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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2467/81

of 24 August 1981

imposing a definitive anti-dumping duty on potato granules originating in Canada

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3017/79 of 20 December 1979 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, after consultations within the Advisory Committee set up by Article 6 of Regulation (EEC) No 3017/79,

Whereas the Commission, by Regulation (EEC) No 1101/81⁽²⁾, imposed a provisional anti-dumping duty on imports of potato granules originating in Canada; whereas at the same time the Commission accepted voluntary undertakings, offered by Carnation, one of the two Canadian exporters concerned, to increase their prices to a level sufficient to eliminate the dumping margin found and exempted exports of the latter from the application of the provisional duty;

Whereas, with regard to the other exporter concerned, Vauxhall Foods Ltd, the provisional dumping margin was established by taking account of the fact that this company, during the period of investigation, had sold substantial quantities of the products concerned at a loss on the domestic market; whereas normal value was established, therefore, on the basis of the constructed value including in particular a 6 % profit margin; whereas subsequently Vauxhall contested the methods of the finding of dumping and in particular the addition of the 6 % profit margin; whereas it was not necessary to examine the merits of these arguments because, for the purpose of the final determination of the dumping margin, the Commission determined normal value on the basis of sales on the domestic market made at a price which was not less

than the cost of production; whereas these sales represented approximately one-third of total domestic sales volume during the period of investigation and were considered, therefore, to constitute a reliable basis for comparison;

Whereas this normal value was compared with Vauxhall's export prices, transaction by transaction, on an ex-factory basis;

Whereas, for the purpose of a fair comparison between normal value and export prices, account was taken of the fact that certain variable costs such as commissions paid to sales agents were only incurred on the domestic market;

Whereas this comparison showed that exports to the Community made by Vauxhall during the period of investigation were dumped at varying rates, in some instances up to 20 %, the weighted average margin being 6.9 %;

Whereas, with regard to injury caused by the dumped imports to the Community industry, no additional information has been received by the Commission; whereas, however, Vauxhall alleged that owing to a shortage of potatoes in Canada in the current crop year they were unable to supply substantial quantities of granules to their EEC customers and could not, therefore, cause any injury to Community producers; whereas this allegation is not supported by the facts established by the Commission and Vauxhall did not supply any supporting evidence in respect thereto; whereas the Commission has therefore definitively concluded that the dumped imports have caused material injury to the Community industry concerned;

Whereas Vauxhall Foods Ltd have voluntarily undertaken to increase their prices to a level which eliminates the injurious effects of their exports to the Community; whereas the Commission has accepted this undertaking;

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 116, 28. 4. 1981, p. 11.

Whereas, although the only two companies known to be exporting potato granules to the Community have voluntarily undertaken to increase their export prices, protection of Community interests nevertheless requires the imposition of a definitive anti-dumping duty, in order to avoid the price levels established by the undertakings being under-cut by future exports made by other Canadian manufacturers; whereas the level of this duty should be equal to the rate of the provisional duty which was applied to exporters other than Vauxhall, and which has never been challenged; whereas Community interests also call for the definitive collection in their entirety of the amounts secured by way of provisional anti-dumping duty;

Whereas it is appropriate, however, to exclude the exports made by Vauxhall and Carnation, whose undertakings have been accepted by the Commission, from the application of this definitive duty,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on potato granules falling within Common

Customs Tariff heading No ex 11.05 and corresponding to NIMEXE code ex 11.05-00, originating in Canada. This duty shall not apply to potato granules exported by Carnation Inc., Carnation Foods Company Ltd and Vauxhall Foods Ltd, Canada.

2. The duty referred to in paragraph 1 shall be equivalent to 4.481 European units of account per 100 kg net weight.

3. The provisions in force for the application of customs duties shall apply to this duty.

Article 2

The amounts secured by way of provisional anti-dumping duty in accordance with Commission Regulation (EEC) No 1101/81 shall be definitively collected.

Article 3

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

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

Done at Brussels, 24 August 1981.

For the Council

The President

P. WALKER

COMMISSION REGULATION (EEC) No 2468/81

of 25 August 1981

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 1949/81⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation No 129 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 2543/73⁽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 Regulation (EEC) No 2196/81⁽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 effective parity,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 24 August 1981;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2196/81 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 26 August 1981.

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

Done at Brussels, 25 August 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 7.

ANNEX

to the Commission Regulation of 25 August 1981 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 A	Common wheat, and meslin	76.29
10.01 B	Durum wheat	125.94 ⁽¹⁾ ⁽²⁾
10.02	Rye	32.47 ⁽⁶⁾
10.03	Barley	59.63
10.04	Oats	26.43
10.05 B	Maize, other than hybrid maize for sowing	68.56 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	27.15 ⁽⁴⁾
10.07 C	Grain sorghum	66.69 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	119.79
11.01 B	Rye flour	58.46
11.02 A I a)	Durum wheat groats and meal	208.20
11.02 A I b)	Common wheat groats and meal	129.37

(1) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0.60 ECU/tonne.

(2) In accordance with Regulation (EEC) No 435/80, the levies are not applied to imports into the French overseas departments of products 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 1.81 ECU/tonne.

(4) Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

(5) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0.60 ECU/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 and Commission Regulation (EEC) No 2622/71.

COMMISSION REGULATION (EEC) No 2469/81

of 25 August 1981

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 1949/81⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation No 129 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 2543/73⁽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 Regulation (EEC) No 2197/81⁽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 effective parity,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 24 August 1981;

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 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 August 1981.

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

Done at Brussels, 25 August 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 214, 1. 8. 1981, p. 10.

ANNEX

to the Commission Regulation of 25 August 1981 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 8	1st period 9	2nd period 10	3rd period 11
10.01 A	Common wheat, and meslin	0	0	0	0
10.01 B	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 8	1st period 9	2nd period 10	3rd period 11	4th period 12
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 2470/81**of 25 August 1981****amending for the fifth time Regulation (EEC) No 2049/81 introducing a countervailing charge on apples originating in Chile**

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 1116/81⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2049/81 of 20 July 1981⁽³⁾, as last amended by Regulation (EEC) No 2377/81⁽⁴⁾, introduced a countervailing charge on apples other than cider apples originating in Chile;

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

charge introduced in application of Article 25 of that Regulation is amended; whereas, if these conditions are taken into consideration, the countervailing charge on the import of apples other than cider apples originating in Chile must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The amount '32.68 ECU' appearing in Article 1 of Regulation (EEC) No 2049/81 is replaced by the amount '41.76 ECU'.

Article 2

This Regulation shall enter into force on 26 August 1981.

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

Done at Brussels, 25 August 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 1.

⁽³⁾ OJ No L 200, 21. 7. 1981, p. 40.

⁽⁴⁾ OJ No L 233, 19. 8. 1981, p. 10.

COMMISSION REGULATION (EEC) No 2471/81

of 25 August 1981

introducing a countervailing charge on certain varieties of plums originating in Bulgaria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 1116/81⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0.6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1131/81 of 28 April 1981 fixing for the 1981 marketing year the reference price for plums⁽³⁾, fixed the reference price for Class I, Group I, at 49.59 ECU per 100 kilograms net for the month of August 1981;

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

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 668/78⁽⁵⁾, the prices to be taken into

consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for Bulgarian plums of Group I, the entry price calculated in this way has remained at least 0.6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these plums;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2.25 %, a rate of exchange based on their effective parity;
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 8.78 ECU per 100 kilograms net is applied to plums (subheading 08.07 D of the Common Customs Tariff), of varieties other than Altesse simple (common quetsche, Hauszwetschge), Reine-Claude d'Oullins (Oullins Gage), Sveskeblommer, Ruth Gerstetter, Ontario, Wangenheimer (early Wangenheim quetsche), Pershore (Yellow Egg), Mirabelle and Bosniche, originating in Bulgaria.

Article 2

This Regulation shall enter into force on 27 August 1981.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 1.

⁽³⁾ OJ No L 118, 30. 4. 1981, p. 30.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 90, 5. 4. 1978, p. 5.

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

Done at Brussels, 25 August 1981.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2472/81
of 25 August 1981
abolishing the countervailing charge on grapes originating in Spain

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 1116/81⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2376/81 of 18 August 1981⁽³⁾ introduced a countervailing charge on grapes originating in Spain;

Whereas the present trend of prices for Spanish products on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 668/78⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that

Regulation indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2376/81 is hereby repealed.

Article 2

This Regulation shall enter into force on 26 August 1981.

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

Done at Brussels, 25 August 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 30. 4. 1981, p. 1.

⁽³⁾ OJ No L 233, 19. 8. 1981, p. 8.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 90, 5. 4. 1978, p. 5.

COMMISSION REGULATION (EEC) No 2473/81
of 25 August 1981
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 market in sugar⁽¹⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Regulation (EEC) No 1808/81⁽²⁾, as last amended by Regulation (EEC) No 2434/81⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1808/81 to the

information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 26 August 1981.

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

Done at Brussels, 25 August 1981.

For the Commission

Poul DALSAER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 181, 2. 7. 1981, p. 24.

⁽³⁾ OJ No L 242, 25. 8. 1981, p. 11.

ANNEX

to the Commission Regulation of 25 August 1981 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	24.53
	B. Raw sugar	17.02 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 2474/81
of 25 August 1981
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, and in particular the last sentence of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Regulation (EEC) No 2387/81⁽²⁾, as last amended by Regulation (EEC) No 2436/81⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2387/81 to the

information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EEC) No 2387/81 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 August 1981.

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

Done at Brussels, 25 August 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 234, 20. 8. 1981, p. 9.

⁽³⁾ OJ No L 242, 25. 8. 1981, p. 14.

ANNEX

to the Commission Regulation of 25 August 1981 altering the export refunds on white sugar and raw sugar exported in the natural state

(ECU/100 kg)		
CCT heading No	Description	Refund
17.01	Beet sugar and cane sugar, solid:	
	A. White sugar; flavoured or coloured sugar:	
	(I) White sugar	
	(a) Candy sugar	14.21
	(b) Other	19.00
	(II) Flavoured or coloured sugar obtained from:	
	(a) White sugar	14.21
	(b) Raw sugar	13.07 ⁽¹⁾
	B. Raw sugar:	
	II. Other:	
	(a) Candy sugar	13.07 ⁽¹⁾
	(b) Other raw sugar	14.00 ⁽¹⁾

⁽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.

COMMISSION REGULATION (EEC) No 2475/81

of 25 August 1981

altering 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 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 1949/81⁽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 the Act of Accession of Greece⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 2150/81⁽⁷⁾, as last amended by Regulation (EEC) No 2438/81⁽⁸⁾,

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 effective parity,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies in relation to the Community currencies referred to in the previous indent;

Whereas these exchange rates being those recorded on 24 August 1981;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3.02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽⁹⁾, the levies at present in force must therefore 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 processed from cereals and rice covered by Regulation (EEC) No 2744/75⁽¹⁰⁾, as last amended by Regulation (EEC) No 1783/81⁽¹¹⁾, as fixed in the Annex to amended Regulation (EEC) No 2150/81, are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 August 1981.

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

Done at Brussels, 25 August 1981.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 198, 20. 7. 1981, p. 2.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 210, 30. 7. 1981, p. 17.

⁽⁸⁾ OJ No L 242, 25. 8. 1981, p. 18.

⁽⁹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 176, 1. 7. 1981, p. 10.

ANNEX

to the Commission Regulation of 25 August 1981 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.01 D ⁽²⁾	55.70	49.66
11.01 E I ⁽²⁾	127.58	121.54
11.01 E II ⁽²⁾	71.89	68.87
11.02 A IV ⁽²⁾	55.70	49.66
11.02 A V a) 1 ⁽²⁾	96.56	90.52
11.02 A V a) 2 ⁽²⁾	127.58	121.54
11.02 A V b) ⁽²⁾	71.89	68.87
11.02 B I a) 2 aa)	31.16	28.14
11.02 B I a) 2 bb) ⁽²⁾	52.68	49.66
11.02 B I b) 2 ⁽²⁾	52.68	49.66
11.02 B II c) ⁽²⁾	111.05	108.03
11.02 C IV ⁽²⁾	47.16	44.14
11.02 C V ⁽²⁾	111.05	108.03
11.02 D IV ⁽²⁾	31.16	28.14
11.02 D V ⁽²⁾	71.89	68.87
11.02 E I a) 2 ⁽²⁾	31.16	28.14
11.02 E I b) 2 ⁽²⁾	61.22	55.18
11.02 E II c) ⁽²⁾	127.58	121.54
11.02 F IV ⁽²⁾	55.70	49.66
11.02 F V ⁽²⁾	127.58	121.54
11.02 G II	56.68	50.64
11.04 C II a)	101.52	77.34 ⁽³⁾
11.04 C II b)	129.26	105.08 ⁽³⁾
11.08 A I	101.52	80.97
11.08 A IV	101.52	80.97
11.08 A V	101.52	40.48 ⁽³⁾
17.02 B II a) ⁽³⁾	202.33	105.61
17.02 B II b) ⁽³⁾	147.46	80.97
17.02 F II a)	207.36	110.64
17.02 F II b)	143.43	76.94
21.07 F II	147.46	80.97
23.03 A I	281.92	100.58

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1.6 % for rice, 2.5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

⁽³⁾ Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I is subject to the same levy as products falling within subheading 17.02 B II.

⁽³⁾ In accordance with Regulation (EEC) No 435/80 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:

- arrowroot falling within subheading 07.06 A,
- flours and meal of arrowroot falling within subheading 11.04 C,
- arrowroot starch falling within subheading 11.08 A V.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 August 1981

accepting undertakings in connection with the anti-dumping proceedings
concerning potato granules originating in Canada

(81/663/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3017/79 of 20 December 1979 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
set up under that Regulation,

Whereas the Commission, by Regulation (EEC) No
1101/81 ⁽²⁾, imposed a provisional anti-dumping duty
on imports of potato granules originating in Canada;
whereas at the same time the Commission accepted
voluntary undertakings, offered by Carnation, one of
the two Canadian exporters known to be concerned,
to increase their prices to a level eliminating the
dumping margin found and exempted their exports
from the application of the provisional duty;

Whereas, with regard to the other exporter concerned,
Vauxhall Foods Ltd, the provisional dumping margin
was established by taking account of the fact that this
company, during the period of investigation, had sold
substantial quantities of the product concerned at a
loss on the domestic market; whereas normal value
was established, therefore, on the basis of the
constructed value including a 6 % profit margin;

whereas subsequently Vauxhall contested the finding
of dumping and in particular the addition of a 6 %
profit margin; whereas it was unnecessary to take a
decision on the merits of these arguments because, for
the purpose of the final determination, the Commis-
sion determined normal value on the basis of the
company's sales on the domestic market made at a
price which was not less than the cost of production,
which represented approximately one-third of total
domestic sales volume during the period of investiga-
tion and was deemed, therefore, to represent a reliable
basis for comparison;

Whereas this normal value was compared with Vaux-
hall's export prices, transaction by transaction, on an
ex-factory basis;

Whereas, for the purpose of a fair comparison
between normal value and export prices, account was
taken of the fact that certain variable costs like
commissions paid to sales agents were only incurred
on the domestic market;

Whereas this comparison showed that exports to the
Community made by Vauxhall during the period of
investigation were dumped at varying rates, in some
instances up to 20 %, the weighted average margin
being 6.9 %;

Whereas, with regard to injury caused by the dumped
imports to the Community industry, no additional
information has been received by the Commission;
whereas, however, Vauxhall alleged that due to a

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 116, 28. 4. 1981, p. 11.

shortage of potatoes in Canada in the present crop year they were unable to supply substantial quantities of granules to their EEC customers and could not, therefore, cause any injury to Community producers; whereas this allegation is not supported by the facts available to the Commission and Vauxhall did not supply any supporting evidence;

Whereas upon request Vauxhall was informed, orally and in writing, of the essential facts and considerations on the basis of which it was intended to take definitive action;

Whereas Vauxhall has voluntarily undertaken to increase their prices to a level which eliminates the injurious effects of their exports to the Community;

Whereas the Commission considers this undertaking acceptable,

HAS DECIDED AS FOLLOWS:

Sole Article

The Commission hereby accepts the undertaking offered by Vauxhall Foods Ltd in connection with the anti-dumping proceeding concerning imports of potato granules, falling within Common Customs Tariff heading No ex 11.05 and corresponding to NIMEXE code ex 11.05-00, originating in Canada.

Done at Brussels, 24 August 1981.

For the Commission

Wilhelm HAFERKAMP

Vice-President

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 1664/81 of 23 June 1981 amending for the eighth time Regulation (EEC) No 223/77 on provisions for the implementation of the Community transit procedure and for certain simplifications of that procedure

(Official Journal of the European Communities No L 166 of 24 June 1981)

Page 11, Article 1, point 1:

second subparagraph, first line:

for: 'make',

read: 'mark';

second subparagraph, the statements in the seven languages are replaced by the following:

'LIMITED VALIDITY — REG. (EEC) 223/77,
APPLICATION ART. 23 (1), 2ND SUBPARA.
BEGRÆNSET GYLDIGHED — ANV. AF ART.
23, STK. 1, 2. AFS. FO (EØF) 223/77
BESCHRÄNKTE GELTUNG — ANWENDG.
ART. 23 ABS. 1 UNTERABS. 2 VO (EWG) 223/77
ΠΕΡΙΟΡΙΣΜΕΝΗ ΙΣΧΥΣ — ΕΦΑΡΜΟΓΗ
ΑΡΘΡΟ 23 ΠΑΡ. 1 ΕΔΑΦ. 2 ΚΑΝ. (ΕΟΚ) 223/77
VALIDITÉ LIMITÉE — APPLICATION ART. 23,
PAR. 1, AL. 2, REGL. (CEE) 223/77
VALIDITA LIMITATA — APPLICAZIONE ART.
23, PAR. 1, 2° COMMA, REG. (CEE) 223/77
BEPERKTE GELDIGHEID — TOEPASSING
ART. 23, LID 1, 2 E AL., VER. (EEG) 223/77'.
