

Official Journal

of the European Communities

ISSN 0378-6978

L 111

Volume 34

3 May 1991

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1115/91

of 29 April 1991

imposing definitive anti-dumping duties in connection with the review of anti-dumping measures concerning imports of ferro-silicon originating in Brazil

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 10 thereof,

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

Whereas :

A. PROCEDURE

- (1) By Regulation (EEC) No 3650/87⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of ferro-silicon originating in Brazil. This duty does not apply to the product manufactured and exported by Companhia Brasileira Carbureto de Calcio SA and Electrometalur (currently trading as Rima SA) which were not dumping, nor to Italmagnesio SA, which, when the duty was imposed, offered a price undertaking which was considered acceptable by the Commission.
- (2) Commission Regulation (EEC) No 2409/87⁽³⁾ and Council Regulation (EEC) No 341/90⁽⁴⁾ imposed measures on imports originating in the Soviet

Union, Norway, Sweden, Iceland, Venezuela and Yugoslavia.

- (3) In their request for a review lodged in November 1989, the Brazilian producers and/or exporters claimed that they were no longer dumping this product and that the Community industry was therefore no longer suffering material injury connected with the dumping of Brazilian products. The measures adopted in 1987 should therefore be repealed or amended.
- (4) Having decided, after consultation, that there was sufficient evidence to justify a review, the Commission began an investigation in accordance with Article 14 of Council Regulation (EEC) No 2423/88. As the Commission has, moreover, reason to believe that the circumstances cited by some Brazilian exporters are equally applicable to other Brazilian producer/exporters, the review was extended to all Brazilian producer/exporters⁽⁵⁾.
- (5) The Commission officially notified the exporters, Community producers and importers known to be concerned and gave the parties concerned the opportunity to make known their views in writing and to request a hearing.
- (6) The Community producers, the exporters and some importers made their views known in writing.
- (7) Some exporters and several importers and consumers of ferro-silicon requested and were granted hearings.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 343, 5. 12. 1987, p. 1.

⁽³⁾ OJ No L 219, 8. 8. 1987, p. 24.

⁽⁴⁾ OJ No L 38, 10. 2. 1990, p. 1.

⁽⁵⁾ OJ No C 109, 3. 5. 1990, p. 5.

- (8) The Commission sought and verified all the information it deemed necessary for the purposes of determining dumping, injury and the threat of injury and carried out inspections at the premises of:

— Community producers:

- Pechiney Electrometallurgie SA, France,
- SKW Trostberg AG, Germany,
- Carbueros Metálicos, Spain,
- Industria Elettrica Indel, Italy,
- Utilizzazioni Elettro Industrial (UEI), Italy,

— Community importers:

- Considar Europe SA, Belgium,
- Sogem Rohstoffhandel GmbH, Germany,

— Brazilian producer/exporters:

- Companhia Brasileira Carbureto de Cálcio (CBCC),
- Companhia Italmagnesio SA,
- Companhia Ferroligas da Baía — Ferbasa,
- Companhia Cimento Portland Maringa,
- Companhia Paulista de Ferroligas,
- Companhia Ferroligas Minas Gerais — Minas Ligas,
- Companhia Ferroligas Piracicaba Ltda,
- Companhia Rima Electrometalurgia SA.

- (9) The Commission received and used information from the importer Marc Rich, Zug (Switzerland).
- (10) All producer/exporters were informed of the principal facts and considerations which would serve as the basis for the recommendation to impose definitive measures. They were also given time to submit their comments following the communication of this information. Their comments were examined and, where appropriate, taken into account in the Commission's conclusions.
- (11) The dumping investigation covered the period 1 September 1989 to 30 April 1990.

B. PRODUCT

1. Description of the product

- (12) The product concerned is ferro-silicon containing between 10 and 96 % of silicon by weight and falling within CN codes 7202 21 10, 7202 21 90 and ex 7202 29 00.

2. Like product

- (13) The Commission established that the ferro-silicon produced in the Community and that exported from Brazil were like products in all essential physical and technical properties.

C. DUMPING

1. Normal value

- (14) In general, normal value was calculated month by month and based on the prices charged on the domestic market by seven Brazilian producers, five of which exported to the Community during the reference period and provided sufficient evidence.
- (15) Normal value was also calculated for two Brazilian producers which had not exported to the Community in the reference period. These exporters cooperated fully with the investigation and expressed a desire to export to the Community in the near future.
- (16) During the reference period, one Brazilian producer made negligible and unrepresentative domestic sales, averaging a loss. It was therefore necessary to find another method of calculating normal value. Normal value was constructed on the basis of average monthly fixed and variable raw material and manufacturing costs — weighted according to the volume of export production — together with the selling costs, administrative expenditure and general overheads. Allowance was also made for a reasonable profit margin of 6 %.
- (17) To offset the inflationary effect of domestic prices in Brazil, normal values were expressed on a monthly basis in US dollars and according to the monthly average exchange rate.

2. Export prices

- (18) Export prices — expressed in US dollars — were based on the prices actually paid or payable for products sold for export to the Community. Where exports were made to subsidiary companies in the Community or where there was a compensatory arrangement between the exporter and the importer, export prices were determined on the basis of the price at which the imported product was first sold to an independent purchaser, with due allowance for all costs borne between import and resale of the products concerned and for a reasonable profit margin of 3 %, calculated on the basis of the profit margin of independent importers of the product. All these sales were made before payment of the anti-dumping duty.

3. Comparison

- (19) In comparing normal value with the export prices on a transaction-by-transaction basis, the Commission took account when appropriate and where sufficient evidence was provided, of differences affecting the comparability of prices; such adjustments were concerned mainly with payment and delivery terms, transport and insurance costs and different forms of presentation and packaging.
- (20) Costs resulting from non-recoverable waste, incurred at each loading and unloading in the export process, were also deducted from the export prices. Where producers had failed to quantify such costs, a percentage deemed reasonable in the light of all the data verified during the investigation with other producers which did provide such evidence was deducted from the selling price to obtain the net ex-works price of exports.
- (21) Given Brazil's high and continued inflation, normal values and export prices were compared in US dollars.
- (22) All comparisons were made at the ex-works stage.

4. Margin

- (23) Comparison of normal value with the export prices for the period from September 1989 to April 1990 shows that five Brazilian producers' exports to the Community were being dumped, with the following average margins based on the free-at-Community-frontier price:

— Italmagnesio SA	66,56 %
— Cia. Cimento Portland Maringa	39,31 %
— Cia. Ferroligas da Baía	41,18 %
— Cia. Ferroligas Minas Gerais	26,03 %
— Rima Eletrometalurgia SA	12,18 %
— Cia. Brasileira Carbureto de Cálcio SA	0 %

D. INJURY

- (24) The Commission's task was to determine whether, in spite of the anti-dumping measures imposed on

certain exporters, there was injury or threat of injury.

I. CURRENT SITUATION

1. Volume and price of imports

- (25) Brazilian exports to the Community have increased, rising from 7 000 tonnes in 1986 to 17 000 tonnes in 1987, the year the anti-dumping measures entered into force, and reaching some 22 000 tonnes in 1990. Brazil's market share grew from about 1 % in 1986 to over 4 % in 1990. This relatively small market share must be considered in the light of that of other countries, such as Norway, Sweden, Iceland, Venezuela, the Soviet Union and Yugoslavia, which between them hold about 65 % and, having been guilty of dumping, are subject to measures.
- (26) The Commission also established that while during the reference period the resale prices of the imports originating in Brazil were improved by the anti-dumping measures in force, many cases were found in which they remained lower than those charged by Community producers.

2. Impact on the Community industry

The Commission took note of the following information:

(a) Community capacity and production

- (27) Between 1986 and 1990 Community production capacity fell from 285 000 to 252 000 tonnes; in reducing its capacity, the Community industry has sought to specialize to some extent in an attempt to limit its losses in the face of downward pressure exerted — despite the anti-dumping measures in force — by exporters of non-member countries and Brazil in particular, on prices for standard and other products in the Community.

- (28) Community production has fallen by about 41 %: standing at 227 000 tonnes in 1986, it fell to 133 000 tonnes in 1990 and part of this output was exported or stockpiled.

(b) Market share and consumption

- (29) Between 1986 and 1990 the Community industry's market share shrank from 39 to 20 %, while annual Community consumption stabilized at about 500 000 tonnes in the same period: consumption obviously benefited imports from non-member countries, including Brazil.

(c) Prices

- (30) In almost all cases, the resale prices for dumped imports during the reference period would not have covered the costs of Community producers and allowed them a reasonable profit; in an attempt to preserve their sales and their share of the Community market, Community producers were forced during the reference period to sell their products at ever-lower prices until they could not even cover costs.

(d) Profits

- (31) The financial performance of the Community industry was negative from 1986 to 1987. Only in 1988 did a number of firms make a small profit. There was a brief recovery in the first half of 1989 owing to a substantial increase in the selling prices of the product in question. This relative improvement was modest, despite the upturn in the iron and steel industry, which is the main customer for the product concerned, and despite restructuring, which allowed better, though still not satisfactory, capacity utilization. During the reference period, the Community industry once more registered appreciable losses. The current anti-dumping measures did, however, curb firms' losses at a time when prices were falling.

3. Cause and effect and other factors

- (32) The combination of the increase in imports originating in Brazil, the increase in their market share, the pressure exerted by the prices of those imports and the worsening situation in the Community industry, despite, the restructuring undertaken by the Community producers, shows that the position of the Community industry remains precarious in spite of the current anti-dumping measures.

In such a situation, low-priced imports from Brazil further debilitate the industry and constitute an additional injury.

- (33) The Commission examined whether other factors could be behind the injury caused to the Commu-

nity industry, such as imports of products originating in other non-member countries. It established that, while other non-member countries held a substantial share of the market, measures had been imposed on dumped imports from these countries, namely Norway, Sweden, Iceland, Venezuela, Yugoslavia and the USSR. It would seem that all these countries have contributed to the difficulties of the Community industry. These countries would be the object of discrimination, if measures were not taken against Brazil, which has also played a part in the aggravating the situation in the Community.

- (34) The Commission therefore concluded, on the basis of the evidence above, that the imports of products originating in Brazil concerned by this proceeding were, by themselves, a cause of material injury to the Community industry. The Council confirms the conclusion.

II. THREAT OF INJURY

- (35) There has been a significant increase in dumped imports originating in Brazil. If sustained, this rate of increase would have grave consequences for the Community industry. Brazil's production capacity of 280 000 tonnes, moreover, accounts for about 16 % of the total for market economy countries, which is also a significant proportion of world capacity. In 1989 its output reached about 230 000 tonnes, while domestic consumption peaked at about 120 000 tonnes. This disparity leaves about 100 000 tonnes available for export.
- (36) As regards the possibility of Brazil adopting a more active export policy should the anti-dumping measures expire, it should be borne in mind that the Community is a very attractive market by virtue of its price levels, its terms of payment and the quality of its currencies.

- (37) The investigation has also shown that low-priced Brazilian imports constantly undercut the Community industry. For all the reasons given in recitals 34, 35 and 36, the Council finds that there is also a threat of injury.

III. CONCLUSIONS

- (38) In these circumstances, the Commission concludes that the present anti-dumping measures should be maintained in an amended form and new measures be imposed on some exporters. The Council confirms this conclusion.

E. COMMUNITY INTEREST

- (39) It is in the Community's interest to restore fair competition, without the disturbance by unfair practices. Continued dumping would threaten the survival of the Community industry.

In view of ferro-silicon's importance in steel making, it could not be in the Community's interest to depend wholly on non-Community suppliers, particularly since some are located at a great distance from the Community.

- (40) The representatives of Community manufacturing industries and of individual firms have argued that it would be against the Community's interest to keep the protective measures in force, since they would weaken competitiveness against imports of finished products originating in non-member countries.
- (41) As is the case for any raw material, it is probable that price rises influence the costs of the manufacturing industries. However, no firm provided the Commission with clear evidence of a specific effect of ferro-silicon price increases on its production costs; nor was evidence supplied of the possible impact of an increase in manufacturers' prices on their total sales. The Commission considers that the impact would be slight, particularly in view of the low percentage of ferro-silicon used in the production of a tonne of steel and the relatively small proportion represented by this product in the overall cost of a tonne of steel.
- (42) Having carefully compared the above arguments and the particularly serious problems faced by the Community ferro-silicon industry, which can be attributed to a significant extent to the imports in question, the Commission has concluded that it is in the Community's interest to maintain anti-dumping measures. The Council confirms this conclusion.

F. UNDERTAKINGS

- (43) Six Brazilian producer/exporters:

- Companhia de Cimento Portland Maringa, São Paulo,
- Companhia de Ferroligas da Baía — Ferbasa, Pojuca,
- Companhia Ferroligas Minas Gerais — Minas Ligas, Contagem,

- Companhia Italmagnesio SA, São Paulo,
- Companhia Ferroligas Piracicaba Ltda, São Paulo,
- Companhia Paulista de Ferroligas, São Paulo,

have offered price undertakings which the Commission considers satisfactory⁽¹⁾. They will bring the import prices of ferro-silicon originating in Brazil up to a level considered sufficient to eliminate the injury to the Community industry.

G. DUTIES

- (44) With regard to the firm Rima Eletrometalurgia SA, Belo Horizonte, which has offered no undertaking, the Commission considered that a duty deemed sufficient to eliminate the dumping margin determined should be imposed.

To facilitate customs clearance the Commission considered that the duty should take the form of an *ad valorem* anti-dumping duty. The Council confirms this conclusion.

Expressed as a percentage of the net, free-at-Community-frontier price of the product before duty, the rate of duty is 12,2 %. The Council confirms this conclusion.

- (45) To close any loopholes, an anti-dumping duty should be imposed on imports of the Brazilian product sold to the Community by Brazilian firms other than those referred to in recital 8. The rate of duty to be imposed on these other Brazilian exporters was determined on the basis of the weighted average injury to the Community industry, which is lower than the highest dumping margin. The injury threshold was based on the target price required by the Community industry, which consists of the industry's weighted average production costs with the addition of a reasonable profit margin.

Expressed as a percentage of the net, free-at-Community-frontier price of the product, before duty, the rate of duty is 39 %. The Council confirms this conclusion,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of ferro-silicon, containing between 10 and 96 % of silicon by weight, falling within CN codes 7202 21 10, 7202 21 90 and ex 7202 29 00 (Taric code 7202 29 00 * 10) and originating in Brazil.

⁽¹⁾ See page 47 of this Official Journal.

2. The duty, expressed as a percentage of the net, free-at-Community-frontier price of the product before duty, shall be 39 % (additional Taric code 8537).

Free-at-Community-frontier prices shall be net if the terms of sale provide for payment within 30 days of consignment. They shall be increased or reduced by 1 % for each month's increase or decrease in the period of payment.

3. The duty, expressed as a percentage of the net, free-at-Community-frontier price of the product before duty, is 12,2 % for the products referred to in paragraph 1 which are manufactured and exported direct to the Community by the Brazilian firm Rima Eletrometalurgia SA, Belo Horizonte (additional Taric code 8538).

4. The duty shall not apply to products produced and/or exported by the following Brazilian firms (additional Taric code 8539):

- Companhia Brasileira Carbureto de Cálcio, Rio de Janeiro,
- Companhia de Cimento Portland Maringa, São Paulo,
- Companhia de Ferroligas da Baía — Ferbasa, Pojuca,
- Companhia Ferroligas Minas Gerais — Minas Ligas, Contagem,
- Companhia Italmagnesio SA, São Paulo,
- Companhia Ferroligas Piracicaba Ltd, São Paulo,
- Companhia Paulista de Ferroligas, São Paulo.

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

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 Luxembourg, 29 April 1991.

For the Council

The President

R. GOEBBELS

COMMISSION REGULATION (EEC) No 1116/91

of 2 May 1991

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 3577/90⁽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 533/91⁽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 30 April 1991;

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 533/91 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 3 May 1991.

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

Done at Brussels, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 59, 6. 3. 1991, p. 1.

ANNEX

to the Commission Regulation of 2 May 1991 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levy
0709 90 60	133,69 ⁽²⁾ ⁽³⁾
0712 90 19	133,69 ⁽²⁾ ⁽³⁾
1001 10 10	192,36 ⁽¹⁾ ⁽³⁾
1001 10 90	192,36 ⁽¹⁾ ⁽³⁾
1001 90 91	160,67
1001 90 99	160,67
1002 00 00	153,45 ⁽⁴⁾
1003 00 10	146,85
1003 00 90	146,85
1004 00 10	137,75
1004 00 90	137,75
1005 10 90	133,69 ⁽²⁾ ⁽³⁾
1005 90 00	133,69 ⁽²⁾ ⁽³⁾
1007 00 90	137,30 ⁽⁴⁾
1008 10 00	45,38
1008 20 00	134,00 ⁽⁴⁾
1008 30 00	53,25 ⁽³⁾
1008 90 10	⁽⁷⁾
1008 90 90	53,25
1101 00 00	239,64 ⁽⁸⁾
1102 10 00	229,53 ⁽⁸⁾
1103 11 10	311,80 ⁽⁸⁾
1103 11 90	256,99 ⁽⁸⁾

⁽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).

⁽⁸⁾ On importation into Portugal the levy is increased by the amount specified in Article 2 (2) of Regulation (EEC) No 3808/90.

COMMISSION REGULATION (EEC) No 1117/91

of 2 May 1991

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 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 3577/90⁽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 3845/90⁽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 30 April 1991;

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

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 3 May 1991.

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

Done at Brussels, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 367, 29. 12. 1990, p. 10.

ANNEX

to the Commission Regulation of 2 May 1991 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 5	1st period 6	2nd period 7	3rd period 8
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	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	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
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 1118/91

of 23 April 1991

amending the quantitative limits set by Council Regulation (EEC) No 4136/86 on common rules for imports of certain textile products originating in third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to Council Regulation (EEC) No 4136/86 of 22 December 1986 on common rules for imports of certain textile products originating in third countries⁽¹⁾, as last amended by Regulation (EEC) No 71/91⁽²⁾, and in particular Article 17 thereof,

Whereas, pending the completion of the procedures necessary for their conclusion, the Agreements between the European Economic Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic on trade in textile products, initialled on 27 June 1986, 11 July 1986 and 19 June 1986 respectively, have been provisionally applied since 1 January 1987 in accordance, for the Community's part, with Council Decisions 87/300/EEC⁽³⁾, 87/549/EEC⁽⁴⁾, and 87/498/EEC⁽⁵⁾ respectively;

Whereas these Agreements provide for the review of quantitative adjustments;

Whereas Poland, Hungary and Czechoslovakia accepted the offer of improved market access which the Community made on the basis of specific requests submitted by these countries under the Phare action plan; whereas it was agreed, in Agreed Minutes of 19 March 1990 for Poland, 21 March 1990 for Hungary and 30 October 1990 for Czechoslovakia, to increase for 1990 and 1991 the EEC quantitative limits of a number of categories mentioned in Annex II to each of the aforementioned Agreements;

Whereas these Agreed Minutes apply provisionally as from 15 April 1990 for Poland and Hungary and as from 15 November 1990 for Czechoslovakia in accordance, for the Community's part, with Council Decisions 90/508/EEC⁽⁶⁾, 90/509/EEC⁽⁷⁾ and 91/20/EEC⁽⁸⁾;

Whereas it is appropriate, therefore, to amend the quantitative limits for certain categories listed in Annexes III and IV to Regulation (EEC) No 4136/86;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quantitative limits for certain categories listed in Annexes III and IV to Regulation (EEC) No 4136/86 shall be amended with respect to Poland, Hungary and Czechoslovakia in accordance with the Annex to 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 15 April 1990 for Poland and Hungary and from 15 November 1990 for Czechoslovakia.

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

Done at Brussels, 23 April 1991.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 387, 31. 12. 1986, p. 42.

⁽²⁾ OJ No L 9, 12. 1. 1991, p. 9.

⁽³⁾ OJ No L 156, 16. 6. 1987, p. 40.

⁽⁴⁾ OJ No L 331, 21. 11. 1987, p. 1.

⁽⁵⁾ OJ No L 287, 9. 10. 1987, p. 89.

⁽⁶⁾ OJ No L 285, 17. 10. 1990, p. 22.

⁽⁷⁾ OJ No L 285, 17. 10. 1990, p. 26.

⁽⁸⁾ OJ No L 13, 18. 1. 1991, p. 17.

ANNEX

ANNEX III

Category	Description (1)	Third countries	Unit	Years	Annual quantitative limits		
2	Woven fabrics of cotton	Poland	tonnes	1990	3 054		
				1991	3 006		
		Hungary		1990	2 806		
				1991	2 754		
		Czechoslovakia		1990	7 417		
				1991	7 443		
		2 (a)		Of which : other than unbleached or bleached	Poland	1990	1 087
						1991	1 073
Hungary	1990		2 100				
	1991		2 092				
3	Woven fabrics of synthetic fibres (discontinuous)	Poland	tonnes	1990	1 510		
				1991	1 519		
		Hungary		1990	841		
				1991	832		
		Czechoslovakia		1990	2 229		
				1991	2 263		
		3 (a)		Of which : other than unbleached or bleached	Poland	1990	1 161
						1991	1 177
					Czechoslovakia (F)	1990	174
						1991	178
	(BNL)	1990	115				
		1991	118				
	4	Shirts, undervests, T-shirts and the like, knitted or crocheted	Poland	1 000 pieces	1990	12 909	
					1991	13 152	
Hungary			1990		3 403		
			1991		3 362		
5	Pullovers	Poland	1 000 pieces	1990	3 607		
				1991	3 644		
		Hungary		1990	3 049		
				1991	3 082		
6	Woven trousers	Poland	1 000 pieces	1990	1 210		
				1991	1 175		
		Hungary		1990	783		
				1991	745		
		Czechoslovakia		1990	1 112		
				1991	1 075		
7	Blouses	Hungary	1 000 pieces	1990	649		
				1991	624		

(1) The descriptions of goods are shown in this table in an abbreviated form. The complete description of the goods is shown in Annex I to Council Regulation (EEC) No 768/88 (OJ No L 84, 29. 3. 1988, p. 3).

Category	Description of goods	Third countries	Unit	Years	Annual quantitative limits
8	Shirts, other than knitted or crocheted	Poland	1 000 pieces	1990	1 880
				1991	1 841
		Hungary		1990	1 299
				1991	1 259
		Czechoslovakia		1990	1 036
				1991	989
9	Woven terry fabrics and toilet linen	Poland	tonnes	1990	1 365
				1991	1 373
		Czechoslovakia		1990	854
				1991	848
12	Socks	Poland	1 000 pairs	1990	8 978
				1991	8 671
		Hungary		1990	7 166
				1991	6 809
13	Men's or boys' underpants and briefs, knitted or crocheted	Poland	1 000 pieces	1990	8 915
				1991	8 639
14	Men's or boys' woven overcoats	Poland	1 000 pieces	1990	695
				1991	700
		Hungary (UK)		1990	175
				1991	181
15	Women's or girls' woven overcoats	Poland	1 000 pieces	1990	1 038
				1991	1 050
		Hungary		1990	727
				1991	707
16	Suits and ensembles	Poland	1 000 pieces	1990	707
				1991	702
		Hungary		1990	619
				1991	601
17	Jackets and blazers, other than knitted or crocheted	Hungary	1 000 pieces	1990 1991	613 609
18	Bathrobes, etc. other than knitted or crocheted	Poland	tonnes	1990	888
				1991	898
19	Handkerchiefs	Hungary	tonnes	1990	434
				1991	442
		Czechoslovakia	1 000 pieces	1990	24 396
				1991	24 658
20	Bed linen, other than knitted or crocheted	Poland	tonnes	1990	1 227
				1991	1 201
		Hungary		1990	1 461
				1991	1 462
24	Pyjamas, nightdresses, knitted or crocheted	Poland	1 000 pieces	1990	2 625
				1991	2 602
26	Dresses	Poland	1 000 pieces	1990	2 607
				1991	2 589

Category	Description of goods	Third countries	Unit	Years	Annual quantitative limits
28	Trousers, knitted or crocheted	Poland (F)	1 000 pieces	1990 1991	902 940
32	Woven pile fabrics	Czechoslovakia	tonnes	1990 1991	2 712 2 806
32 (a)	Of which : Cotton corduroy	Czechoslovakia	tonnes	1990 1991	2 376 2 456
36	Woven fabrics of continuous artificial fibres	Poland	tonnes	1990 1991	2 735 2 782
		Czechoslovakia	tonnes	1990 1991	1 266 1 274
37	Woven fabrics of artificial staple fibres	Poland	tonnes	1990 1991	3 169 3 117
		Czechoslovakia	tonnes	1990 1991	2 256 2 217
38 (a)	Knitted or crocheted synthetic curtain fabric	Poland	tonnes	1990 1991	1 840 1 876
69	Slips and petticoats	Poland (FR)	1 000 pieces	1990 1991	635 652
73	Track suits	Poland	1 000 pieces	1990 1991	1 009 1 009
		Hungary		1990 1991	941 934
76	Industrial clothing	Hungary	tonnes	1990 1991	848 851
		Czechoslovakia		1990 1991	995 1 004
90	Twine, cordage	Czechoslovakia	tonnes	1990 1991	2 172 2 207
91	Tents	Hungary	tonnes	1990 1991	552 544
110	Woven pneumatic mattresses	Czechoslovakia	tonnes	1990 1991	2 937 3 052
115	Flax or ramie yarn	Poland	tonnes	1990 1991	588 593
117	Woven fabrics of flax or ramie	Poland	tonnes	1990 1991	1 983 2 040
		Czechoslovakia		1990 1991	2 507 2 611
118	Toilet linen, table linen of flax or ramie	Poland	tonnes	1990 1991	1 331 1 370

ANNEX IV

Category	Description	Third countries	Member States	Unit	Annual quantitative limits	
					1990	1991
2	Woven fabrics of cotton	Poland	D	tonnes	889	823
			F		598	606
			I		312	315
			BNL		306	308
			UK		399	401
			IRL		110	110
			DK		103	103
			GR		239	240
			ES		73	75
			PT		25	25
			EEC		3 054	3 006
		Hungary	D	tonnes	866	799
			F		426	433
			I		159	161
			BNL		123	124
			UK		511	513
			IRL		42	42
			DK		351	352
			GR		262	262
			ES		53	55
			PT		13	13
			EEC		2 806	2 754
		Czechoslovakia	D	tonnes	3 157	3 113
			F		1 042	1 071
			I		491	503
			BNL		370	378
			UK		454	462
			IRL		480	480
			DK		1 001	1 002
			GR		315	317
			ES		82	91
			PT		25	26
			EEC		7 417	7 443
2 (a)	Of which : other than unbleached or bleached	Poland	D	tonnes	237	217
			F		247	248
			I		68	69
			BNL		69	70
			UK		133	135
			IRL		83	83
			DK		32	32
			GR		176	176
			ES		33	34
			PT		9	9
			EEC		1 087	1 073
		Hungary	D	tonnes	573	552
			F		294	298
			I		76	79
			BNL		68	70
			UK		470	473
			IRL		32	32
			DK		303	303
			GR		245	245
			ES		31	32
			PT		8	8
			EEC		2 100	2 092

Category	Description	Third countries	Member States	Unit	Annual quantitative limits	
					1990	1991
3	Woven fabrics of synthetic fibres (discontinuous)	Poland	D	tonnes	330	319
			F		250	254
			I		107	110
			BNL		97	99
			UK		430	437
			IRL		112	112
			DK		27	28
			GR		125	125
			ES		23	26
			PT		9	9
		Hungary	EEC	tonnes	1 510	1 519
			D		193	176
			F		222	224
			I		48	49
			BNL		58	59
			UK		215	218
			IRL		5	5
			DK		20	20
			GR		54	54
			ES		22	23
			PT		4	4
		Czechoslovakia	EEC	tonnes	841	832
			D		1 330	1 327
			F		299	306
			I		92	97
			BNL		149	151
			UK		147	159
			IRL		20	20
			DK		81	84
			GR		61	62
			ES		40	46
			PT		10	11
			EEC		2 229	2 263
3 (a)	Of which : other than unbleached or bleached	Poland	D	tonnes	255	255
			F		186	191
			I		86	90
			BNL		67	69
			UK		347	350
			IRL		88	88
			DK		24	25
			GR		84	84
			ES		18	19
			PT		6	6
		Czechoslovakia	EEC		1 161	1 177
			F		174	178
			BNL		115	118
4	Shirts, undershirts, T-shirts and the like, knitted or crocheted	Poland	D	1 000 pieces	5 041	5 018
			F		3 706	3 749
			I		791	864
			BNL		502	534
			UK		2 239	2 304
			IRL		60	64
			DK		348	356
			GR		72	78
			ES		102	131
			PT		48	54
		EEC			12 909	13 152

Category	Description	Third countries	Member States	Unit	Annual quantitative limits	
					1990	1991
4 (cont'd)		Hungary	D		772	683
			F		1 107	1 114
			I		273	287
			BNL		467	472
			UK		520	533
			IRL		10	11
			DK		182	183
			GR		21	22
			ES		37	42
			PT		14	15
			EEC		3 403	3 362
5	Pullovers	Poland	D	1 000 pieces	803	768
			F		826	852
			I		361	380
			BNL		474	479
			UK		863	873
			IRL		26	27
			DK		128	130
			GR		32	33
			ES		68	75
			PT		26	27
			EEC		3 607	3 644
		Hungary	D		762	727
			F		991	1 017
			I		386	403
			BNL		283	287
			UK		415	424
			IRL		26	27
			DK		105	107
			GR		25	26
			ES		42	49
			PT		14	15
			EEC		3 049	3 082
6	Woven trousseurs	Poland	D	1 000 pieces	369	316
			F		166	173
			I		159	165
			BNL		222	223
			UK		174	177
			IRL		5	5
			DK		29	29
			GR		15	15
			ES		59	60
			PT		12	12
			EEC		1 210	1 175
		Hungary	D	1 000 pieces	220	166
			F		96	101
			I		79	83
			BNL		184	186
			UK		102	104
			IRL		4	4
			DK		41	42
			GR		15	15
			ES		30	32
			PT		12	12
			EEC		783	745

Category	Description	Third countries	Member States	Unit	Annual quantitative limits	
					1990	1991
6 (cont'd)		Czechoslovakia	D	1 000 pieces	470	418
			F		133	139
			I		114	119
			BNL		107	108
			UK		150	151
			IRL		9	9
			DK		35	35
			GR		19	19
			ES		62	64
			PT		13	13
			EEC		1 112	1 075
7	Blouses	Hungary	D	1 000 pieces	194	158
			F		127	130
			I		114	117
			BNL		29	31
			UK		97	99
			IRL		3	3
			DK		42	42
			GR		15	15
			ES		22	23
			PT		6	6
			EEC		649	624
8	Shirts, other than knitted or crocheted	Poland	D	1 000 pieces	827	771
			F		155	160
			I		107	111
			BNL		125	127
			UK		545	548
			IRL		9	9
			DK		26	26
			GR		16	16
			ES		58	61
			PT		12	12
			EEC		1 880	1 841
		Hungary	D	1 000 pieces	417	361
			F		230	234
			I		165	170
			BNL		91	92
			UK		293	296
			IRL		6	6
			DK		24	24
			GR		19	19
			ES		40	43
			PT		14	14
			EEC		1 299	1 259
		Czechoslovakia	D	1 000 pieces	476	420
			F		147	150
			I		140	142
			BNL		46	46
			UK		108	111
			IRL		7	7
			DK		43	43
			GR		20	20
			ES		39	40
			PT		10	10
			EEC		1 036	989

Category	Description of goods	Third countries	Member States	Unit	Annual quantitative limits	
					1990	1991
9	Woven terry fabrics and toilet linen	Poland	D	tonnes	387	367
			F		274	278
			I		134	142
			BNL		92	97
			UK		300	307
			IRL		5	5
			DK		111	111
			GR		20	21
			ES		33	35
			PT		9	10
			EEC		1 365	1 373
		Czechoslovakia	D	tonnes	357	333
			F		161	164
			I		44	48
			BNL		88	89
			UK		100	108
			IRL		21	21
			DK		42	42
			GR		13	13
			ES		25	27
			PT		3	3
			EEC		854	848
12	Socks	Poland	D	1 000 pairs	3 120	2 656
			F		1 976	1 998
			I		1 091	1 131
			BNL		381	402
			UK		717	763
			IRL		34	36
			DK		1 233	1 234
			GR		63	67
			ES		301	318
			PT		62	66
			EEC		8 978	8 671
		Hungary	D	1 000 pairs	2 389	1 914
			F		1 061	1 093
			I		504	522
			BNL		670	684
			UK		617	644
			IRL		29	30
			DK		1 445	1 451
			GR		92	95
			ES		286	300
			PT		73	76
			EEC		7 166	6 809
13	Men's or boys' underpants and briefs, knitted or crocheted	Poland	D	1 000 pieces	5 309	4 814
			F		1 215	1 269
			I		478	512
			BNL		371	398
			UK		804	862
			IRL		29	31
			DK		237	246
			GR		104	109
			ES		301	326
			PT		67	72
			EEC		8 915	8 639

Category	Description of goods	Third countries	Member States	Unit	Annual quantitative limits	
					1990	1991
14	Men's or boys' woven overcoats	Poland	D	1 000 pieces	225	212
			F		137	140
			I		59	63
			BNL		127	128
			UK		95	102
			IRL		3	3
			DK		19	20
			GR		5	5
			ES		22	24
			PT		3	3
			EEC		695	700
		Hungary	UK	1 000 pieces	175	181
15	Women's or girls' woven overcoats	Hungary	D	1 000 pieces	233	192
			F		123	127
			I		75	81
			BNL		79	80
			UK		138	143
			IRL		3	3
			DK		20	21
			GR		10	10
			ES		37	40
			PT		9	10
			EEC		727	707
16	Suits and ensembles	Poland	D	1 000 pieces	212	188
			F		118	123
			I		70	75
			BNL		56	60
			UK		175	177
			IRL		3	3
			DK		20	20
			GR		10	10
			ES		37	40
			PT		6	6
			EEC		707	702
		Hungary	D	1 000 pieces	130	104
			F		63	66
			I		54	56
			BNL		180	181
			UK		142	143
			IRL		3	3
			DK		17	17
			GR		7	7
			ES		18	19
			PT		5	5
			EEC		619	601
17	Jackets and blazers, other than knitted or crocheted	Hungary	D	1 000 pieces	166	152
			F		84	88
			I		70	73
			BNL		80	80
			UK		150	151
			IRL		4	4
			DK		17	17
			GR		10	10
			ES		28	30
			PT		4	4
			EEC		613	609

Category	Description of goods	Third countries	Member States	Unit	Annual quantitative limits	
					1990	1991
18	Bathrobes, etc. other than knitted or crocheted	Poland	D	tonnes	288	269
			F		208	212
			I		61	68
			BNL		51	56
			UK		179	187
			IRL		3	3
			DK		51	51
			GR		12	13
			ES		28	31
			PT		7	8
			EEC		888	898
19	Handkerchiefs	Hungary	D	tonnes	145	142
			F		41	44
			I		41	42
			BNL		28	30
			UK		75	79
			IRL		1	1
			DK		38	38
			GR		55	55
			ES		9	10
			PT		1	1
			EEC		434	442
		Czechoslovakia	D	1 000 pieces	8 923	8 786
			F		2 417	2 534
			I		3 664	3 730
			BNL		4 502	4 506
			UK		2 966	3 104
			IRL		141	148
			DK		748	759
			GR		236	248
			ES		608	644
			PT		191	199
			EEC		24 396	24 658
20	Bed linen, other than knitted or crocheted	Poland	D	tonnes	438	391
			F		186	192
			I		83	86
			BNL		57	59
			UK		173	181
			IRL		4	4
			DK		223	223
			GR		18	18
			ES		36	38
			PT		9	9
			EEC		1 227	1 201
		Hungary	D	tonnes	658	612
			F		105	116
			I		172	182
			BNL		67	74
			UK		285	296
			IRL		8	9
			DK		89	89
			GR		16	17
			ES		50	55
			PT		11	12
			EEC		1 461	1 462

Category	Description of goods	Third countries	Member States	Unit	Annual quantitative limits	
					1990	1991
24	Pyjamas, nightdresses, knitted or crocheted	Poland	D F I BNL UK IRL DK GR ES PT EEC	1 000 pieces	748 535 264 206 560 21 125 36 105 25 2 625	663 541 281 218 574 22 125 38 113 27 2 602
26	Dresses	Poland	D F I BNL UK IRL DK GR ES PT EEC	1 000 pieces	979 426 346 256 388 13 41 33 103 22 2 607	891 438 357 262 415 14 43 35 110 24 2 589
28	Trousers, knitted or crocheted	Poland	F	1 000 pieces	902	940
32	Woven pile fabrics	Czechoslovakia	D F I BNL UK IRL DK GR ES PT EEC	tonnes	701 303 534 171 474 94 285 56 78 16 2 712	712 327 538 185 505 94 286 56 85 18 2 806
32 (a)	Of which : cotton corduroy	Czechoslovakia	D F I BNL UK IRL DK GR ES PT EEC	tonnes	606 249 511 158 369 84 264 54 66 15 2 376	617 267 513 170 398 84 266 54 71 16 2 456
36	Woven fabrics of continuous artificial fibres	Poland	D F I BNL UK IRL DK GR ES PT EEC	tonnes	930 546 316 251 420 23 88 72 68 21 2 735	910 554 333 258 445 24 91 72 73 22 2 782

Category	Description of goods	Third countries	Member States	Unit	Annual quantitative limits	
					1990	1991
36 (cont'd)		Czechoslovakia	D	tonnes	509	483
			F		172	181
			I		77	82
			BNL		136	139
			UK		180	193
			IRL		8	8
			DK		41	42
			GR		39	39
			ES		96	99
			PT		8	8
			EEC		1 266	1 274
37	Woven fabrics of artificial staple fibres	Poland	D	tonnes	959	857
			F		476	490
			I		639	641
			BNL		306	314
			UK		447	464
			IRL		73	73
			DK		62	64
			GR		55	55
			ES		114	120
			PT		38	39
			EEC		3 169	3 117
		Czechoslovakia	D	tonnes	1 414	1 304
			F		179	198
			I		97	106
			BNL		74	81
			UK		275	300
			IRL		19	20
			DK		54	57
			GR		73	73
			ES		53	58
			PT		18	20
			EEC		2 256	2 217
38 (a)	Knitted or crocheted synthetic curtain fabric	Poland	D	tonnes	550	553
			F		329	335
			I		236	243
			BNL		202	204
			UK		367	379
			IRL		14	14
			DK		68	70
			GR		21	22
			ES		38	41
			PT		15	15
			EEC		1 840	1 876
69	Slips and petticoats	Poland	F	1 000 pieces	635	652
73	Track suits	Poland	D	1 000 pieces	289	257
			F		353	355
			I		87	95
			BNL		62	68
			UK		138	150
			IRL		5	5
			DK		23	24
			GR		15	15
			ES		33	36
			PT		4	4
			EEC		1 009	1 009

Category	Description of goods	Third countries	Member States	Unit	Annual quantitative limits	
					1990	1991
73 (cont'd)		Hungary	D	tonnes	303	269
			F		122	131
			I		118	123
			BNL		98	100
			UK		209	215
			IRL		5	5
			DK		22	23
			GR		15	15
			ES		43	47
			PT		6	6
			EEC		941	934
76	Industrial clothing	Hungary	D	tonnes	339	314
			F		84	92
			I		62	68
			BNL		187	188
			UK		104	113
			IRL		2	2
			DK		25	26
			GR		15	15
			ES		26	29
			PT		4	4
			EEC		848	851
		Czechoslovakia	D	tonnes	425	398
			F		112	120
			I		97	104
			BNL		81	86
			UK		172	183
			IRL		8	8
			DK		27	28
			GR		19	19
			ES		47	50
			PT		7	8
			EEC		995	1 004
90	Twine, cordage	Czechoslovakia	D	tonnes	1 329	1 293
			F		192	209
			I		168	182
			BNL		157	170
			UK		184	200
			IRL		10	11
			DK		38	41
			GR		31	32
			ES		52	57
			PT		11	12
			EEC		2 172	2 207
91	Tents	Hungary	D	tonnes	107	86
			F		52	56
			I		157	158
			BNL		30	32
			UK		132	135
			IRL		2	2
			DK		13	14
			GR		26	26
			ES		26	28
			PT		7	7
			EEC		552	544

Category	Description of goods	Third countries	Member States	Unit	Annual quantitative limits	
					1990	1991
110	Woven pneumatic mattresses	Czechoslovakia	D	tonnes	918	913
			F		284	317
			I		550	558
			BNL		359	366
			UK		446	498
			IRL		22	23
			DK		76	80
			GR		42	44
			ES		224	235
			PT		16	18
			EEC		2 937	3 052
115	Flax or ramie yarn	Poland	D	tonnes	241	236
			F		61	63
			I		66	69
			BNL		50	51
			UK		80	83
			IRL		4	4
			DK		38	38
			GR		10	10
			ES		29	30
			PT		9	9
			EEC		588	593
117	Woven fabrics of flax or ramie	Poland	D	tonnes	671	665
			F		235	254
			I		267	275
			BNL		86	92
			UK		279	300
			IRL		11	12
			DK		290	291
			GR		39	39
			ES		77	83
			PT		28	29
			EEC		1 983	2 040
		Czechoslovakia	D	tonnes	476	503
			F		183	203
			I		342	353
			BNL		507	509
			UK		436	465
			IRL		186	187
			DK		139	140
			GR		80	80
			ES		127	138
			PT		31	33
			EEC		2 507	2 611
118	Toilet linen, table linen of flax or ramie	Poland	D	tonnes	449	451
			F		290	294
			I		218	221
			BNL		70	76
			UK		193	208
			IRL		7	8
			DK		24	26
			GR		15	16
			ES		52	56
			PT		13	14
			EEC		1 331	1 370

COMMISSION REGULATION (EEC) No 1119/91

of 2 May 1991

opening invitations to tender for the fixing of aid for the private storage of
carcasses and half-carcasses of lamb

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⁾, as amended by
Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article
7 (5) thereof,

Whereas Commission Regulation (EEC) No 3446/90 of
27 November 1990 laying down detailed rules for gran-
ting private storage aid for sheepmeat and goatmeat ⁽³⁾
provides in particular for detailed rules on the invitation
to tender;

Whereas Commission Regulation (EEC) No 3447/90 of
28 November 1990 on special conditions for the granting
of private storage aid for sheepmeat and goatmeat ⁽⁴⁾
provides in particular the minimum quantities in respect
of which a tender may be submitted;

Whereas the application of Article 7 (3) of Regulation
(EEC) No 3013/89 results in the opening of invitations to
tender for private storage aid;

Whereas that Article provides for the application of these
measures on the basis of the situation of each quotation
zone; whereas it is appropriate consequently to open
tenders separately for each of the zones where the condi-
tions are fulfilled;

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

Separate invitations to tender are opened in France,
Denmark, Ireland, Northern Ireland, Germany, the
Netherlands, Spain and Portugal for aid to private storage
for carcasses and half-carcasses of lamb.

Subject to the provisions of Regulation (EEC) No 3447/90
tenders may be made to the intervention agencies of the
Member States concerned.

Article 2

Tenders must be submitted not later than 2 p.m. on 17
May 1991 to the relevant intervention agency.

Article 3

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, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ No L 333, 30. 11. 1990, p. 46.

COMMISSION REGULATION (EEC) No 1120/91

of 2 May 1991

amending Regulation (EEC) No 3816/90 laying down detailed rules for the application of the supplementary trade mechanism for certain products in the pigmeat sector destined for Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade ⁽¹⁾, as last amended by Regulation (EEC) No 3296/88 ⁽²⁾, and in particular Article 7 (1) thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the agreements applying to trade in agricultural products between Spain and Portugal ⁽³⁾, as last amended by Regulation (EEC) No 3296/88, and in particular Article 13 thereof,

Whereas Commission Regulation (EEC) No 3816/90 of 19 December 1990 laying down detailed rules for the application of the supplementary trade mechanism for certain products in the pigmeat sector destined for Portugal ⁽⁴⁾, as last amended by Regulation (EEC) No 623/91 ⁽⁵⁾, lays down in Article 2 (2) that, in derogation of Article 2 (2) of Commission Regulation (EEC) No 574/86 of the 26 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) ⁽⁶⁾, as last amended by Regulation (EEC) No 3296/88, the rights deriving from the STM licence are not

transferable; whereas in the light of experience it is appropriate to restore the possibility of transferring such rights; whereas the provisions of Regulation (EEC) No 3816/90 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 (2) of Regulation (EEC) No 3816/90 is hereby deleted.

Article 2

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

It shall apply equally to those STM licences delivered before its entry into force and for which the validity has not expired.

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

Done at Brussels, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁴⁾ OJ No L 366, 29. 12. 1990, p. 33.

⁽⁵⁾ OJ No L 68, 15. 3. 1991, p. 27.

⁽⁶⁾ OJ No L 57, 1. 3. 1986, p. 1.

COMMISSION REGULATION (EEC) No 1121/91

of 2 May 1991

amending Regulation (EEC) No 3817/90 laying down detailed rules for the application of the supplementary trade mechanism for certain products in the eggs and poultrymeat sectors destined for Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 569/86 of 25 February 1986 laying down general rules for the application of the supplementary mechanism applicable to trade ⁽¹⁾, as last amended by Regulation (EEC) No 3296/88 ⁽²⁾, and in particular Article 7 (1) thereof,

Having regard to Council Regulation (EEC) No 3792/85 of 20 December 1985 laying down the agreements applying to trade in agricultural products between Spain and Portugal ⁽³⁾, as last amended by Regulation (EEC) No 3296/88, and in particular Article 13 thereof,

Whereas Commission Regulation (EEC) No 3817/90 of 19 December 1990 laying down detailed rules for the application of the supplementary trade mechanism for certain products in the eggs and poultrymeat sectors destined for Portugal ⁽⁴⁾, as last amended by Regulation (EEC) No 624/91 ⁽⁵⁾, lays down in Article 2 (2) that, in derogation of Article 2 (2) of Commission Regulation (EEC) No 574/86 of the 26 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM) ⁽⁶⁾, as last amended by Regulation (EEC) No 3296/88, the rights deriving from the STM

licence are not transferable; whereas in the light of experience it is appropriate to restore the possibility of transferring such rights; whereas the provisions of Regulation 3817/90 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 (2) of Regulation (EEC) No 3817/90 is hereby deleted.

Article 2

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

It shall apply equally to those STM licences delivered before its entry into force and for which the validity has not expired.

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

Done at Brussels, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 55, 1. 3. 1986, p. 106.

⁽²⁾ OJ No L 293, 27. 10. 1988, p. 7.

⁽³⁾ OJ No L 367, 31. 12. 1985, p. 7.

⁽⁴⁾ OJ No L 366, 29. 12. 1990, p. 36.

⁽⁵⁾ OJ No L 68, 15. 3. 1991, p. 28.

⁽⁶⁾ OJ No L 57, 1. 3. 1986, p. 1.

COMMISSION REGULATION (EEC) No 1122/91

of 2 May 1991

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil 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 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 3577/90⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 728/91⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 729/91⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 413/86⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 730/91⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹¹⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹²⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3. of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 29 and 30 April 1991 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within 29 codes 0709 90 39 and 0711 20 90, and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 3 May 1991.

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

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 80, 27. 3. 1991, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 80, 27. 3. 1991, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 80, 27. 3. 1991, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹²⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	77,00 ⁽¹⁾
1509 10 90	77,00 ⁽¹⁾
1509 90 00	89,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

- (a) Lebanon : ECU 0,60 per 100 kg ;
- (b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;
- (d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

⁽²⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽³⁾ For imports of oil falling within this CN code :

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg ;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	16,94
0711 20 90	16,94
1522 00 31	38,50
1522 00 39	61,60
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 1123/91

of 2 May 1991

fixing the maximum export refund for white sugar for the 52nd 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 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 464/91 ⁽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⁾, as last amended by Regulation (EEC) No 963/91 ⁽⁴⁾, 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 52nd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 52nd partial invitation to tender for white sugar issued pursuant to amended Regulation (EEC) No 983/90 the maximum amount of the export refund is fixed at ECU 40,240 per 100 kilograms.

Article 2

This Regulation shall enter into force on 3 May 1991.

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

Done at Brussels, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 100, 20. 4. 1990, p. 9.

⁽⁴⁾ OJ No L 100, 20. 4. 1991, p. 9.

COMMISSION REGULATION (EEC) No 1124/91

of 2 May 1991

fixing the maximum export refund for white sugar for the first partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 963/91

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 464/91⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 963/91 of 18 April 1991 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 963/91, 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 first partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the first partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 963/91 the maximum amount of the export refund is fixed at ECU 44,771 per 100 kilograms.

Article 2

This Regulation shall enter into force on 3 May 1991.

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

Done at Brussels, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 100, 20. 4. 1991, p. 9.

COMMISSION REGULATION (EEC) No 1125/91

of 2 May 1991

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

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

Having regard to 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 464/91⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1007/91⁽³⁾, as amended by Regulation (EEC) No 1092/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1007/91 to the information known to the Commission that the export refunds

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 1007/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 May 1991.

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

Done at Brussels, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 105, 25. 4. 1991, p. 10.

⁽⁴⁾ OJ No L 110, 1. 5. 1991, p. 14.

ANNEX

to the Commission Regulation of 2 May 1991 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

Product code	Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	34,57 ⁽¹⁾	
1701 11 90 910	34,72 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	34,57 ⁽¹⁾	
1701 12 90 910	34,72 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3758
1701 99 10 100	37,58	
1701 99 10 910	37,74	
1701 99 10 950	37,74	
1701 99 90 100		0,3758

⁽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 1126/91

of 2 May 1991

fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1806/89 ⁽²⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽³⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Commission Regulation (EEC) No 1361/76 ⁽⁴⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

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 ⁽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 it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 May 1991.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 2 May 1991 fixing the export refunds on rice and broken rice

(ECU/tonne)		
Product code	Destination (1)	Amount of refunds
1006 20 11 000	—	—
1006 20 13 000	01	191,59
1006 20 15 000	01	191,59
1006 20 17 000	—	—
1006 20 92 000	—	—
1006 20 94 000	01	191,59
1006 20 96 000	01	191,59
1006 20 98 000	—	—
1006 30 21 000	—	—
1006 30 23 000	01	191,59
1006 30 25 000	01	191,59
1006 30 27 000	—	—
1006 30 42 000	—	—
1006 30 44 000	01	191,59
1006 30 46 000	01	191,59
1006 30 48 000	—	—
1006 30 61 000	—	—
1006 30 63 100	01	239,49
	05	245,49
	06	250,49
	09	245,49
	12	250,49
	13	239,49
1006 30 63 900	01	239,49
	13	239,49
1006 30 65 100	01	239,49
	05	245,49
	06	250,49
	09	245,49
	12	250,49
	13	239,49
1006 30 65 900	01	239,49
	13	239,49
1006 30 67 100	—	—
1006 30 67 900	—	—
1006 30 92 000	07	—

(ECU/tonne)		
Product code	Destination (1)	Amount of refunds
1006 30 94 100	01	239,49
	05	245,49
	06	250,49
	09	245,49
	12	250,49
	13	239,49
1006 30 94 900	01	239,49
	07	—
	13	239,49
1006 30 96 100	01	239,49
	05	245,49
	06	250,49
	09	245,49
	12	250,49
	13	239,49
1006 30 96 900	01	239,49
	07	—
	13	239,49
1006 30 98 100	—	—
1006 30 98 900	—	—
1006 40 00 000	—	—

(1) The destinations are identified as follows:

- 01 Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Third countries other than Austria, Liechtenstein, Switzerland and the communes of Livigno and Campione d'Italie,
- 03 Zone I,
- 04 Third countries other than Austria, Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italie and countries of zone I,
- 05 Zones I, II, III and VI,
- 06 Zones IV a), IV b), V a), VII a) and VIII excluding Surinam, de Guyana and Madagascar,
- 07 Bulgaria and Romania,
- 08 Zone VI,
- 09 Canary Islands, Ceuta and Melilla,
- 10 Zone V a),
- 11 Zone VII c),
- 12 Canada,
- 13 Destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p. 1),
- 14 Zone VIII, except Surinam, Guyana and Madagascar,
- 15 Zones I, II, III, IV, V, VI and VIII, except Surinam, Guyana and Madagascar.

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 35), as last amended by Regulation (EEC) No 3049/89 (JO No L 292, 11. 10. 1989, p. 10).

COMMISSION REGULATION (EEC) No 1127/91

of 2 May 1991

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 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 464/91⁽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 3608/90⁽³⁾, as last amended by Regulation (EEC) No 1113/91⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 3608/90 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;

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 subparagraph 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 these exchange rates being those recorded on 30 April 1991,

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 3 May 1991.

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

Done at Brussels, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 350, 14. 12. 1990, p. 68.

⁽⁴⁾ OJ No L 110, 1. 5. 1991, p. 76.

⁽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 2 May 1991 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	40,20 ⁽¹⁾
1701 11 90	40,20 ⁽¹⁾
1701 12 10	40,20 ⁽¹⁾
1701 12 90	40,20 ⁽¹⁾
1701 91 00	44,28
1701 99 10	44,28
1701 99 90	44,28 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

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

COMMISSION REGULATION (EEC) No 1128/91

of 2 May 1991

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

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

Having regard to 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 464/91 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 1090/91 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1090/91 to the information known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered;

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 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

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to Regulation (EEC) No 1090/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 May 1991.

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

Done at Brussels, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽³⁾ OJ No L 110, 1. 5. 1991, p. 9.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 2 May 1991 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,4428	—
1702 20 90	0,4428	—
1702 30 10	—	52,98
1702 40 10	—	52,98
1702 60 10	—	52,98
1702 60 90	0,4428	—
1702 90 30	—	52,98
1702 90 60	0,4428	—
1702 90 71	0,4428	—
1702 90 90	0,4428	—
2106 90 30	—	52,98
2106 90 59	0,4428	—

COMMISSION REGULATION (EEC) No 1129/91

of 2 May 1991

introducing a countervailing charge on tomatoes originating in 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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 3920/90⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 802/91 of 27 March 1991 fixing for the 1991 marketing year the reference prices for tomatoes⁽³⁾ fixed the reference price for products of class I for the month of April 1991 at ECU 197,27 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72 the provisions of Regulation (EEC) No 773/90⁽⁴⁾ altering the entry price for tomatoes originating in Morocco and the Canary Islands being applicable; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by Regulation (EEC) No 3811/85⁽⁶⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is necessary to multiply the prices with the

coefficient fixed in the first indent of Article 1 (2) of Regulation (EEC) No 830/90;

Whereas, for tomatoes originating in the Canary Islands the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

Whereas, if the system is to operate normally, the entry price 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⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- 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 4 of Protocol 2 to the Act of Accession of Spain and Portugal, the products, including tomatoes, specified in Annex A to the Protocol, qualify for preferential arrangements, subject to the tariff quota determined by Council Regulation (EEC) No 1391/87⁽⁹⁾ concerning certain adjustments to the arrangements applicable to the Canary Islands,

HAS ADOPTED THIS REGULATION:

Article 1

When tomatoes falling within CN code 0702 00 and originating in the Canary Islands are imported, a countervailing charge shall be levied, the amount of which shall be fixed at ECU 18,33 per 100 kilograms net weight.

However this charge shall not be levied on quantities imported into Spain within the tariff quotas fixed by Regulation (EEC) No 1391/87.

Article 2

This Regulation shall enter into force on 4 May 1991.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 375, 31. 12. 1990, p. 17.

⁽³⁾ OJ No L 82, 28. 3. 1991, p. 33.

⁽⁴⁾ OJ No L 83, 30. 3. 1990, p. 82.

⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁹⁾ OJ No L 133, 22. 5. 1987, p. 5.

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

Done at Brussels, 2 May 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1130/91
of 2 May 1991
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 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 1100/91⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1100/91 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

1. The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 50,136 per 100 kilograms.

2. However, the amount of the aid will be confirmed or replaced with effect from 3 May 1991 to take account of the guide price of cotton adopted in respect of the 1991/92 marketing year and which appear to have been offered in the largest quantities.

Article 2

This Regulation shall enter into force on 3 May 1991.

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

Done at Brussels, 2 May 1991.

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 110, 1. 5. 1991, p. 35.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 April 1991

accepting undertakings offered by certain exporters in connection with the review of anti-dumping measures concerning imports of ferro-silicon originating in Brazil and terminating the investigation as regards those exporters

(91/240/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

A. PROCEDURE

(1) Council Regulation (EEC) No 3650/87⁽²⁾ imposed a definitive anti-dumping duty on imports of ferro-silicon originating in Brazil. This duty does not apply to the product manufactured and exported by Companhia Brasileira Carbureto de Cálcio SA and Electrometalur (currently trading as Rima SA) which were not dumping, nor to Italmagnesio SA, which, when the duty was imposed,

offered a price undertaking which was considered acceptable by the Commission.

- (2) Commission Regulation (EEC) No 2409/87⁽³⁾ and Council Regulation (EEC) No 341/90⁽⁴⁾ imposed measures on imports originating in the Soviet Union, Norway, Sweden, Iceland, Venezuela and Yugoslavia.
- (3) In their request for a review lodged in November 1989, the Brazilian producers and/or exporters claimed that they were no longer dumping this product and that the Community industry was therefore no longer suffering material injury connected with the dumping of Brazilian products. The measures adopted in 1987 should therefore be repealed or amended.
- (4) Having decided, after consultation, that there was sufficient evidence to justify a review, the Commission began an investigation in accordance with Article 14 of Regulation (EEC) No 2423/88. As the Commission has, moreover, reason to believe that the circumstances cited by some Brazilian exporters are equally applicable to other Brazilian producer/exporters, the review was extended to all Brazilian producer/exporters⁽⁵⁾.
- (5) The Commission officially notified the exporters, Community producers and importers known to be

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 343, 5. 12. 1987, p. 1.

⁽³⁾ OJ No L 219, 8. 8. 1987, p. 24.

⁽⁴⁾ OJ No L 38, 10. 2. 1990, p. 1.

⁽⁵⁾ OJ No C 109, 3. 5. 1990, p. 5.

concerned and gave the parties concerned the opportunity to make known their views in writing and to request a hearing.

- (6) The Community producers, the exporters and some importers made their views known in writing.
- (7) Some exporters and several importers and consumers of ferro-silicon requested and were granted hearings.
- (8) The Commission sought and verified all the information it deemed necessary for the purposes of determining dumping, injury and the threat of injury and carried out inspections at the premises of:

- Community producers
 - Pechiney Electrometallurgie SA, France,
 - SKW Trostberg AG, Germany,
 - Carbueros Metálicos, Spain,
 - Industria Elettrica Indel, Italy,
 - Utilizzazioni Elettro Industrial (UEI), Italy.
- Community importers
 - Considar Europe SA, Belgium,
 - Sogem Rohstoffhandel GmbH, Germany.
- Brazilian producer/exporters
 - Companhia Brasileira Carbureto de Cálcio (CBCC),
 - Companhia Italmagnesio SA,
 - Companhia Ferroligas da Baía — Ferbasa,
 - Companhia Cimento Portland Maringa,
 - Companhia Paulista de Ferroligas,
 - Companhia Ferroligas Minas Gerais — Minas Ligas,
 - Companhia Ferroligas Piracicaba Lda,
 - Companhia Rima Electrometalurgia SA.

- (9) The Commission received and used information from the importer Marc Rich, Zug, Switzerland.
- (10) All producer/exporters were informed of the principal facts and considerations which would serve as the basis for the recommendation to impose definitive measures. They were also given time to submit their comments following the communication of this information. Their comments were examined and, where appropriate, taken into account in the Commission's conclusions.
- (11) The dumping investigation covered the period from 1 September 1989 to 30 April 1990.

B. PRODUCT

1. Description of the product

- (12) The product concerned is ferro-silicon containing between 10 % and 96 % of silicon by weight and

falling within CN codes 7202 21 10, 7202 21 90 and ex 7202 29 00.

2. Like product

- (13) The Commission established that the ferro-silicon produced in the Community and that exported from Brazil were like products in all essential physical and technical properties.

C. DUMPING

1. Normal value

- (14) In general, normal value was calculated firm by firm and month by month and based on the prices charged on the domestic market by seven Brazilian producers, five of which exported to the Community during the reference period and provided sufficient evidence.
- (15) Normal value was also calculated for two Brazilian producers which had not exported to the Community in the reference period. These exporters cooperated fully with the investigation and expressed a desire to export to the Community in the near future.
- (16) During the reference period, one Brazilian producer made negligible and unrepresentative domestic sales, averaging a loss. It was therefore necessary to find another method of calculating normal value. Normal value was constructed on the basis of average monthly fixed and variable raw material and manufacturing costs — weighted according to the volume of export production — together with the selling costs, administrative expenditure and general overheads. Allowance was also made for a reasonable profit margin of 6 %.
- (17) To offset the inflationary effect of domestic prices in Brazil, normal values were expressed on a monthly basis in US dollars and according to the monthly average exchange rate.

2. Export prices

- (18) Export prices — expressed in US dollars — were based on the prices actually paid or payable for products sold for export to the Community. Where exports were made to subsidiary companies in the Community or where there was a compensatory arrangement between the exporter and the importer, export prices were determined on the basis of the price at which the imported product was first sold to an independent purchaser, with due allowance for all costs borne between import and resale of the products concerned and for a

reasonable profit margin of 3 %, calculated on the basis of the profit margin of independent importers of the product. All these sales were made before payment of the anti-dumping duty.

3. Comparison

- (19) In comparing normal value with the export prices on a transaction-by-transaction basis, the Commission took account when appropriate and where sufficient evidence was provided, of differences affecting the comparability of prices; such adjustments were concerned mainly with payment and delivery terms, transport and insurance costs and different forms of presentation and packaging.
- (20) Costs resulting from non-recoverable waste, incurred at each loading and unloading in the export process, were also deducted from the export prices. Where producers had failed to quantify such costs, a percentage deemed reasonable in the light of all the data verified during the investigation with other producers which did provide such evidence was deducted from the selling price to obtain the net ex-works price of exports.
- (21) Given Brazil's high and relentless inflation, normal values and export prices were compared in US dollars.
- (22) All comparisons were made at the ex-works stage.

4. Margin

- (23) Comparison of normal value with the export prices for the period from September 1989 to April 1990 shows that five Brazilian producers' exports to the Community were being dumped, with the following average margins based on the free-at-Community-frontier price:

— Italmagnesio SA:	66,56 %
— Companhia Cimento Portland Maringa:	39,31 %
— Companhia Ferroligas da Baía:	41,18 %
— Companhia Ferroligas Minas Gerais:	26,03 %
— Rima Electrometalurgia SA:	12,18 %
— Companhia Brasileira Carbureto de Cálcio SA:	0 %

D. INJURY

- (24) The Commission's task was to determine whether, in spite of the anti-dumping measures imposed on

certain exporters, there was injury or threat of injury.

I. Current situation

1. Volume and price of imports

- (25) Brazilian exports to the Community have increased, rising from 7 000 tonnes in 1986 to 17 000 tonnes in 1987, the year the anti-dumping measures entered into force, and reaching some 22 000 tonnes in 1990. Brazil's market share grew from about 1 % in 1986 to over 4 % in 1990. This relatively small market share must be considered in the light of that of other countries, such as Norway, Sweden, Iceland, Venezuela, the Soviet Union and Yugoslavia, which between them hold about 65 % and, having been guilty of dumping, are subject to measures.
- (26) The Commission also established that while during the reference period the resale prices of the imports originating in Brazil were improved by the anti-dumping measures in force, many cases were found in which they remained lower than those charged by Community producers.

2. Impact on the Community industry

The Commission took note of the following information:

(a) Community capacity and production

- (27) Between 1986 and 1990 Community production capacity fell from 285 000 to 252 000 tonnes; in reducing its capacity, the Community industry has sought to specialize to some extent in an attempt to limit its losses in the face of downward pressure exerted — despite the anti-dumping measures in force — by exporters of non-member countries and Brazil in particular, on prices for standard and other products in the Community.
- (28) Community production has fallen by about 41 %: standing at 227 000 tonnes in 1986, it fell to 133 000 tonnes in 1990 and part of this output was exported or stockpiled.

(b) Market share and consumption

- (29) Between 1986 and 1990 the Community industry's market share shrank from 39 to 20 %, while annual Community consumption stabilized at about 500 000 tonnes in the same period: consumption obviously benefited imports from non-member countries, including Brazil.

(c) Prices

- (30) In almost all cases, the resale prices for dumped imports during the reference period would not have covered the costs of Community producers and allowed them a reasonable profit; in an attempt to preserve their sales and their share of the Community market, Community producers were forced during the reference period to sell their products at ever-lower prices until they could not even cover costs.

(d) Profits

- (31) The financial performance of the Community industry was negative from 1986 to 1987. Only in 1988 did a number of firms make a small profit. There was a brief recovery in the first half of 1989 owing to a substantial increase in the selling prices of the product in question. This relative improvement was modest, despite the upturn in the iron and steel industry, which is the main customer for the product concerned, and despite restructuring, which allowed better, though still not satisfactory, capacity utilization. During the reference period, the Community industry once more registered appreciable losses. The current anti-dumping measures did, however, curb firm's losses at a time when prices were falling.

3. Cause and effect and other factors

- (32) The combination of the increase in imports originating in Brazil, the increase in their market share, the pressure exerted by the prices of those imports and the worsening situation in the Community industry despite the restructuring undertaken by the Community producers shows that the position of the Community industry remains precarious in spite of the current anti-dumping measures.

In such a situation, low-priced imports from Brazil further debilitate the industry and constitute an additional injury.

- (33) The Commission examined whether other factors could be behind the injury caused to the Community industry, such as imports of products originating in other non-member countries. It established that, while other non-member countries held a substantial share of the market, measures had been imposed on dumped imports from these countries, namely Norway, Sweden, Iceland, Venezuela, Yugoslavia and the Soviet Union. It would seem that all these countries have contributed to the difficulties of the Community industry. These countries would be the object of discrimination, if

measures were not taken against Brazil, which has also played a part in aggravating the situation in the Community.

- (34) The Commission therefore concluded, on the basis of the evidence above, that the imports of products originating in Brazil concerned by this proceeding were, by themselves, a cause of material injury to the Community industry.

II. Threat of injury

- (35) There has been a significant increase in dumped imports originating in Brazil. If sustained, this rate of increase would have grave consequences for the Community industry. Brazil's production capacity of 280 000 tonnes, moreover, accounts for about 16 % of the total for market economy countries, which is also a significant proportion of world capacity. In 1989 its output reached about 230 000 tonnes, while domestic consumption peaked at about 120 000 tonnes. This disparity leaves about 100 000 tonnes available for export.
- (36) As regards the possibility of Brazil adopting a more active export policy should the anti-dumping measures expire, it should be borne in mind that the Community is a very attractive market by virtue of its price levels, its terms of payment and the quality of its currencies.
- (37) The investigation has also shown that low-priced Brazilian imports constantly undercut the Community industry.

III. Conclusions

- (38) In these circumstances, the Commission concludes that the present anti-dumping measures should be maintained in an amended form and new measures be imposed on some exporters.

E. COMMUNITY INTEREST

- (38) It is in the Community's interest to restore fair competition, without disturbance by unfair practices. Continued dumping would threaten the survival of the Community industry.

In view of ferro-silicon's importance in steelmaking, it could not be in the Community's interest to depend wholly on non-Community suppliers, particularly since some are located at a great distance from the Community.

- (40) The representatives of Community manufacturing industries and of individual firms have argued that it would be against the Community's interest to keep the protective measures in force, since they would weaken competitiveness against imports of finished products originating in non-member countries.
- (41) As is the case for any raw material, it is probable that price rises influence the costs of the manufacturing industries. However, no firm provided the Commission with clear evidence of a specific effect of ferro-silicon price increases on its production costs; nor was evidence supplied of the possible impact of an increase in manufacturer's prices on their total sales. The Commission considers that the impact would be slight, particularly in view of the low percentage of ferro-silicon used in the production of a tonne of steel and the relatively small proportion of the overall cost of a tonne of steel represented by this product.
- (42) Having carefully compared the above arguments and the particularly serious problems faced by the Community ferro-silicon industry, which can be attributed to a significant extent to the imports in question, the Commission has concluded that it is in the Community's interest to maintain anti-dumping measures.

F. UNDERTAKINGS

- (43) The following Brazilian firms, which exported to the Community during the reference period,
- Companhia de Cimento Portland Maringa, São Paulo,
 - Companhia de Ferroligas da Baía — Ferbasa, Pojuca,
 - Companhia Ferroligas Minas Gerais — Minas Ligas, Contagem,
 - Companhia Italmagnesio SA, São Paulo,
- have offered satisfactory price undertakings to bring the import prices of ferro-silicon originating in Brazil up to a level considered sufficient to remove the injury to the Community industry.
- (44) The following Brazilian firms, which although not exporting to the Community during the reference period had expressed their desire to do so in the future and also offered to cooperate actively with the Commission,
- Companhia Ferroligas Piracicaba L^{da}, São Paulo,
 - Companhia Paulista de Ferroligas, São Paulo,
- have committed themselves to price undertakings which are satisfactory in terms of normal value and

considered sufficient to eliminate the injury to the Community industry.

- (45) In view of the above, and bearing in mind that the circumstances of this case justify the application of such measures, the undertakings offered by the producer/exporters mentioned above are considered acceptable and the investigation concerning the Brazilian producer/exporters listed in recitals 43 and 44 can accordingly be terminated.

G. DEFINITIVE DUTIES

- (46) On the basis of the Commission's conclusions, the Council, by Regulation (EEC) No 1115/91 ⁽¹⁾, has imposed definitive anti-dumping duties on imports of ferro-silicon originating in Brazil,

HAS DECIDED AS FOLLOWS:

Article 1

The undertakings offered by the following Brazilian firms,

- Companhia de Cimento Portland Maringa, São Paulo,
- Companhia de Ferroligas da Baía — Ferbasa, Pojuca,
- Companhia Ferroligas Minas Gerais — Minas Ligas, Contagem,
- Companhia Italmagnesio SA, São Paulo,
- Companhia Ferroligas Piracicaba L^{da}, São Paulo,
- Companhia Paulista de Ferroligas, São Paulo,

in connection with the anti-dumping proceeding concerning imports of ferro-silicon containing between 10 and 96 % of silicon by weight originating in Brazil and falling within CN codes 7202 21 10, 7202 21 90 and ex 7202 29 00, are hereby accepted.

Article 2

The investigation in connection with the anti-dumping proceeding concerning the firms referred to in Article 1 is hereby terminated.

Done at Brussels, 29 April 1991.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ See page 1 of this Official Journal.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 371/91 of 14 February 1991, introducing prior Community surveillance of imports into the Community of diammonium hydrogenorthophosphate falling within CN code 3105 30 00 originating in non-member countries

(Official Journal of the European Communities No L 43 of 16 February 1991)

On page 14, in the title, the second recital and Article 1:

for: 'CN code 3105 30 00',

read: 'CN code 3105 30';

in Article 2 (1):

for: '...customs authorities...',

read: '...competent authorities...'.
