

Official Journal

of the European Communities

ISSN 0378-6978

L 276

Volume 34

3 October 1991

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2901/91

of 2 October 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 2661/91⁽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 1 October 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 2661/91 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 October 1991.

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

Done at Brussels, 2 October 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 250, 7. 9. 1991, p. 1.

ANNEX

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

(ECU/tonne)

CN code	Levy
0709 90 60	123,09 ⁽²⁾ ⁽³⁾
0712 90 19	123,09 ⁽²⁾ ⁽³⁾
1001 10 10	179,50 ⁽¹⁾ ⁽⁵⁾
1001 10 90	179,50 ⁽¹⁾ ⁽⁵⁾
1001 90 91	154,91
1001 90 99	154,91
1002 00 00	164,02 ⁽⁶⁾
1003 00 10	139,91
1003 00 90	139,91
1004 00 10	125,93
1004 00 90	125,93
1005 10 90	123,09 ⁽²⁾ ⁽³⁾
1005 90 00	123,09 ⁽²⁾ ⁽³⁾
1007 00 90	134,74 ⁽⁴⁾
1008 10 00	52,45
1008 20 00	123,60 ⁽⁴⁾
1008 30 00	52,69 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	52,69
1101 00 00	229,88 ⁽⁸⁾
1102 10 00	242,63 ⁽⁸⁾
1103 11 10	291,41 ⁽⁸⁾
1103 11 90	247,77 ⁽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 2902/91

of 2 October 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 1845/91⁽⁵⁾ and subsequent amending Regulation;

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 1 October 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 October 1991.

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

Done at Brussels, 2 October 1991.

For the Commission

Ray MAG 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 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 2 October 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 10	1st period 11	2nd period 12	3rd period 1
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 10	1st period 11	2nd period 12	3rd period 1	4th period 2
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 2903/91

of 2 October 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 2802/91 ⁽³⁾, as amended by Regulation (EEC) No 2869/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2802/91 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 2802/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 October 1991.

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

Done at Brussels, 2 October 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 270, 26. 9. 1991, p. 9.⁽⁴⁾ OJ No L 274, 1. 10. 1991, p. 13.

ANNEX

to the Commission Regulation of 2 October 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	33,71 ⁽¹⁾	
1701 11 90 910	34,06 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	33,71 ⁽¹⁾	
1701 12 90 910	34,06 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3664
1701 99 10 100	36,64	
1701 99 10 910	37,02	
1701 99 10 950	37,02	
1701 99 90 100		0,3664

⁽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 2904/91

of 27 September 1991

imposing a provisional anti-dumping duty on imports of certain polyester yarns (man-made staple fibres) originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey and terminating the anti-dumping proceeding in respect of imports of these yarns originating in the Republic of Korea

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 11 thereof,

Having informed the EEC-Turkey Association Council pursuant to Article 47 (2) of the Additional Protocol to the Agreement establishing an association between the European Economic Community and Turkey⁽²⁾, and being aware that the measures concerning Turkey imposed by this Regulation should be repealed if the Association Council issues a recommendation within the time period provided for in this Article,

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

Whereas :

A. PROCEDURE

- (1) In March 1990 the Commission announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of certain yarns of staple polyester fibres (hereafter referred to as 'polyester yarns') originating in the Republic of Korea, Taiwan, Indonesia, India, the People's Republic of China and Turkey and commenced an investigation. The product investigated falls within CN codes 5508 10 11, 5509 21 10, 5509 21 90, 5509 22 10, 5509 22 90, 5509 51 00 and 5509 53 00.

The proceeding was initiated as a result of a complaint lodged by the Committee of the Cotton and Allied Textile Industries of the EEC (Eurocoton) on behalf of producers whose collective output constituted substantially all Community

production of the polyester yarns concerned. The complaint contained evidence of dumping of this product originating in the countries indicated in the previous paragraph and of material injury resulting therefrom which was considered sufficient to justify opening a proceeding.

- (2) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.

Representatives of the exporters, some importers, a large number of Community producers and the complainant made their views known in writing. Representatives of the Turkish, the Indian, the Indonesian and the Korean exporters and one importer requested and were granted a hearing.

- (3) In view of the extremely large number of Community producers mentioned in the complaint, the Commission would have been unable adequately to verify the information received from all of them as this would have resulted in an extremely long delay in completing the investigation which would have been incompatible with the very purpose of anti-dumping proceedings. For this reason the Commission decided to make a representative selection of firms on the basis of their size and geographic situation. A certain number of firms of large, medium and small size located in 10 Member States were chosen for questionnaires to be sent. The producers from which acceptable replies were received were found to be representative of the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

- (4) This conclusion does not apply to sewing thread yarns described in recital (10) for which the combined production of the Community producers which replied to the questionnaire is not considered to be representative of the Community industry of this product. Indeed, of all firms reported by the complainant to be finishers of sewing thread those supporting the complaint which supplied the information deemed to be necessary for the investigation only represented a minimal share of the total Community output of

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 293, 29. 12. 1972, p. 4.

⁽³⁾ OJ No C 80, 30. 3. 1990, p. 6.

sewing thread in 1989 on the basis of the information submitted by the Federation internationale de la filerie.

The Commission concludes therefore that, while for Community producers of yarns other than sewing thread the provisions of Article 4 (5) of Regulation (EEC) No 2423/88 are met, that is not the case as far as Community producers of sewing thread are concerned.

- (5) In India, the large number of exporters prevented the Commission from carrying out verifications at the premises of all of them. Because of this the Commission, in order to achieve the most equitable method of completing the investigation within a reasonable period, proceeded as follows :

The Commission forwarded questionnaires to all Indian exporters known (43 firms). Most of these exporters replied to the questionnaire and no requests for questionnaires were received from other firms. The Commission selected, on the basis of criteria such as their production and sales both in India and in the Community, seven firms of small, medium and large size. The Commission informed the Synthetic and Rayon Textiles Export Promotion Council (SRTEPC) which represents virtually all the exporters of the product concerned in India, of the criteria used for choosing the selected companies and of its intention to apply the weighted average findings established for these seven companies to the rest of the cooperating exporters. No objections were raised by the SRTEPC to the proposed methodology.

- (6) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following firms :

(a) *Community producers :*

Germany :

- Neue Baumwoll-Spinnerei und Weberei Hof AG, Hof,
- Vogtländische Baumwoll Spinnerei AG, Hof,
- Schoeller Textil GmbH & Co. Kg, Düren ;

Spain :

- CA Hilaturas de Fabra y Coats, Barcelona,
- Estabanell y Pahisa SA, Barcelona,
- Hilaturas Gossypium SA, Barcelona,
- Hilaturas MAB SA, Barcelona,

- J Espona SA, Barcelona,
- Grupo MITASA, Barcelona,
- Manufacturas Antonio Gassol SA, Barcelona ;

Italy :

- Bossi SpA, Cameri,
- Filatura Giovanni Graziani SRL, Busto Arsizio,
- Manifattura del Circeo SpA, Milano,
- Manifattura Maffei, Industria Filati SpA, Gazzaniga,
- Filatura della Valtrompia SpA, S. Vittore Olona,
- Linificio e Canapificio Nazionale SpA, (Divisione Cotonificio di Conegliano), Vimercate ;

Portugal :

- Coelima Indústrias Têxteis SA, Pevidem ;

United Kingdom :

- Courtaulds Textiles plc, (Courtaulds Spinning), Oldham,
- CV Woven Fabrics Ltd (India Mills), Darwen, Lancashire ;

France :

- P & J Leurent SA, Tourcoing,
- La Cotonnière d'Armentières SA, Armentières,
- La Cotonnière du Touquet SA, Armentières ;

Belgium :

- NV Utebel, Renaix ;

(b) *Exporters :*

India :

- Banswara Syntex Ltd, Bombay,
- The Coimbatore Pioneer Mills Ltd, Peelamedu, Coimbatore,
- Modern Syntex Ltd, Bombay,
- Rajasthan Spinning & Weaving Mills Ltd, Gulapura,
- Reliance Chemotex Industries Ltd, Bombay,
- The Shree Meenakshi Mills Ltd, Madurai,
- Shree Satyam Sp., and Wvg Mills Ltd, Secunderabad ;

Indonesia :

- P T Kewalram Indonesia, Bandung ;

Republic of Korea :

- Choongnam Spinning Co. Ltd, Seoul,
- Taekwang Industrial Co. Ltd, Seoul ;

Taiwan :

— Chung Shing Textile Company Ltd, Taipei ;

Turkey :

— Bisas Bursa Iplik Sanayii AŞ, Bursa,

— Ceytas Ceyhan Tekstil Sanayii AŞ, Ceyhan, Adana,

— Soktas Pamuk ve Tarım Ürünlerini Değer
Pendirme Ticaret ve Sanayii AŞ, Söke.

(c) *Importers in the Community :*

France :

— Sartel Tootal SA, Wattrelos,

— Cousin Frères SA, Wervicq-sud ;

Belgium :

— Chemitex SA, Brussels ;

United Kingdom :

— Broome and Wellington, Manchester,

— English Sewing Ltd, Poynton/Cheshire.

- (7) The following producers in India responded to the questionnaire sent by the Commission and agreed to cooperate in the investigation but were not visited for the reasons outlined in recital (5) :

— Deepak Spinners Ltd, Baddi, Solan,
— Gokak Patel Volkart Ltd, Gokak Mills Division, Bombay,
— Himachal Fibres Ltd, New Delhi,
— Hind Syntex Ltd, Dewas,
— Indo Rama Synthetics (India) Ltd, New Delhi,
— Loyal Textile Mills Ltd, Kovilpatti,
— Orient Syntex Ltd, Bombay,
— Precot Mills Ltd, Coimbatore,
— Rajasthan Textile Mills (prop. Sutlej Cotton Mills Ltd), Bhawanimandi,
— Sholingur Textiles Ltd, Dindigul,
— Soundaraja Mills Ltd, Dindigul,
— The Madhavnagar Cotton Mills Ltd, Madhav-nagar,
— Vardhman Spinning & General Mills Ltd, Ludhiana,
— Yarn Syndicate Ltd, Calcutta.

- (8) The investigation of dumping covered the period from 1 January 1989 to 31 December 1989 (the investigation period).

- (9) This investigation has exceeded the normal time period of one year because of the volume and complexity of the data initially gathered and examined, and because the investigation has required the study of related issues which arose during the proceeding and which could not have been foreseen at its outset.

B. PRODUCT UNDER CONSIDERATION, LIKE PRODUCT

(i) Definition of product

- (10) The products covered by the complaint and for which the proceeding was opened are the following :

— sewing thread of polyester staple fibres, not put up for retail sale (CN code 5508 10 11),
— single and multiple (folded) yarn containing 85 % or more by weight of polyester staple fibres, not put up for retail sale (CN codes 5509 21 10, 5509 21 90, 5509 22 10 and 5509 22 90),
— other yarn of polyester staple fibres mixed mainly or solely either with artificial staple fibres or with cotton (CN codes 5509 51 00 and 5509 53 00).

With the exception of sewing thread all other yarns covered by the proceeding can be basically divided into three categories : polyester yarns of staple fibres, polyester yarns of staple fibres mixed with viscose and polyester yarns of staple fibres mixed with cotton. Within each category yarns are divided into different count numbers depending on their thickness and on whether they are single or multiple. For the purpose of this Regulation each one of these is called a 'product type'.

These yarns have very similar physical characteristics, are manufactured using the same basic technology and on the same type of equipment and are marketed under a similar commercial policy. They have, for the same product types, similar costs of production and selling prices per unit and a high degree of interchangeability in their uses.

The sewing thread of polyester staple fibres falling within CN code 5508 10 11 has, however, distinct technical characteristics and end uses. In addition to the manufacturing processes common to all yarns, i.e. spinning and in certain cases twisting, the production of sewing thread requires at least three other manufacturing processes, i.e. dyeing, lubricating and winding which result in different physical characteristics of the finished product. The end uses are clearly different ; sewing thread is used for sewing whereas the other yarns are primarily used for weaving or knitting.

For all these reasons, the Commission has come to the conclusion that, for the purpose of the present proceeding, polyester yarns of staple fibres, polyester yarns of staple fibres mixed with viscose and polyester yarns of staple fibres mixed with cotton can be considered as one product, whereas sewing thread falling within CN code 5508 10 11 should be considered as a distinct product.

- (11) A Community importer and finisher of sewing thread alleged that the so-called unfinished sewing thread or 'grey yarn', which is a 100 % polyester yarn used to produce finished sewing thread, should be considered as a distinct product and should, either be excluded from the scope of the proceeding, or be considered separately for all purposes of the proceeding. In support of its argument this importer argued that these 'grey yarns' had different technical characteristics, economics of production and end uses.

The Commission came to the conclusion that the alleged differences in technical characteristics were not exclusive to these 'grey yarns' but were common to many other yarns used for weaving and knitting purposes and that the arguments put forward concerning economics of production and end uses could not justify a distinct treatment for a product which could not be differentiated in its physical characteristics.

(ii) Like product

- (12) The results of the investigation carried out by the Commission have shown that the yarns manufactured in the exporting countries concerned by this proceeding use the same basic technology as those produced in the Community and are alike in their essential physical and technical characteristics and in their end uses.

The Commission also found that the yarns sold by the exporting countries in their domestic markets are alike, within the meaning of Regulation (EEC) No 2423/88, to the yarns exported to the Community.

C. DUMPING

(i) Normal value

- (13) For all exporting countries, normal values were preliminarily established by the methods provided for by Article 2, (3), (4) and (5) of Regulation (EEC) No 2423/88, for each individual product type exported to the Community.

(a) Republic of Korea

- (14) Normal value for the cooperating Korean exporters was established on the basis of the comparable price actually paid or payable in the ordinary course of trade for the like product in the Republic of Korea.

Where a particular product type exported to the Community was not sold on the domestic market or where such sales were made in insufficient quantities, given the difficulties in making a reasonable estimate of the value of the differences between product types, normal value was constructed on the basis of the costs of production plus a reasonable profit margin. The selling, general and administrative expenses included in the cost of production and the profit margins were calculated by reference to the expenses incurred and the profits realized by the exporter concerned on sales of other types of the like product on the domestic market.

(b) Taiwan

- (15) Normal value for the cooperating Taiwanese exporter was established on the basis of the comparable price actually paid or payable in the ordinary course of trade for the like product in Taiwan.

Where substantial quantities of domestic sales of a particular product type were sold at a loss, normal value was established on the basis of the prices actually paid or payable for the remaining profitable sales of this product type in accordance with Article 2 (4) of Regulation (EEC) No 2423/88.

(c) Indonesia

- (16) Normal value for the cooperating Indonesian exporter was established on the basis of the comparable price actually paid or payable in the ordinary course of trade for the like product in Indonesia.

Where a particular product type exported to the Community was not sold on the domestic market or domestic sales were in insufficient quantities or made at a loss, given the difficulties in making a reasonable estimate of the value of differences between product types, normal value was constructed on the basis of the cost of production plus a reasonable profit margin. The selling, general and administrative expenses included in the cost of production and the profit margins were calculated by reference to the expenses incurred and the profits realized by the exporter concerned on sales of other types of the like product on the domestic market.

(d) India

- (17) Normal value for the cooperating Indian exporters was established on the basis of the comparable price actually paid or payable in the ordinary course of trade for the like product in India.

Where a particular product type exported to the Community was not sold on the domestic market or where such sales were in insufficient quantities or were made at a loss, given the difficulties in making a reasonable estimate of the value of the differences between product types, normal value was constructed on the basis of the cost of production plus a reasonable profit margin. The selling, general and administrative expenses included in the cost of production and the profit margins were calculated by reference to the expenses incurred and the profits realized by the exporter concerned on sales of other types of the like product on the domestic market.

In a certain number of cases it was not possible to follow this approach on establishing the profit margin as either no sales of other types of the like product were made by the particular exporters concerned or they were made at a loss or with profit margins not suitable for use. In those cases the profit margin used was the weighted average profit realized by other exporters in India on profitable sales of other types of the like product on the domestic market.

(e) *People's Republic of China*

- (18) Since the People's Republic of China is a non-market economy country within the meaning of Article 2 (5) of Regulation (EEC) 2423/88, normal value was based on information obtained in a market economy third country. To that effect, the complainant's suggestion that normal value be determined on the basis of the constructed value of the like product manufactured in India has been retained in the absence of domestic sales in India of the product types exported from the People's Republic of China. India is considered to be the most appropriate and reasonable choice of market economy third country among these subject to the proceeding as far as similarities in production techniques and level of development are concerned.

For one of the producers concerned, the product was not exported directly from China to the Community but via Hong Kong. Normal value for these exports, however, was not established on the basis of prices in Hong Kong as the product in question was merely transhipped through that country.

(f) *Turkey*

- (19) In view of the high level of inflation in Turkey during the investigation period, normal values were established on a monthly basis for one cooperating exporter and on a quarterly basis for the other two

cooperating exporters given that, in these cases, data on a monthly basis was not available.

As the number of sales made by all three exporters in the domestic market of the product types exported to the Community was insignificant, normal value was constructed on the basis of the cost of production plus a reasonable profit margin. This profit margin and the selling, administrative and general expenses included in the cost of production were established, for two exporters, by reference to the profit realized and to the expenses incurred in their spinning and weaving activities. This was considered to be the most reasonable solution in view of the fact that neither the selling, general and administrative expenses nor the profit could be determined by reference to the domestic sales of the like product and that in such circumstances these costs and profit are, according to Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88, to be calculated by reference to the sales made by the exporter in the same business sector which, in the present case, is spinning and weaving.

For the third Turkish exporter, as its spinning and weaving activities did not show any profit during the investigation period, the weighted average profit margin of the other two exporters, as determined above, was used.

(ii) *Export price*

- (20) Export prices were determined for the purpose of the preliminary findings on the basis of the prices actually paid or payable for the products sold for export to the Community.
- (21) One of the exporters concerned carried out some of its sales to the Community through a branch established in the Community. Export prices in respect of these sales were constructed on the basis of the price at which the imported product was first resold to an independent buyer in the Community. These prices were adjusted in order to take account of all costs incurred between importation and resale including customs duties and a reasonable profit margin which was established on the basis of the profit margins normally made by independent importers of the product in question.
- (22) One of the Chinese exporters involved made all of its sales to the Community through a company in Hong Kong. The company in Hong Kong and some of the purchasers in the Community were financially linked to the Chinese exporter and are, for the purposes of this proceeding, considered to be related. However, given the fact that there were no resales of the product in the same condition as it had been imported and that the prices of the

goods sold for export to these related importers were equivalent to those to independent importers it was concluded that there was no need to resort to the reconstruction of the export price, as these sales could be considered to have been made in the ordinary course of trade.

(iii) Comparison

- (23) The normal value by product type was compared with the export price for the corresponding type on a transaction-by-transaction basis at an ex-works level and for the same level of trade. As far as differences in conditions and terms of sale are concerned, allowances were limited to those claimed which bore a direct relationship to the sales under consideration and for which satisfactory evidence was submitted.
- (24) Cooperating Korean, Indonesian exporters requested an allowance with regard to import charges on raw materials physically incorporated in the like product when destined for consumption in the country of origin and refunded or not collected in respect of the product exported to the Community. These allowances were granted to the extent that satisfactory justification was provided.
- (25) Several Indian exporters claimed an allowance in respect of prior stage duties and indirect taxes on inputs to the like product destined for consumption in India which were refunded by the Indian Government under the cash compensatory support system, in respect of the product exported to the Community. Following the examination of the evidence provided by the claimant exporters, the amount actually refunded (8 % of the fob value of the exported goods) was found to correspond to the duties and indirect taxes effectively borne. The claim has, therefore, been fully allowed pursuant to Article 2 (10) (b) of Regulation (EEC) No 2423/88. Moreover, the Commission has been officially informed by the Indian authorities of the abolition of the cash compensatory support system with effect from 3 July 1991 and, therefore, it is reasonable to expect that export prices will increase accordingly.

(iv) Dumping margins

(a) Cooperating exporters

- (26) Normal values and export prices were compared on a transaction-by-transaction basis for each of the exporters concerned. The preliminary examination of the facts shows the existence of dumping in respect of imports of the product concerned originating in the Republic of Korea, Taiwan, Indonesia, India, the People's Republic of China and

Turkey, from all the exporters involved, the margin of dumping being equal to the amount by which the normal value, as established, exceeds the price for export to the Community.

- (27) As far as the exporters from the People's Republic of China other than Guangying Spinning Co., Ltd are concerned and in accordance with previous Community practice the Commission considered that, because of the lack of independence of these exporters in setting their export prices, a single dumping margin should be determined. To do otherwise would favour circumvention as exports to the Community could, in the future, be channelled through the company with the lowest dumping margin.

In the case of Guangying Spinning Co., Ltd, however, evidence was submitted establishing the fact that this company is a joint venture formed by Chinese and Hong Kong partners, the latter being related to a Community group, is free to establish its export prices and can transfer profits obtained to its foreign shareholders subject to certain administrative requirements. This led the Commission to conclude that an individual dumping margin could be determined for this company by comparing its actual export prices with the relevant normal value established for the People's Republic of China in accordance with recital (18).

- (28) The weighted average margins of dumping for each exporter, expressed as a percentage of cif Community frontier prices are as follows:

(a) Republic of Korea

Choongnan Spinning Co., Ltd,
Seoul : 15,88 %
Taekwang Industrial Co., Ltd, Seoul : 3,68 % ;

(b) Taiwan

Chung Shing Textile Company Ltd,
Taipei : 2,24 % ;

(c) Indonesia

P.T. Kewalram Indonesia, Bandung : 0,26 % ;

(d) India

Banswara Syntex Ltd, Bombay : 6,04 %
The Coimbatore Pioneer Mills Ltd,
Coimbatore : 3,34 %
Modern Syntex Ltd, Bombay : 3,32 %
Rajasthan Spinning & Weaving Mills
Ltd, Gulapura : 2,00 %
Reliance Chemotex Industries Ltd,
Bombay : 2,16 %
The Shree Meenakshi Mills Ltd,
Madurai : 11,82 %
Shree Satyam Spinning & Weaving
Mills Ltd, Secunderabad : 9,84 %.

The weighted average of the dumping margins found for the sampled exporters above amounts to 3,76 %. This percentage is considered as the dumping margin to be attributed to the cooperating exporters in India not investigated :

(e) People's Republic of China

Chinatex Non-Cotton Yarns &
Fabrics Import and Export Co.,
Beijing : 29,69 %,
Guangying Spinning Co., Ltd,
Guangzhou : 0,42 % ;

(f) Turkey

BİSAS Bursa İplik Sanayii AŞ, Bursa : 10,14 %,
Ceytas Ceyhan Tekstil Sanayii
AŞ, Ceyhan, Adana : 2,66 %,
Soktas Pamuk ve Tarım Ürünlerini
Değer Pendirme Ticaret ve Sanayii
AŞ, Söke : 4,13 %.

- (29) The dumping margins found for Guangying Spinning Co., Ltd, Guangzhou and P.T. Kewalram Indonesia, Bandung can be regarded as *de minimis* and consequently, for the purposes of this proceeding, imports from these two companies are considered as not to have been dumped.

(b) Non-cooperating exporters

- (30) In addressing the issue of establishing the dumping margin for the exporters which neither replied to the Commission's questionnaire within the established time limit nor otherwise made themselves known, the Commission noted that the proportion of imports into the Community, as recorded in Eurostat statistics, covered by the exports reported by the cooperating exporters varied according to the countries concerned. Thus for the Republic of Korea, India and the People's Republic of China the reported exports covered almost the totality of imports into the Community as recorded in Eurostat. By contrast, for Taiwan, Indonesia and Turkey this proportion showed a large degree of non-cooperation.
- (31) In these circumstances, it was concluded that, in applying Article 7 (7) (b) of Regulation (EEC) No 2423/88, two different approaches were required for the establishment of dumping margins for non-cooperating exporters in order that cooperating exporters would not be discriminated against and, at the same time, that measures to be taken would constitute an effective protection for the Community industry.
- (32) For countries with a high coverage of exports, namely the Republic of Korea, India and the People's Republic of China it was considered that

the most reasonable assumption was that the dumping margins were equal to the highest dumping margin found for a cooperating exporter in the same country.

As to countries with a low coverage of exports, i.e. Taiwan, Indonesia and Turkey it was considered that the information obtained from cooperating exporters could not be held to be representative and other available information, in particular that contained in the complaint for the determination of normal value and in Eurostat statistics with regard to export prices, was used.

On the basis of the above, the following dumping margins, expressed as a percentage of cif Community frontier prices, have been determined :

— Republic of Korea :	15,8 %,
— Taiwan :	24,5 %,
— Indonesia :	21,1 %,
— India :	11,8 %,
— People's Republic of China :	29,6 %,
— Turkey :	52,1 %.

D. INJURY

(i) Cumulation of the effects of the dumped imports

- (33) In establishing the impact of the dumped imports on the Community industry, the Commission has considered the effect of all dumped imports from the countries concerned in the present investigation. In analysing whether cumulation of these imports was appropriate, the Commission examined whether the imports at dumped prices contributed to the material injury suffered by the Community producers. For that purpose, the Commission has considered the comparability of the products imported from all the countries concerned in terms of physical characteristics and interchangeability of end uses. It has also examined the volumes imported, the level of prices of these imports and the extent to which imports from each country competed in the Community with each other and with the like product of the Community industry. After examination of these facts the Commission found that with the exception of the Republic of Korea (see recital (34)) and for the purpose of establishing the level of injury sustained by the Community industry, regard should be paid to the cumulated effect of the dumped imports from all exporting countries concerned.
- (34) It was considered that, given the small and distinctly lower market share held since the end of 1987 by the Republic of Korea compared to the other five countries concerned, there were insufficient grounds to cumulate the imports from that country with those of the remaining five exporting

countries for which, the similar and simultaneous effect on the Community industry must be assessed jointly.

(ii) Volume and market share of dumped imports

- (35) The volume of dumped imports into the Community of the product concerned originating in the exporting countries which are the subject of the proceeding, other than the Republic of Korea, increased from 7 877 tonnes in 1986 to 17 672 tonnes during the investigation period (January 1989 to December 1989). Imports from the Republic of Korea in the same period increased from 713 tonnes to 976 tonnes.
- (36) The development of imports, assessed in the light of the apparent Community consumption over the same period led to a combined market share of the Community market held by the exporting countries concerned, other than the Republic of Korea, taken together, which increased from 3,7 % in 1986 to 9,5 % during the investigation period. The market share held by the Republic of Korea in the same period increased from 0,3 % to 0,5 %.

(iii) Prices of dumped imports

- (37) Prices of the imported product from the six countries concerned were, during the investigation period, significantly below the prices practised by the Community producers. Price undercutting was established for each of the exporters investigated by comparing, at the same level of trade, prices of the exporter concerned for sales to the first independent customer in the Community with weighted average prices of the Community producers.

This comparison was made on a per product type basis for each of the types imported which were considered for the dumping determination. In cases where a particular product type imported had not been sold during the investigation period by any of the Community producers, the price of the nearest resembling type, duly adjusted, was used.

Adjustments were also made to ensure comparability in terms of transport costs deducted from the Community selling prices as well as in terms of customs duty and importers' profit margin added to the import prices, to the extent it was applicable.

The results of the comparison showed margins of undercutting for all countries concerned and for almost all the exporters investigated. The weighted average undercutting, expressed at a free-at-Community-frontier level, ranged up to 56,48 %.

(iv) Situation of the Community industry

(a) Production and capacity utilization

- (38) The volume of production of the product concerned by the Community producers investigated remained generally stable on an annual basis during the period from 1986 to 1989.

Regarding capacity utilization, it should be noted that the product concerned is generally manufactured on equipment which is also used for the manufacture of other products (e.g. cotton and viscose yarns). Because of this, it is not possible in all cases to determine capacity utilization rates which are specific for that product. In spite of these difficulties, capacity utilization in respect of the product concerned has been estimated to have remained stable for the investigated producers, on average since 1986, at 75 %.

- (39) The above description reflects the situation of the Community producers investigated. The overall situation of the Community industry presents more negative aspects. Thus, the total volume of production in the Community, as estimated by the complainant, has decreased from 202 700 tonnes in 1986 to 157 150 tonnes during the investigation period. This decline in production appears to be in line with the fact that a high number of production units were closed down in the Community, (see recital (43)).

(b) Sales, stocks and market share

- (40) The volume of sales of the product concerned by the Community industry was in line with that of production since 1986. As a result, the year-end stock levels showed no real trend. This development in sales volume compared to that of the apparent Community consumption led to a decrease in market share from 90,4 % in 1986 to 79,0 % during the investigation period.

(c) Prices

- (41) Because of the continued downward pressure on prices resulting from the dumped imports, Community producers were obliged, in general, to maintain their prices when the upward development of costs of production would normally have led to increasing them. In many cases, since the end of 1988 they were, in order to maintain their capacity utilization and market share, even forced to reduce their prices to levels which in most cases did not cover the costs of production and which, in any case, did not allow a reasonable profit to be made.

(d) Profitability

- (42) While in 1986 and 1987 profits could be kept stable by rationalization factors such as modernization of equipment and reduction of the personnel employed, these remedies could no longer compensate in 1988 and 1989 for the increasing penetration of the Community market by the low priced imports concerned. Thus, the Community producers investigated showed returns on sales of more than 4,6 % on average in 1986 and 1987 but incurred losses in 1988 and 1989 amounting, on average, to 1,3 % and 5,9 % in the respective years.

(e) Plant closures

- (43) The general deterioration of the financial situation of the Community industry since 1988 has led to drastic decisions such as further restructuring and closures of production units in order to stop further decay.

From 1986 to 1989, 77 production units in nine Community countries were closed down either as a result of restructuring or of cessation of activities.

(f) Employment

- (44) More than 1 000 jobs have been lost by the Community producers investigated during 1988 and 1989. This represents nearly a 20 % reduction of the personnel employed by them in 1987 and is the result of an ongoing restructuring intended to defend profitability and which goes beyond a mere modernization investment programme.

With regard to the employment situation of the whole cotton type spinning sector which includes the polyester spinning industry in the Community, the combined effect of restructuring plans and closures of factories is estimated to have led to more than 10 000 jobs being lost in 1988 and 1989 alone.

(v) Conclusion

- (45) In assessing the situation of the Community industry, account has to be taken of the fact that the manufacture of the product concerned is a capital intensive business in which low capacity utilization becomes generally more costly than to maintain high capacity utilization and sell all the production at prices which neither allow an adequate return nor even cover the full costs of production.

In view of this characteristic of the industry, Community producers investigated decided to

maintain capacity utilization as high as possible in an attempt to avoid greater deterioration of profitability which otherwise would have occurred. As a result, economic indicators such as production, sales, stocks and market share did not show, for these producers, the negative trends experienced by the Community industry as a whole. These indicators do not clearly reflect, in all cases, the difficult market conditions in which the Community industry has had to operate. Injury must, in these circumstances, be assessed mainly, on the basis of other parameters such as prices, profitability and employment.

The price erosion, the deterioration of the financial situation with insufficient profitability or even losses, and the reduction in employment affecting practically all the Community producers, all led the Commission to conclude, for the purpose of its provisional findings, that the Community industry has been suffering material injury within the terms of Article 4 (1) of Regulation (EEC) No 2423/88.

E. CAUSATION OF INJURY

- (46) The Commission examined whether the injury suffered by the Community industry had been caused by the dumped imports and whether other factors might have caused or contributed to that injury.

(i) Effect of dumped imports

- (47) On its examination the Commission found that the increase in volume and market share of the dumped imports from the six countries involved in the proceeding coincided with the deterioration of the situation of the Community industry. As explained before in recital (41), as a result of the low prices at which the imported yarns were sold in the Community market, the Community producers were either prevented from increasing their selling prices or forced to reduce them in order to maintain their levels of capacity utilization and market share. This suppression of price increases and reduction in prices led, in turn, to a general decrease in profitability and employment in the Community. The development of negative parameters in these areas, specifically demonstrated by the financial losses incurred and the jobs lost in 1988 and 1989 corresponds in time with the highest penetration of the imports concerned. However, given the negligible and steady market share held by the Republic of Korea since 1987, the Commission considers that dumped imports from this country have not significantly contributed to the injury suffered by the Community industry.

(ii) Effect of other factors

- (48) The Commission examined whether factors other than the dumped imports might have caused or contributed to the injury suffered by the Community industry. The Commission particularly examined the evolution of Community exports to third countries, the evolution and impact of imports from third countries not included in this proceeding and the trend of consumption in the Community market.
- (49) Exports by the Community industry to third countries only represent approximately 6 % of total sales and have not shown any significant changes since 1986.
- (50) Imports from third countries not included in the proceeding have been increasing since 1986 and reached an estimated share of 10,1 % of the Community market during the investigation period. More than half of these imports originate in Egypt and Brazil which have been steadily gaining market share since 1986. Some of the exporters argued that the non-inclusion of these two countries in the proceeding would be particularly discriminatory.

The Commission has noted the substantial increase in the imports from Egypt and Brazil as well as the low level of their prices as they appear in the Eurostat statistics. In this last respect the Commission considers that no conclusions can be drawn from the prices shown in the Eurostat statistics as these mask the extremely important differences in prices among different product types and no information is available concerning the product types being exported from Egypt and Brazil.

The Commission has also noted that no evidence concerning the existence of dumping practices by Egypt and Brazil has been received.

Furthermore the Commission considers that even if it was admitted that the imports from Egypt and Brazil, whether dumped or non dumped, had caused injury to the Community industry, this would not change the fact that the injury caused by the dumped imports originating in the countries concerned by the proceeding other than the Republic of Korea is material.

- (51) Apparent consumption of the product concerned in the Community decreased during the investigation period by 12,3 % when compared to the consumption in 1986. This decline in consumption explains only in part the decrease in sales by all Community producers, but not the reduction of their market share. Thus, in that period, dumped imports from all the countries concerned, other

than the Republic of Korea, gained a Community market share which increased from 3,7 % to 9,5 %. By contrast, estimated sales by the Community industry in the Community market decreased distinctly faster (by 23,3 %) than Community consumption and, consequently, the corresponding market share also decreased from 90,4 % to 79,0 %.

- (52) The Commission has also examined the argument that, because of the existence of quantitative restrictions applied to the imports of the product in question originating in some of the countries concerned, no injury could be caused to the Community industry by these imports. The Commission considers, in this respect, that quantitative restrictions protect the Community industry from excessive volumes of imports but do not necessarily prevent injury resulting from unfair trading practices such as dumping imports at very low prices.

- (53) Consequently, the Commission has concluded that, for purposes of its provisional findings, the dumped imports originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey because of their prices and their penetration in the Community market and the resulting loss of profitability, market share and employment, have, taken in isolation, caused material injury to the Community industry.

F. COMMUNITY INTEREST

- (54) The purpose of anti-dumping duties is, in general, to stop distortion of competition arising from unfair commercial practices and thus to re-establish open and fair competition on the Community market, which is fundamentally in the general Community interest.

The deterioration of the Community industry is especially noticeable from the decrease in profitability and from the number of production units which have shut down during the reference period. This deterioration appears to have continued in 1990 and would, in all likelihood, continue in the future if no measures to counteract the injurious dumping practices were taken.

- (55) Some exporters have argued that an increase in the price of the imported yarns as a result of the adoption of anti-dumping measures would be detrimental to the interest of the Community weavers. The Commission notes that neither weavers nor garment makers in the Community have expressed any objections to the possible adoption of protective measures in this proceeding and that, in any

case, the incidence of a certain price increase on the cost of the processing industries does not appear to be significant enough to render these industries less competitive.

- (56) In conclusion, after balancing the various interests involved, the Commission considers that the adoption of measures in the present case will re-establish fair competition by eliminating the injurious effects of dumping practices.

The Commission considers that it is therefore in the Community interest to adopt anti-dumping measures in order to prevent further injury being caused by the dumped imports concerned before the end of the proceeding. These measures should take the form of provisional anti-dumping duties.

G. DUTY

- (57) For the purpose of establishing the level of the provisional duty the Commission took account of the dumping margins found and of the amount of duty necessary to eliminate the injury sustained by the Community industry.

(i) Cooperating exporters

- (58) Since the injury consists mainly of lack of profitability or losses, the removal of such injury requires that industry should be put in a position in which its prices can be increased to a profitable level. In order to achieve this, export prices should be increased accordingly.

For calculating the necessary price increase, the Commission considered that prices of the dumped imports had to be compared with the cost of production of the Community producers investigated plus a profit margin of 5 %. This profit margin is based on the level of profits realized on average by Community producers prior to the deterioration of their profitability as a result of the dumped imports. The Commission considers that this profit margin is the minimum required to ensure the viability of the Community industry concerned.

- (59) On this basis, the weighted average export prices for each product type, on a free-at-Community-frontier level increased by customs duties and a

certain profit margin for the importer, as applicable, were compared, during the investigation period, with the weighted average cost of production of the Community producers investigated, for the corresponding product type, plus a 5 % profit margin.

These comparisons show for all exporters concerned, lower export prices with margins which, expressed on a weighted average basis as a percentage of the free-at-Community-frontier price, varied, according to the exporter concerned, between 5,55 % and 82,72 %.

- (60) Since, in all cases, the margins of dumping found, in respect of each particular exporter, were below the corresponding increases in export prices necessary to remove the injury, as calculated above, provisional duties to be imposed should therefore correspond to the dumping margins established.

- (61) For the cooperating Indian exporters not selected for investigation, the Commission, following the methodology described in recital (5), applied the weighted average duty of the investigated exporters.

- (62) For the reasons given in recital (27), the Commission has established a single duty for all the Chinese exporters with the exception of the joint venture concerned for which, in the absence of dumping (see recital (29)) no duty is established.

(ii) Non-cooperating exporters

- (63) In establishing the level of provisional duty for exporters which neither replied to the questionnaire within the established time limit nor otherwise made themselves known, the Commission took account of the level of exports coverage of each of the countries concerned as described in recital (30).

For countries with a high coverage of exports, the Commission considered it appropriate to impose a duty at the level of the highest duty determined for the cooperating exporters in the country concerned. Indeed, it would create an opportunity for circumvention of the duties and would constitute a bonus for non-cooperation to hold that the duties for non-cooperating exporters in a particular country were any lower than the highest duty determined in that country with regard to any exporter who had cooperated in the investigation.

With regard to countries with a low coverage of exports for which the information obtained from cooperating exporters could not be considered to be representative, other information available to the Commission was used to establish both the dumping margin (see recital (31)) and the increase in export prices necessary to eliminate the injury. In particular, information contained in the complaint and in Eurostat statistics, duly adjusted, was taken into account. Since dumping margins thus established were in all cases below the corresponding increase in export prices, duties should be imposed at the level of the dumping determined.

may make their views known and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

H. TERMINATION OF THE PROCEEDING IN RESPECT OF IMPORTS OF SEWING THREAD ORIGINATING IN ALL THE COUNTRIES CONCERNED AS WELL AS IN RESPECT OF IMPORTS OF ALL OTHER YARNS CONCERNED ORIGINATING IN THE REPUBLIC OF KOREA

(64) In view of the fact that the provisions of Article 4 (5) of Regulation (EEC) No 2423/88 are not met as far as the Community producers of sewing thread are concerned, as described in recital (4) above, the Commission considers that the proceeding should be terminated in respect of imports of sewing thread falling within CN code 5508 10 11 originating in all the countries concerned without protective measures being imposed.

(65) As referred to in recital (47), imports of the product concerned originating in the Republic of Korea have not significantly contributed to the injury suffered by the Community industry. In these circumstances, the Commission considers that the proceeding should be terminated in respect of imports of yarns other than sewing thread originating in this country without protective measures being imposed.

(66) No objections to these conclusions were raised in the Advisory Committee.

(67) The complainant and the 'Fédération Internationale de la Filterie' were informed of the facts and principal considerations on the basis of which the Commission intended to terminate the proceeding with regard to imports of sewing thread originating in all the countries concerned as well as imports of all other yarns concerned originating in the Republic of Korea and did not object to them.

I. FINAL PROVISION

(68) In the interest of sound administration, a period should be fixed within which the parties concerned

1. A provisional anti-dumping duty is hereby imposed on imports of single and multiple (folded) or cabled yarns containing 85 % or more by weight of polyester staple fibres, not put up for retail sale, falling within CN codes 5509 21 10, 5509 21 90, 5509 22 10 and 5509 22 90 and other yarns of polyester staple fibres mixed mainly or solely either with artificial staple fibres or with cotton, not put up for retail sale, falling within CN codes 5509 51 00 and 5509 53 00 and originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey.

2. The rate of the duty applicable to the net free-at-Community-frontier price before duty, shall be as follows:

	Rate of duty %	Taric additional code
Taiwan	24,5	8578
Indonesia	21,1	8579
India	11,8	8580
People's Republic of China	29,6	8581
Turkey	52,1	8582;

with the exception of imports which are manufactured and sold for export to the Community by the following companies. These companies shall be subject to the rate of duty mentioned hereunder.

	Rate of duty %	Taric additional code
Taiwan		
Chung Shing Textile Company Ltd, Taipei	2,2	8583
India		
Rajasthan Spinning & Weaving Mills Ltd, Gulapura	2,0	8584
The Shree Meenakshi Mills Ltd, Madurai	11,8	8585
Deepak Spinners Ltd, Baddi, Solan	3,7	8586

	Rate of duty %	Taric additional code
Gokak Patel Volkart Ltd, Gokak Mills Division, Bombay	3,7	8586
Himachai Fibres Ltd, New Delhi	3,7	8586
Hind Syntex Ltd, Dewas	3,7	8586
Indo Rama Synthetics (India) Ltd, New Delhi	3,7	8586
Loyal Textile Mills Ltd, Kovilpatti	3,7	8586
Orient Syntex Ltd, Bombay	3,7	8586
Precot Mills Ltd, Coimbatore	3,7	8586
Rajasthan Textile Mills, (Prop. Sutlej Cotton Mills Ltd), Bhawanimandi	3,7	8586
Sholingur Textiles Ltd, Dindigul	3,7	8586
Soundaraja Mills Ltd, Dindigul	3,7	8586
The Madhavnagar Cotton Mills Ltd, Madhavnagar	3,7	8586
Vardhman Spinning & General Mills Ltd, Ludhiana	3,7	8586
Yarn Syndicate Ltd, Calcutta	3,7	8586
Modern Syntex Ltd, Bombay	3,3	8587
Sree Satyam Spinning & Weaving Mills Ltd, Secunderabad	9,8	8588
Reliance Chemotex Industries Ltd, Bombay	2,1	8589
The Coimbatore Pioneer Mills Ltd, Peelamadu, Coimbatore	3,3	8590
Banswara Syntex Ltd, Bombay	6,0	8591
Turkey		
Bisas Bursa İplic Sanayii AŞBursa	10,1	8592
Soktas Pamuk ve Tarım Ürünlerini Değerlendirme Ticaret ve Sanayii		
AŞSöke	4,1	8593
Ceytas Ceyhan Tekstil Sanayii		
AŞCeyhan, Adana	2,6	8594.

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

3. None of the duties shall apply to imports of the products specified in paragraph 1 manufactured and sold for export to the Community by P.T. Kewalram Indonesia, Bandung, Indonesia (Taric additional code : 8595) and Guangying Spinning Co. Ltd, Guangzhou, People's Republic of China (Taric additional code : 8596).

4. In cases where the exporting company is not the same as the producing company, the rate applicable to the producing company shall apply.

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

6. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

The anti-dumping proceeding concerning the imports of sewing thread falling within CN code 5508 10 11 and originating in the Republic of Korea, Taiwan, Indonesia, India, the People's Republic of China and Turkey is hereby terminated.

Article 3

The anti-dumping proceeding concerning imports of certain yarns of staple polyester fibres falling within CN codes 5509 21 10, 5509 21 90, 5509 22 10, 5509 51 00 and 5509 53 00 and originating in the Republic of Korea is hereby terminated.

Article 4

Without prejudice to Article 7 (4) (b) of Regulation (EEC) No 2423/88, the parties concerned may make known their views and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Article 5

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

Subject to Articles 11, 12 and 13 of Regulation (EEC) No 2423/88, Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 27 September 1991.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2905/91

of 2 October 1991

fixing for the 1991/92 marketing year the reference price for clementines

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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 1623/91⁽²⁾, and in particular Article 27 (1) thereof,

Whereas Article 23 (1) of Regulation (EEC) No 1035/72 provides that reference prices for the whole Community are to be fixed each year before the beginning of the marketing year;

Whereas the importance of clementine production in the Community is such that a reference price must be fixed for that product;

Whereas the period during which clementines harvested during a given crop year are marketed extends from October to 15 May of the following year; whereas the quantities put on the market at the beginning and at the end of the marketing year represent only a relatively small percentage of that marketed over the whole marketing year; whereas the reference price should therefore be fixed only for the period running from 1 December to the last day of February of the following year;

Whereas the fixing of a single reference price valid for the whole marketing year appears to be the solution most suited to the particular nature of the Community market in the product in question;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the amount referred to in paragraph 2 (a) of that Article and the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and

- the amount referred to in paragraph 2 (a) of that Article,

- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State, with regard to Article 23, of the amount referred to in paragraph 2 (a), plus transport costs for the current year, after this amount has been increased by the rise in production costs less productivity growth; whereas the reference price may, however, not be lower than in the preceding marketing year;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1991/92 marketing year, the reference price for fresh clementines (CN code 0805 20 10) expressed in ecus per 100 kilograms net of packed products of quality class I, of all sizes, shall, for the period 1 December 1991 to 29 February 1992, be: 59,57.

Article 2

This Regulation shall enter into force on 1 December 1991.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.

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

Done at Brussels, 2 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2906/91
of 2 October 1991
fixing the import levy on molasses

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 market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 464/91 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1854/91 ⁽³⁾, as last amended by Regulation (EEC) No 2647/91 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1854/91 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

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 1 October 1991,

HAS ADOPTED THIS REGULATION:

Article 1

The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,63 per 100 kilograms.

Article 2

This Regulation shall enter into force on 3 October 1991.

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

Done at Brussels, 2 October 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 168, 29. 6. 1991, p. 27.

⁽⁴⁾ OJ No L 247, 5. 9. 1991, p. 29.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 2907/91**of 2 October 1991****fixing the maximum export refund for white sugar for the 23rd 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 23rd 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 23rd 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 39,515 per 100 kilograms.

Article 2

This Regulation shall enter into force on 3 October 1991.

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

Done at Brussels, 2 October 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 2908/91

of 2 October 1991

abolishing the countervailing charge on certain varieties of plums originating in Bulgaria

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 1623/91⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2704/91⁽³⁾, as amended by Regulation (EEC) No 2769/91⁽⁴⁾, introduced a countervailing charge on certain varieties of plums originating in Bulgaria;

Whereas Article 25 of Regulation (EEC) No 1035/72 on the introduction of countervailing charges applies to a

given product only during the period in respect of which a reference price has been fixed for that product; whereas Commission Regulation (EEC) No 1216/91⁽⁵⁾ fixed the reference prices for plums up to 30 September 1991 whereas Regulation (EEC) No 2704/91 should therefore be repealed with effect from 1 October 1991,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2704/91 is hereby repealed.

Article 2

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

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

Done at Brussels, 2 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.

⁽³⁾ OJ No L 256, 13. 9. 1991, p. 38.

⁽⁴⁾ OJ No L 265, 21. 9. 1991, p. 26.

⁽⁵⁾ OJ No L 116, 9. 5. 1991, p. 48.

COMMISSION REGULATION (EEC) No 2909/91

of 2 October 1991

introducing a new countervailing charge on fresh lemons originating in Argentina, and repealing Regulation (EEC) No 2822/91

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 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 1623/91⁽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 0,6 ECU 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 1438/91 of 30 May 1991 fixing for the 1991/92 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I at ECU 50,57 per 100 kilograms net for the month of October 1991;

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; 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⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas the entry price thus calculated for fresh lemons originating in Argentina, results in the fixing of a higher countervailing charge than that laid down by Commission Regulation (EEC) No 2822/91 of 26 September 1991 introducing a countervailing charge on fresh lemons originating in Argentina⁽⁶⁾;

Whereas, pursuant to Article 26 (2) of Regulation (EEC) No 1035/72, a new countervailing charge should be fixed and Regulation (EEC) No 2822/91 should be repealed;

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 indient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 19,41 per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Argentina.

Article 2

This Regulation shall enter into force on 3 October 1991.

Commission Regulation (EEC) No 2822/91 is hereby repealed.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 8.

⁽³⁾ OJ No L 137, 31. 5. 1991, p. 25.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 271, 27. 9. 1991, p. 41.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 201, 31. 7. 1991, p. 9.

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

Done at Brussels, 2 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2910/91

of 2 October 1991

adopting interim protective measures in so far as concerns Spain in regard to applications for STM licences coming from the Community of Ten for milk and milk products lodged between 23 and 27 September 1991

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 85 (1) thereof,

Whereas Commission Regulation (EEC) No 608/86⁽¹⁾ laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten and from Portugal, as last amended by Regulation (EEC) No 334/91⁽²⁾, fixes the indicative ceilings for milk sector products for 1991 and splits these up into monthly ceilings;

Whereas applications for STM licences in the Community of Ten for cheese of categories 5 and 6 lodged between 23 and 27 September 1991 relate to quantities higher than the ceiling set for the fourth quarter;

Whereas Article 85 (1) of the Act of Accession states that the Commission may take interim protective measures necessary by an emergency procedure where the situation indicates that the initiative ceiling will be attained or exceeded; whereas to this it is necessary, as an interim protective measure, in view of the number of requests, for the products concerned and only for the Community of

Ten, to issue licences up to a percentage of the quantities applied for categories 5 and 6 and to suspend all further issuing of licences for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for STM licences as referred to in Regulation (EEC) No 606/86, lodged between 23 and 27 September 1991 for the Community of Ten and lodged with the Commission, for milk products falling within:

- category 5 of CN code ex 0406 are hereby accepted up to 55,81 %
- category 6 of CN code ex 0406 are hereby accepted up to 8,36 %.

2. The issuing of STM licences in the Community of Ten is hereby provisionally suspended for products falling within categories 5 and 6.

Article 2

This Regulation shall enter into force on 3 October 1991.

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

Done at Brussels, 2 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽²⁾ OJ No L 39, 13. 2. 1991, p. 15.

COMMISSION REGULATION (EEC) No 2911/91

of 2 October 1991

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export after processing to the Soviet Union, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 673/91

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) no 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 1628/91⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as amended by Regulation (EEC) No 1809/87⁽⁴⁾, provides for the possibility of applying a two-stage procedure when beef is sold from intervention stocks situated in the Community;

Whereas certain intervention agencies hold large stocks of intervention meat; whereas an extension of the period of storage of meat bought in should be avoided on account of the ensuing high costs; whereas, in view of supply needs in the Soviet Union, some of that meat should be put up for sale in accordance with Regulations (EEC) Nos 2539/84 and 2182/77⁽⁵⁾, as last amended by Regulation (EEC) No 3988/87⁽⁶⁾, in order to be processed and imported into that country;

Whereas, because of technical reasons relating to processing, the time limit for take-over from intervention stocks should be extended; whereas, in view of the urgency and the specific nature of the operation and of the need for controls, special detailed rules must be laid down in particular as regards the minimum quantity which may be purchased;

Whereas, in order to ensure that the operation is carried out properly, a time limit must be laid down for processing and exporting the meat,

Whereas, in order to ensure that the beef sold is processed and exported to the intended destination, securities as specified in Article 5 (2) (a) and (3) (a) of Regulation (EEC) No 2539/84 should be lodged;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88⁽⁷⁾, as last amended by Regulation (EEC) No 2892/91⁽⁸⁾; whereas the Annex to that Regulation setting out the entries to be made should be expanded;

Whereas Commission Regulation (EEC) No 673/91⁽⁹⁾ should be repealed,

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A sale shall be organized of approximately 40 000 tonnes of boned or boneless meat held by the Irish intervention agency and bought in before 1 September 1991.

2. The meat must be processed into the products referred to in Annex I and imported into the Soviet Union.

3. Subject to the provisions of this Regulation, the sale shall take place in accordance with Regulations (EEC) Nos 2539/84 and 2182/77.

4. The qualities and the minimum price referred to in Article 3 (1) of Regulation (EEC) No 2539/84 shall be as set out in Annex II hereto.

5. Tenders shall be valid only if they:

- relate to a total minimum quantity of 10 000 tonnes boned or boneless meat expressed in product weight,
- relate to a lot comprising all the cuts referred to in Annex III in the percentages stated therein and offer a single price per tonne expressed in ecus of the lot made up in this fashion,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 150, 15. 6. 1991, p. 16.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 251, 1. 10. 1977, p. 60.

⁽⁶⁾ OJ No L 376, 31. 12. 1987, p. 31.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽⁸⁾ OJ No L 275, 2. 10. 1991, p. 6.

⁽⁹⁾ OJ No L 75, 21. 3. 1991, p. 24.

- are submitted by a natural or legal person who has been engaged for at least twelve months in an activity in the processing industry for the purposes of manufacturing products containing beef or veal and is entered in a public register in a Member State,
- are accompanied by precise details of the establishment(s) where the meat purchased is to be processed.

6. Only tenders which reach the intervention agency concerned by 12 noon on 10 October 1991 shall be taken into consideration.

7. Particulars of the quantities and the place where the products are stored may be obtained by the parties concerned at the address given in Annex IV.

Article 2

1. Notwithstanding Article 6 of Regulation (EEC) No 2539/84, the time limit for take-over as defined in that Article shall be six months.

2. Applicants may entrust an authorized agent to take delivery of the products they purchase. In that case, the authorized agent shall submit the tenders or, where appropriate, the purchase applications of the applicants he represents.

3. The purchasers and authorized agents referred to in paragraphs 1 and 2 shall keep up to date accounts permitting the destination and utilization of the products to be ascertained, in particular with a view to verifying that the quantities of products purchased correspond to those of products processed.

4. Notwithstanding Article 5 (1) and (2) of Regulation (EEC) No 2182/77, processing must be carried out within nine months and proof must be provided within 10 months of the date of conclusion of the contract of sale.

5. Notwithstanding the Annex to Regulation (EEC) No 2182/77 the coefficient for products with a meat content of at least 80 %, shall be 1,75.

6. The processed products must be exported within 12 months following the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 10 per 100 kilograms.

2. Notwithstanding Article 5 of Regulation (EEC) No 2539/84, the securities provided for in paragraphs 2 (a) and 3 (a) thereof are hereby replaced by a single security.

The latter shall be ECU 400 per 100 kilograms of boned or boneless meat into the products referred to in Annex I and the importing of those products into the Soviet Union under the terms of this Regulation shall be primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 ⁽¹⁾.

The other provisions of Article 5 of Regulation (EEC) No 2539/84 shall remain applicable *mutatis mutandis*.

Article 4

Products exported under this Regulation shall only qualify for refunds if they are manufactured under Commission Regulation (EEC) No 2388/84 ⁽²⁾ and if they are covered by product codes 1602 50 90 120 or 1602 50 90 320 of the refund nomenclature established by Commission Regulation (EEC) No 3445/89 ⁽³⁾.

The refunds and the agricultural conversion rate shall be those applying at the date in Article 1 (6).

Article 5

Under II 'Products subject to a use and/or destination other than that mentioned under I', in Regulation (EEC) No 569/88, the following point 39 and the relevant footnote are added:

'(39) Commission Regulation (EEC) No 2911/91 of 2 October 1991 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export after processing to the Soviet Union, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 673/91 ⁽³⁹⁾:

on the dispatch of meat for processing:

Section 44 of the SAD or the most appropriate section of the document used:

'For processing [Regulation (EEC) No 2911/91]

⁽³⁹⁾ OJ No L 276, 3. 10. 1991, p. 28'.

Article 6

Regulation (EEC) No 673/91 is hereby repealed.

Article 7

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

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽²⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽³⁾ OJ No L 336, 20. 11. 1989, p. 1.

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

Done at Brussels, 2 October 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

*ANNEX I***Products referred to in Article 3 (2)****A. CORNED BEEF****Composition and quality requirements**

Corned beef consisting solely of beef :

- (a) maximum water content : 60 % ;
- (b) protein content : 21 % minimum ; the proportion of collagenous protein in relation to total protein content must not exceed 30 % ;
- (c) fat content : 15,5 % maximum ;
- (d) salt content : 2 % maximum ; 50 ppm of maximum total nitrate content expressed as sodium nitrate ;
- (e) sugar content : 1 % maximum ;
- (f) ash content : 3,5 % maximum.

The corned beef must not contain any foreign substances or additives, particularly thickening agents, other than tendon collagen. Moreover, it must not be finely minced and must be free of disagreeable odours and tastes.

B. BEEF IN JELLY**Composition and quality requirements**

Beef in jelly consisting exclusively of cooked beef (80 % minimum) and jelly.

- (a) maximum water content : 75 % ;
- (b) protein content : 15 % minimum ;
- (c) fat content : 7 % minimum ;
- (d) salt content : 2 % maximum ;
- (e) ash content : 3 % maximum.

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	Cantidades (toneladas) Mængde (tons) Mengen (Tonnen) Ποσότητες (τόνοι) Quantities (tonnes) Quantités (tonnes) Quantità (tonnellate) Hoeveelheid (ton) Quantidade (toneladas)	Precio mínimo expresado en ecus por tonelada Mindstepriser i ECU/ton Mindestpreise, ausgedrückt in ECU/Tonne Ελάχιστες τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο Minimum prices expressed in ecus per tonne Prix minimaux exprimés en écus par tonne Prezzi minimi espressi in ecu per tonnellata Minimumprijzen uitgedrukt in ecu per ton Preço mínimo expresso em ecus por tonelada
Ireland	— Boneless cuts from : Category C, classes U, R and O	40 000	1 325 (1)

(1) Precio mínimo por cada tonelada de producto de acuerdo con la distribución contemplada en el Anexo III.

(1) Minimumspris pr. ton produkt efter fordelingen i bilag III.

(1) Mindestpreis je Tonne des Erzeugnisses gemäß der in Anhang III angegebenen Zusammensetzung.

(1) Ελάχιστη τιμή ανά τόνο προϊόντος σύμφωνα με την κατανομή που αναφέρεται στο παράρτημα III.

(1) Minimum price per tonne of products made up according to the percentages referred to in Annex III.

(1) Prix minimum par tonne de produit selon la répartition visée à l'annexe III.

(1) Prezzo minimo per tonnellata di prodotto secondo la ripartizione indicata nell'allegato III.

(1) Minimumprijs per ton produkt volgens de in bijlage III aangegeven verdeling.

(1) Preço mínimo por tonelada de produto segundo a repartição indicada no anexo III.

*ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ ΙΙΙ — ANNEX III — ANNEXE III
— ALLEGATO III — BIJLAGE III — ANEXO III*

Répartition du lot visé à l'article 1^{er} paragraphe 5 deuxième tiret
Distribución del lote contemplado en el segundo guión del apartado 5 del artículo 1
Repartição do lote referido no n.º 5, segundo travessão, do artigo 1.º
Κατανομή της παρτίδας που αναφέρεται στο άρθρο 1 παράγραφος 5 δεύτερη περίπτωση
Fordeling af det i artikel 1, stk. 5, andet led, omhandlede parti
Verdeling van de in artikel 1, lid 5, tweede streepje, bedoelde partij
Repartition of the lot meant in the second subparagraph of Article 1 (5)
Zusammensetzung der in Artikel 1 Absatz 5 zweite Gedankenstrich genannten Partie
Composizione della partita di cui all'articolo 5, secondo trattino

<i>Cuts</i>	<i>Weight percentage</i>
<i>Teilstücke</i>	<i>Gewichtsanteile</i>
<i>Tagli</i>	<i>Percentage del peso</i>
<i>Deelstukken</i>	<i>% van het totaalgewicht</i>
<i>Udskæringer</i>	<i>Vægtprocent</i>
<i>Τεμάχια</i>	<i>Ποσοστό του βάρους</i>
<i>Cortes</i>	<i>Percentagem do peso</i>
<i>Cortes</i>	<i>Porcentaje en pesa</i>
<i>Découpes</i>	<i>Pourcentage du poids</i>
Striploins	5,5
Insides	9,1
Outsides	8,6
Knuckles	5,4
Rumps	5,8
Briskets	7,9
Forequarters	30,2
Shins/shanks	6,6
Plates/flanks	20,9
Total lot	
Partie insgesamt	
Totale della partita	
Totale partij	
Vareparti i alt	100,0 %
Σύνολο παρτίδας	
Lote total	
Lote total	
Lot total	

*ANEXO IV — BILAG IV — ANHANG IV — ΠΑΡΑΡΤΗΜΑ IV — ANNEX IV — ANNEXE IV —
ALLEGATO IV — BIJLAGE IV — ANEXO IV*

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção**

IRELAND: Department of Agriculture and Food
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CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2216/91 of 24 July 1991 re-establishing the levying of customs duties on products of categories 29, 72 and 78 (order Nos 40.0290, 40.0720 and 40.0780), originating in Thailand, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

(Official Journal of the European Communities No L 203 of 26 July 1991)

On page 59, in Article 1 :

for: 'Indonesia',

read: 'Thailand'.

Corrigendum to Commission Regulation (EEC) No 2669/91 of 6 September 1991 re-establishing the levying of customs duties on products falling within CN code 8712 00, originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

(Official Journal of the European Communities No L 250 of 7 September 1991)

On page 21, first, second and third recitals :

for: 'Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of products falling within CN code 8712 00, originating in China, the individual ceiling was fixed at ECU 9 004 000; whereas, on 14 June 1991, imports of these products into the Community originating in China reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against China,'

read: 'Whereas, pursuant to Article 1 of Regulation (EEC) No 3831/90, duties on certain products originating in each of the countries or territories listed in Annex III shall be totally suspended and the products as such shall, as a general rule, be subject to statistical surveillance every three months on the reference base referred to in Article 8;

Whereas, as provided for in Article 8, where the increase of preferential imports of these products, originating in one or more beneficiary countries, causes, or threatens to cause, economic difficulties in the Community or in a region of the Community, the levying of customs duties may be re-established once the Commission has had an appropriate exchange of information with the Member States; whereas for this purpose the reference base to be considered shall be, as a general rule, equal to 6,3 % of the total importations into the Community, originating from third countries in 1988;

Whereas, in the case of products falling within CN code 8712 00, originating in China, the reference base is fixed at ECU 9 004 000; whereas, on 14 June 1991, imports of these products into the Community originating in China, reached the reference base in question after being charged thereagainst; whereas the exchange of information organized by the Commission has demonstrated that continuance of the preference threatens to cause economic difficulties in a region of the Community; whereas, therefore, customs duties in respect of the products in question must be re-established against China,'