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Commission

91/604/EEC :

- * **Commission Decision of 25 October 1991 accepting an undertaking given by a Thai exporter in connection with the anti-dumping proceeding concerning imports of gas-fuelled, non-refillable pocket flint lighters originating in Japan, the People's Republic of China, the Republic of Korea and Thailand and terminating the investigation with regard to the exporter in question** 31

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 3433/91
of 25 November 1991**

imposing a definitive anti-dumping duty on imports of gas-fuelled, non-refillable pocket flint lighters originating in Japan, the People's Republic of China, the Republic of Korea and Thailand and definitively collecting the provisional anti-dumping duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EEC) No 1386/91⁽²⁾, imposed a provisional anti-dumping duty on imports into the Community of gas-fuelled, non-refillable pocket flint lighters (hereinafter referred to as lighters) originating in Japan, the People's Republic of China, the Republic of Korea and Thailand and falling within CN code ex 9613 10 00 (Taric code : 9613 10 00*10). The Council, by Regulation (EEC) No 2832/91⁽³⁾, extended this duty for a period not exceeding two months.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping duty, the interested parties who so requested were granted an opportunity to be heard by the Commission. They also made written submissions making known their views on the findings.

- (3) Parties were informed in writing of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.
- (4) The oral and written comments submitted by the parties were considered and, where appropriate, the Commission findings were modified to take account of them.

C. PRODUCT

- (5) A number of exporters and one importer repeated the arguments put forward in the administrative procedure before the provisional measures, namely that the Community producers' lighters and the imported lighters are not like products, since certain of the Community models produce more ignitions.

The Council, however, confirms the Commission's conclusions on this point, outlined in recital 13 of Regulation (EEC) No 1386/91, on which no new evidence was submitted.

The Council, therefore, confirms that the lighters produced and sold by the Community manufacturers, form one single category of product and constitute a product alike in all respects to the product imported from Japan, the People's Republic of China, the Republic of Korea and Thailand within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

D. DUMPING

- (6) The Thai producer and exporter, Thai Merry Co. Ltd, provided fresh evidence concerning the depreciation amount used by the Commission for the

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 133, 28. 5. 1991, p. 20.

⁽³⁾ OJ No L 272, 28. 9. 1991, p. 1.

preliminary determination of normal value. In view of this evidence a new dumping calculation concerning Thai Merry Co. Ltd has been made. Consequently, the dumping margin as a percentage of cif value, with regard to that undertaking, has been modified to 14,14 %.

- (7) Given the fact that Thailand has been used as the analogue country for calculating normal value for China, the dumping margin for the People's Republic of China also required to be modified and is now 16,94 %.
- (8) A Chinese exporter, Gladstrong Investments Ltd, which did not export to the Community during the reference period requested to be excluded from the application of the duty. Since the Commission was not in a position to make a determination with regard to this exporter, this request could not be accepted by the Council. Nevertheless, the Council notes that the Commission is ready to initiate without delay a review whenever the exporting undertaking can show to the Commission, and supply to that effect sufficient evidence, that it did not export during the investigation period, it started exporting or has the intention to export to the Community after the investigation period and that it is not related to or associated with any of the companies subject to the present investigation for which dumping was found.
- (9) With regard to Dong Guan Tian Bao Lighter Factory, another Chinese exporter, who submitted a reply to the questionnaire, which was, in any case, incomplete, more than six months after the deadline specified in the questionnaire sent by the Commission services, it is considered that the dumping margin established for the People's Republic of China should apply.
- (10) Gao Yao Co. submitted that the anti-dumping duties imposed on imports made by Gao Yao Co. should be cancelled and the normal value applicable to Gao Yao Co. calculated pursuant to Article 2 (6) and not Article 2 (5) of Regulation (EEC) No 2423/88.

It was argued that Article 2 (5) should not be applied since imports to the Community were not made from the People's Republic China but from Hong Kong and that Gao Yao Co. (Hong Kong) should be considered as an exporter and not Gao Yao Co. (China).

The Council, however, confirms that in this case the products concerned were merely transhipped through Hong Kong and therefore the normal

value should be determined in accordance with Article 2 (5) of Regulation (EEC) No 2423/88.

- (11) The exporters from Thailand argued that the profit margin of 8 %, added to the cost of production for the determination of the normal value, was too high. All domestic sales of Thai Merry Co. Ltd, were found to have been made at a loss, the domestic sales of Politop Co. Ltd were not considered representative and there were no other producers or exporters in Thailand in the same business sector. Therefore, the Commission established a profit margin of 8 % on the basis of the profit realized by other exporters from those countries which cooperated in this procedure.
- (12) In the light of the above, the Council confirms the conclusions set out in recitals 19 to 29 of Regulation (EEC) No 1386/91 taking into account the corrections mentioned above with regard to Thai Merry Co. Ltd and the consequent impact on the margin established for the People's Republic of China.

The definitive weighted average margins expressed as a percentage of cif value for each of the exporters concerned are as follows:

Japan

Tokai Corporation, Yokohama	96,56 %,
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<i>People's Republic of China</i>	16,94 %,
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Republic of Korea

Samji Industrial, Incheon	31,58 %,
---------------------------	----------

Thailand

Politop Co. Ltd, Bangkok	5,87 %,
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Thai Merry Co. Ltd, Samutsakorn	14,14 %.
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E. CAUSAL LINK BETWEEN INJURY AND DUMPING

- (13) A certain number of exporters raised again the issue of price comparison of lighters at the resale level of the first independent buyer in the Community. It was argued that certain imported lighters contained less gas, produced less flame and, therefore, had a different appeal to customers than those produced by the Community producers.

Recital 34 of Regulation (EEC) No 1386/91 clearly indicates that the Commission excluded from the price undercutting exercise a number of lighters by taking into account only lighters with a similar gas content. The Council, therefore, confirms the Commission findings with regard to price undercutting.

(14) No new evidence concerning injury was presented by any party. Consequently, the Council confirms the Commission conclusions on injury as set out in Regulation (EEC) No 1386/91.

(15) In recitals 44 to 50 of Regulation (EEC) No 1386/91, the Commission concluded that the cumulated dumped imports from Japan, the People's Republic of China, the Republic of Korea and Thailand had caused material injury to the Community industry.

The Commission found that the rapid increase of Japanese, Chinese, Korean and Thai low-priced lighters coincided with an equally rapid decrease of production, capacity utilization, sales volume, market share, prices, profits and employment of the Community industry.

No new facts or new arguments concerning these findings were submitted to the Commission after the publication of Regulation (EEC) No 1386/91. The Council therefore confirms the conclusions of the Commission as set out in recitals 44 to 50 of that Regulation.

F. INJURY THRESHOLD

(16) With regard to the calculation to determine the injury elimination level, the Commission considered it appropriate that the difference between actual selling prices of the exporters and a price which would allow the Community industry to achieve 15 % profit should be eliminated.

This 15 % profit margin has been contested by the Japanese producer and exporter as being too high.

(17) According to the Community producers, a 15 % profit margin is the minimum necessary to finance new investments in manufacturing facilities and research and development, without which the deterioration of the situation of the industry would be bound to be exacerbated and the injury caused by dumping would not be entirely removed.

Consideration was given to the fact that the profit achieved by the major world producers has always ranged between 12 and 20 %.

In the light of the above, the Council confirms Commission findings with regard to the injury threshold as established in recital 59 of Regulation (EEC) No 1386/91.

G. COMMUNITY INTEREST

(18) The Japanese exporter suggested that there was a danger of Japanese imports being replaced by low-priced imports from other non-Community countries either from those involved in this procedure or others if a high anti-dumping duty was imposed against Japan.

(19) The Council is not persuaded that the duties proposed would lead to Japanese imports being replaced by low-priced imports from other third countries and considers that even if it were to happen it would not be contrary to the Community's interest. As the Council has already stated in previous Regulations, anti-dumping duties should neither have a protectionist effect for the Community industry nor cause any undue handicap for the exporters.

They are designed to re-establish fair and open market conditions by protecting the Community industry against an unfair trading practice. If some exporters' position on the market suffers after the imposition of anti-dumping duties, then this is only the consequence of their inability to face a fair competitive market situation.

(20) The Council confirms the Commission findings set out in section G. of Regulation (EEC) No 1386/91 and considers that it is in the Community interest to impose anti-dumping measures to eliminate the injurious effects of dumped imports originating in Japan, the People's Republic of China, the Republic of Korea and Thailand.

H. DUTY

(21) On the basis of calculations of dumping and injury threshold described in Regulation (EEC) No 1386/91 and the submissions subsequently received, the Council concludes that duties should be imposed at the level of the actual dumping found for the People's Republic of China and Thailand (firms Thai Merry Co. Ltd and Politop Co. Ltd) and for Japan (Tokai Corporation) and the Republic of Korea (Samji Industrial) on the basis of the injury threshold established.

The duties, therefore, shall be :

— Tokai Corporation, Japan	35,7 %,
— Samji Industrial, Republic of Korea	22,7 %,
— Gao Yao Co., People's Republic of China	16,9 %,
— Thai Merry Co. Ltd, Thailand	14,1 %,
— Politop Co. Ltd, Thailand	5,8 %.

- (22) The Council confirms, for the reasons stated by the Commission in recital 60 of Regulation (EEC) No 1386/91, that the highest duty established for each country should be applied to firms which did not respond to the Commission questionnaire or otherwise did not make themselves known to the Commission.

I. UNDERTAKING

- (23) One of the two Thai exporters, Thai Merry Co. Ltd, has offered an undertaking which is considered acceptable. The undertaking will increase the price of the products in question to a level sufficient to eliminate the dumping established by the Commission.

Following consultations during which one Member State raised objections to this solution, the undertaking was accepted by Commission Decision 91/604/EEC⁽¹⁾.

J. COLLECTION OF THE PROVISIONAL DUTIES

- (24) The Thai exporter, Thai Merry Co. Ltd, requested that lighter imports already dispatched before the date that provisional measures came into effect and customs cleared after that date be released free of collection of provisional duties and consequently that the provisional duty should not be definitively collected in such cases.
- (25) In accordance with Article 2 (1) and Article 11 (1) of Regulation (EEC) No 2423/88, anti-dumping duties are applied to the products concerned at the moment they enter into free circulation in the Community. Contrary to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports⁽²⁾, to which the exporter refers, Regulation (EEC) No 2423/88, which is applicable to products imported under conditions of unfair competition, does not provide for any exceptions to this rule. Moreover, it should be recalled that the Commission made considerable efforts to keep the parties concerned informed and thus the importers cannot reasonably claim to have been unaware of the proceedings or of the stage to which the investigation had progressed during the period between

the initiation of the proceedings and the imposition of the provisional duty.

- (26) Therefore, in view of the size of the established dumping margins and of the serious nature of the injury caused to the Community industry, the Council considers it necessary that the amounts secured by way of the provisional anti-dumping duty should be collected definitively to the extent of the amount of the definitive duty imposed,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of gas-fuelled, non-refillable pocket flint lighters falling within CN code ex 9613 10 00 (Taric code 9613 10 00*10) originating in Japan, the People's Republic of China, the Republic of Korea and Thailand.
2. The rate of the duty, applicable to the net, free-at-Community-frontier price before duty, shall be set as follows:
 - (a) 35,7 % for the products originating in Japan;
 - (b) 16,9 % for the products originating in the People's Republic of China;
 - (c) 22,7 % for the products originating in the Republic of Korea;
 - (d) 14,1 % for the products originating in Thailand (Taric additional code 8543) with the exception of imports which are produced and sold for export to the Community by Politop Co. Ltd, Bangkok where the rate shall be 5,8 % (Taric additional code 8544).
3. The duty referred to in paragraph 2 (d) shall not apply to gas-fuelled, non-refillable pocket flint lighters exported to the Community by Thai Merry Co. Ltd (Taric additional code 8542).
4. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of the provisional anti-dumping duty imposed pursuant to Regulation (EEC) No 1386/91 shall be definitively collected at the duty rate definitively imposed.

Article 3

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

⁽¹⁾ See page 31 of this Official Journal.

⁽²⁾ OJ No L 35, 9. 2. 1982, p. 1. Regulation as last amended by Regulation (EEC) No 2978/91 (OJ No L 284, 12. 10. 1991, p. 1).

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

Done at Brussels, 25 November 1991.

For the Council

The President

J. M. M. RITZEN

COUNCIL REGULATION (EEC) No 3434/91

of 25 November 1991

imposing a definitive anti-dumping duty on imports of oxalic acid originating in India or the People's Republic of China

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

A. PROVISIONAL MEASURES

- (1) Commission Regulation (EEC) No 1472/91⁽²⁾ imposed a provisional anti-dumping duty on imports into the Community of oxalic acid falling within CN code ex 2917 11 00 originating in India or the People's Republic of China.

Council Regulation (EEC) No 2833/91⁽³⁾ extended that duty for a period not exceeding two months.

B. SUBSEQUENT PROCEDURE

- (2) Following imposition of the provisional duty, the parties which had so requested were granted a hearing by the Commission. They also made their views on the provisional findings known in writing. The Commission examined their oral and written comments.
- (3) At their request, the parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of the amounts secured by way of provisional duty. They were allotted a period in which to make comments. Some made use of this opportunity.

C. PRODUCT CONSIDERED ; LIKE PRODUCTS

- (4) In the absence of new arguments concerning the product considered and its similarity to the Community product, the Council confirms the findings put forward by the Commission in recitals 10 and 11 of Regulation (EEC) No 1472/91.

D. DUMPING**(a) Normal value**

- (5) For the purposes of the definitive findings, normal value was established using the same methods used in the provisional calculation of dumping margins, taking account of new facts and arguments put forward by the parties.
- (6) The Indian exporters claimed that normal value should have been established on the basis of a monthly weighted average instead of a weighted average for the entire period of the investigation. In this instance, the Commission considers that a monthly weighted average could indeed be used.
- (7) In the light of these considerations, the Commission will calculate normal value for oxalic acid from India on the basis of a weighted monthly average and confirms the calculation of normal value for oxalic acid from China contained in recital 13 of Regulation (EEC) No 1472/91.

The Council confirms these findings.

(b) Export price

- (8) The Chinese exporters wished the export prices provisionally calculated on the basis of available facts, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88, to be determined using Eurostat statistics rather than the figures contained in the complaint.

The Commission takes the view that in this case the figures contained in the complaint, which come from traders whose information has been confirmed by an importer which cooperated in the investigation, are more suitable than Eurostat statistics. The Commission observed that Eurostat import figures for the product were not in fact correct.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 138, 1. 6. 1991, p. 62.

⁽³⁾ OJ No L 272, 28. 9. 1991, p. 2.

- (9) With regard to imports of oxalic acid from China, therefore, and in the absence of comments on the matter from Indian exporters, the Council confirms the findings put forward by the Commission in recitals 14 and 15 of Regulation (EEC) No 1472/91.

(c) Comparison

- (10) In the absence of new arguments from the interested parties, the Council confirms the findings put forward by the Commission in recital 16 of Regulation (EEC) No 1472/91.

(d) Dumping margins

(11) 1. India

On the basis of the new normal value, the definitive dumping margin is 4,4 % for Punjab Chemicals and Pharmaceuticals Ltd and Excel Industries Ltd.

2. China

The Council confirms the observations and findings put forward by the Commission in recital 17 of Regulation (EEC) No 1472/91.

E. INJURY

- (12) In its preliminary findings, the Commission considered that the Community firm in question had suffered material injury. The main grounds for this belief were the rapid increase in exports, undercutting by the exporters concerned on the Community market and the consequent decrease in selling prices for the Community complainant.

(a) Volume, market share and export price

- (13) With regard to export volume, the Indian exporters requested that calculations be made on the basis not of the accounting data received by the Commission in the replies to its questions (data verified by its investigators), but on lower Eurostat figures. This was on the grounds that re-export from the Community to third countries might have taken place. The Commission rejected this request, considering that it had no information confirming this reasoning and that the Indian exporters had failed to offer even minimal proof of such occurrences.

- (14) The Indian and Chinese exporters also challenged the Commission's provisional findings with regard to market share. However, since their figures were based on inaccurate statistics for Community

consumption (sales figures for all Community producers and figures for imports of Indian origin), the Commission confirmed the observations it had put forward in recitals 19 and 20 of Regulation (EEC) No 1472/91.

In the absence of other considerations, the Council confirms the findings put forward by the Commission in recitals 19 to 22 of Regulation (EEC) No 1472/91.

(b) Cumulative effect

- (15) The Indian exporters claimed that taking an aggregate of Chinese and Indian exports of oxalic acid to the Community was inappropriate in that the economic structures, tax systems, raw materials subsidies and manufacturing procedures of the two countries were different.
- (16) The Chinese exporters, meanwhile, challenged aggregation of Chinese and Indian exports on the grounds that they had followed a different sales strategy from the Indian exporters, bringing down their exports during the first eight months of 1990.
- (17) The Commission took the view that the Indian exporters' arguments were not strictly relevant to the considerations governing aggregation of exports from third countries. It rejected the Chinese exporters' arguments on the grounds that their conduct was comparable to that of the Indian exporters for the investigation period as a whole, although it had differed to a degree for a few months.

The Commission therefore upholds the validity of the criteria set out in recital 23 of Regulation (EEC) No 1472/91.

In the light of these considerations, the Council confirms the findings put forward by the Commission in recitals 23 and 24 of Regulation (EEC) No 1472/91.

(c) The state of the Community industry and conclusions concerning injury

- (18) In the absence of new arguments from the interested parties, the Council confirms the observations and findings put forward by the Commission in recitals 25 to 34 of Regulation (EEC) No 1472/91.

F. CAUSAL LINK BETWEEN DUMPING AND INJURY

- (19) The Indian exporters disputed that their exports of oxalic acid to the Community might have caused injury to the Community producer concerned,

arguing that their share of the market was negligible and that the Community complainant's difficulties were caused by errors of management such as an increase in production capacity and ill-considered investment within the existing company and in the establishment of a new company.

- (20) The Chinese exporters also disputed causing injury, adding to the claim referred to above the argument that the Community complainant's difficulties were caused mainly by the activity of other Community producers.
- (21) The Commission pointed out that India's market share was 9,4 %, and therefore not negligible. It said that the investment which had been criticised and the increase in production capacity had occurred at a time when Community consumption had risen substantially. The Commission stressed that the new company's production capacity had not been considered during the assessment of injury, as it had not begun production during the period of investigation.
- (22) With regard to other Community producers, the fact that the production of oxalic acid was only a marginal activity for them, the fact that one of the producers sold most of its output to the other and the fact that the prices they charged on the Community market were significantly higher than those of the complainant Community firm led the Commission to conclude that these firms' activities could not have caused injury to the complainant.
- (23) The Council therefore confirms the findings put forward by the Commission in recitals 35 to 41 of Regulation (EEC) No 1472/91.

G. COMMUNITY INTEREST

- (24) The Indian exporters claimed that the risk in imposing anti-dumping measures on their exports of oxalic acid was that the Community firm would acquire a monopoly, given that anti-dumping measures were already applied to other countries.

This argument seems to have little foundation considering the complainant's share of the Community market, the presence of other Community producers and the rate of market penetration in the Community of imports from third countries.

- (25) In the light of these considerations, the Council confirms the findings put forward by the Commission in recitals 42 to 44 of Regulation (EEC) No 1472/91.

H. DUTY

- (26) The Council confirms the provisional measures (*ad valorem* anti-dumping duties corresponding to the

dumping margins calculated) set out in recitals 45 to 47 of Regulation (EEC) No 1472/91.

I. UNDERTAKING

- (27) The Indian producers/exporters offered a price undertaking. After consultation this undertaking was not considered acceptable by the Commission. The Commission notified the producers/exporters of the reasons for this decision.

J. COLLECTION OF PROVISIONAL DUTIES

- (28) In the light of the dumping margins calculated for imports of oxalic acid originating in India and China and the material injury caused to the Community industry in question, the Council considers it necessary that the amounts secured by way of provisional anti-dumping duty be definitively collected at a rate corresponding to the definitive duty imposed,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of oxalic acid falling within CN code ex 2917 11 00 and Taric code 2917 11 00*10, originating in India or the People's Republic of China.
2. The amount of the duty, based on the free-at-Community-frontier price, not cleared through customs, shall be :
 - 4,4 % for imports of oxalic acid originating in India, and
 - 20,3 % for imports of oxalic acid originating in the People's Republic of China.
3. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty imposed by Commission Regulation (EEC) No 1472/91 shall be definitively collected at the rate corresponding to the definitive duty.

Article 3

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

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

Done at Brussels, 25 November 1991.

For the Council

The President

J. M. M. RITZEN

COMMISSION REGULATION (EEC) No 3435/91

of 27 November 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 26 November 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 28 November 1991.

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

Done at Brussels, 27 November 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 27 November 1991 fixing the import levies on cereals
and on wheat or rye flour, groats and meal

CN code	Levy
0709 90 60	131,00 ^(?) ^(?)
0712 90 19	131,00 ^(?) ^(?)
1001 10 10	179,99 ^(?) ^(?)
1001 10 90	179,99 ^(?) ^(?)
1001 90 91	157,58
1001 90 99	157,58
1002 00 00	162,35 ^(?)
1003 00 10	141,84
1003 00 90	141,84
1004 00 10	130,82
1004 00 90	130,82
1005 10 90	131,00 ^(?) ^(?)
1005 90 00	131,00 ^(?) ^(?)
1007 00 90	139,60 ^(?)
1008 10 00	66,68
1008 20 00	128,96 ^(?)
1008 30 00	80,96 ^(?)
1008 90 10	^(?)
1008 90 90	80,96
1101 00 00	232,69 ^(?)
1102 10 00	241,02 ^(?)
1103 11 10	292,14 ^(?)
1103 11 90	250,63 ^(?)

⁽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 3436/91

of 27 November 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 26 November 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 28 November 1991.

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

Done at Brussels, 27 November 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 168, 29. 6. 1991, p. 4.

ANNEX

to the Commission Regulation of 27 November 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 11	1st period 12	2nd period 1	3rd period 2
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	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 11	1st period 12	2nd period 1	3rd period 2	4th period 3
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 3437/91**of 27 November 1991****fixing the import levies on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 14 (4) thereof,Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EEC) No 1806/89 ⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to the opinion of the Monetary Committee,

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

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals ⁽⁷⁾, as last amended by Regulation (EEC) No 1740/78 ⁽⁸⁾, provides that the levy thus determined, increased by the fixed component, is valid in general for one month but is altered where the levy applicable to the basic product concerned differs by not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas the fixed component of the levy is specified in Regulation (EEC) No 2744/75; on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90 ⁽⁹⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁰⁾, as last amended by Regulation (EEC) No 523/91 ⁽¹¹⁾;

Whereas Council Regulation (EEC) No 3834/90 of 20 December 1990 reducing for 1991 the levies on certain agricultural products originating in developing countries ⁽¹²⁾ reduces by 50 % the levy on importation into the Community of products of CN code 1108 13 00, within the limit of a fixed amount of 5 000 tonnes a year;

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁶⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁷⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁸⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁹⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽¹⁰⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽¹¹⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽¹²⁾ OJ No L 370, 31. 12. 1990.

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries⁽¹⁾, as last amended by Regulation (EEC) No 3842/90⁽²⁾, lay down the terms on which the import levy is limited to 6 % *ad valorem*;

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

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

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

rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾,

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 December 1991.

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

Done at Brussels, 27 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 367, 29. 12. 1990, p. 8.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

ANNEX

to the Commission Regulation of 27 November 1991 fixing the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) (*)
0714 10 10 (*)	138,19	144,84
0714 10 91	141,82 (*) (*)	141,82
0714 10 99	140,01	144,84
0714 90 11	141,82 (*) (*)	141,82
0714 90 19	140,01 (*)	144,84
1102 20 10	229,97	236,01
1102 20 90	130,32	133,34
1102 30 00	151,82	154,84
1102 90 10	255,28	261,32
1102 90 30	234,18	240,22
1102 90 90	141,68	144,70
1103 12 00	234,18	240,22
1103 13 11	229,97	236,01
1103 13 19	229,97	236,01
1103 13 90	130,32	133,34
1103 14 00	151,82	154,84
1103 19 10	295,76	301,80
1103 19 30	255,28	261,32
1103 19 90	141,68	144,70
1103 21 00	280,60	286,64
1103 29 10	295,76	301,80
1103 29 20	255,28	261,32
1103 29 30	234,18	240,22
1103 29 40	229,97	236,01
1103 29 50	151,82	154,84
1103 29 90	141,68	144,70
1104 11 10	144,66	147,68
1104 11 90	283,64	289,68
1104 12 10	132,70	135,72
1104 12 90	260,20	266,24
1104 19 10	280,60	286,64
1104 19 30	295,76	301,80
1104 19 50	229,97	236,01
1104 19 91	257,81	263,85
1104 19 99	250,02	256,06
1104 21 10	226,91	229,93
1104 21 30	226,91	229,93
1104 21 50	354,55	360,59
1104 21 90	144,66	147,68
1104 22 10 10 (*)	132,70	135,72
1104 22 10 90 (*)	234,18	237,20
1104 22 30	234,18	237,20
1104 22 50	208,16	211,18
1104 22 90	132,70	135,72
1104 23 10	204,42	207,44
1104 23 30	204,42	207,44

(ECU/tonne)

CN code	Import levies	
	ACP or OCT	Third countries (other than ACP or OCT) (*)
1104 23 90	130,32	133,34
1104 29 11	207,33	210,35
1104 29 15	218,53	221,55
1104 29 19	222,24	225,26
1104 29 31	249,42	252,44
1104 29 35	262,90	265,92
1104 29 39	222,24	225,26
1104 29 91	159,01	162,03
1104 29 95	167,60	170,62
1104 29 99	141,68	144,70
1104 30 10	116,92	122,96
1104 30 90	95,82	101,86
1106 20 10	138,19 (*)	144,84
1106 20 91	202,06 (*)	226,24
1106 20 99	202,06 (*)	226,24
1107 10 11	277,48	288,36
1107 10 19	207,33	218,21
1107 10 91	252,44	263,32 (*)
1107 10 99	188,62	199,50
1107 20 00	219,82	230,70 (*)
1108 11 00	342,96	363,51
1108 12 00	205,69	226,24
1108 13 00	205,69	226,24 (*)
1108 14 00	102,84	226,24
1108 19 10	217,71	248,54
1108 19 90	102,84 (*)	226,24
1109 00 00	623,56	804,90
1702 30 51	268,30	365,02
1702 30 59	205,69	272,18
1702 30 91	268,30	365,02
1702 30 99	205,69	272,18
1702 40 90	205,69	272,18
1702 90 50	205,69	272,18
1702 90 75	281,07	377,79
1702 90 79	195,47	261,96
2106 90 55	205,69	272,18
2302 10 10	59,57	65,57
2302 10 90	127,64	133,64
2302 20 10	59,57	65,57
2302 20 90	127,64	133,64
2302 30 10	59,57	65,57
2302 30 90	127,64	133,64
2302 40 10	59,57	65,57
2302 40 90	127,64	133,64
2303 10 11	255,52	436,86

-
- (¹) 6 % *ad valorem*, subject to certain conditions.
- (²) In accordance with Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.
- (³) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:
- products falling within CN code ex 0714 10 91,
 - products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
 - flours and meal of arrow-root falling within CN code 1106 20,
 - arrow-root starch falling within CN code 1108 19 90.
- (⁴) Taric code: clipped oats.
- (⁵) Taric code: CN code 1104 22 10, other than 'clipped oats'.
- (⁶) Pursuant to Regulation (EEC) No 3834/90, the levy on importation into the Community of products of CN code 1108 13 00 is reduced by 50 % within the limit of a fixed quantity of 5 000 tonnes.
- (⁷) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments originating in the African, Caribbean and Pacific States or in the overseas countries and territories.
- (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 3438/91
of 27 November 1991
fixing the import levies on compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 3577/90 ⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to the opinion of the Monetary Committee,

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

Whereas the levy thus determined, increased by the fixed component, is valid for one month; whereas the amount of the fixed component of the levy is laid down in Article 6 of Regulation (EEC) No 2743/75; whereas on importation into Portugal of products listed in Annex XXIV to the Act of Accession an additional amount is added to the levy; whereas these amounts were set by Commission Regulation (EEC) No 3808/90 ⁽⁵⁾;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States and of the overseas countries and territories, the levy relating to them in respect of certain products processed from cereals

must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽⁶⁾, as last amended by Regulation (EEC) No 523/91 ⁽⁷⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁸⁾, as last amended by Regulation (EEC) No 2205/90 ⁽⁹⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 December 1991.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 353, 17. 12. 1990, p. 23.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 60.

⁽⁴⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁵⁾ OJ No L 366, 29. 12. 1990, p. 1.

⁽⁶⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁷⁾ OJ No L 58, 5. 3. 1991, p. 1.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 201, 31. 7. 1990, p. 9.

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

Done at Brussels, 27 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 27 November 1991 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies	
	ACP and OCT	Third countries (other than ACP and OCT) (1)
2309 10 11	20,44	31,32
2309 10 13	598,24	609,12
2309 10 31	63,88	74,76
2309 10 33	641,68	652,56
2309 10 51	127,76	138,64
2309 10 53	705,56	716,44
2309 90 31	20,44	31,32
2309 90 33	598,24	609,12
2309 90 41	63,88	74,76
2309 90 43	641,68	652,56
2309 90 51	127,76	138,64
2309 90 53	705,56	716,44

(1) 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 3439/91
of 26 November 1991
correcting the Danish version of Regulation (EEC) No 2213/83 as regards the
quality standards for onions

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 2 (3) thereof,

Whereas Commission Regulation (EEC) No 1654/87⁽³⁾ amends Regulation (EEC) No 2213/83⁽⁴⁾ as regards the quality standards for onions;

Whereas a mistake has been found in the Danish version of that amendment; whereas it should be corrected accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Title II. B. (ii), second sentence of the last paragraph, second indent, of Annex I to Regulation (EEC) No 2213/83 is hereby corrected as follows:

Only concerns the Danish version.

Article 2

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

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

Done at Brussels, 26 November 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 153, 13. 6. 1987, p. 35.

⁽⁴⁾ OJ No L 213, 4. 8. 1983, p. 13.

COMMISSION REGULATION (EEC) No 3440/91
of 27 November 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 3385/91 ⁽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 Regu-

lation (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 26 November 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 1,15 per 100 kilograms.

Article 2

This Regulation shall enter into force on 28 November 1991.

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

Done at Brussels, 27 November 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 313, 14. 11. 1991, p. 14.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

COMMISSION REGULATION (EEC) No 3441/91**of 27 November 1991****fixing the maximum export refund for white sugar for the 31st 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 31st 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 31st 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 40,606 per 100 kilograms.

Article 2

This Regulation shall enter into force on 28 November 1991.

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

Done at Brussels, 27 November 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 3442/91**of 27 November 1991****amending Regulation (EEC) No 3314/91 introducing a countervailing charge on
fresh lemons originating in Argentina**

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

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

Having regard to Council Regulation (EEC) No 1035/72
of 18 May 1972 on the common organization of the
market in fruit and vegetables⁽¹⁾, as last amended by
Regulation (EEC) No 1623/91⁽²⁾, and in particular the
second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 3314/91⁽³⁾,
as amended by Regulation (EEC) No 3386/91⁽⁴⁾, intro-
duced a countervailing charge on fresh lemons originating
in Argentina;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3314/91, 'ECU 22,63'
is hereby replaced by 'ECU 42,01'.

Article 2

This Regulation shall enter into force on 28 November
1991.

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

Done at Brussels, 27 November 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 313, 14. 11. 1991, p. 21.

⁽⁴⁾ OJ No L 319, 21. 11. 1991, p. 62.

COMMISSION REGULATION (EEC) No 3443/91**of 27 November 1991****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 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 3364/91 ⁽³⁾,

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 3364/91 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,

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 3364/91 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 November 1991.

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

Done at Brussels, 27 November 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 318, 20. 11. 1991, p. 33.

ANNEX

to the Commission Regulation of 27 November 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	35,50 ⁽¹⁾	
1701 11 90 910	34,95 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	35,50 ⁽¹⁾	
1701 12 90 910	34,95 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,3859
1701 99 10 100	38,59	
1701 99 10 910	37,99	
1701 99 10 950	37,99	
1701 99 90 100		0,3859

⁽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 3444/91**of 27 November 1991****fixing the aid for cotton**

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 2880/91 ⁽⁴⁾, as last amended by Regulation (EEC) No 3388/91 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2880/91 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 71,180 per 100 kilograms.

Article 2

This Regulation shall enter into force on 28 November 1991.

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

Done at Brussels, 27 November 1991.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 274, 1. 10. 1991, p. 48.

⁽⁵⁾ OJ No L 319, 21. 11. 1991, p. 66.

COMMISSION REGULATION (EEC) No 3445/91**of 27 November 1991****altering the export refunds 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 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 the fifth subparagraph of Article 16 (2) thereof,Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EEC) No 3401/91 ⁽³⁾, as amended by Regulation (EEC) No 3408/91 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 3401/91

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 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, as fixed in the Annex to, amended Regulation (EEC) No 3401/91 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 28 November 1991.

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

Done at Brussels, 27 November 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 320, 22. 11. 1991, p. 22.⁽⁴⁾ OJ No L 321, 23. 11. 1991, p. 15.

ANNEX

to the Commission Regulation of 27 November 1991 altering the export refunds on cereals
and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	—	—
1001 10 90 000	04	120,00
	05	40,00
	06	35,00
	02	0
1001 90 91 000	—	—
1001 90 99 000	04	77,00
	05	32,00
	02	20,00
1002 00 00 000	03	31,00
	07	85,00
	02	30,00
1003 00 10 000	08	80,00
	02	0
1003 00 90 000	04	31,00
	05	32,00
	02	30,00
1004 00 10 000	—	—
1004 00 90 000	—	—
1005 10 90 000	—	—
1005 90 00 000	04	60,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 100	01	117,00
1101 00 00 130	01	109,00
1101 00 00 150	01	100,00
1101 00 00 170	01	92,00
1101 00 00 180	01	86,00
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 600	01	117,00
1102 10 00 900	—	—
1103 11 10 100	01	200,00
1103 11 10 200	01	200,00
1103 11 10 500	01	0
1103 11 10 900	01	0
1103 11 90 100	01	117,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 The Soviet Union,
- 06 Algeria,
- 07 Zone II b),
- 08 Turkey.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 3049/89 (OJ No L 292, 11. 10. 1989, p. 10).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 October 1991

accepting an undertaking given by a Thai exporter in connection with the anti-dumping proceeding concerning imports of gas-fuelled, non-refillable pocket flint lighters originating in Japan, the People's Republic of China, the Republic of Korea and Thailand and terminating the investigation with regard to the exporter in question

(91/604/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas :

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EEC) No 1386/91⁽²⁾, imposed a provisional anti-dumping duty on imports into the Community of gas-fuelled, non-refillable pocket flint lighters (hereinafter referred to as lighters) originating in Japan, the People's Republic of China, the Republic of Korea and Thailand and falling within CN code ex 9613 10 00. The Council by Regulation (EEC) No 2832/91⁽³⁾ extended this duty for a period not exceeding two months.

B. IMPOSITION OF A DEFINITIVE DUTY

- (2) Following the imposition of the provisional anti-dumping duty, the interested parties who so requested were granted an opportunity to be heard by the Commission. They also made written submissions making known their views on the findings.
- (3) The Commission pursued its investigation into the dumping and resultant injury. On the basis of its conclusions, the Council adopted Regulation (EEC) No 3433/91⁽⁴⁾ imposing a definitive anti-dumping duty on imports of gas-fuelled, non-refillable pocket flint lighters originating in Japan, the People's Republic of China, the Republic of Korea and Thailand and definitively collecting the provisional anti-dumping duty imposed on these imports.

C. UNDERTAKINGS

- (4) After all exporters concerned were notified of the results of the investigation, Thai Merry Co. Ltd, an exporter from Thailand, offered an undertaking in accordance with Article 10 of Regulation (EEC) No 2423/88.
- (5) The effect of this undertaking would be to increase export prices by an amount that would be sufficient to eliminate the dumping established. The Commission believes that, administratively, it will

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 133, 28. 5. 1991, p. 20.

⁽³⁾ OJ No L 272, 28. 9. 1991, p. 1.

⁽⁴⁾ See page 1 of this Official Journal.

be possible to verify that this undertaking is being carried out. In view of this, the Commission considers that the undertaking offered is acceptable and that the investigation concerning the exporter in question may be closed without imposition of an anti-dumping duty.

- (6) Should this undertaking not be complied with or be withdrawn by the exporter concerned, the Commission could, in accordance with Article 10 (6) of Regulation (EEC) No 2423/88, immediately impose a provisional duty on the basis of the results and conclusions of the investigation set out in Regulation (EEC) No 3433/91. Subsequently, a definitive duty could also be imposed by the Council on the basis of information gathered in this investigation.
- (7) When the Advisory Committee was consulted on the acceptance of the undertakings offered, one Member State raised objections. Therefore, in accordance with Article 9 and Article 10 (1) of Regulation (EEC) No 2423/88, the Commission sent a report to the Council on the results of the consultations and a proposal that the investigation be terminated as regards the company concerned. As the Council has not decided otherwise within one month, the present Decision should stand adopted,

HAS DECIDED AS FOLLOWS:

Article 1

The undertaking offered by Thai Merry Co. Ltd in connection with the anti-dumping proceeding concerning imports of gas-fuelled, non-refillable pocket flint lighters originating in Japan, the People's Republic of China, the Republic of Korea and Thailand is hereby accepted.

This acceptance shall take effect for all shipments to the Community as from the day following publication of the present Decision in the *Official Journal of the European Communities*.

Article 2

The investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated in respect of Thai Merry Co. Ltd.

Done at Brussels, 25 October 1991.

For the Commission

Karel VAN MIERT

Member of the Commission