

Official Journal

of the European Communities

ISSN 0378-6978

L 80

Volume 36

2 April 1993

English edition

Legislation

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I *Acts whose publication is obligatory*

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 794/93**of 1 April 1993****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 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 1738/92 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 762/93 ⁽⁴⁾;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 31

March 1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 762/93 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 2 April 1993.

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

Done at Brussels, 1 April 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 79, 1. 4. 1993, p. 1.

ANNEX

to the Commission Regulation of 1 April 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	140,77 ⁽²⁾ ⁽³⁾
0712 90 19	140,77 ⁽²⁾ ⁽³⁾
1001 10 00	178,99 ⁽¹⁾ ⁽³⁾
1001 90 91	146,61
1001 90 99	146,61 ⁽²⁾
1002 00 00	152,15 ⁽⁶⁾
1003 00 10	136,12
1003 00 20	136,12
1003 00 80	136,12 ⁽²⁾
1004 00 00	115,49
1005 10 90	140,77 ⁽²⁾ ⁽³⁾
1005 90 00	140,77 ⁽²⁾ ⁽³⁾
1007 00 90	147,41 ⁽⁴⁾
1008 10 00	51,72 ⁽²⁾
1008 20 00	94,02 ⁽⁴⁾
1008 30 00	56,04 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	56,04
1101 00 00	217,89 ⁽²⁾
1102 10 00	226,45
1103 11 30	289,57
1103 11 50	289,57
1103 11 90	233,84

⁽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.

⁽³⁾ Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP 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), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

⁽⁸⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽⁹⁾ Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 795/93

of 1 April 1993

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 1738/92 ⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3874/92 ⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 31

March 1993, as regards floating currencies, should be used to calculate the levies;

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 2 April 1993.

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

Done at Brussels, 1 April 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 121.

ANNEX

to the Commission Regulation of 1 April 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period
	4	5	6	7
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	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 20	0	0	0	0
1003 00 80	0	0	0	0
1004 00 00	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	1st period	2nd period	3rd period	4th period
	4	5	6	7	8
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 796/93

of 1 April 1993

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EEC) No 2046/92⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1900/92⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 1901/92⁽⁶⁾, and in particular Article 5 thereof,

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

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁹⁾, as last amended by Regulation (EEC) No 1902/92⁽¹⁰⁾, and in particular Article 10 (2) thereof,

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

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

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

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

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁴⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 29 and 30 March 1993 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

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

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

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹⁴⁾ OJ No L 263, 19. 9. 1991, p. 1.

HAS ADOPTED THIS REGULATION:

Article 2

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

Article 1

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

Article 3

This Regulation shall enter into force on 2 April 1993.

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

Done at Brussels, 1 April 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX I

Minimum import levies on olive oil ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	79,00 ⁽²⁾
1509 10 90	79,00 ⁽²⁾
1509 90 00	92,00 ⁽²⁾
1510 00 10	77,00 ⁽²⁾
1510 00 90	122,00 ⁽²⁾

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : ECU 0,60 per 100 kg ;

(b) Tunisia : ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Turkey : ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(d) Algeria and Morocco : ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

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

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

⁽⁴⁾ For imports of oil falling within this CN code :

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

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	17,38
0711 20 90	17,38
1522 00 31	39,50
1522 00 39	63,20
2306 90 19	6,16

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 797/93

of 30 March 1993

imposing a provisional anti-dumping duty on imports of ferro-chrome with a carbon content by weight of max. 0,5 % (low carbon ferro-chrome) originating in Kazakhstan, Russia and Ukraine

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,

After consultation within the Advisory Committee as provided for under the abovementioned Regulation,

Whereas :

A. PROCEDURE

- (1) In June 1992, the Commission received a complaint lodged by the *Comité de Liaison des Industries de Ferro-Alliages de la Communauté Économique Européenne* on behalf of the sole Community producer of low carbon ferro-chrome. The complaint contained evidence of dumping of the said product and of material injury resulting therefrom which was considered sufficient to justify the initiation of a proceeding.
- (2) The Commission accordingly announced by a notice published in the *Official Journal of the European Communities*⁽²⁾ the initiation of an anti-dumping proceeding concerning imports of low carbon ferro-chrome, originating in Kazakhstan, Russia and Ukraine, falling within CN codes 7202 49 10 anbd 7202 49 50, and commenced an investigation.
- (3) The Commission officially informed the exporters and importers known to be concerned, the representatives of the exporting countries and the complainant. Parties directly concerned were given the opportunity to make their views known in writing and to request a hearing.
- (4) Seven of the companies which had received a questionnaire for importers replied within the deadline set by the Commission; of those companies only one indicated that it was an importer of the

product under consideration. Since the volume of the imports has small in relation to the total imports, they could not be considered representative of the exports in question. Of the six companies which received a questionnaire for exporters only one replied, but gave not details of its exports to the Community. Several associations representing importers, traders and consumers of low carbon ferro-chrome requested and were granted a hearing.

- (5) Due to the lack of cooperation, the Commission could only use, for its preliminary determination, the trade statistics of the Community, certain information given by interested parties and the information supplied by the Community producer Elektrowerk Weiweiler GmbH, Eschweiler, Germany, which was verified at the premises of that company.

- (6) The investigation of dumping covered the period from 1 July 1991 to 30 June 1992 ('the investigation period').

B. PRODUCT UNDER INVESTIGATION — LIKE PRODUCT

1. Origin of the imported product

- (7) The three exporting countries concerned, which had formerly belonged to the Soviet Union, became independent at the beginning of 1992. The situation is not yet reflected in the import statistics of the Community where, for the period under consideration, figures still refer to the former Soviet Union. However, since the Commission has no knowledge of any producer operating outside Kazakhstan, Russia and the Ukraine in the territory of the former Soviet Union and since no interested party was able to provide such information, it is provisionally concluded that the imports coming from the former Soviet Union originate in the three States concerned.

2. Product description

- (8) Ferro-chrome with a carbon content of max. 0,5 % (low carbon ferro-chrome) is an alloy of iron and chromium produced by reducing chromium ores with silicon and/or carbon in an electric furnace. It

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 195, 1. 8. 1992, p. 6.

is produced in a two-stage (sometimes even a three-stage) process and the chromium content of the alloy varies according to the type of ore used. The carbon content is determined by the materials added during the second stage of the production process. However, the percentage of carbon in the slabs at the end of the melting process varies significantly and the slabs which are subsequently crushed into different sizes are therefore classified by reference to the carbon content.

The prices for low-carbon ferro-chrome are normally expressed in a value per kilogram of chromium contained in the alloy and vary due to the differences in the carbon content (the lower the carbon content the higher the price). This price difference is not caused by a difference in the cost of production, which is virtually the same for all kinds of ferro-chrome with a carbon content below 0,5 %, but represents a premium for the producer's production know-how and reflects the cost savings for the consumer of the product, since the use of ferro-chrome with a higher carbon content requires further treatment of the product.

- (9) Low carbon ferro-chrome is mainly used for the production of high-tensile structural and heat and acid resistant steel containing a high chromium content. It is also used for adjustment of the chromium content in stainless steel and must always be used for steel where, for plant reasons, removal of carbon is not possible during steel production. Those different uses of low carbon ferro-chrome are independent of differences in the precise carbon content and products with different grades of carbon content are to a large extent interchangeable.

- (10) One interested party argued that due to the price differences determined by its carbon content, low carbon ferro-chrome could not be regarded as a single product. However, given the interchangeability of the product irrespective of the prices differences, the Commission provisionally established that the different grades of low carbon ferro-chrome were sufficiently alike to constitute one single product.

3. Like product

- (11) The facts as described above apply not only to the imported products originating in the countries concerned but also to that produced in the Community and in other third countries. The Commission therefore concludes that low-carbon

ferro-chrome produced in the Community and elsewhere has the same basic chemical and physical characteristics and is sufficiently alike to constitute a 'like product' within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88.

C. COMMUNITY INDUSTRY

- (12) For the investigation period, Elektrowerk Weisweiler GmbH was the sole Community producer of the product in question. Two other Community producers, Falk in Italy and Lippendorf in Germany, had to give up their production between 1988 and the beginning of the investigation period.
- (13) One interested party alleged that the complainant, or a company related to it, had imported low-carbon ferro-chrome from the countries concerned and that the complainant should therefore be excluded from the Community industry, in accordance with Article 4 (5) of Regulation (EEC) No 2423/88. That party was, however, unable to submit any evidence supporting its allegation nor was any such evidence found during the investigation.

D. DUMPING

1. Normal value

- (14) Since all three countries concerned are non-market economy countries, normal value had to be determined according to Article 2 (5) of Regulation (EEC) No 2423/88, i.e. either on the basis of data pertaining to a market-economy third country (analogous country) or, if such data do not provide an adequate basis, on the basis of prices paid or payable in the Community. As analogous country the complainant proposed South Africa. The Commission sent a questionnaire to the South African producer of ferro-chrome which despite several attempts by the Commission to obtain information, did not reply. Subsequently, the Commission requested information from a producer of ferro-chrome in Zimbabwe but that producer did not reply, either.
- (15) Under the circumstances and in view of the difficult situation of the Community producer, the Commission decided not to delay further the proceeding and to determine provisionally the

normal value on the basis of the data in its possession, i.e. the cost of production of the South African producer of low-carbon ferro-chrome as given by the complainant, to which a margin of 5 % for profit was added. Given the similarity in access to raw materials and the competitive situation on the South African market which guarantees that prices and costs are appropriate and not unreasonable, the Commission considered that South Africa was a reasonable choice as analogous country. The Commission notes that the use of the prices in the Community would have led to a result less favourable for the exporters concerned.

Since one interested party alleged that the ferro-chrome exported from the countries in question were not crushed to any specific sizes the Commission excluded the cost of crushing of the product from its provisional calculation of the normal value.

2. Export price

- (16) Since no exporter cooperated, the Commission used the average import price of the Community trade statistics as a basis for the calculation of the export price. As indicated above (see recital (7)) no distinction is made in those statistics between the countries in question. Therefore, for its provisional determination, the Commission had to use the same export price for the three exporting countries.

3. Comparison

- (17) Since ferro-chrome is normally sold at a price based on its chromium (see recital (8)), the Commission compared normal value and export prices on the basis of the net chromium content of the corresponding product. To this end it assumed, for the exported goods, a chromium content of 68 % and, for the South African product, a content of 59 %. This is accepted in the industry as a reasonable ratio for each of these products.
- (18) In order to establish provisionally the normal value at ex-works level and to exclude any possible differences in payment terms and transport costs, the Commission disregarded any costs in respect of transport and financing included in the production costs of the South African producer and adjusted the export price to a level fob exporting country by a reasonable amount for transport.

4. Dumping margin

- (19) The comparison of the average export price on a month by month basis with the normal value shows the existence of dumping in respect of low carbon ferro-chrome originating in Kazakhstan, Russia and Ukraine, the margin of dumping being equal to the amount by which the normal value exceeded the price for export to the Community.
- (20) The dumping margin amounts to ECU 0,406 kg chromium contained in the product exported, which corresponds to ECU 0,276 per kilogram of low carbon ferro-chrome and to 41,3 % of the cif value, free at Community frontier.

E. INJURY

1. Injury factors

1.1 *Development of import quantities and market shares*

- (21) Imports from the countries in question increased from 4 553 tonnes in 1988 to 6 772 tonnes in 1990 and to 11 748 tonnes in the investigation period. The market shares for these countries increased from 7,6 % in 1988 to 10,7 % in 1990 and 18,3 % in the investigation period.

1.2 *Sales quantities and market shares of Community industry*

- (22) Despite the slight increase of the consumption in the European Community from 59 730 tonnes in 1988 to 63 442 tonnes in 1990 and to 64 166 tonnes in the investigation period, the sales of the Community industry decreased from 19 254 tonnes in 1988 to 14 554 tonnes in 1990 and to 10 362 in the investigation period and its market shares decreased from 32,2 % in 1988 to 22,9 % in 1990 and to 16,2 % during the investigation period.
- (23) This reduction in quantities and market shares was partly due to the fact that one Italian and one German producer gave up production at the end of 1990 (see recital (12)). The remaining Community producer, however, was unable to gain from those closures since its sales quantity decreased significantly between 1990 and the investigation period and its market share decreased considerably during the same period.

1.3 Price undercutting

- (24) In order to establish whether there was evidence of price undercutting existed, the Commission compared the selling prices of the Community producer adjusted downwards to exclude costs for crushing (see recital (15)) with the average import prices from the countries concerned adjusted upwards by 8 % import duty and an estimated importer's margin of 20 % of the value, including the duty. On this basis the comparison showed a margin of undercutting of ECU 0,53 kg chromium which corresponds to 54 % of the CIF Community frontier price.

1.4 Profitability and prices of the Community producer

- (25) The financial results for the Community sales of the Community producer turned from a small profit in 1988 into a small loss in 1990 and into a big loss during the investigation period.
- (26) The investigation showed that the prices charged by the producer on its major markets fell constantly during the investigation period. The average decrease in price between July 1991 and June 1992 amounted to 15 %.

1.5 Stocks

- (27) The stocks of the Community producer decreased between the end of the financial year 1988 and the end of 1990 by 33 index points (index 1988 = 100) and increased from then on till the end of the investigation period by 66 index points.

1.6 Employment

- (28) The Community producer reduced its personnel between the end of 1988 and the end of 1990 by 6 % and between then and the end of the investigation period by another 4 %.

2. Conclusion on injury

- (29) Taking into account the reduction in sales volume and market share combined with the increase of stocks and the erosion of its prices which led to the deterioration of the profitability of the sales in the Community, the Commission provisionally determined that the Community producer had suffered material injury.

3. Causality

3.1 Effects of imports

- (30) In the view of the significant increase in quantities and market shares together with the high level of price undercutting which, in a transparent market with a limited number of operators, put the Community producer in a precarious competitive position, the Commission concluded that the imports in question has caused injury to the Community industry.

3.2. Other factors

- (31) One interested party alleged that the injury suffered by the Community producer was caused by imports from South Africa and Zimbabwe since the producers in these countries enjoy comparative advantages in material supplies, energy and labour costs.
- (32) The import statistics of the Community, however, do not confirm this allegation. Imports originating in South Africa decreased from 8 377 tonnes in 1988 to 5 906 tonnes in 1990 to 5 475 tonnes during the investigation period and those originating in Zimbabwe after having increased from 12 201 tonnes in 1988 to 16 237 tonnes in 1990 decreased also to 10 813 tonnes in the investigation period. The market shares of those countries fell accordingly.
- (33) Furthermore a comparison of the import prices from these countries with the prices of the Community producer in the same manner as described in recital (24) (but without an adjustment for crushing) showed no undercutting for the imports from South Africa and only limited undercutting (6,7 %) for those from Zimbabwe.

- (34) It was further alleged that the Community producer was affected by a change in the technology of stainless steel production which had led to a reduction in the consumption of low carbon ferro-chrome in the Community. That allegation is not confirmed by the investigation of the Commission which showed rather a slight increase in consumption since 1988.

- (35) As regards imports from other third countries, the Commission found that the total amount of such imports increased significantly. However, it was not possible to allocate a large part of these imports to specific countries since the Community's trade statistics, following requests from the importers concerned, reported them under the country heading 'Secret'. In comparing the average import prices for those quantities with those from the free

countries concerned, the Commission noted a certain similarity in price levels. In addition, it was noted that in Member States where the volume of the 'secret' imports was high, no imports have been reported from the countries under consideration. Therefore, it cannot be ruled out that significant quantities of 'secret' imports originate in these countries, which would increase the volume and the market share of the dumped imports. The remaining third country imports account for only 10 % of the Community market. While these imports may also have contributed to the difficulties of the Community producer, this cannot detract from the fact that the injury caused by the dumped imports, taken in isolation because of their increasing market share and their low prices, has to be qualified as material.

3.3 Conclusion

- (36) Under these conditions, the Commission provisionally concludes that the dumped imports from Kazakhstan, Russia and the Ukraine have caused material injury to the Community industry.

F. COMMUNITY INTEREST

- (37) In assessing the Community interest, the Commission considers that 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 the very purpose of anti-dumping measures — is in the general interest of the Community as stated in Article 3 (f) of the EEC Treaty. Moreover, examination of the pricing behaviour of the exporters concerned and the Community industry's position leads to the conclusion that the remaining Community producer will have to close its factory in the near future if no measures are imposed on imports of low carbon ferro-chrome from the countries concerned. This would not only put the employment of more than 300 people at stake but would leave the Community totally dependent on imports for a product which is recognized as a product of strategic importance for which some Member States (the United Kingdom and France) have developed a national stockpiling programme.
- (38) Furthermore, it should be noted that the Community producer has made considerable efforts to develop what is probably the most energy-efficient production process in the market and has automated its production to such an extent that it could compete with any other producer operating under market economy conditions. It is, however, impossible for this company to compete with the low prices charged by the exporters located in the free

countries concerned since their prices bear no relationship to the cost of production of the exported goods.

- (39) The association defending the interests of the consumers of ferro-chrome alleged at its hearing that the imposition of duties on imports of low-carbon ferro-chrome originating in the three countries concerned would put up the competitiveness of the stainless steel industry at risk. Since this association was unable to substantiate the claim in any way and did not give any evidence as to the extent to which a price increase in ferro-chrome from the three countries concerned would affect the competitiveness of these industries, the Commission requested and received information from the complainant concerning the impact of the prices for low carbon ferro-chrome on stainless steel production. This information showed that on the German market, which represents about 30 % of the total Community market, in the first nine months of 1992 a maximum of 1 kg of low carbon ferro-chrome had been used for the production of 1 000 kg of stainless steel, an incidence of 0,1 %. Information from other sources showed even an incidence of as little as 0,02 %. Under these conditions anti-dumping measures against imports of low-carbon ferro-chrome from the countries concerned cannot be considered to have the potential to weaken the competitiveness of the stainless steel industry in the Community.
- (40) In addition, the Commission received evidence that the demise of the Community producer would cause difficulties for several stainless steel producers which were dependent on certain specialized products for which the Community producer is the sole source of supply.
- (41) The Commission therefore provisionally concludes that it is in the interests of the Community to protect the remaining Community producer against unfair competition from the countries concerned in order to maintain efficient and technically advanced production in the Community.

G. PROVISIONAL DUTY

1. Amount of duty

- (42) In examining whether the provisional duty should be equal to the dumping margin found or whether a lower duty would be sufficient to remove the injury, in accordance with Article 13 (3) of Regulation (EEC) No 2423/88, the Commission compared the dumping margin with the margin of price-undercutting — the major reason for injury — at CIF level. Since price undercutting exceeded significantly the dumping margin, the duty has to be imposed at the level of the latter.

2. Form of duty

- (43) The exporters concerned sell, besides low-carbon ferro-chrome a variety of other products to importers in the Community. In order to minimize the risks that the effects of the duty might be evaded by price manipulation, it is considered appropriate to impose the duty in form of a specific amount per kilogram. Provisional anti-dumping duties on the imports of low carbon ferro-chrome with a carbon content of a maximum 0,5 % at the level of ECU 0,276 per kilogram of low-carbon ferro-chrome imported should therefore be imposed.
- (44) A period should be fixed within which interested parties 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 measure which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of ferro-chrome with a carbon content by weight of max. 0,5 % falling within CN codes 7202 49 10

and 7202 49 50, originating in Kazakhstan, Russia and Ukraine.

2. The duty shall be ECU 0,276 per kilogram net.
3. The provisions in force concerning customs duties shall apply.
4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of security, equivalent to the amount of the provisional duty.

Article 2

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

Article 3

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

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, 30 March 1993.

For the Commission

Leon BRITTAN

Member of the Commission

COMMISSION REGULATION (EEC) No 798/93

of 30 March 1993

concerning the stopping of fishing for saithe by vessels flying the flag of the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3921/92 of 20 December 1992 allocating, for 1993, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen⁽³⁾, provides for saithe quotas for 1993;

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

Whereas, according to the information communicated to the Commission, catches of saithe in the waters of ICES divisions I, II a and b (Norwegian waters north of 62° N) by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quota

allocated for 1993; whereas the United Kingdom has prohibited fishing for this stock as from 12 March 1993; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of saithe in the waters of ICES divisions I, II a and b (Norwegian waters north of 62° N) by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1993.

Fishing for saithe in the waters of ICES divisions I, II a and b (Norwegian waters north of 62° N) by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 12 March 1993.

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

Done at Brussels, 30 March 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 397, 31. 12. 1992, p. 44.

COMMISSION REGULATION (EEC) No 799/93

of 1 April 1993

fixing the minimum selling prices for beef put up for sale under the invitation
to tender referred to in Regulation (EEC) No 621/93

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 125/93 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas tenders have been invited for certain quantities
of beef fixed by Commission Regulation (EEC) No
621/93 ⁽³⁾;

Whereas, pursuant to Article 9 of Commission Regulation
(EEC) No 2173/79 ⁽⁴⁾, as amended by Regulation (EEC)
No 1809/87 ⁽⁵⁾, the minimum selling prices for meat put

up for sale by tender should be fixed, taking into account
tenders submitted;

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

The minimum selling prices for beef for the invitation to
tender held in accordance with Regulation (EEC) No
621/93 for which the time limit for the submission of
tenders was 24 March 1993 are as set out in the Annex
hereto.

Article 2

This Regulation shall enter into force on 7 April 1993.

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

Done at Brussels, 1 April 1993.

For the Commission

René STEICHEN

Member of the Commission

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος Member State État membre Stato membro Lid-Staat Estado-membro	Productos Produkter Erzeugnisse Προϊόντα Products Produits Prodotti Produkten Produtos	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 ECU 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
United Kingdom	— Forequarter flanks	1 619
Ireland	— Plates/flanks	1 614

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 66, 18. 3. 1993, p. 30.

⁽⁴⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁵⁾ OJ No L 170, 30. 6. 1987, p. 23.

COMMISSION REGULATION (EEC) No 800/93**of 1 April 1993****amending Regulation (EEC) No 2919/92 on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of bone-in beef held by certain intervention agencies and intended for export after processing**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, and in particular Article 13 (1) thereof,

Whereas Commission Regulation (EEC) No 2919/92 provides for the sale of forequarters held by the Italian, French and German intervention agencies for processing and subsequent export; whereas Article 5 of the said Regulation lays down, in particular, that the refunds and the agricultural conversion rate to be used should be those applying on 15 October 1992;

Whereas application of the provisions of Regulation (EEC) No 3813/92 has changed certain of the economic conditions for the conclusion under Regulation (EEC) No 2919/92 of sales contracts from 1 January 1993; whereas Article 13 (1) lays down transitional measures to facilitate the initial application of Regulation (EEC) No 3813/92; whereas to correct the economic conditions for the abovementioned contracts, it should be laid down, as a transitional measure, that the refund and the agricultural conversion rate to be used should be those applying on the day the export declaration for the products exported is accepted;

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

Commission Regulation (EEC) No 2919/92 is hereby amended as follows:

- (1) The following sentence is added to the second paragraph of Article 5:

'This shall not apply, however, to sales contracts concluded with the intervention agency from 1 January 1993.'

- (2) The following paragraph is added to Article 5:

'The national authorities shall take all measures necessary to ensure the effective application of Article 1, in particular by ensuring that processed products are accurately identified to enable the relationship between quantities covered by contracts concluded from 1 January 1993 and exported products to be established.'

Article 2

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

It shall apply from 1 January 1993.

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

Done at Brussels, 1 April 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

COMMISSION REGULATION (EEC) No 801/93

of 1 April 1993

on the sale by tender of beef held by certain intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 2

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 125/93⁽²⁾, and in particular Article 7 (3) thereof,

Whereas the application of intervention measures in respect of beef has created large stocks in the United Kingdom and Ireland whereas in order to prevent an excessive prolongation of storage, part of these stocks should be sold by tender;

Whereas the sale should be made subject to the rules laid down by Commission Regulations (EEC) No 2173/79⁽³⁾, as amended by Regulation (EEC) No 1809/87⁽⁴⁾, subject to certain special exceptions which are necessary;

Whereas it seems appropriate to provide for derogations from provisions of Article 8 (2) of Regulation (EEC) No 2173/79, taking into account the administrative difficulties which the application of this subparagraph raises in the Member States concerned;

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. The sale shall take place of:

- approximately 100 tonnes of bone-in meat held by the United Kingdom intervention agency and bought in before 1 January 1991,
- approximately 700 tonnes of bone-in meat held by the Irish intervention agency, bought in before 1 January 1991 and stored in the Netherlands.

2. The products referred to in paragraph 1 shall be sold in accordance with Regulation (EEC) No 2173/79, and in particular Articles 6 to 12 thereof, and this Regulation.

1. The deadlines for submitting tenders, which must be made out in ecus, shall be 12 noon on 7 April 1993.

The intervention agencies concerned shall draw up a notice of invitation to tender which shall include the following:

- (a) the quantities of beef offered for sale; and
- (b) the deadline and place for submitting tenders.

2. The intervention agencies concerned shall sell first the meat which has been stored the longest.

3. Notwithstanding Articles 6 and 7 of Regulation (EEC) No 2173/79, the provisions of and the Annexes to this Regulation shall serve as a general notice of invitation to tender.

4. Interested parties may obtain the details of the quantities available and the places where the products are stored from the addresses listed in Annex II to this Regulation. The intervention agencies will, moreover, display the notice referred to in paragraph 1 at their head office and may also publish them elsewhere.

5. Notwithstanding Article 8 (2) (b) if Regulation (EEC) No 2173/79, tenders shall not indicate which cold store or stores the products are held.

Article 3

After the offers received in respect of the invitation to tender have been examined a minimum selling price shall be fixed for each product or the sale will not be proceeded with.

Article 4

Notwithstanding Article 15 (1) of Regulation (EEC) No 2173/79 the amount in the security shall be ECU 100 per tonne.

Article 5

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 18, 27. 1. 1993, p. 1.

⁽³⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

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

Done at Brussels, 1 April 1993.

For the Commission

René STEICHEN

Member of the Commission

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

Estado miembro Medlemsstat Mitgliedstaat Κράτος 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)
UNITED KINGDOM	— Forequarters, from :	
	Category C, classes U, R and O	37
	— Hindquarters, from :	
	Category C, classes U, R and O	55
IRELAND	— Hindquarters, from : Category C, classes U, R and O	700

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

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

UNITED KINGDOM: Intervention Board for Agriculture Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302
Telefax (0734) 56 67 50

IRELAND: Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 2278 and ext. 3806
Telex 93 292 and 93 607
Telefax (01) 61 62 63, (01) 78 52 14 and (01) 66 20 198

COMMISSION REGULATION (EEC) No 802/93
of 1 April 1993
fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 3814/92 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 789/93 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 789/93 to the information known to the Commission that the levies

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 31 March 1993, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 April 1993.

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

Done at Brussels, 1 April 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 79, 1. 4. 1993, p. 66.

ANNEX

to the Commission Regulation of 1 April 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽³⁾
1701 11 10	34,50 ⁽¹⁾
1701 11 90	34,50 ⁽¹⁾
1701 12 10	34,50 ⁽¹⁾
1701 12 90	34,50 ⁽¹⁾
1701 91 00	43,43
1701 99 10	43,43
1701 99 90	43,43 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

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

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 803/93

of 1 April 1993

repealing accession compensatory amounts applicable on rice sector products in Portugal in the 1992/93 marketing year

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 3654/90 of 11 December 1990 laying down general rules for the system of accession compensatory amounts applicable to cereals and during the second stage of the accession of Portugal⁽¹⁾, and in particular Article 5 thereof,Whereas an intervention price for paddy rice applicable in Portugal in the 1992/93 marketing year is aligned to the intervention price applicable in the other Member States with effect from 1 April 1993 by Council Regulation (EEC) No 738/93 of 17 March 1993, amending the transitional measures governing the common organization of the market in cereals and rice in Portugal laid down in Regulation (EEC) No 3653/90⁽²⁾; whereas setting of this price necessitates the revoking of the accession compen-satory amounts on paddy, husk, semi-milled and fully-milled rice fixed for the said marketing year by Commission Regulation (EEC) No 1842/92⁽³⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1842/92 is repealed.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall be applicable from 1 April 1993.

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

Done at Brussels, 1 April 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 362, 27. 12. 1990, p. 31.⁽²⁾ OJ No L 77, 31. 3. 1993, p. 1.⁽³⁾ OJ No L 187, 7. 7. 1992, p. 32.

COMMISSION REGULATION (EEC) No 804/93

of 1 April 1993

fixing 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 1738/92⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾ provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas export possibilities exist for a quantity of 50 000 tonnes of rye flour and 100 000 tonnes of wheat flour and soft wheat flour to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89⁽⁴⁾, as last amended by Regulation (EEC) No 3570/92⁽⁵⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities

were fixed in Commission Regulation No 162/67/EEC⁽⁶⁾, as last amended by Regulation (EEC) No 468/92⁽⁷⁾;

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽⁹⁾;

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

Whereas Council Regulation (EEC) No 1432/92⁽¹⁰⁾ as last amended by Regulation (EEC) No 3534/92⁽¹¹⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 April 1993.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 362, 11. 12. 1992, p. 51.

⁽⁶⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁷⁾ OJ No L 53, 28. 2. 1992, p. 15.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 17.

⁽¹⁰⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽¹¹⁾ OJ No L 358, 8. 12. 1992, p. 16.

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

Done at Brussels, 1 April 1993.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 1 April 1993 fixing export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1005 90 00 000	04	84,00
0712 90 19 000	—	—		02	0
1001 10 00 200	—	—	1007 00 90 000	—	—
1001 10 00 400	04	50,00	1008 20 00 000	—	—
	02	20,00	1101 00 00 100	01	93,00 (*)
1001 90 91 000	01	0	1101 00 00 130	01	87,00
1001 90 99 000	04	52,00	1101 00 00 150	01	80,00
	02	20,00	1101 00 00 170	01	74,00
1002 00 00 000	03	21,00	1101 00 00 180	01	70,00
	02	20,00	1101 00 00 190	—	—
1003 00 10 000	01	0	1101 00 00 900	—	—
1003 00 20 000	04	72,00	1102 10 00 500	01	125,00 (3)
	02	20,00	1102 10 00 700	—	—
1003 00 80 000	04	72,00	1102 10 00 900	—	—
	02	20,00	1103 11 30 200	01	140,00
1004 00 00 200	—	—	1103 11 30 900	01	0
1004 00 00 400	—	—	1103 11 50 200	01	140,00
1005 10 90 000	—	—	1103 11 50 400	01	120,00
			1103 11 50 900	01	0
			1103 11 90 200	01	93,00 (*)
			1103 11 90 800	—	—

(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.

(2) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Article 2 (a) and Article 3 of amended Regulation (EEC) No 1432/92.

(3) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89, in respect of a quantity of 50 000 tonnes of rye flour destined for all third countries.

(4) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89 in respect of a quantity of 100 000 tonnes of wheat flour and groats destined to third countries.

NB: The zones are those defined in Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EEC) No 805/93

of 1 April 1993

fixing the export refunds on 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 1738/92⁽²⁾, and in particular the fourth subparagraph of Article 16 (2) thereof,

Whereas Article 16 of Regulation (EEC) No 2727/75 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾ provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be

fixed at an amount which will cover the difference between Community prices and world market prices;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾ are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 3819/92⁽⁷⁾;

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

Whereas Council Regulation (EEC) No 1432/92⁽⁸⁾, as last amended by Regulation (EEC) No 3534/92⁽⁹⁾, prohibits trade between the Community and the Republics of Serbia and Montenegro; whereas this prohibition does not apply to certain situations as given in the limitative enumeration laid down in Articles 2 and 3; whereas this should be taken into account when refunds are fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (d) of Regulation (EEC) No 2727/75 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 2 April 1993.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 17.

⁽⁸⁾ OJ No L 151, 3. 6. 1992, p. 4.

⁽⁹⁾ OJ No L 358, 8. 12. 1992, p. 16.

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

Done at Brussels, 1 April 1993.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 1 April 1993 fixing the export refunds on malt

<i>(ECU / tonne)</i>	
Product code	Refund (1)
1107 10 19 000	67,00
1107 10 99 000	114,00
1107 20 00 000	132,00

(1) Refunds for exports to the Republics of Serbia and Montenegro may only be granted for humanitarian aid supplied by charitable organizations fulfilling the conditions laid down in Articles 2 (a) and 3 of amended Regulation (EEC) No 1432/92.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.
