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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3193/90**of 29 October 1990**

on the conclusion of the Protocol defining, for the period from 18 January 1990 to 17 January 1993, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

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

Whereas, in accordance with the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles, signed in Brussels on 28 October 1987⁽²⁾, the Contracting Parties held negotiations with a view to determining amendments to be made to that Agreement at the end of the period of application of the Protocol attached to the said Agreement;

Whereas, as a result of these negotiations, a new Protocol defining for the period from 18 January 1990 to 17 January 1993 the fishing opportunities and the financial contribution provided for by the abovementioned Agreement was initialled on 17 January 1990;

Whereas it is in the Community's interest to approve that Protocol,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol defining, for the period from 18 January 1990 to 17 January 1993, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 3

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

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

Done at Luxembourg, 29 October 1990.

For the Council

The President

G. RUFFOLO

⁽¹⁾ Opinion delivered on 12 October 1990 (not yet published in the Official Journal).

⁽²⁾ OJ No L 119, 7. 5. 1987, p. 26.

PROTOCOL

defining, for the period from 18 January 1990 to 17 January 1993, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles

THE CONTRACTING PARTIES,

Having regard to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles, signed on 28 October 1987,

HAVE AGREED AS FOLLOWS:

Article 1

1. Pursuant to Article 2 of the Agreement, and notwithstanding Article 12 of the Agreement relating to further periods of the Agreement, licences to fish simultaneously in Seychelles waters shall be granted to 40 ocean-going tuna seiners for a period of three years beginning on 18 January 1990.

2. In addition, and at the request of the Community, authorizations may be granted for additional fishing vessels on terms to be established within the Joint Committee referred to in Article 7 of the Agreement.

Article 2

The amount of the contribution referred to in Article 6 of the Agreement shall be fixed at a flat rate of ECU 6 900 000 for the duration of this Protocol, payable in three equal annual instalments.

Article 3

The Community shall also pay, during the period referred to in Article 1, a contribution of ECU 2 700 000 towards the financing of scientific programmes in the Seychelles to gain greater knowledge of fish stocks concerning the

region of the Indian Ocean surrounding the Seychelles islands, particularly in respect of highly migratory species, and the purchase or maintenance or both, as Seychelles may think fit, of equipment to improve the administrative structure relating to fisheries in Seychelles.

Article 4

The two Parties hereby agree that an essential condition for the success of their cooperation is that the skills and know-how of persons engaged in sea fishing be improved. To this end, the Community will assist Seychellois nationals in finding places in establishments in its Member States or States with which it has concluded cooperation agreements and will make available an amount of ECU 300 000 for study or practical training awards with a maximum duration of five years in the various scientific, technical and economic subjects relating to fisheries. Of this amount, up to ECU 100 000 may be used, at the request of the Seychelles' authorities, to cover the cost of attending international meetings relating to fisheries.

Article 5

The Protocol and the Annex to the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles are hereby repealed and replaced by this Protocol and Annex.

Article 6

This Protocol and the Annex shall enter into force on the day of their signature.

This Protocol and the Annex shall be applicable from 18 January 1990.

ANNEX

CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY VESSELS IN SEYCHELLES' WATERS

1. Licence application and issuing formalities

The procedure for applications for, and issue of, licences enabling Community vessels to fish in Seychelles' waters shall be as follows :

- (a) the Commission of the European Communities shall present to the Seychelles Fishing Authority, via the representative of the Commission of the European Communities in the Seychelles, an application, made by the shipowner, for each vessel that wishes to fish under this Agreement, at least 20 days before the date of commencement of the period of validity requested. The application shall be made on the form provided for that purpose by the Seychelles, a specimen of which is annexed hereto ;
- (b) every licence shall be issued for one designated vessel. At the request of the Commission of the European Communities, the licence for a vessel may, and, in cases of *force majeure*, will, subject to the payment of the licence fee, be replaced by a licence for another Community vessel ;
- (c) the licences shall be delivered by the authorities of the Seychelles to the shipowners, or their representatives or agents. The representative of the Commission of the European Communities shall be notified of the licences granted by the authorities of Seychelles ;
- (d) the licence document must be held on board at all times ;
- (e) the authorities of the Seychelles shall communicate before the date of entry into force of the agreement the arrangements for payment of the licence fees, and in particular the details of the bank accounts and the currencies to be used.

2. Validity of licences and payment

- (a) Licences shall be valid for a period of one year. They are renewable.
- (b) As far as tuna vessels are concerned, the fees shall be set at ECU 20 per tonne caught within Seychelles' waters. Applications for licences for tuna vessels shall be issued following advance payment to Seychelles of a lump sum of ECU 10 000 a year for each tuna seiner, equivalent to the fees for 500 tonnes of tuna caught within the Seychelles' waters per year. A provisional statement of the fees due for the fishing year shall be drawn up by the Commission of the European Communities at the end of each calendar year on the basis of the catch statements made by the shipowners and forwarded simultaneously to the Seychelles' authorities and the Commission of the European Communities. The corresponding amount shall be paid by the shipowners to the Seychelles' Treasury no later than 31 March of the following year. The final statement of the fees due in respect of a fishing year shall be drawn up by the Commission of the European Communities, taking into account available scientific opinion, particularly of FAO, Orstom and the Spanish Institute of Oceanography (IEO) experts established in the Seychelles, and any statistical data which can be gathered by an international fishing organization in the Indian Ocean. The shipowners shall be notified by the Commission of the European Communities of the statement and shall have 30 days in which to meet their financial obligations. If the amount of the sum due for actual fishing operations does not equal the advance payment, the corresponding outstanding sum shall not be recoverable by the shipowner.
- (c) As far as vessels other than tuna vessels are concerned, the fees shall be fixed in relation to the GRT of the vessel.

3. Observers

Tuna vessels shall, at the request of the Seychelles' authorities, take on board an observer designated by the said authorities in order to check catches made in Seychelles' waters. Observers shall have all facilities necessary for the performance of these duties, including access to places and documents. An observer must not be present for longer than the time required to fulfil his duties. Observers shall be provided with suitable food and accommodation while on board. Should a tuna boat with a Seychellois observer on board leave Seychelles' waters, every step will be taken to ensure that the observer returns to Seychelles as soon as possible, at the shipowner's expense.

4. Employment of fishermen

Each tuna vessel shall take on board at least two Seychellois fishermen designated by the Seychelles' authorities, in agreement with the shipowners, during its fishing campaign. The employment contracts of the fishermen shall be drawn up in Victoria between the shipowner's representatives and the fishermen in agreement with the Seychelles Fishing Authority. This contract shall cover the social security arrangements applicable to the fishermen including life, accident and sickness insurance.

5. Landing

Tuna vessels landing in the port of Victoria will endeavour to make their by-catches available to the Seychellois authorities at the local market prices. Moreover, Community tuna vessels shall participate in securing the need of the Seychellois tuna canning industry as provided under the agreement between shipowners and the Government of Seychelles.

The amount paid under any agreement between the Community shipowners and the Government of Seychelles must be paid in convertible currency. The programme of landings shall be determined in common agreement between the Community shipowners and the Seychelles Fishing Authority. In case of landings or transshipments, the shipowners will deliver to the Seychelles Fishing Authority fish they do not retain on board.

6. Radio communications

While they are engaged in fishing activities in the Seychelles' waters, vessels shall communicate their position and catches every three days to the Seychelles' authorities via Victoria radio station and, at the end of each trip, the result of their catches.

7. Fishing zone

To avoid any adverse effect on small-scale fisheries in Seychelles' waters, fishing by Community tuna vessels shall not be authorized in the zones defined in Annex III, nor within three miles around any fish-aggregating device placed by the Seychelles authorities, the geographical positions of which have been communicated to the shipowners' representative or agent.

8. Port equipment and use of supplies and services

Community vessels shall endeavour to procure in Seychelles all supplies and services required for their operations. The Seychelles' authorities will lay down, in agreement with the shipowners, the conditions for using port equipment and, if necessary, supplies and services.

9. Catch statements

Community vessels shall be required to complete a fishing log book for each fishing period in Seychelles' waters. Failure to complete this log book, duly proven falsification of the details required to be entered therein or failure to pay any fees due by any Community vessel under this Agreement may be penalized by suspension, revocation or non-renewal of the vessel's fishing licence. Suspension or revocation of a fishing licence shall be regarded as *force majeure* for the purposes of point 1(b) of this Annex.

Before any licence is suspended or revoked, the Commission of the European Communities will be fully informed of all the relevant facts.

APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE

Name of applicant:

Address of applicant:

.....

Name and address of charterer of vessel if different from above:

.....

Name and address of other legal representative in Seychelles:

.....

Name and address of master of vessel:

.....

Name of vessel:

Type of vessel:

Length and registered net tonnage of vessel:

Engine type, horse power and gross registered tonnage:

Port and country of registry:

Registration number:

Fishing vessel external identification:

Radio call sign/signal letters:

Frequency:

Particulars of equipment:

Number and nationality of crew:

Proposed fishing area and species of fish:

.....

.....

Description of fishing operations, joint ventures and other contractual arrangements:

.....

.....

.....

.....

I certify that the above particulars are correct.

Date:

Signature:

COMMISSION REGULATION (EEC) No 3194/90

of 31 October 1990

on the supply of various consignments of cereals as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1930/90 ⁽²⁾, and in particular Article 6 (1)(c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 29 260 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community

food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community as Community food aid for supply to the recipients listed in the Annexes in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 31 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOTS A, B and C

1. **Operation Nos⁽¹⁾**: see Annex II
2. **Programme**: 1990
3. **Recipient⁽²⁾**: Euronaid, Rijngeesterstraatweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient⁽²⁾**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods⁽³⁾⁽¹⁰⁾**: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.1)
8. **Total quantity**: 29 260 tonnes
9. **Number of lots**: three (A: 18 840 tonnes; B: 9 420 tonnes; C: 1 000 tonnes)
10. **Packaging and marking⁽⁴⁾⁽⁷⁾**: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1.c)
Marking on the bags in letters at least 5 cm high: see Annex II
11. **Method of mobilization**: Community market
12. **Stage of supply**: Lots A and B: free at port of shipment — fob stowed⁽⁶⁾; Lot C: free at port of shipment — Antwerp
13. **Port of shipment**: Antwerp (Lot C)
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: Lot A: 27. 12. 1990 — 10. 1. 1991; Lots B and C: 12 — 31. 1. 1991
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 27. 11. 1990, at 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 11. 12. 1990, at 12 noon
 - (b) period for making the goods available at the port of shipment: Lot A: 27. 12. 1990 — 10. 1. 1991; Lots B and C: 12 — 31. 1. 1991
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders⁽⁵⁾**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, rue de la Loi 200, B-1049 Bruxelles; telex AGREC 22037 B or 25670 B
25. **Refund payable on request by the successful tenderer⁽⁸⁾**: refund applicable on 30. 10. 1990, fixed by Commission Regulation (EEC) No 2807/90 (OJ No L 268, 29. 9. 1990, p. 21)

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer : see list published in OJ No C 227, 7. 9. 1985. p. 4.
- (³) The successful tenderer shall deliver to the beneficiaries a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned have not been exceeded.
- The radioactivity certificate must indicate the caesium and -137 levels :
- The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- certificate of origin,
 - phytosanitary certificate.
- (⁴) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁵) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of this Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of this Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
- (⁶) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10), is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.
- (⁷) The supplier should send a duplicate of the original invoice to : M. De Keyzer and Schütz BV, Postbus 1438, Blaak 16, NL-3000 BK Rotterdam.
- (⁸) By way of derogation from Articles 7 (3) (f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include the loading and stowage costs. The loading and stowage operations will be the responsibility of the successful tenderer.
- (⁹) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (¹⁰) Radiation certificate legalized by a consulate of Sudan.
-

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	18 840	A1 : 9 420	Euronaïd	Sudan	Action No 851/90 / Sudan / 900904 / Port Sudan
		A2 : 9 420	Euronaïd	Sudan	Action No 852/90 / Sudan / 901108 / Port Sudan
B	9 420		Euronaïd	Sudan	Action No 853/90 / Sudan / 901109 / Port Sudan
C	1 000	C1 : 400	Euronaïd	Bangladesh	Action No 890/90 / Wheat / Bangladesh / 902039 / Chittagong / Gift of the European Economic Community / For free distribution
		C2 : 600	Euronaïd	Bangladesh	Action No 891/90 / Wheat / Bangladesh / 902040 / Chittagong / Gift of the European Economic Community / For free distribution

COMMISSION REGULATION (EEC) No 3195/90

of 5 November 1990

on the supply of various lots of tomato concentrate as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1930/90 ⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 845 tonnes of tomato concentrate;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾;

whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Tomato concentrate shall be mobilized in the Community as Community food aid for supply to the recipients listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 5 November 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX

1. **Operation Nos** (1): 356 — 361/90
2. **Programme**: 1990
3. **Recipient** (2) (3): UNRWA Headquarters, Vienna International Centre, PO Box 700, A-1400 Vienna; telex 135310 UNRWA A
4. **Representative of the recipient** (2):
 - A and B: UNRWA Field Supply and Transport Officer, West Bank, PO Box 19149, Jerusalem, Israel
 - C and D: UNRWA Field Supply and Transport Officer, Syrian Arab Republic, PO Box 4313, Damascus, Syrian Arab Republic
 - E and F: UNRWA Field Supply and Transport Officer, Jordan, PO Box 484, Amman, Jordan
5. **Place or country of destination**: Syrian Arab Republic; Jordan; Israel; Lebanon
6. **Product to be mobilized**: tomato concentrate
7. **Characteristics and quality of the goods** (2) (7): total solids 29-31 %, soluble solids (tomato) 26-28 %, salt contents (as NaCl) 1,3 %, acidity (acitric acid) 2-3 % and shall be of 1990 crop. The tomato concentrate must comply with the minimum quality standards provided for in Article 10 of Commission Regulation (EEC) No 1764/86 (OJ No L 153, 7. 6. 1986, p. 1)
8. **Total quantity**: 845 tonnes
9. **Number of lots**: six (A: 153 tonnes; B: 136 tonnes; C: 252,44 tonnes; D: 100,07 tonnes; E: 78,88 tonnes; F: 124,61 tonnes)
10. **Packaging and marking**: tins of 440 grams net each, 500 grams gross, hermetically sealed with no corrosion on the seams or internal parts, labelled by means of lithography or paper label. The label shall detail/show the following:
 - (i) a list of ingredients
 - (ii) net tin contents in grams
 - (iii) name and address of manufacturer (code)
 - (iv) country of origin
 - (v) the wording 'NOT FOR SALE' in 5 mm black block letters on two sides
 - (vi) production date (code)

The packing of tins is to be affected in new cartons, suitable for sea transport, each containing 24 tins. Each carton should be sealed with adhesive tape. (in 20-foot containers 'FLC/LCL shipper's count-load and stowage') (8)

Marking on the cartons (11):

 - A: 'ACTION No 356/90 / TOMATO PASTE / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNRWA FOR FREE DISTRIBUTION TO PALESTINE REFUGEES / ASHDOD / DATE OF PRODUCTION: / DATE OF EXPIRY: '
 - B: 'ACTION No 357/90 / TOMATO PASTE / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNRWA FOR FREE DISTRIBUTION TO PALESTINE REFUGEES / ASHDOD / DATE OF PRODUCTION: / DATE OF EXPIRY: '
 - C: 'ACTION No 358/90 / TOMATO PASTE / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNRWA FOR FREE DISTRIBUTION TO PALESTINE REFUGEES / LATAKIA FOR LEBANON / DATE OF PRODUCTION: / DATE OF EXPIRY: '
 - D: 'ACTION No 359/90 / TOMATO PASTE / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNRWA FOR FREE DISTRIBUTION TO PALESTINE REFUGEES / LATAKIA / DATE OF PRODUCTION: / DATE OF EXPIRY: '
 - E: 'ACTION No 360/90 / TOMATO PASTE / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNRWA FOR FREE DISTRIBUTION TO PALESTINE REFUGEES / AQABA / DATE OF PRODUCTION: / DATE OF EXPIRY: '
 - F: 'ACTION No 361/90 / TOMATO PASTE / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO UNRWA FOR FREE DISTRIBUTION TO PALESTINE REFUGEES / AQABA / DATE OF PRODUCTION: / DATE OF EXPIRY: '
11. **Method of mobilization**: Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —

15. **Port of landing:** A and B: Ashdod (*); C and D: Latakia; E and F: Aqaba with the option of Latakia (10)
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 10 — 31. 12. 1990
18. **Deadline for the supply:** 20. 1. 1991
19. **Procedure for determining the costs of supply:** invitation to tender
20. **In the case of an invitation to tender, date of expiry of the period allowed for submission of tenders:** 20. 11. 1990
21. **In the case of a second invitation to tender:**
 - (a) **deadline for the submission of tenders:** 4. 12. 1990 at 12 noon
 - (b) **period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 26. 12. 1990 — 15. 1. 1991
 - (c) **deadline for the supply:** 4. 2. 1991
22. **Amount of the tendering security (*):** ECU 15 per tonne
23. **Amount of the delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders:**

Bureau de l'aide alimentaire,
à l'attention de Monsieur N. Arend,
Bâtiment Loi 120, bureau 7/58,
rue de la Loi, 200
B-1049 Brussels;
telex AGREC 22037 B
25. **Refund payable on request by the successful tenderer:** —

Notes :

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer : see list published in OJ No C 227, 7. 9. 1985, p. 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The radioactivity certificate must indicate the caesium-134 and -137 levels.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of the Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably :
- either by porter at the office referred to in point 24 of the Annex,
 - or by telecopier on one of the following numbers in Brussels :
 - 235 01 32,
 - 236 10 97,
 - 235 01 30,
 - 236 20 05.
- (⁵) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (⁶) The supplier is to detail the Manager, Supply Division, UNRWA, Vienna, by telex 135310 UNRWA A, the name of the carrying vessel, names and addresses of shipping agent and insurance agent at port of discharge.
- (⁷) Certificates and documents required for each shipment :
- one original and two copies of insurance certificate,
 - one original and two copies of health certificate,
 - one original and two copies of inspection certificate regarding quality, quantity and packing,
 - one certificate of non-contamination by radioactivity.
- (⁸) Ashdod : Consignment to be stowed in 20-foot containers containing not more than 17 tonnes each, net ; not more than 30 containers are to be shipped on any vessel.
- (⁹) The contracted shipping terms shall be considered full liner terms (liner in/liner out) free Ashdod/Latakia/Aqaba, container yard and is understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 days free of container detention charges should be clearly marked on the bill of lading. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be borne by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.
- (¹⁰) The health certificate and the certificate of origin must be signed and stamped by a Syrian consulate, including a statement that consular fees and charges have been paid.
- The bill of lading must indicate 'Latakia for Jordan/Lebanon : Merchandise in transit'.
- (¹¹) The date of expiry shall correspond to the date of manufacture plus two years, except for actions 360 and 361/90 where it corresponds to the date of manufacture plus one year.

COMMISSION REGULATION (EEC) No 3196/90
of 5 November 1990
concerning the stopping of fishing for mackerel by vessels flying the flag of
Denmark

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas Council Regulation (EEC) No 4053/89 of 19 December 1989 allocating, for 1990, certain catch quotas between the Member States for vessels fishing in Faroese waters ⁽³⁾ provides for mackerel quotas for 1990;

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

Whereas, according to the information communicated to the Commission, catches of mackerel in Faroese waters by vessels flying the flag of Denmark or registered in Denmark have reached the quota allocated for 1990;

whereas Denmark has prohibited fishing for this stock as from 23 October 1990; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of mackerel in Faroese waters by vessels flying the flag of Denmark or registered in Denmark are deemed to have exhausted the quota allocated to Denmark for 1990.

Fishing for mackerel in Faroese waters by vessels flying the flag of Denmark or registered in Denmark is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 23 October 1990.

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

Done at Brussels, 5 November 1990.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 389, 30. 12. 1989, p. 63.

COMMISSION REGULATION (EEC) No 3197/90

of 5 November 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 31 October 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 6 November 1990.

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

Done at Brussels, 5 November 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 5 November 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	28,53	142,09 ⁽¹⁾ ⁽²⁾
0712 90 19	28,53	142,09 ⁽¹⁾ ⁽²⁾
1001 10 10	23,51	195,79 ⁽¹⁾ ⁽³⁾
1001 10 90	23,51	195,79 ⁽¹⁾ ⁽³⁾
1001 90 91	29,00	165,12
1001 90 99	29,00	165,12 . .
1002 00 00	53,97	160,14 ⁽⁴⁾
1003 00 10	45,30	148,10
1003 00 90	45,30	148,10
1004 00 10	36,94	139,74
1004 00 90	36,94	139,74
1005 10 90	28,53	142,09 ⁽¹⁾ ⁽²⁾
1005 90 00	28,53	142,09 ⁽¹⁾ ⁽²⁾
1007 00 90	45,30	145,91 ⁽⁴⁾
1008 10 00	45,30	59,33
1008 20 00	45,30	124,24 ⁽⁴⁾
1008 30 00	45,30	59,01 ⁽⁵⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	45,30	59,01
1101 00 00	54,28	245,83
1103 10 00	89,24	238,84
1103 11 10	49,70	316,73
1103 11 90	57,89	264,77

⁽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 3198/90
of 5 November 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 31 October 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 6 November 1990.

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

Done at Brussels, 5 November 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 5 November 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 11	1st period 12	2nd period 1	3rd period 2
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	22,37
1001 90 99	0	0	0	22,37
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	1,59	1,59	1,59
1004 00 90	0	1,59	1,59	1,59
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	31,32

B. Malt

(ECU/tonne)

CN code	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1107 10 11	0	0	0	39,82	39,82
1107 10 19	0	0	0	29,75	29,75
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 3199/90**of 5 November 1990****fixing the import levies on white sugar and raw sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2547/90⁽³⁾, as last amended by Regulation (EEC) No 3134/90⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2547/90 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 November 1990.

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

Done at Brussels, 5 November 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 237, 1. 9. 1990, p. 102.

⁽⁴⁾ OJ No L 299, 30. 10. 1990, p. 39.

ANNEX

to the Commission Regulation of 5 November 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	38,03 ⁽¹⁾
1701 11 90	38,03 ⁽¹⁾
1701 12 10	38,03 ⁽¹⁾
1701 12 90	38,03 ⁽¹⁾
1701 91 00	44,84
1701 99 10	44,84
1701 99 90	44,84 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COUNCIL REGULATION (EEC) No 3200/90**of 5 November 1990****imposing a definitive anti-dumping duty on imports of pure silk typewriter ribbon fabrics originating in the People's Republic of China and definitively collecting the provisional anti-dumping duty imposed on such imports**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

D. Injury

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 consultations within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Provisional measures

- (1) The Commission, by Regulation (EEC) No 1937/90⁽¹⁾ imposed a provisional anti-dumping duty on imports of pure silk typewriter ribbon fabrics originating in the People's Republic of China accepted an undertaking from an exporter which cooperated in the investigation and terminated the investigation concerning that exporter.

B. Subsequent procedure

- (2) Following the imposition of the provisional duty no interested party requested a hearing or made written submissions within the time limit with regard to the findings set out in Regulation (EEC) No 1937/90.

C. Dumping

- (3) No new evidence on dumping has been received since the imposition of the provisional duty and the Commission therefore considers its findings on dumping as set out in Regulation (EEC) No 1937/90 should be made definitive.

Consequently, the preliminary determinations on dumping are confirmed by the Council.

- (4) As no new evidence regarding injury to the Community industry through the effects of dumped imports was received, the Council also confirms the conclusions on injury reached in Regulation (EEC) No 1937/90.

E. Community interest

- (5) No observations were received from any interested party within the time limit laid down in Article 4 of Regulation (EEC) No 1937/90 and the Commission had no reason to change its conclusions set out in recital 19 of the said Regulation. On this basis, the Council confirms that it is in the Community's interest that action be taken. In these circumstances, the Community's interest calls for the imposition of a definitive anti-dumping duty on imports of pure silk typewriter ribbon fabrics originating in the People's Republic of China.

F. Rate of definitive duty

- (6) In the light of the above determination and for the reasons set out in recitals 23 and 24 of Regulation (EEC) No 1937/90, which the Council confirms, the level of the definitive anti-dumping duty should be the same as the level of the provisional anti-dumping duty.

G. Collection of provisional duty

- (7) In view of the magnitude of the dumping margins found and the seriousness of the injury caused to the Community industry, it is considered necessary that amounts secured by way of provisional anti-dumping duty should be collected in full,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of pure silk typewriter ribbon fabrics falling within CN codes ex 5007 10 00 (Taric code 5007 10 00 91), ex 5007 20 10 (Taric code 5007 20 10 91) and ex 5007 20 21 (Taric code 5007 20 21 91) and originating in the People's Republic of China.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 27.

2. The rate of duty shall be 24,6 % of the net, free-at-Community-frontier price, before duty (Taric additional code 8466).

3. The duty shall not apply to the products referred to in paragraph 1, produced and sold for export to the Community by China National Silk Import and Export Corporation — Zhejiang Branch (Taric additional code 8465).

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 1937/90 shall be collected at the rate set out in Article 1 (2) of this Regulation.

Article 3

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

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

Done at Brussels, 5 November 1990.

For the Council

The President

G. RUFFOLO

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 October 1990

terminating the anti-dumping review proceeding concerning imports of
propan-1-ol originating in the United States of America

(90/540/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 9 thereof,

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

Whereas :

A. PROCEDURE

- (1) In 1983 the Commission initiated an anti-dumping proceeding concerning imports of propan-1-ol (propyl alcohol) originating in the United States of America⁽²⁾. In the course of this proceeding and after the investigation had been completed the exporters involved offered undertakings which were accepted by Commission Decision 84/229/EEC⁽³⁾.
- (2) In December 1988 the Commission received from the European Chemical Manufacturers' Federation (Cefic) a request for a review of the existing measures lodged in accordance with Article 15 of Regulation (EEC) No 2423/88, alleging that the expiry of the existing measures would lead to renewed injury to the Community industry. The evidence furnished was considered to be sufficient

to justify the initiation of a review. The complainant acted on behalf of one Community producer whose production exceeded three-quarters of total Community production.

- (3) The Commission gave notice in the *Official Journal of the European Communities*⁽⁴⁾ of the initiation of the review proceeding. In accordance with the provisions of Article 15 (3) of Regulation (EEC) No 2423/88 the application of the measures in force was extended pending the outcome of the review.
- (4) The product concerned by the proceeding is propan-1-ol. It is used as a solvent in printing inks, paints and cosmetics and as an intermediate for production of pesticides and insecticides. It falls within CN code ex 2905 12 00 (previously Nimex code ex 29.04-12).
- (5) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting country and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.

The exporters and the Community producer made their views known in writing.
- (6) The Commission sought and verified all information it deemed to be necessary for the purposes of the proceeding and carried out investigations at the premises of the following :

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 275, 14. 10. 1983, p. 3.

⁽³⁾ OJ No L 106, 19. 4. 1984, p. 55.

⁽⁴⁾ OJ No C 140, 6. 6. 1989, p. 7.

(a) *Community producer:*

- BASF AG, Ludwigshafen, Germany

(b) *United States producers/exporters:*

- Eastman Kodak Company, Kingsport, Tennessee
- Hoechst Celanese Chemical Group Inc., Dallas, Texas
- Union Carbide Corporation, Danbury, Connecticut

(c) *Importers into the Community:*

- Eastman Chemicals International AG, Zug, Switzerland
- Hoechst Celanese SA, Brussels, Belgium
- Union Carbide Chemicals and Plastics (Europe) SA, Geneva, Switzerland

- (7) The dumping investigation covered the period from 1 January 1988 to 31 May 1989 (the reference period).
- (8) This investigation has exceeded the normal time period because of the complexity of the data initially gathered and examined, and because the completion of the investigation has required the study of related issues which arose during the proceeding and which could not have been foreseen at its outset.

B. COMMUNITY INDUSTRY

- (9) The complainant Community producer which cooperated with the investigation manufactured over 80 % of the total Community production in the years immediately preceeding the lodging of the review request. A second Community producer, namely Hoechst AG, was sent a questionnaire by the Commission and chose not to provide a reply.

The Commission considered that the complainant did constitute the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

C. INJURY

- (10) The present proceeding being an Article 15 review, the Commission had to assess on its investigation, not only whether injury had been suffered by the Community industry but also whether the expiry of the measures in force would lead again to injury or threat of injury.

1. Present situation of the Community industry(i) *Volume of imports*

- (11) The imports into the Community from the United States decreased from 8 738 tonnes in 1983 to

5 323 tonnes in 1984, in all likelihood as a result of the entry into force of the undertakings. Since then the imports grew to 6 949 tonnes in 1988 but fell sharply in the first five months of 1989 to 1 845 tonnes (which extrapolated for the whole year would amount to 4 428 tonnes).

(ii) *Price of imports*

- (12) The price of the imported product varies considerably depending on whether the product is released for free circulation, and subject to undertakings or whether it is imported under cover of T1 documents for inward processing trade.
- (13) The Commission investigated whether the prices of the imports had undercut the selling prices of the Community producer. For this purpose the Commission compared the average selling price of the Community producer with the cif prices of the exporters at a duty paid level. The prices were calculated 'ex tank', there being no significant differentiation for different types of customers, the result of that comparison being that for two of the exporters involved no undercutting existed while for Hoechst Celanese the level of undercutting found was 28,47 %. The practice of undercutting despite the existence of undertakings is explained by the fact that almost all transactions of this exporter are made under the inward processing trade schemes, and these were excluded from the application of undertakings.

(iii) *Impact on the Community industry*

- (14) The Community production which had recovered in 1984 with an increase of 20 % over the previous year, has been decreasing since then. The use of indices shows that for a production of 100 in 1984, the figure for 1986 is 90 and for 1989 (January to May) is 62.

Consumption, in the Community market, increased from 10 660 tonnes in 1984 to 11 931 tonnes in 1988 and the market share of the United States producers grew from 53,6 % in 1984 to 65,2 % in 1988. However, in the first five months of 1989 an important reduction of that market share to 54,6 % is noticeable.

Sales by the Community industry in the Community market have been fairly stable with no significant changes between 1984 and 1987, but have shown a decrease in 1988 and 1989. However, sales by the complainant in third countries have fallen sharply, as compared to 1984 sales, to around 30 % of these sales in 1986 and 1987 and to 45 % in 1988. The reduction in the production figures is to a great extent attributable to this decrease in the sales in third countries.

The prices practised by the Community producers in the Community market show a certain erosion between 1984 and 1989. Data verified by the Commission during the investigation show that for an index 100 in 1984 the prices of the largest Community producer in 1988 were 83,6 and 82,7 for the first five months of 1989. To a certain extent, this erosion can be explained by the decrease in the prices of ethylene, the prime raw material for *n*-propyl alcohol, which have shown, quoted in German marks, a sharp reduction after 1985. This explains why the complainant has been able to maintain its profits, despite the considerable price erosion of the product.

The profits of the complainant which had suffered a serious setback between 1978 and 1983 recovered after the imposition of measures in 1984 to a level permitting an adequate return. Since then the profits of the complainant have continued to improve, reaching levels that may be considered satisfactory.

(iv) *Conclusion*

- (15) Despite some negative elements, the overall situation of the Community industry is a positive one. Sales in the Community market have been maintained and profits have been substantial. On the negative side, the decrease in production and capacity utilization is due mainly to the fall in sales to third countries while price erosion is the result of the decrease in the price of raw materials. The existence of price undercutting is explained by the fact that the imports made under the inward processing schemes were excluded from the application of the undertakings.

2. Foreseeable effects of the expiry of the existing anti-dumping measures

(i) *Capacity utilization of United States exporters and exports to third countries*

- (16) The capacity of the US exporters increased slightly from 96 904 tonnes in 1984 to 102 121 tonnes in 1985 and has remained stable since then. Production, on the contrary, has risen from 67 898 tonnes in 1984 to 95 054 tonnes in 1988, which represents around a 40 % increase, in that period while domestic consumption has grown much more slowly, increasing from 32 838 tonnes in 1984 to 39 230 tonnes in 1988, a rate of 19 %. The capacity utilization of the US exporters has been increasing substantially since 1984 to reach a utilization of 93 % in 1988 and 89 % in the first five months of 1989. The fact that the US producers are close to

fully using their capacity reduces the risk, in the future, of sudden large increases in imports into the Community.

That portion of US production not absorbed domestically has gone in part to increased exports into the Community, as explained above under paragraph 11 and to increased exports to third countries. Exports to third countries have shown an increase of more than 200 % in the last five years increasing from 4 349 tonnes in 1984 to 13 147 tonnes in 1988.

The increased demand in the US domestic market and the enlarged market in third countries for US exports reduce the possibility of a sharp increase of US exports being directed towards the Community should the existing measures expire. This is confirmed by the fact that prices in third countries are higher than in the Community.

(ii) *Impact of the expiry of the measures on the Community market*

- (17) If the present measures are allowed to expire it is possible that prices in the market may suffer a certain price depression. However there are certain factors which tend to indicate that this depression will be limited. First of all the fact that prices of the US exporters in third markets are in most cases higher than those practised in the Community. A second consideration relates to the fact that most of the Community industry's sales are made to the non-amine or printing industry market which is the higher-priced market segment. The examination of these and all other relevant factors made known in the course of the investigation leads the Commission to conclude that the reduction in prices will be of a limited nature still permitting in any case the Community industry to obtain a reasonable profit.

(iii) *Conclusion*

- (18) In these circumstances, the Commission concludes that the expiry of the measures would not lead to renewed injury or threat of injury to the Community industry. In view of the high rate of capacity utilization in the United States and high sales to third countries by US producers, the negative impact of the expiry of the measures on the market can be expected to be very limited, not justifying the adoption of measures at present. In addition, the Community industry, due to the efficacy of the measures adopted in 1984, has now achieved a healthy situation which is evidenced by steady sales in the Community and substantial profits allowing them to confront any negative impact which might result.

D. DUMPING

- (19) In view of the conclusions reached by the Commission concerning the lack of injury and the improbability of renewed injury the Commission did not consider it necessary to further consider any dumping issues.

E. TERMINATION OF THE PROCEEDING

- (20) Accordingly, the anti-dumping review proceeding concerning imports of propan-1-ol originating in the United States of America should be terminated without protective measures being imposed.

On reaching this conclusion the Commission has taken into account the fact that if the Community industry were to suffer some injury as a result of dumped imports made by US exporters in the Community market in the future, the Community industry might resort to the Commission for a new investigation to be opened.

- (21) No objections to this conclusion were raised in the Advisory Committee.

- (22) The complainant and the other parties concerned were informed of the facts and principal considerations on the basis of which the Commission intended to terminate the proceeding and did not dispute the arguments,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping review proceeding concerning imports of propan-1-ol originating in the United States of America is hereby terminated.

Done at Brussels, 29 October 1990.

For the Commission

Frans ANDRIESEN

Vice-President
