹⁾ See page 57 of this Official Journal.

COUNCIL REGULATION (EEC) No 2737/90

of 24 September 1990

imposing a definitive anti-dumping duty on imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China and definitively collecting 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 Article 12 thereof,

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

Whereas :

A. Provisional measures

- (1) Commission Regulation (EEC) No 763/90⁽²⁾ imposed a provisional anti-dumping duty on imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China and falling within CN code ex 2849 90 30. Regulation (EEC) No 2127/90⁽³⁾ extended this duty for a period not exceeding two months.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters, hereinafter referred to as 'the China Chamber of Commerce', acting on behalf of two Chinese exporters, China National Non-Ferrous Metals Import and Export Corporation (CNIEC) and China National Metals Import and Export Corporation (Minmetals), requested and was granted a hearing by the Commission.
- (3) The Commission informed the China Chamber of Commerce of the essential facts and considerations on which it intended to base a recommendation to impose definitive anti-dumping duties and definitively collect amounts secured by way of a provisional duty. The China Chamber of Commerce

and the Chinese exporters were also granted a period within which to submit further comments.

- (4) An importer which had not contacted the Commission within the period specified in the notice of initiation also requested and was granted a hearing pursuant to Article 3 of Regulation (EEC) No 763/90.
- (5) The Commission considered all the comments made before formulating its final conclusions, which have been confirmed by the Council.
- (6) This investigation was not concluded within the one-year period specified in Article 7 (9) (a) of Regulation (EEC) No 2423/88 owing to the duration of consultations within the Advisory Committee prior to the imposition of provisional measures.

C. Description of the product and like product

- (7) The importer referred to in recital 4 argued that the tungsten carbides exported by China and those manufactured by the Community industry, while chemically identical, were not comparable in quality. The importer alleged that the Chinese carbides were suitable only for lower-quality purposes (tool making) because the size and distribution of the grains was less reliable.
- (8) Although the abovementioned importer used this argument to justify the Chinese exporters' low prices (this view will also be examined from this standpoint in recital 17), the Commission considered that the argument should also be examined when defining the like product since the alleged quality differences were likely to be reflected in differing end uses.
- (9) The Commission sees no difference between the end uses of Chinese tungsten carbides and those manufactured by the Community industry; there is no rigid specialization, since :
- the Community industry sells to all types of user, without exception,
 - without the cooperation of the Chinese exporters and producers and the Community importers, it is impossible to confirm that Chinese deliveries are intended for a restricted, or even specific, type of user,

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 83, 30. 3. 1990, p. 36.

⁽³⁾ OJ No L 195, 26. 7. 1990, p. 2.

- the existence of certain highly specialized and relatively marginal uses (demanding precise specifications which the Community industry is better able to meet than distant suppliers) does not prevent the tungsten carbide and fused tungsten carbide manufactured by the Community industry and that exported by the People's Republic of China from being generally interchangeable, and therefore competing in a large part of the market.

On these grounds, the products may continue to be regarded as like products within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

- (10) The Council upholds the conclusion that Community-produced tungsten carbide and fused tungsten carbide are like products to the tungsten carbide and fused tungsten carbide imported from China, within the meaning of Article 2 of Regulation (EEC) No 2423/88.

D. Dumping

- (11) Since the provisional duty was imposed, there have been no further reports in respect of dumping involving imports originating in China. The Council confirms the conclusions concerning dumping by China contained in Regulation (EEC) No 763/90.

E. Injury

- (12) The China Chamber of Commerce put forward two arguments concerning the injury.

Firstly, it raised an objection concerning the respective trading behaviour of the People's Republic of China and the Republic of Korea (since imports originating in Korea, initially involved in this proceeding, were not found to have caused material injury, the proceeding initiated against this country was terminated by Regulation (EEC) No 763/90). It used Community statistics for 1986, 1987 and 1988 to argue that the Korean exporter had cut its prices for sales to the Community by a greater margin than that for which the Chinese exporters were being blamed.

- (13) The Commission draws attention to the content of recital 27 of Regulation (EEC) No 763/90, which justified the decision to use, in the case of Korea, information given in the questionnaire completed by the Korean exporter, which was checked at the premises of the latter, in preference to the figures published by Eurostat.

On these grounds the Commission confirms its conclusions concerning trends in the price of tungsten carbide imports, contained in recitals 31 and 32 of Regulation (EEC) No 763/90.

- (14) The China Chamber of Commerce's second argument, which was echoed by the importer mentioned in recital 4, concerns the effect of Chinese deliveries on the Community market. This argument is founded on three observations:

- the relatively small market share captured by exporters from the People's Republic of China (5,3 % during the reference period),
- the considerable amount of low-priced exports by the Community,
- the large market share held by Austrian and United States exports.

From these observations, based on official Community statistics for 1984 to 1988, the Chinese exporters' representatives concluded that the Community industry had deliberately chosen to export its production at low prices rather than sell it more profitably on the Community market, thereby abandoning a large part of the Community market to non-Community suppliers, among whom China accounted for only a very modest share.

The China Chamber of Commerce therefore felt that the injury should be reassessed to take account of these factors and that the Community industry had, on this basis, suffered no material injury on the Community market.

- (15) The Commission examined this objection and came to the conclusion that its provisional conclusions concerning injury were not called into question.

With regard to the first and third observations referred to in the preceding recital concerning market shares, the Commission draws attention to recitals 29, 33 and 44 of Regulation (EEC) No 763/90, which have not been effectively rebutted by the parties concerned, i.e.:

- the fact that imports with only a relatively small market share (5,3 % for China during the reference period) are able to cause material injury when accompanied by substantial undercutting (35,34 % for China during the reference period),
- the absence of significant undercutting, and therefore of injury, attributable to tungsten carbide imports from other long-standing suppliers outside the Community (in particular Austria and the United States), whose market shares remained stable from 1984 to 1988.

- (16) With regard to the second of the observations referred to in recital 14, the Commission notes that the assertion that this trend reflects the actions of the Community industry is based on analysis of trends in the price of Community exports of the product in question between 1984 and 1988, as they emerge from Community statistics. However, data gathered and checked during the Commission's investigation at the premises of the three producers concerned enables this analysis to be corrected. Correction is necessary because a substantial share of their operations is taken up by what is termed 'conversion' for export (see recital 36 of Regulation (EEC) No 763/90).

This work is carried out on commission under contracts whereby the Community industry processes raw materials belonging to a customer to produce tungsten carbide, and is the reason for the low prices shown in Community export statistics.

The Eurostat prices are the average of:

- the normal selling price of own production sold for export, and
- the price for commission work, invoiced by Community producers when exporting carbide produced from raw materials which did not belong to them.

In view of the considerable share taken by raw materials in the tungsten sector's costs, these 'conversion' contracts have an appreciable impact on average prices but give no reason to doubt the commercial acumen of the Community producers concerned. On the contrary, the facts show that at no time did they choose to export their production at low prices or refuse to face competition on the Community market.

- (17) The importer referred to in recital 4 of this Regulation also put forward two additional arguments concerning injury. The first, set out in recital 7, claimed that a quality difference justifying a price difference between the Chinese and Community products was overlooked by the Commission when it calculated the margin of undercutting (see recital 33 of Regulation (EEC) No 763/90) and injury (recital 53 of the same Regulation).

The alleged quality difference, related to the less reliable grading of Chinese carbide, was said to lead consumers to use these products only for lower-

quality purposes, or to check the quality and, if necessary, prepare these products before use.

- (18) The Commission is able to confirm that tungsten carbide users generally require a uniform product and therefore:

- carry out tests and development work before starting production with a raw material from a new supplier,
- subsequently carry out regular quality checks or preparation before use.

These precautions apply equally to products imported from China and those of any Community or other producer; they are not specific to Chinese carbide and are not therefore likely to justify prices which are systematically lower than those of Community producers.

- (19) The Commission invited the importer concerned to supply objective information, supported by figures, to assess in monetary terms the quality difference which some of the abovementioned checks might reveal, but the importer could provide none of the proof needed to carry out such an assessment.

In the circumstances the Commission considers it neither necessary, nor indeed possible, to revise the calculations in question on a reasonable basis.

- (20) The Commission explains that it had taken prior account of any quality differences (likely to concern certain deliveries meeting very precise specifications) by basing its calculations:

- when calculating undercutting, on the price at which Community producers sold carbide of standard quality,
- when calculating the margin of injury, on the production costs incurred by the most representative Community producer of standard quality carbides, increased by a reasonable profit margin fixed at 10 % of production costs.

- (21) The importer's second argument was that the fall in the Community market price of tungsten carbide from 1987 represented a natural adjustment in prices, which had, it was claimed, previously been too high.

The Commission notes that it was able, when visiting the premises of Community producers during its investigation, to verify that their profits from 1984 to 1987 had been at a level regarded as normal for the product in question and that the subsequent fall in their prices (albeit very small, as indicated in recital 40 of Regulation (EEC) No 763/90) could be directly linked to increasing imports of dumped Chinese products.

- (22) No further evidence of injury, or the causal link between dumping and injury, has been produced since the provisional duty was imposed. The Council confirms the conclusions concerning injury as they figure in Regulation (EEC) No 763/90.

F. Community interest

- (23) No user of tungsten carbide or fused tungsten carbide originating in China has contacted the Commission since the provisional duty was imposed.

Only the importer mentioned in recital 4 has invoked the argument referred to in recital 48 of Regulation (EEC) No 763/90, failing, however, to present any further evidence likely to increase its scope.

- (24) The Council confirms the Commission's conclusions, contained in recitals 48 to 52 of Regulation (EEC) No 763/90, that it is in the Community's interest to remove the injury to the Community industry caused by the dumping observed.

G. Definitive duty

- (25) The Council confirms that it is considered necessary to apply an *ad valorem* duty which, while substantially lower than the margin of dumping established, is sufficient to remove the injury to the Community industry.
- (26) Since the Commission's conclusions concerning the form and level of the provisional anti-dumping duty, as set out in recital 53 of Regulation (EEC) No 763/90, remain unchanged (see recital 18 of this Regulation), the rate of the definitive anti-dumping duty should be the same as that of the provisional anti-dumping duty.

H. Undertakings

- (27) Two Chinese exporters, CNIEC and Minmetals, have offered undertakings which are considered acceptable. The undertakings will increase the price of the products in question by a level sufficient to remove the injury caused to Community production.

Following consultations, during which two Member States raised objections to this solution, the undertakings were accepted by Commission Decision 90/480/EEC⁽¹⁾.

I. Collection of the provisional duty

- (28) In view of the size of the dumping margins established and the serious injury to the Community industry, the Council judges it necessary to collect the amounts secured by way of provisional anti-dumping duty in their entirety.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of tungsten carbide and fused tungsten carbide falling within CN code ex 2849 90 30, originating in the People's Republic of China.

2. The duty shall be 33 % of the net, free-at-Community-frontier price of the product, before duty (Taric additional code: 8477).

The free-at-Community-frontier price shall be net if the actual conditions of payment provide for payment within 30 days of the arrival of the goods on the customs territory of the Community. It shall be increased by 1 % for each further month by which the period for payment is extended.

3. The duty referred to in paragraph 2 shall not apply to tungsten carbide and fused tungsten carbide exported to the Community by:

— China National Non-Ferrous Metals Import and Export Corporation (CNIEC) (Taric additional code: 8478), and

— China National Metals and Mineral Import and Export Corporation (Minmetals) (Taric additional code: 8478).

4. The provisions in force with regard to customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty pursuant to Regulation (EEC) No 763/90 shall be definitively collected in their entirety.

Article 3

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

⁽¹⁾ See page 59 of this Official Journal.

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

Done at Brussels, 24 September 1990.

For the Council

The President

V. SACCOMANDI

COMMISSION REGULATION (EEC) No 2738/90

of 26 September 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 2205/90⁽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 the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 25 September 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 27 September 1990.

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

Done at Brussels, 26 September 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 201, 31. 7. 1990, p. 9.⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 8.

ANNEX

to the Commission Regulation of 26 September 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	39,96	150,33 ⁽²⁾ ⁽³⁾
0712 90 19	39,96	150,33 ⁽²⁾ ⁽³⁾
1001 10 10	20,60	190,88 ⁽¹⁾ ⁽⁵⁾
1001 10 90	20,60	190,88 ⁽¹⁾ ⁽⁵⁾
1001 90 91	26,85	159,52
1001 90 99	26,85	159,52
1002 00 00	51,60	145,86 ⁽⁶⁾
1003 00 10	42,97	149,15
1003 00 90	42,97	149,15
1004 00 10	34,61	133,97
1004 00 90	34,61	133,97
1005 10 90	39,96	150,33 ⁽²⁾ ⁽³⁾
1005 90 00	39,96	150,33 ⁽²⁾ ⁽³⁾
1007 00 90	56,65	156,30 ⁽⁴⁾
1008 10 00	42,97	56,77
1008 20 00	42,97	109,20 ⁽⁴⁾
1008 30 00	42,97	46,24 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	42,97	46,24
1101 00 00	50,93	236,67
1102 10 00	85,58	217,99
1103 11 10	45,06	308,03
1103 11 90	54,64	255,24

⁽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 2739/90

of 26 September 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 2205/90 ⁽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 the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 25 September 1990;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from Portugal shall be zero.

2. The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 September 1990.

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

Done at Brussels, 26 September 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 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 11.

ANNEX

to the Commission Regulation of 26 September 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 9	1st period 10	2nd period 11	3rd period 12
0709 90 60	0	0	0	1,41
0712 90 19	0	0	0	1,41
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	1,41
1005 90 00	0	0	0	1,41
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 9	1st period 10	2nd period 11	3rd period 12	4th period 1
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 2740/90**of 26 September 1990****fixing the import levies on live sheep and goats and on sheepmeat and goatmeat
other than frozen meat**

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

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

Having regard to Council Regulation (EEC) No 3013/89
of 25 September 1989 on the common organization of
the market in sheepmeat and goatmeat⁽¹⁾, and in parti-
cular the Article 10 thereof,

Whereas the import levies on live sheep and goats and on
sheepmeat and goatmeat other than frozen meat were
fixed by Commission Regulation (EEC) No 2459/90⁽²⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2459/90 to the quota-

tions and other information known to the Commission
that the levies at present in force should be altered to the
amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on live sheep and goats and on sheep-
meat and goatmeat other than frozen meat shall be as set
out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1990.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 231, 25. 8. 1990, p. 12.

ANNEX

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

(ECU/100 kg)

CN code	Week No 40 from 1 to 7 October 1990	Week No 41 from 8 to 14 October 1990	Week No 42 from 15 to 21 October 1990	Week No 43 from 22 to 28 October 1990	Week No 44 from 29 October to 4 November 1990
0104 10 90 ⁽¹⁾	62,468	62,609	62,839	63,394	64,790
0104 20 90 ⁽¹⁾	62,468	62,609	62,839	63,394	64,790
0204 10 00 ⁽²⁾	132,910	133,210	133,700	134,880	137,850
0204 21 00 ⁽²⁾	132,910	133,210	133,700	134,880	137,850
0204 22 10 ⁽²⁾	93,037	93,247	93,590	94,416	96,495
0204 22 30 ⁽²⁾	146,201	146,531	147,070	148,368	151,635
0204 22 50 ⁽²⁾	172,783	173,173	173,810	175,344	179,205
0204 22 90 ⁽²⁾	172,783	173,173	173,810	175,344	179,205
0204 23 00 ⁽²⁾	241,896	242,442	243,334	245,482	250,887
0204 50 11 ⁽²⁾	132,910	133,210	133,700	134,880	137,850
0204 50 13 ⁽²⁾	93,037	93,247	93,590	94,416	96,495
0204 50 15 ⁽²⁾	146,201	146,531	147,070	148,368	151,635
0204 50 19 ⁽²⁾	172,783	173,173	173,810	175,344	179,205
0204 50 31 ⁽²⁾	172,783	173,173	173,810	175,344	179,205
0204 50 39 ⁽²⁾	241,896	242,442	243,334	245,482	250,887
0210 90 11 ⁽³⁾	172,783	173,173	173,810	175,344	179,205
0210 90 19 ⁽³⁾	241,896	242,442	243,334	245,482	250,887

⁽¹⁾ The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3643/85, (EEC) No 715/90 and (EEC) No 1373/90 and Commission Regulations (EEC) No 19/82, (EEC) No 1249/90 and (EEC) No 1580/90.

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

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

COMMISSION REGULATION (EEC) No 2741/90
of 26 September 1990
fixing the import levies on frozen sheepmeat and goatmeat

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

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular the Article 10 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EEC) No 2458/90⁽²⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2458/90 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1990.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 231, 25. 8. 1990, p. 9.

ANNEX

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

(ECU/100 kg)

CN code	Week No 40 from 1 to 7 October 1990	Week No 41 from 8 to 14 October 1990	Week No 42 from 15 to 21 October 1990	Week No 43 from 22 to 28 October 1990	Week No 44 from 29 October to 4 November 1990
0204 30 00	127,183	127,408	127,775	128,660	130,888
0204 41 00	127,183	127,408	127,775	128,660	130,888
0204 42 10	89,028	89,186	89,443	90,062	91,622
0204 42 30	139,901	140,149	140,553	141,526	143,977
0204 42 50	165,338	165,630	166,108	167,258	170,154
0204 42 90	165,338	165,630	166,108	167,258	170,154
0204 43 00	231,473	231,883	232,551	234,161	238,216
0204 50 51	127,183	127,408	127,775	128,660	130,888
0204 50 53	89,028	89,186	89,443	90,062	91,622
0204 50 55	139,901	140,149	140,553	141,526	143,977
0204 50 59	165,338	165,630	166,108	167,258	170,154
0204 50 71	165,338	165,630	166,108	167,258	170,154
0204 50 79	231,473	231,883	232,551	234,161	238,216

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

COMMISSION REGULATION (EEC) No 2742/90

of 26 September 1990

laying down detailed rules for the application of Council Regulation (EEC) No 2204/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2204/90 of 24 July 1990 laying down additional general rules on the common organization of the market in milk and milk products as regards cheese ⁽¹⁾, and in particular the second paragraph of Article 1, the second subparagraph of Article 3 (3) and Article 5 thereof,

Whereas the first paragraph of Article 1 of Regulation (EEC) No 2204/90 stipulates that the use of casein and caseinates in the manufacture of cheese is subject to prior authorization; whereas it is necessary to lay down detailed rules for the grant of such authorizations, having regard to the requirements as regards checks on undertakings; whereas authorizations should be granted for a limited period, so that the Member States can impose penalties for failure to comply with Community provisions;

Whereas the second paragraph of Article 1 of the said Regulation stipulates that the maximum percentages of casein and caseinates to be incorporated in cheese must be determined on the basis of objective criteria laid down having regard to what is technologically necessary; whereas it is necessary to determine the said percentages on the basis of data supplied by the Member States; whereas, in order to facilitate checks to ensure compliance with this provision, it is advisable to set overall percentages rather than percentages for individual products;

Whereas Article 3 (1) of the said Regulation requires Member States to introduce administrative and physical controls; whereas it is necessary to specify the conditions which these controls should fulfil, particularly with regard to their frequency;

Whereas Article 3 (3) of the said Regulation states that a sum equal to the difference between the value of the skimmed milk resulting from the intervention price for skimmed milk powder on the one hand and the market price for casein and caseinates on the other hand, plus 10 %, is due for quantities of caseins and caseinates used without authorization; whereas this sum has to be determined having regard to prices recorded on the markets during a reference period;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

Article 1

1. Authorizations mentioned in Article 1 of Regulation (EEC) No 2204/90 shall be granted for a period of 12 months, at the request of the undertakings concerned subject to their giving a prior undertaking in writing to accept and comply with the provisions of Article 3 (1) (a) and (b) on the one hand, and (c) on the other, of the aforementioned Regulation.
2. Authorizations shall be issued with a serial number for each undertaking or, where necessary, for each production unit.
3. Authorizations may cover one or more types of cheese, in accordance with the application made by the undertaking concerned.

Article 2

1. The maximum percentages to be incorporated, as referred to in the second paragraph of Article 1 of Regulation (EEC) No 2204/90, are given in the Annex to this Regulation. They shall apply to the weight of the types of cheese set out in the Annex produced by the undertaking or production unit concerned during a six-month period.
2. The list of products given in the Annex and the maximum percentages relating thereto shall be adjusted to take account of reasoned applications providing evidence that there is a technological need for the addition of casein or caseinates.

Article 3

1. The stock accounts referred to in Article 3 (1) (b) of Regulation (EEC) No 2204/90 shall include information as to the origin, composition and quantity of the raw materials used in the manufacture of the cheeses. Member States may require samples to be taken to provide a check on this information. Member States shall ensure that the information collected from undertakings is treated as confidential.
2. The checks referred to in Article 3 (1) (c) of Regulation (EEC) No 2204/90 must fulfil the following requirements:
 - (a) at least 30 % of the undertakings in receipt of authorizations shall be checked each quarter;
 - (b) each undertaking in receipt of an authorization shall be checked at least once per year, and undertakings producing more than 300 tonnes of cheese per year shall be checked at least twice per year.

⁽¹⁾ OJ No L 201, 31. 7. 1990, p. 7.

3. Within a period of one month from when the infringement was recorded, Member States shall notify the Commission of cases in which casein and/or caseinates have been used either without authorization or without abiding by the percentages laid down.

Article 4

1. The sum due in accordance with Article 3 (3) of Regulation (EEC) No 2204/90 shall be ECU 225 per 100 kilograms of casein and/or caseinates, having regard to the price of casein and caseinates recorded on the markets in the second quarter of 1990.

2. The sums recovered in this way shall be paid to the paying departments and agencies and offset by them against expenditure financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund.

Article 5

In addition to the notifications required under Article 3 (2) of Regulation (EEC) No 2204/90, Member States shall submit to the Commission before the end of each quarter the following information on the previous quarter:

1. the number of authorizations granted and/or revoked,
2. the quantities of casein and caseinates declared in respect of these authorizations, broken down by type of cheese.

Article 6

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

It shall apply from 15 October 1990.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

Maximum percentages to be incorporated, as referred to in Article 2 (1):

— processed cheese falling within CN code 0406 30 : 5 %.

COMMISSION REGULATION (EEC) No 2743/90**of 26 September 1990****fixing the import levies on live cattle and on beef and veal other than frozen**

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 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas the import levies on live cattle and on beef and veal other than frozen were fixed by Commission Regulation (EEC) No 2460/90 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2460/90 to the quota-

tions and other information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on live cattle and on beef and veal other than frozen shall be as specified in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1990.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 231, 25. 8. 1990, p. 15.

ANNEX

to the Commission Regulation of 26 September 1990 fixing the import levies on live cattle and on beef and veal other than frozen

(ECU/100 kg)

CN code	Yugoslavia ⁽²⁾	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	20,686	(¹) 124,192
0102 90 31	54,470	(¹) 20,686	(¹) 124,192
0102 90 33	—	20,686	(¹) 124,192
0102 90 35	54,470	20,686	(¹) 124,192
0102 90 37	54,470	20,686	(¹) 124,192
— Net weight —			
0201 10 10	—	39,304	(¹) 235,964
0201 10 90	103,493	39,304	(¹) 235,964
0201 20 21	—	39,304	(¹) 235,964
0201 20 29	103,493	39,304	(¹) 235,964
0201 20 31	—	31,443	(¹) 188,771
0201 20 39	82,795	31,443	(¹) 188,771
0201 20 51	124,192	47,165	(¹) 283,157
0201 20 59	124,192	47,165	(¹) 283,157
0201 20 90	—	58,956	(¹) 353,946
0201 30 00	—	67,438	(¹) 404,864
0206 10 95	—	67,438	(¹) 404,864
0210 20 10	—	58,956	353,946
0210 20 90	—	67,438	404,864
0210 90 41	—	67,438	404,864
0210 90 90	—	67,438	404,864
1602 50 10	—	67,438	404,864
1602 90 61	—	67,438	404,864

(¹) In accordance with Regulation (EEC) No 715/90, 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.

(²) This levy is applicable only to products complying with the provisions of the Commission Regulation (EEC) No 1368/88 (OJ No L 126, 20. 5. 1988, p. 26).

COMMISSION REGULATION (EEC) No 2744/90
of 26 September 1990
fixing the import levies on frozen 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,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas the import levies on frozen beef and veal were fixed by Commission Regulation (EEC) No 2461/90 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2461/90 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1990.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 231, 25. 8. 1990, p. 19.

ANNEX

to the Commission Regulation of 26 September 1990 fixing the import levies on frozen beef and veal ⁽¹⁾

<i>(ECU/100 kg)</i>	
CN code	Levy
	— Net weight —
0202 10 00	(¹) 197,163
0202 20 10	(¹) 197,163
0202 20 30	(¹) 157,730
0202 20 50	(¹) 246,454
0202 20 90	(¹) 295,745
0202 30 10	(¹) 246,454
0202 30 50	(¹) 246,454
0202 30 90	(¹) 339,120
0206 29 91	(¹) 339,120

(¹) In accordance with Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

COMMISSION REGULATION (EEC) No 2745/90

of 26 September 1990

fixing the maximum export refunds on olive oil for the 20th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89

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

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

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

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

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

Whereas, 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 exported to that destination;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The maximum export refunds for olive oil for the 20th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 September 1990.

2. No refund shall be fixed for such products exported to the German Democratic Republic.

Article 2

This Regulation shall enter into force on 1 October 1990.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 314, 28. 10. 1989, p. 48.

ANNEX

to the Commission Regulation of 26 September 1990 fixing the maximum export refunds on olive oil for the 20th partial invitation to tender under the standing invitation to tender issued by Regulation (EEC) No 3246/89

<i>(ECU/100 kg)</i>	
Product code	Amount of refund
1509 10 90 100	65,00
1509 10 90 900	—
1509 90 00 100	74,65
1509 90 00 900	110,09
1510 00 90 100	17,00
1510 00 90 900	51,90

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

COMMISSION REGULATION (EEC) No 2746/90
of 26 September 1990
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

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

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

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

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 2205/90⁽⁷⁾,

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 201, 31. 7. 1990, p. 9.

— for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.
2. No refund shall be fixed for such products exported to the German Democratic Republic.

Article 2

This Regulation shall enter into force on 1 October 1990.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

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

(ECU/100 kg)	
Product code	Amount of refund (1)
1509 10 90 100	63,50
1509 10 90 900	99,50
1509 90 00 100	73,00
1509 90 00 900	105,09
1510 00 90 100	15,50
1510 00 90 900	46,90

(1) For destinations mentioned in Article 5 of amended Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1), as well as for exports to third countries.

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

COMMISSION REGULATION (EEC) No 2747/90
of 26 September 1990
fixing the specific levies on beef and veal from Portugal

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 272 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 571/89 ⁽²⁾, and in particular Articles 10 (1), 11 (1) and 12 (8) thereof,

Whereas in accordance with Article 272 (1) and (2) of the Act of Accession the arrangements applicable, during the first stage, by the Community as constituted at 31 December 1985 in respect of imports of products from Portugal must be those that it applied to Portugal before accession, account being taken of any price alignment that may have taken place during the first stage; whereas the levies in question should therefore be fixed;

Whereas the prices fixed by the Council are to be reduced Commission Regulation (EEC) No 1252/90 of 11 May 1990 establishing the prices and amounts fixed in ecus by the Council in the beef and veal sector and reduced as a result of the monetary realignment of 5 January 1990 ⁽³⁾;

Whereas Commission Regulation (EEC) No 588/86 ⁽⁴⁾, as last amended by Regulation (EEC) No 2449/90 ⁽⁵⁾, lays down detailed implementing rules and fixes the specific levies applicable to trade in beef and veal in the case of Portugal;

Whereas, in the light of the arrangements set out in Regulation (EEC) No 588/86, the specific levies applicable in respect of the beef and veal imports concerned should be as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific levies applicable in the case of imports from Portugal into the Community as constituted at 31 December 1985 shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 1990.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 121, 12. 5. 1990, p. 30.

⁽⁴⁾ OJ No L 57, 1. 3. 1986, p. 45.

⁽⁵⁾ OJ No L 230, 24. 8. 1990, p. 8.

ANNEX

to the Commission Regulation of 26 September 1990 fixing the specific levies on imports of beef and veal from Portugal

(ECU/100 kg)	
CN code	Amount of the special levies
0102 90 10	18,82
0102 90 31	18,82
0102 90 33	18,82
0102 90 35	18,82
0102 90 37	18,82
0201 10 10	35,51
0201 10 90	35,51
0201 20 21	35,51
0201 20 29	35,51
0201 20 31	28,41
0201 20 39	28,41
0201 20 51	42,61
0201 20 59	42,61
0201 20 90	53,27
0201 30 00	61,08
0202 10 00	31,96
0202 20 10	31,96
0202 20 30	25,57
0202 20 50	39,77
0202 20 90	47,94
0202 30 10	39,77
0202 30 50	39,77
0202 30 90	55,04
0206 10 95	61,08
0206 29 91	55,04
0210 20 10	53,27
0210 20 90	61,08
0210 90 41	61,08
0210 90 90	61,08
1602 50 10	61,08
1602 90 61	61,08

COMMISSION REGULATION (EEC) No 2748/90
of 26 September 1990
fixing additional amounts for in the eggs sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EEC) No 1235/89 ⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries ⁽³⁾, as last amended by Regulation (EEC) No 3116/89 ⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation No 54/65/EEC ⁽⁵⁾, No 183/66/EEC ⁽⁶⁾, No 765/67/EEC ⁽⁷⁾, (EEC) No 59/70 ⁽⁸⁾, as amended by Regulation (EEC) No

4155/87 ⁽⁹⁾ and (EEC) No 2164/72 ⁽¹⁰⁾, as amended by Regulation (EEC) No 3987/87 ⁽¹¹⁾, the levies on imports of poultry eggs in shell originating in and coming from Poland, South Africa, Australia, Romania or Bulgaria are not increased by an additional amount, in so far as concerns products imported in accordance with Article 4 (a) of Regulation No 163/67/EEC;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 990/69 ⁽¹²⁾, as amended by Regulation (CEE) No 4155/87, the levies on imports of eggs not in shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (b) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 27 September 1990.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 300, 18. 10. 1989, p. 10.

⁽⁵⁾ OJ No 59, 8. 4. 1965, p. 848/65.

⁽⁶⁾ OJ No 211, 19. 11. 1966, p. 3602/66.

⁽⁷⁾ OJ No 260, 27. 10. 1967, p. 24.

⁽⁸⁾ OJ No L 11, 16. 1. 1970, p. 1.

⁽⁹⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽¹⁰⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹¹⁾ OJ No L 376, 31. 12. 1987, p. 20.

⁽¹²⁾ OJ No L 130, 31. 5. 1969, p. 4.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 September 1990 fixing additional amounts for products in the eggs sector

CN code	Origin of imports ⁽¹⁾	Additional amount
		ECU/100 kg
0407 00 30	01	20,00
0408 19 11	02	5,00
0408 19 19	02	5,00

⁽¹⁾ Origin :

01 USSR, Finland, Czechoslovakia and Sweden.

02 Hungary.

COMMISSION REGULATION (EEC) No 2749/90

of 26 September 1990

fixing additional amounts for poultrymeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by the Regulation (EEC) No 1235/89⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 3116/89⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation (EEC) No 565/68⁽⁵⁾, as last amended by Regulation (EEC) No 3986/87⁽⁶⁾, the import levies on slaughtered fowls, ducks and geese originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2261/69⁽⁷⁾, as last amended by Regulation (EEC) No

3986/87, the import levies on slaughtered ducks and geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2474/70⁽⁸⁾, as amended by Regulation (EEC) No 3986/87, the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2164/72⁽⁹⁾, as amended by Regulation (EEC) No 3987/87⁽¹⁰⁾, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 27 September 1990.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 300, 18. 10. 1989, p. 10.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁷⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁸⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁹⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹⁰⁾ OJ No L 376, 31. 12. 1987, p. 20.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 September 1990 fixing additional amounts for poultrymeat products

(ECU/100 kg)

CN code	Origin of imports (1)	Additional amount
0207 10 79	01	20,00
0207 23 59	01	20,00
0207 39 53	02	20,00
0207 43 11	02	20,00
0207 39 75	02	40,00
0207 43 61	02	40,00
0207 39 77	03	10,00
0207 43 63	03	10,00

(1) Origin :

01 Israel.

02 Bulgaria and Israel.

03 Bulgaria.

COMMISSION REGULATION (EEC) No 2750/90

of 26 September 1990

introducing a corrective amount on the import of apples into the Community of
Ten from Spain (except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensatory mechanism for imports of fruit and vegetables from Spain ⁽¹⁾, and in particular Article 4 (2) thereof,

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

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

Whereas Commission Regulation (EEC) No 1838/90 ⁽²⁾ fixed, for the 1990/91 marketing year, the Community offer price for apples applicable with regard to Spain (except Canary Islands);Whereas Commission Regulation (EEC) No 3815/89 ⁽³⁾ lays down detailed rules for applying the compensatory mechanism on imports of fruit and vegetables from Spain (except the Canary Islands);

Whereas, in the case of apples, the offer price for the Spanish product as calculated in accordance with the provisions of Council Regulation (EEC) No 3709/89 has

remained for two consecutive market days at a level at least ECU 0,6 below the Community offer price; whereas a corrective amount equal to the difference between the Community offer price and the Spanish offer price must therefore be introduced for these products from Spain (except the Canary Islands);

Whereas if the system is to operate normally the offer price of the Spanish product should be calculated on the following basis:

- in the case of currencies the spot market rates for which are maintained in relationship to each other 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 subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁴⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁵⁾;
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

HAS ADOPTED THIS REGULATION:

Article 1

On import into the Community of Ten of apples (CN codes 0808 10 91, 0808 10 93 and 0808 10 99) from Spain (except the Canary Islands) a corrective amount of ECU 2,07 per 100 kilograms net shall be levied.

Article 2

This Regulation shall enter into force on 28 September 1990.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 363, 13. 12. 1989, p. 3.

⁽²⁾ OJ No L 168, 30. 6. 1990, p. 8.

⁽³⁾ OJ No L 371, 20. 12. 1989, p. 28.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 2751/90

of 26 September 1990

fixing the import levies on compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

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

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

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

products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽⁵⁾;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽¹²⁾, as last amended by Regulation (EEC) No 2205/90⁽¹³⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

⁽⁵⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁷⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁸⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁹⁾ OJ No L 293, 27. 10. 1988, p. 7.

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

⁽¹¹⁾ OJ No L 5, 10. 1. 1976, p. 18.

⁽¹²⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽¹³⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

HAS ADOPTED THIS REGULATION :

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

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1990.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

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

(ECU/tonne)

CN code	Levies		
	Portugal	ACP and OCT	Third countries (other than ACP and OCT)
2309 10 11	10,88	21,57	32,45
2309 10 13	10,88	727,12	738,00
2309 10 31	10,88	67,40	78,28
2309 10 33	10,88	772,95	783,83
2309 10 51	10,88	134,80	145,68
2309 10 53	10,88	840,35	851,23
2309 90 31	10,88	21,57	32,45
2309 90 33	10,88	727,12	738,00
2309 90 41	10,88	67,40	78,28
2309 90 43	10,88	772,95	783,83
2309 90 51	10,88	134,80	145,68
2309 90 53	10,88	840,35	851,23

COMMISSION REGULATION (EEC) No 2752/90

of 26 September 1990

fixing the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular Article 14 (4) thereof,

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

Having regard to the opinion of the Monetary Committee,

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

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

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

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

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

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽¹⁰⁾ OJ No L 94, 9. 4. 1986, p. 6.

⁽¹¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

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

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries⁽¹⁾, as last amended by Regulation (EEC) No 3846/89⁽²⁾, lay down the terms on which the import levy is limited to 6 % *ad valorem*;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose⁽³⁾, as amended by Regulation (EEC) No 222/88⁽⁴⁾, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 2727/75 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in

the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,

- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1990.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 374, 22. 12. 1989, p. 3.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

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

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
0714 10 10 (1)	47,49	138,08	144,73
0714 10 91	44,47	141,71 (3) (7)	141,71
0714 10 99	47,49	139,90	144,73
0714 90 11	44,47	141,71 (3) (7)	141,71
0714 90 19	47,49	139,90 (3)	144,73
1102 20 10	56,04	242,64	248,68
1102 20 90	31,36	137,50	140,52
1102 30 00	3,56	202,23	205,25
1102 90 10	86,09	255,08	261,12
1102 90 30	71,04	232,88	238,92
1102 90 90	48,38	145,08	148,10
1103 12 00	71,04	232,88	238,92
1103 13 11	56,04	242,64	248,68
1103 13 19	56,04	242,64	248,68
1103 13 90	31,36	137,50	140,52
1103 14 00	3,56	202,23	205,25
1103 19 10	101,62	264,85	270,89
1103 19 30	86,09	255,08	261,12
1103 19 90	48,38	145,08	148,10
1103 21 00	57,07	291,60	297,64
1103 29 10	101,62	264,85	270,89
1103 29 20	86,09	255,08	261,12
1103 29 30	71,04	232,88	238,92
1103 29 40	56,04	242,64	248,68
1103 29 50	3,56	202,23	205,25
1103 29 90	48,38	145,08	148,10
1104 11 10	48,38	144,54	147,56
1104 11 90	94,98	283,42	289,46
1104 12 10	39,85	131,97	134,99
1104 12 90	78,26	258,76	264,80
1104 19 10	57,07	291,60	297,64
1104 19 30	101,62	264,85	270,89
1104 19 50	56,04	242,64	248,68
1104 19 91	6,96	343,40	349,44
1104 19 99	86,09	256,03	262,07
1104 21 10	74,17	226,74	229,76
1104 21 30	74,17	226,74	229,76
1104 21 50	117,22	354,28	360,32
1104 21 90	48,38	144,54	147,56
1104 22 10 10 (*)	39,85	131,97	134,99
1104 22 10 90 (3)	68,02	232,88	235,90
1104 22 30	68,02	232,88	235,90
1104 22 50	60,80	207,01	210,03
1104 22 90	39,85	131,97	134,99
1104 23 10	47,47	215,68	218,70
1104 23 30	47,47	215,68	218,70

CN code	Import levies (ECU/tonne)		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1104 23 90	31,36	137,50	140,52
1104 29 11	40,73	215,46	218,48
1104 29 15	73,64	195,70	198,72
1104 29 19	74,17	227,58	230,60
1104 29 31	48,38	259,20	262,22
1104 29 35	87,98	235,42	238,44
1104 29 39	74,17	227,58	230,60
1104 29 91	31,94	165,24	168,26
1104 29 95	57,18	150,08	153,10
1104 29 99	48,38	145,08	148,10
1104 30 10	27,30	121,50	127,54
1104 30 90	26,88	101,10	107,14
1106 20 10	47,49	138,08 ⁽²⁾	144,73
1106 20 91	65,28	213,40 ⁽²⁾	237,58
1106 20 99	65,28	213,40 ⁽²⁾	237,58
1107 10 11	61,34	288,36	299,24
1107 10 19	48,59	215,46	226,34
1107 10 91	90,04	252,24	263,12 ⁽²⁾
1107 10 99	70,03	188,47	199,35
1107 20 00	79,81	219,65	230,53 ⁽²⁾
1108 11 00	82,92	356,40	376,95
1108 12 00	65,28	217,03	237,58
1108 13 00	65,28	217,03	237,58 ⁽²⁾
1108 14 00	65,28	108,51	237,58
1108 19 10	31,61	289,99	320,82
1108 19 90	65,28	108,51 ⁽²⁾	237,58
1109 00 00	294,74	648,00	829,34
1702 30 51	155,06	283,08	379,80
1702 30 59	111,22	217,03	283,52
1702 30 91	155,06	283,08	379,80
1702 30 99	111,22	217,03	283,52
1702 40 90	111,22	217,03	283,52
1702 90 50	111,22	217,03	283,52
1702 90 75	157,84	296,56	393,28
1702 90 79	108,99	206,24	272,73
2106 90 55	111,22	217,03	283,52
2302 10 10	20,08	61,39	67,39
2302 10 90	36,18	131,55	137,55
2302 20 10	20,08	61,39	67,39
2302 20 90	36,18	131,55	137,55
2302 30 10	20,08	61,39	67,39
2302 30 90	36,18	131,55	137,55
2302 40 10	20,08	61,39	67,39
2302 40 90	36,18	131,55	137,55
2303 10 11	236,90	269,60	450,94

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

COMMISSION REGULATION (EEC) No 2753/90

of 26 September 1990

opening individual sales by invitation to tender for the export of vinous alcohol held by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 1325/90 ⁽²⁾,Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,Whereas Commission Regulation (EEC) No 1780/89 ⁽⁴⁾, as last amended by Regulation (EEC) No 2568/90 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies;

Whereas, in view of the cost of storing alcohol, individual sales by invitation to tender should be opened for vinous alcohol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Spanish, French and Italian intervention agencies;

Whereas individual sales by invitation to tender should be organized for the export of alcohol to Brazil for end use as motor fuel;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Three individual sales by invitations to tender Nos 54/90 to 56/90 shall be held of a total quantity of 1 500 000 hectolitres of alcohol at 100 % vol obtained from distillation as provided for in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Spanish, French and Italian intervention agencies. Each sale shall involve a quantity of 500 000 hectolitres of alcohol at 100 % vol.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 19.

⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 178, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 243, 6. 9. 1990, p. 11.

2. The alcohol offered for sale:

- shall be for export outside the European Economic Community,
- must be imported in Brazil,
- must be used only as motor fuel.

Article 2

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol shall be specified in the notices of individual invitation to tender Nos 54/90 to 56/90.

Article 3

The sales shall take place in accordance with Regulation (EEC) No 1780/89, and in particular Articles 10 to 17 and 29 to 38 thereof.

However, notwithstanding Article 14 of Regulation (EEC) No 1780/89, the closing date laid down in the individual invitation to tender Nos 54/90 to 56/90 shall fall between the eighth and the 25th day following the date of publication of the notices.

By way of derogation from Article 17 (6) of Regulation (EEC) No 1780/89, utilization of the alcohol must be completed within one year of the date of the first removal.

Apart from the details listed in Article 30 (1) of Regulation (EEC) No 1780/89, tenders must include a declaration by the tenderer confirming that they have approved the terms on which alcohol may be sold to Brazilian firms authorized by the body responsible for the import of wine alcohol from the EEC.

Article 4

The specific conditions applying to the three individual sales by invitation to tender and the names and addresses of the intervention agencies concerned shall be given in the notices of individual invitation to tender 54/90 to 56/90 published in the 'C' series of the *Official Journal of the European Communities*.

Article 5

The deadline for the submission of tenders at the address given in the notices of invitation to tender shall be 12 noon (Brussels time) on 12 October 1990.

Article 6

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

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2754/90**of 26 September 1990****fixing the maximum export refund for white sugar for the 22nd 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 22nd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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 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

1. For the 22nd 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 39,535 per 100 kilograms.
2. The refund on export to the German Democratic Republic has not been fixed.

Article 2

This Regulation shall enter into force on 27 September 1990.

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

Done at Brussels, 26 September 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 2755/90**of 26 September 1990****fixing the aid for cotton**

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 the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 791/89 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2533/90 ⁽⁴⁾, as amended by Regulation (EEC) No 2713/90 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2533/90 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 45,514 per 100 kilograms.

Article 2

This Regulation shall enter into force on 27 September 1990.

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 237, 1. 9. 1990, p. 75.

⁽⁵⁾ OJ No L 258, 22. 9. 1990, p. 24.

COMMISSION REGULATION (EEC) No 2756/90

of 26 September 1990

fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export

refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1714/88⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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 subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90⁽⁹⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

HAS ADOPTED THIS REGULATION:

exported in their unaltered state shall be as set out in the Annex hereto.

2. The refund on export to the German Democratic Republic has not been fixed.

Article 1

1. The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and

This Regulation shall enter into force on 27 September 1990.

Article 2

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 26 September 1990 fixing the export refunds on white sugar and raw sugar exported in its unaltered 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	33,19 ⁽¹⁾	
1701 11 90 910	32,18 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,19 ⁽¹⁾	
1701 12 90 910	32,18 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3608
1701 99 10 100	36,08	
1701 99 10 910	36,74	
1701 99 10 950	36,74	
1701 99 90 100		0,3608

⁽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 2757/90

of 26 September 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 2205/90 ⁽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 2475/90 ⁽⁷⁾, as last amended by Regulation (EEC) No 2703/90 ⁽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 201, 31. 7. 1990, p. 9.
(⁷) OJ No L 234, 29. 8. 1990, p. 5.
(⁸) OJ No L 257, 21. 9. 1990, p. 11.
(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 the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 25 September 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 2475/90 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 27 September 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, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

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

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than, ACP or OCT)
0714 10 10 ⁽¹⁾	43,06	146,19	152,84
0714 10 91	40,04	149,82 ⁽³⁾ ⁽⁷⁾	149,82
0714 10 99	43,06	148,01	152,84
0714 90 11	40,04	149,82 ⁽³⁾ ⁽⁷⁾	149,82
0714 90 19	43,06	148,01 ⁽³⁾	152,84
1102 90 10	78,11	269,68	275,72
1103 19 30	78,11	269,68	275,72
1103 29 20	78,11	269,68	275,72
1104 11 10	43,86	152,82	155,84
1104 11 90	86,12	299,64	305,68
1104 21 10	67,08	239,71	242,73
1104 21 30	67,08	239,71	242,73
1104 21 50	106,14	374,55	380,59
1104 21 90	43,86	152,82	155,84
1106 20 10	43,06	146,19 ⁽³⁾	152,84
1107 10 91	82,15	266,68	277,56 ⁽²⁾
1107 10 99	64,13	199,26	210,14
1107 20 00	72,94	232,22	243,10 ⁽²⁾

⁽¹⁾ 6 % *ad valorem*, subject to certain conditions.

⁽²⁾ In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

⁽³⁾ In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

⁽⁷⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

COMMISSION REGULATION (EEC) No 2758/90

of 26 September 1990

determining for the Member States the estimated loss of income and the estimated level of the premium payable per ewe and per female goat and fixing the second half-yearly advance for the 1990 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular Article 5 (6) thereof,

Whereas Article 5 (1) and (5) of Regulation (EEC) No 3013/89 provides for the granting of a premium to compensate for any loss of income sustained by producers of sheepmeat and, in certain areas, of goatmeat; whereas those areas are defined in Annex I to Regulation (EEC) No 3013/89 and in Article 1 of Commission Regulation (EEC) No 1065/86 of 11 April 1986 determining the mountain areas in which the premium for goatmeat is granted⁽²⁾, as last amended by Regulation (EEC) No 3519/86⁽³⁾; whereas Article 5 (8) of Regulation (EEC) No 3013/89 provides for the possibility of granting premiums to producers holding females of the ovine species of certain mountain breeds other than eligible ewes, in certain areas; whereas those sheep and those areas are defined in the Annex to Council Regulation (EEC) No 872/84 of 31 March 1984 laying down the general rules for the granting of premiums to sheepmeat producers⁽⁴⁾, as last amended by Regulation (EEC) No 1970/87⁽⁵⁾;

Whereas, pursuant to Article 5 (6) of Regulation (EEC) No 3013/89 and to enable an advance payment to be made to sheepmeat and goatmeat producers, the foreseeable loss of income should be estimate in the light of the foreseeable trend in market prices;

Whereas, under Article 22 (5) of Regulation (EEC) No 3013/89, the amount of the premium per ewe and per region is obtained transitionally for the 1990 marketing year by multiplying the loss of income referred to in paragraph 4 of that Article by a coefficient expressing for each region the annual average production of lamb meat per ewe expressed per 100 kilograms of carcase weight;

whereas the coefficient for 1990 has not yet been fixed in view of the lack of full Community statistics; whereas, pending the fixing of that coefficient, the coefficients used for 1989, adjusted in accordance with the rules on transition, should be used provisionally; whereas, for region 1 the loss of income must be reduced by the weighted average of the variable premiums actually granted and the foreseeable premiums for the remainder of the 1990 marketing year, such average being obtained in accordance with Article 24 (4) of that Regulation; whereas Article 22 (5) of that Regulation also fixes for the 1990 marketing year the premium per female of the caprine species and per female of the ovine species other than eligible ewes, at 80 % of the premium per ewe;

Whereas, in accordance with Article 24 (8) of Regulation (EEC) No 3013/89, the losses of income in Great Britain on the one hand (impact of the non-deducted variable premium) and of Ireland — Northern Ireland on the other hand, and the coefficients expressing the annual average production of lamb meat per ewe are to be gradually merged into a single income loss and single coefficients in proportion to the actual dismantling of the variable slaughter premium during each marketing year;

Whereas, in accordance with Article 22 (6) of Regulation (EEC) No 3013/89, for the 1990 marketing year where a premium per ewe is granted for region 2 on application from the parties concerned, a premium per ewe of an amount equal to the premium payable per ewe in region 2 may be granted in region 3 instead of the premium payable in that region where the recipients have shown, to the satisfaction of the competent authority, that lambs from ewes which they hold have not been slaughtered before two months of age; whereas that paragraph also provides, for the 1990 marketing year, that a premium per female goat equal to 80 % of the premium payable per ewe in region 2 may be granted in the areas in region 3 referred to in Article 5 (5) of that Regulation instead of the premium payable in that region where the recipients have shown, to the satisfaction of the competent authority, that the kids from female goats which they hold have not been slaughtered before two months of age;

Whereas, in accordance with Article 22 (8) of that Regulation, the Member States comprising regions 3 and 4 which, to the satisfaction of the Commission, have, from the 1990 marketing year introduced a system enabling

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 97, 12. 4. 1986, p. 25.

⁽³⁾ OJ No L 325, 20. 11. 1986, p. 17.

⁽⁴⁾ OJ No L 90, 1. 4. 1984, p. 40.

⁽⁵⁾ OJ No L 184, 3. 7. 1987, p. 23.

producers of heavy lambs to be distinguished from producers of light lambs, are to qualify in respect of that marketing year, in the case of producers of heavy lambs, for the premium paid in region 2, and, in the case of producers of light lambs, for a premium corresponding to 70 % of the premium for producers of heavy lambs, that premium also applying to female goats; whereas the two Member States comprising region 4 have introduced such a system for the 1990 marketing year;

Whereas, pursuant to Article 8 of Regulation (EEC) No 3013/89, the premium must be reduced by the impact on the basic price of the coefficient provided for in Article 8 (2) of that Regulation; whereas that coefficient was fixed provisionally by Commission Regulation (EEC) No 3618/89 of 1 December 1989 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat for the 1990 marketing year⁽¹⁾;

Whereas, in accordance with Article 5 (6) of Regulation (EEC) No 3013/89, the half-yearly advance payment is fixed at 30 % of the expected premium; whereas, in accordance with Article 4 (3) of Commission Regulation (EEC) No 3007/84⁽²⁾, as last amended by Regulation (EEC) No 1260/90⁽³⁾, the advance payment is to be paid only if it is equal to or greater than ECU 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

A difference is hereby ascertained between the basic price and the foreseeable market price during the 1990 marketing year for the following regions:

(ECU/100 kg)	
Region	Difference
1	121,154
2	131,859
— Ireland — Northern Ireland	176,422
4	41,925

Article 2

1. The estimated amount of the premium payable per ewe and per region is as follows:

⁽¹⁾ OJ No L 351, 2. 12. 1989, p. 18.

⁽²⁾ OJ No L 283, 27. 10. 1984, p. 28.

⁽³⁾ OJ No L 124, 15. 5. 1990, p. 15.

(ECU)

Region	Estimated amount of the premium payable per ewe
1	11,688
2 — Ireland — Northern Ireland	28,084
— Remainder of region 2	23,720
3 — [Article 22 (6) of Regulation (EEC) No 3013/89]	23,720
4 — [Article 22 (8) of Regulation (EEC) No 3013/89]	
— producers of heavy lambs	23,720
— producers of light lambs	16,604

2. Pursuant to Article 5 (6) of Regulation (EEC) No 3013/89, the second half-yearly advance for the 1990 marketing year that the Member States are authorized to pay to producers shall be as follows:

(ECU)

Region	Advance payable per ewe
1	3,506
2 — Ireland, — Northern Ireland	8,425
— Remainder of region 2	7,116
3 — [Article 22 (6) of Regulation (EEC) No 3013/89]	7,116
4 — [Article 22 (8) of Regulation (EEC) No 3013/89]	
— producers of heavy lambs	7,116
— producers of light lambs	4,981

Article 3

1. The estimated amount of the premium payable per female of the caprine species and per region in the areas designated in Annex I to Regulation (EEC) No 3013/89 and in Article 1 of Regulation (EEC) No 1065/86 is as follows:

(ECU)

Region	Estimated amount of the premium payable per female of the caprine species
2	18,976
3 [Article 22 (6) of Regulation (EEC) No 3013/89]	18,976
4 [Article 22 (8) of Regulation (EEC) No 3013/89]	16,604

2. Pursuant to Article 5 (6) of Regulation (EEC) No 3013/89, the second half-yearly advance for the 1990 marketing year which the Member States are authorized to pay to goatmeat producers located in the areas designated in paragraph 1 shall be as follows :

(ECU)

Region	Advance on premium payable per female of the caprine species
2	5,693
3 [Article 22 (6) of Regulation (EEC) No 3013/89]	5,693
4 [Article 22 (8) of Regulation (EEC) No 3013/89]	4,981

Article 4

1. The estimated amount of the premium payable per female of the ovine, species other than eligible ewes and per region in the areas mentioned in the Annex to Regulation (EEC) No 872/84 is as follows :

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

Done at Brussels, 26 September 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

(ECU)

Region	Estimated amount of the premium payable per female of bovine species other than eligible ewes
1	9,350

2. Pursuant to Article 5 (6) of Regulation (EEC) No 3013/89, the second half-yearly advance for the 1990 marketing year which the Member States are authorized to pay to producers holding females of the ovine species other than eligible ewes located in the areas referred to in paragraph 1 shall be as follows :

(ECU)

Region	Advance on premium payable per female of the ovine species other than eligible ewes
1	2,805

Article 5

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 September 1990

accepting undertakings offered by certain exporters in connection with the anti-dumping proceeding concerning imports of tungsten ores and concentrates originating in the People's Republic of China and terminating the investigation with regard to these exporters

(90/478/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas

A. PROVISIONAL MEASURES

- (1) By Regulation (EEC) No 761/90⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports of tungsten ores and concentration originating in the People's Republic of China. This duty was extended for a period not exceeding two months by Council Regulation (EEC) No 2128/90⁽³⁾.

B. SUBSEQUENT PROCEDURES

- (2) Following the imposition of the provisional anti-dumping duty, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters, on behalf of two Chinese exporters —

the China National Non-Ferrous Metals Import and Export Corporation (CNIEC) and the China National Metals and Minerals and Export Corporation (Minmetals), requested and was granted a hearing.

C. IMPOSITION OF A DEFINITIVE DUTY

- (3) Following the imposition of provisional measures, the Commission continued its investigation of dumping and injury, in conclusion of which the Council adopted Regulation (EEC) No 2735/90⁽⁴⁾, imposing a definitive anti-dumping duty on imports of tungsten ores and concentrates originating in the People's Republic of China and definitively collecting the provisional duty.

D. UNDERTAKINGS

- (4) The China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters was informed of the results of the investigation. Two Chinese exporters, CNIEC and Minmetals, subsequently offered undertakings in accordance with Article 10 of Regulation (EEC) No 2423/88.
- (5) These undertakings have the effect of raising prices by an amount which in no case exceeds the dumping margins established but which is sufficient to remove the injury caused to the Community industry. It is moreover, possible to monitor

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 83, 30. 3. 1990, p. 23.

⁽³⁾ OJ No L 195, 26. 7. 1990, p. 3.

⁽⁴⁾ See page 1 of this Official Journal.

and control that these undertakings are respected. Under these circumstances, the undertakings offered are considered acceptable and the investigations can be terminated for the exporters concerned without imposing an anti-dumping duty.

- (6) Additionally, should these undertakings not be respected, or should they be terminated by the exporters, the Commission may, in accordance with Article 10 (6) of Regulation (EEC) No 2423/88, immediately impose a provisional duty and the Council may subsequently impose a definitive duty on the basis of the findings and conclusions of the investigation referred to in Regulation (EEC) No 2735/90.
- (7) An objection to this course of action was raised in the Advisory Committee by two Member States. Therefore, in conformity with the provisions of Articles 10 (1) and 9 (1) of Regulation (EEC) No 2423/88, the Commission submitted to the Council a report on the results of the consultations, together with a proposal that the investigation be terminated. As the Council has not decided otherwise within one month, the present Decision should be adopted,

HAS DECIDED AS FOLLOWS:

Article 1

The undertakings offered by:

- China National Non-Ferrous Metals Import and Export Corporation (CNIEC)

— China National Metals and Minerals Import and Export Corporation (Minmetals)

in connection with the anti-dumping proceeding concerning imports of tungsten ores and concentrates falling within CN code 2611 00 00 and originating in the People's Republic of China are hereby accepted.

Article 2

The investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated in respect of China National Non-Ferrous Metals Import and Export Corporation (CNIEC) and China National Metals and Minerals Import and Export Corporation (Minmetals).

Done at Brussels, 24 September 1990.

For the Commission

Jean DONDELINGER

Member of the Commission

COMMISSION DECISION

of 24 September 1990

accepting undertakings given by certain exporters in connection with the anti-dumping proceeding concerning imports of tungstic oxide and tungstic acid originating in the People's Republic of China and terminating the investigation with regard to the exporters in question

(90/479/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

A. PROVISIONAL MEASURES

- (1) Commission Regulation (EEC) No 762/90⁽²⁾ imposed a provisional anti-dumping duty on imports of tungstic oxide and tungstic acid originating in the People's Republic of China. The duty was then extended for a period of not more than two months by Council Regulation (EEC) No 2126/90⁽³⁾.

B. SUBSEQUENT PROCEEDING

- (2) After imposition of the provisional anti-dumping duty, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers, hereinafter referred to as the 'China Chamber of Commerce', acting on behalf of two Chinese exporters, the China National Non-Ferrous Metals Import and Export Corporation (CNIEC) and the China National Metals and Minerals Import and Export Corporation (Minmetals), requested and was granted a hearing.

C. IMPOSITION OF A DEFINITIVE DUTY

- (3) Following the imposition of provisional measures, the Commission pursued its investigation into the dumping and consequent injury. On the basis of its conclusions, the Council adopted Regulation (EEC) No 2736/90 of 24 September 1990 imposing a

definitive anti-dumping duty on imports of tungstic oxide and tungstic acid originating in the People's Republic of China and definitively collecting the provisional anti-dumping duty imposed on these imports⁽⁴⁾.

D. UNDERTAKINGS

- (4) The China Chamber of Commerce was notified of the results of the investigation. Two Chinese companies which exported the products in question, CNIEC and Minmetals, then offered to give undertakings in accordance with Article 10 of Regulation (EEC) No 2423/88.
- (5) The effect of these undertakings would be to increase export prices by an amount that, without exceeding the dumping margins established, would be sufficient to eliminate the injury to the Community industry. The Commission believes that, administratively, it will be possible to check that these undertakings are carried out. In view of this, the Commission considers that the undertakings offered are acceptable and that the investigation concerning the exporters in question may be closed without imposition of an anti-dumping duty.
- (6) Should these undertakings not be complied with or be withdrawn by the exporters concerned, the Commission could, in accordance with Article 10 (6) of Regulation (EEC) No 2423/88, immediately impose a provisional duty on the basis of the results and conclusions of the investigation set out in Regulation (EEC) No 2736/90. Subsequently, a definitive duty could also be imposed by the Council on the basis of information gathered in this investigation.
- (7) When the Advisory Committee was consulted on the acceptance of the undertakings offered, two Member States raised objections. Therefore, in accordance with Articles 10 (1) and 9 (1) of Regulation (EEC) No 2423/88, the Commission sent a report to the Council on the results of the consultations and a proposal that the proceeding be terminated. As the Council has not decided otherwise within one month, the present Decision should be adopted,

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 83, 30. 3. 1990, p. 29.

⁽³⁾ OJ No L 195, 26. 7. 1990, p. 1.

⁽⁴⁾ See page 4 of this Official Journal.

HAS DECIDED AS FOLLOWS:

Article 1

The undertakings offered by:

- China National Non-Ferrous Metals Import and Export Corporation (CNIEC) and
- China National Metals and Minerals Import and Export Corporation (Minmetals)

in connection with the anti-dumping proceeding concerning imports of tungstic oxide and tungstic acid falling within CN code ex 2825 90 40 originating in the People's Republic of China are hereby accepted.

Article 2

The investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated in respect of China Non-Ferrous Metals Import and Export Corporation (CNIEC) and China National Metals and Minerals Import and Export Corporation (Minmetals).

Done at Brussels, 24 September 1990.

For the Commission

Jean DONDELINGER

Member of the Commission

COMMISSION DECISION

of 24 September 1990

accepting undertakings given by certain exporters in connection with the anti-dumping proceeding concerning imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China and terminating the investigation with regard to the exporters in question

(90/480/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

A. PROVISIONAL MEASURES

- (1) Commission Regulation (EEC) No 763/90⁽²⁾, imposed a provisional anti-dumping duty on imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China. The duty was extended for a period of not more than two months by Council Regulation (EEC) No 2127/90⁽³⁾.

B. SUBSEQUENT PROCEEDING

- (2) After imposition of the provisional anti-dumping duty, the China Chamber of Commerce of Metals, Minerals and Chemicals Importers, hereinafter referred to as the 'China Chamber of Commerce', acting on behalf of two Chinese exporters, the China National Non-Ferrous Metals Import and Export Corporation (CNIEC) and the China National Metals and Minerals Import and Export Corporation (Minmetals), requested and was granted a hearing.

C. IMPOSITION OF A DEFINITIVE DUTY

- (3) Following the imposition of provisional measures, the Commission pursued its investigation into the dumping and consequent injury. On the basis of its conclusions, the Council adopted Regulation (EEC)

No 2737/90⁽⁴⁾ of 24 September 1990 imposing a definitive anti-dumping duty on imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China and definitively collecting the provisional anti-dumping duty imposed on these imports.

D. UNDERTAKINGS

- (4) The China Chamber of Commerce was notified of the results of the investigation. Two Chinese companies which exported the products in question, CNIEC and Minmetals, then offered to give undertakings in accordance with Article 10 of Regulation (EEC) No 2423/88.
- (5) The effect of these undertakings would be to increase export prices by an amount that, without exceeding the dumping margins established, would be sufficient to eliminate the injury to the Community industry. The Commission believes that, administratively, it will be possible to check that these undertakings are carried out. In view of this, the Commission considers that the undertakings offered are acceptable and that the investigation concerning the exporters in question may be closed without imposition of an anti-dumping duty.
- (6) Should these undertakings not be complied with or be withdrawn by the exporters concerned, the Commission could, in accordance with Article 10 (6) of Regulation (EEC) No 2423/88, immediately impose a provisional duty on the basis of the results and conclusions of the investigation set out in Regulation (EEC) No 2737/90. Subsequently, a definitive duty could also be imposed by the Council on the basis of information gathered in this investigation.
- (7) When the Advisory Committee was consulted on the acceptance of the undertakings offered, two Member States raised objections. Therefore, in accordance with Articles 10 (1) and 9 (1) of Regulation (EEC) No 2423/88, the Commission sent a report to the Council on the results of the consultations and a proposal that the proceeding be terminated. As the Council has not decided otherwise within one month, the present Decision should be adopted,

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 83, 30. 3. 1990, p. 36.

⁽³⁾ OJ No L 195, 26. 7. 1990, p. 2.

⁽⁴⁾ See page 7 of this Official Journal.

HAS DECIDED AS FOLLOWS:

Article 1

The undertakings offered by:

- China National Non-Ferrous Metals Import and Export Corporation (CNIEC) and
- China National Metals and Minerals Import and Export Corporation (Minmetals)

in connection with the anti-dumping proceeding concerning imports of tungsten carbide and fused tungsten carbide falling within CN code 2849 90 30 originating in the People's Republic of China are hereby accepted.

Article 2

The investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated in respect of China Non-Ferrous Metals Import and Export Corporation (CNIEC) and China National Metals and Minerals Import and Export Corporation (Minmetals).

Done at Brussels, 24 September 1990.

For the Commission

Jean DONDELINGER

Member of the Commission