

Official Journal

of the European Communities

ISSN 0378-6978

L 196

Volume 26

20 July 1983

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1992/83

of 11 July 1983

**laying down the implementing rules for 1983 for Regulation (EEC) No 3331/82
concerning food-aid policy and food-aid management**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
3331/82 of 3 December 1982 on food-aid policy and
food-aid management and amending Regulation (EEC)
No 2750/75⁽¹⁾, and in particular to the first, fourth,
fifth, sixth and seventh indents of Article 4 (1) and to
Article 4 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, in order to implement Council Regulation
(EEC) No 3331/82, it is necessary to determine the
total quantities of each product to be supplied under
the food-aid programmes in compliance with the
Community's international commitments;

Whereas the Community has made certain commit-
ments under the Food Aid Convention;

Whereas a list of the countries and organizations
eligible for food-aid operations should be drawn up
without prejudice to emergency operations;

Whereas provision should be made for the possibility
of making food aid available to non-governmental
organizations (NGOs); whereas the latter must meet
certain conditions guaranteeing the successful execu-
tion of food-aid operations;

Whereas the basic and derived products which may be
supplied under food-aid operations should be deter-
mined by taking account, in particular, of the available
stocks of the products in question;

Whereas general criteria should be established for the
transport of food aid beyond the fob stage, taking into

account the financial and geographical situation of the
countries concerned and the channels and intermedia-
ries via which the aid will be dispatched; whereas
account should also be taken to this end of the need to
increase the effectiveness of the food-aid operations
concerned;

Whereas, in order to ensure that the objectives of
food-aid operations are attained, it is also necessary to
stipulate that aid is granted only where the recipients
undertake to comply with the supply terms laid down
by the Commission;

Whereas the methods of procuring, transporting and
delivering the products should be specified; whereas it
is also necessary to determine the procedure for pro-
curing products outside the Community;

Whereas the Commission must be able to take all the
measures necessary for the proper execution of food-
aid programmes and operations; whereas, to this end,
Member States must provide the Commission with all
the assistance required and, in particular, with the
necessary information;

Whereas the Commission followed its proposal with a
communication to the Council on Community food
aid for development, a detailed study of which will
require some time; whereas the outcome of that study
should not be prejudged; whereas, therefore, no pro-
vision should be made, in particular, for multiannual
quantities at this juncture;

Whereas, by a letter dated 9 March 1983, the Council
requested the European Parliament to deliver its
opinion on the Commission proposal; whereas, by a
telex dated 13 May 1983 and by a letter dated 2 June
1983, the Council asked the European Parliament to
apply the emergency procedure provided for by its
rules of procedure; whereas, by a letter dated 30 June
1983, the Council finally requested the European
Parliament, in particular on the basis of the second
paragraph of Article 139 of the Treaty, to deliver its

⁽¹⁾ OJ No L 352, 14. 12. 1982, p. 1.

opinion, as a matter of urgency, on the proposal, if need be in extraordinary session, by 8 July 1983 at the latest, and drew its attention to the fact that the 1982 reserves were practically used up; whereas, in the absence of any implementing rules forming the subject of the proposal, the material contribution of the Community to the fight against hunger in the world runs the risk of coming to grief to the detriment of populations in need;

Whereas the European Parliament has still not delivered the opinion requested; whereas the Council considers that it has exhausted all the possibilities for obtaining it; whereas, in these circumstances, the implementing rules for 1983 for Regulation (EEC) No 3331/82 should be adopted without the said opinion,

HAS ADOPTED THIS REGULATION:

Article 1

1. The following quantities shall be made available to certain developing countries and certain organizations in 1983 for use as food aid:

- for cereals:
 - (a) an initial instalment of 927 663 tonnes,
 - (b) a second instalment of up to 115 706 tonnes,
- for skimmed-milk powder: a total quantity of 150 000 tonnes,
- for butteroil: a total quantity of 36 500 tonnes,
- for sugar: a total quantity of 16 086 tonnes,
- for vegetable oil/olive oil: a maximum of 6 150 tonnes,
- for other products (fish, dried vegetables, vegetable flour, etc.): the equivalent of a maximum of 147 436 tonnes of cereals.

The products listed in the last three indents will be made available in 1983 to certain developing countries or certain organizations in the form of specific projects or emergency aid to be decided on by the Commission in accordance with Article 5 or 6, as applicable, of Regulation (EEC) No 3331/82.

2. The products to be taken into account for food-aid operations in 1983, as provided for in paragraph 1 above, are listed in Annex I.

Article 2

1. The countries and organizations which may receive the aid referred to in Article 1 are listed in Annex II.

2. The aid may also be placed at the disposal of non-governmental organizations (NGOs) which, in particular, satisfy the following criteria:

- (a) have their headquarters in a Member State or, exceptionally, in a third country;
- (b) have a statute that is characteristic of an organization of this type;
- (c) have shown that they have the capacity to carry out food-aid operations successfully;
- (d) have given an undertaking to comply with the conditions of supply laid down by the Commission pursuant to Article 6 of Regulation (EEC) No 3331/82.

Article 3

Where the Commission considers that the Community should meet transport costs for food aid beyond the fob stage, it shall take account of the following general criteria:

- whether the recipient country is included on the list of least-developed countries,
- whether the recipient country is a land-locked country,
- the financial situation of the recipient country,
- whether the food aid is intended for the specialized organizations or NGOs referred to in Article 2,
- the need to procure the product on the market of a developing country,
- the need to provide the food aid on an emergency basis,
- the need to make a given food-aid operation more effective.

Article 4

Distribution costs may be met by the Community where necessary for the proper execution of the food-aid operations concerned.

Article 5

1. The Commission shall inform the recipients of the conditions governing the supply of food aid as referred to in point (c) of the first paragraph of Article 6 of Regulation (EEC) No 3331/82.

2. Food aid shall be granted to the recipients only where they undertake to comply with the conditions of supply notified to them by the Commission.

Article 6

1. Except in the case of emergency operations or where products have to be purchased in a developing country because they are unavailable on the Community market, tenders shall be called for within the Community:

- for the procurement of the product on the Community market and, where appropriate, for its purchase and manufacture on that market,
- for the transportation and delivery of the product procured.

Where, however, a food-aid operation relates only to relatively small amounts, paragraph 2 may also apply.

2. For emergency operations or where products must be purchased in a developing country because they are unavailable on the Community market, the Commission may conclude the necessary private contracts or delegate the Member States and, where appropriate, an authorized agent to conclude such contracts on terms laid down by the Commission.

Article 7

1. The Commission shall lay down rules for the procurement of products which must be purchased in a developing country because they are unavailable on the Community market.

In order to establish that they are unavailable, the Commission shall have regard to the availability of stocks of the products in question in the Community and the Community market's needs as regards such products.

2. Milk products supplied as food aid must have been manufactured and purchased in the Community.

3. The Commission shall lay down the rules referred to in paragraph 1 in accordance with the procedure provided for in Article 8 of Regulation (EEC) No 3331/82.

Article 8

The Commission shall, in accordance with the procedure provided for in Article 8 of Regulation (EEC) No 3331/82, establish the technical coefficient and equivalence criterion referred to in Article 3 of that Regulation.

Article 9

The Commission shall take all necessary measures to ensure the proper execution of food-aid programmes and operations.

To this end the Member States shall provide the Commission with all the assistance required and shall, in particular, provide it with all the information necessary.

Article 10

The European Parliament shall be kept informed of the management of food aid by being notified of the decisions referred to in Articles 7 and 8 upon their adoption.

Article 11

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

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

Done at Brussels, 11 July 1983.

For the Council

The President

C. SIMITIS

ANNEX I

LIST OF PRODUCTS REFERRED TO IN ARTICLE 1

CCT heading No	Description
03.02	Fish, dried, salted or in brine ; smoked fish, whether or not cooked before or during the smoking process
04.02 A II and B I	Milk and cream, in powder or granules
ex 04.03	Butteroil (as defined in Annex III to Regulation (EEC) No 1354/83)
07.05 B	Dried leguminous vegetables, shelled, whether or not skinned or split (other than for sowing)
ex Chapter 10 (ex 10.01 to 10.07)	Cereals (other than for sowing)
11.01	Cereal flours
ex 11.02	Cereal groats and cereal meal ; other worked cereal grains (for example, rolled, flaked, polished, pearled or kibbled but not further prepared), except rice falling within heading No 10.06
11.04 A	Flour of the dried leguminous vegetables falling within heading No 07.05
15.07 A	Olive oil
15.07 D II	Fixed vegetable oils, fluid or solid, crude, refined or purified (other than olive oil, China-wood and oitica oils ; myrtle wax and Japan wax, castor oil and other oils for technical or industrial uses other than the manufacture of foodstuffs for human consumption)
16.04 D ex 16.04 F	Sardines Anchovies
17.01 A and B	Beet sugar and cane sugar, in solid form
ex 19.03	Macaroni, spaghetti and similar products

*ANNEX II***COUNTRIES AND ORGANIZATIONS REFERRED TO IN ARTICLE 2****1. Countries**

Angola	Guyana	Rwanda
Antigua and Barbuda	Haiti	St Kitts-Nevis
Bangladesh	Honduras	St Lucia
Benin	India	St Vincent and the Grenadines
Bolivia	Indonesia	São Tomé and Príncipe
Botswana	Jamaica	Senegal
Burundi	Jordan	Seychelles
Cape Verde	Kenya	Sierra Leone
Central African Republic	Lebanon	Somalia
Chad	Lesotho	Sri Lanka
China	Madagascar	Sudan
Comoros	Malawi	Swaziland
Costa Rica	Maldives	Syria
Djibouti	Mali	Tanzania
Dominica	Malta	Thailand
Dominican Republic	Mauritania	Togo
Ecuador	Mauritius	Tunisia
Egypt	Morocco	Uganda
Equatorial Guinea	Mozambique	Upper Volta
Ethiopia	Nepal	North Yemen
Gambia	Nicaragua	South Yemen
Ghana	Niger	Zaire
Grenada	Pakistan	Zambia
Guinea (Conakry)	Peru	Zimbabwe
Guinea Bissau	Philippines	

2. Organizations

ICRC
Licross
UNHCR
Unicef
UNRWA
WFP

COUNCIL REGULATION (EEC) No 1993/83**of 11 July 1983****implementing a special programme to combat hunger in the world**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the European Parliament⁽²⁾,

Whereas the Community is implementing, on an experimental basis, a special programme to combat hunger in the world in order to increase the level of self-reliance in food of the developing countries and to protect the natural resources of those countries; whereas this aid should be given to back up the recipient countries' own efforts to achieve these objectives;

Whereas the implementation of such a programme would be likely to contribute to the attainment of the Community's objectives;

Whereas the detailed rules for the implementation of this programme and in particular the form of action, the recipients of the aid and the decision and management procedures should be laid down;

Whereas the Treaty does not provide specific powers for this purpose,

HAS ADOPTED THIS REGULATION:

Article 1

The Community shall, on an experimental basis, implement special measures to combat hunger in the world in accordance with the criteria and procedures provided for in this Regulation.

Article 2

1. The aid granted under this Regulation shall be directed to the developing countries, and especially the least-developed of them.

2. The purpose of the aid shall be to support or stimulate the recipient countries' own efforts. It shall help towards improving the living conditions of the most needy sections of the population of the countries concerned.

Article 3

1. Community aid shall take the form both of support measures for recipient countries which have

undertaken to increase their level of self-reliance in food and of support measures designed to protect their natural resources and improve the way in which these resources are utilized.

2. Community aid to increase the level of self-reliance in food shall be aimed at supporting consistent measures undertaken in the rural sector by the recipient countries at the stages relating to the production, marketing, storage and transport of agricultural products.

3. Measures to protect natural resources shall be implemented in the following fields particularly: more efficient use of fuel wood, reafforestation and the combating of desertification, better use of water resources at village level and efficient management of domestic and wild livestock.

4. Training and research projects in the fields referred to in paragraphs 2 and 3 shall also be financed under the programme.

5. Wherever appropriate, and particularly in the case of the measures referred to in paragraph 3, operations shall be carried out within the framework of regional cooperation.

Article 4

Aid shall be granted by the Community either autonomously or by means of co-financing with Member States or with multilateral or regional bodies.

Article 5

Community aid shall be in the form of non-reimbursable grants.

Article 6

1. Aid may cover both external expenditure and the local expenditure necessary for implementation of the measures, including maintenance and operating expenses.

Taxes, duties and charges shall be excluded from Community financing.

2. Any counterpart funds shall be used in accordance with the objectives laid down in this Regulation and in agreement with the Community.

Article 7

Participation in calls for tenders, invitations to tender and purchasing and other contracts shall be open on equal terms to all natural or legal persons of Member States and the recipient country. Such participation

⁽¹⁾ OJ No C 37, 10. 2. 1983, p. 10.

⁽²⁾ OJ No C 128, 16. 5. 1983, p. 109.

may be extended to other developing countries receiving Community aid, particularly in cases of co-financing or in order to prevent the cost of the projects from increasing unduly as a result of distance, transport difficulties or delivery delays.

Such participation by other developing countries shall be of an exceptional nature and shall be authorized on a case-by-case basis in accordance with the procedure laid down in Article 10.

Article 8

Decisions granting aid shall be taken according to the procedure laid down in Article 10.

Article 9

1. A Management Committee for the Special Programme to Combat Hunger in the World, hereinafter referred to as 'the Committee', chaired by a representative of the Commission and composed of representatives of the Member States, is hereby established. The Secretariat of the Committee shall be provided by the Commission.

2. The Committee shall draw up its own rules of procedure.

Article 10

1. Matters shall be referred to the Committee by its chairman, either on his own initiative or at the request of a representative of a Member State.

2. The Commission representative shall submit drafts of decisions to be taken. The Committee shall deliver its opinion on these drafts within a time limit which the chairman may fix on the basis of the

urgency of the matters submitted for examination. It shall act by a majority of 45 votes, the votes of the Member States being weighted as provided for in Article 148 (2) of the Treaty. The chairman shall not vote.

3. If the Committee's opinion is favourable, the Commission shall take decisions which shall be immediately applicable. In the absence of any favourable opinion of the Committee, the Commission may refer the matter to the Council. If the Commission refers the matter to the Council, the latter, acting by a qualified majority, must decide at the latest within a period of two months. If the Council approves the draft financing Decision, the Commission shall take decisions which shall be immediately applicable. If, after its discussions, the Council has not taken a decision by a qualified majority within a period of two months, the Commission may submit a new draft to the Committee and shall inform the European Parliament thereof.

Article 11

The Commission shall submit an interim report to the Council and to the European Parliament one year after the entry into force of this Regulation and, before 31 December 1984, a final report containing an evaluation of the results obtained by applying this Regulation, to enable them to take stock of the progress of these measures.

Article 12

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

It shall expire on 31 December 1984.

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

Done at Brussels, 11 July 1983.

For the Council

The President

C. SIMITIS

COUNCIL REGULATION (EEC) No 1994/83

of 11 July 1983

amending Regulation (EEC) No 1196/81 establishing a system of aid for bee-keeping in respect of the 1981/82, 1982/83 and 1983/84 marketing years

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Article 5 of Council Regulation (EEC) No 1196/81 ⁽³⁾, as amended by Regulation (EEC) No 2993/81 ⁽⁴⁾, provides that the aid granted may *inter alia* be used by recognized associations for general programmes covering disease control and prevention and research in these areas; whereas, in the light of the spread in recent years of varroa-mite disease in a number of Member States and of the threat thus posed to Europe as a whole, it proves necessary to arrange for research to be carried out without delay at Community level into this disease; whereas provision should be made within the framework of the said Regulation for provisional supplementary financing for this measure during the 1983/84 marketing year; whereas expenditure relating to implementing an *ad hoc* research programme should be financed by the Community pursuant to Article 3 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽⁵⁾, as last amended by Regulation (EEC) No 929/79 ⁽⁶⁾;

Whereas the proposed amendments have delayed the adoption for the 1983/84 marketing year of certain provisions provided for in Regulation (EEC) No 1196/81; whereas certain time limits fixed by the abovementioned Regulation for that marketing year should therefore be extended;

Whereas in order to ensure the correct use of the aid, in certain cases it should be allowed to pay all or part of the aid at a later date than that set out in Article 4 (2) of Regulation (EEC) No 1196/81,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1196/81 is hereby amended as follows:

1. The following Article 2a is inserted:

Article 2a

1. For the 1983/84 marketing year a Community measure aimed at establishing an *ad hoc* research programme on varroa-mite disease shall be taken in order to combat this disease at Community level.

2. The measure referred to in paragraph 1 shall be adopted by the Commission which shall communicate to the Council the research programme it proposes to implement.

3. For the 1983/84 marketing year, the amount of the aid referred to in Article 2 (2) shall be increased by 0,07 ECU per hive in production. This portion of the aid shall not be granted to associations; it is to be allocated for financing the measure referred to in paragraph 1. The estimated cost of this measure is 250 000 ECU.

2. The following third subparagraph is added to Article 4 (1):

'For the 1983/84 marketing year, applications for aid shall be submitted not later than 30 September 1983.'

3. Article 4 (2) is replaced by the following:

'2. The Member State shall pay the amount of the aid to the association not later than at the end of the third month following the deadline for submitting the application, save:

- in cases of *force majeure*,
- in cases where doubts exist as to the correctness of the application and where the administration has started an investigation.

However, the payment of the aid or part thereof may be deferred until supporting documents are approved for implemented measures, where such a procedure should be adopted.'

Article 2

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

It shall apply from the 1983/84 marketing year, save for Article 1 (3) which shall apply from the 1982/83 marketing year.

⁽¹⁾ OJ No C 153, 11. 6. 1983, p. 9.

⁽²⁾ Opinion delivered on 8 July 1983 (not yet published in the *Official Journal*).

⁽³⁾ OJ No L 122, 6. 5. 1981, p. 1.

⁽⁴⁾ OJ No L 299, 20. 10. 1981, p. 26.

⁽⁵⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁶⁾ OJ No L 117, 12. 5. 1979, p. 4.

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

Done at Brussels, 11 July 1983.

For the Council

The President

C. SIMITIS

**COMMISSION REGULATION (EEC) No 1995/83
of 19 July 1983**

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 organi-
zation of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1451/82⁽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 agricul-
tural 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 Regula-
tion (EEC) No 2118/82⁽⁵⁾ and subsequent amending
Regulations;

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

— in the case of currencies which are maintained in
relation to each other at any given moment within

a band of 2,25 %, a rate of exchange based on
their central rate,

— 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
18 July 1983;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 2118/82 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 20 July 1983.

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

Done at Brussels, 19 July 1983.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 223, 31. 7. 1982, p. 44.

ANNEX

to the Commission Regulation of 19 July 1983 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)
		Levies
10.01 B I	Common wheat, and meslin	106,57
10.01 B II	Durum wheat	126,62 ⁽¹⁾ ⁽²⁾
10.02	Rye	128,69 ⁽⁶⁾
10.03	Barley	109,39
10.04	Oats	102,26
10.05 B	Maize, other than hybrid maize for sowing	74,75 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	12,22
10.07 B	Millet	41,21 ⁽⁴⁾
10.07 C	Grain sorghum	97,70 ⁽⁴⁾
10.07 D	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	164,83
11.01 B	Rye flour	195,39
11.02 A I a)	Durum wheat groats and meal	208,45
11.02 A I b)	Common wheat groats and meal	175,07

⁽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 1996/83
of 19 July 1983

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 1451/82⁽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 2119/82⁽⁵⁾ and subsequent amending Regulations;

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

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

- 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 18 July 1983;

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 20 July 1983.

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

Done at Brussels, 19 July 1983.

For the Commission

Poul DALSGER

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 164, 14. 6. 1982, p. 1.

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

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 223, 31. 7. 1982, p. 47.

ANNEX

to the Commission Regulation of 19 July 1983 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CCT heading No	Description	Current 7	1st period 8	2nd period 9	3rd period 10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	3,44	3,44	4,59
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	3,04	3,04	7,62
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

(ECU/tonne)

CCT heading No	Description	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
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 1997/83

of 18 July 1983

fixing, for the 1983/84 marketing year, the minimum price to be paid to producers and the amount of production aid for Williams pears in syrup

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Greece,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1088/83⁽²⁾, and in particular Article 3c thereof,

Whereas, under Article 3a (3) of Regulation (EEC) No 516/77, the minimum price to be paid to producers is to be calculated for the Member States other than Greece on the basis of:

- the minimum price in force during the preceding marketing year, and
- changes in production costs in the fruit and vegetables sector;

Whereas application of these criteria entails fixing the minimum price at the levels given below in the Member States other than Greece;

Whereas Article 3b of the said Regulation laid down the criteria for fixing the amount of production aid; whereas, according to these criteria, the amount of aid should be fixed at the level set out below for the Member States other than Greece;

Whereas, for the 1983/84 marketing year, the amount of the aid for Williams pears in syrup has been determined with due regard, in particular, in respect of the price of products from non-member countries, to the undertakings given to comply with average prices on imports into the Community entered into by certain suppliers in non-member countries in the context of Commission Decision 83/360/EEC⁽³⁾;

Whereas, as regards Greece, pursuant to Article 103 of the Act of Accession, the minimum price to be paid to Greek producers is to be established on the basis of prices paid in Greece to national producers during the reference period defined in Article 1 of Council Regulation (EEC) No 41/81⁽⁴⁾, adapted to take account of

the difference between the price level in Greece and the price level fixed for the other Member States;

Whereas, according to these criteria, the minimum price for Greece should be fixed at the same level as that for the other Member States;

Whereas, as regards Greece, the said Article 103 lays down the criteria for fixing the amount of production aid;

Whereas, according to these criteria, the amount of aid for Greece should be fixed at the levels set out below;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1983/84 marketing year, the minimum price referred to in Article 3a (3) of Regulation (EEC) No 516/77 to be paid to producers for Williams pears intended for the manufacture of Williams pears preserved in syrup, falling within subheading ex 20.06 B of the Common Customs Tariff, shall be 34,536 ECU per 100 kilograms net, ex grower, for Member States other than Greece and the same amount for Greece.

2. For the 1983/84 marketing year, the production aid referred to in Article 3a of Regulation (EEC) No 516/77 for Williams pears preserved in syrup, falling within subheading ex 20.06 B of the Common Customs Tariff, shall be, per 100 kilograms immediate packing included:

- 17,6 ECU for Member States other than Greece,
- 14,87 ECU for Greece.

Article 2

Where the product is processed outside the Member State in which it was grown, that Member State shall furnish proof to the Member State paying the processing aid that the minimum price has been paid to the producers.

Article 3

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

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 118, 5. 5. 1983, p. 16.

⁽³⁾ See page 22 of this Official Journal.

⁽⁴⁾ OJ No L 3, 1. 1. 1981, p. 12.

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

Done at Brussels, 18 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

COMMISSION REGULATION (EEC) No 1998/83

of 19 July 1983

amending Regulation No 467/67/EEC fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EEC) No 1566/83 ⁽²⁾, and in particular Article 19 thereof,

Whereas Article 2 (1) and (2) of Commission Regulation No 467/67/EEC ⁽³⁾, as last amended by Regulation (EEC) No 1871/82 ⁽⁴⁾, fixed the processing costs to be taken into consideration for certain processing stages; whereas, as a result of changes in prices, processing costs for these stages have also changed and these changes should be taken into account;

Whereas Article 3 (2) and (3) of the above Regulation fixes the value of the by-products obtained from processing husked rice into milled rice and semi-milled rice into milled rice; whereas these values should be brought up to date in view of the changes in prices on the market;

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 No 467/67/EEC is hereby amended as follows:

1. In Article 2 (1) and (2), '40,57 ECU' is replaced by '43,73 ECU'.
2. In Article 3 (2):
 - under (a), '40,18 ECU' is replaced by '41,00 ECU',
 - under (b), '50,61 ECU' is replaced by '52,00 ECU'.
3. In Article 3 (3):
 - under (a), '12,37 ECU' is replaced by '12,62 ECU'.
 - under (b), '13,68 ECU' is replaced by '14,05 ECU'.

Article 2

This Regulation shall enter into force on 1 September 1983.

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

Done at Brussels, 19 July 1983.

For the Commission

Poul DALSAGER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽²⁾ OJ No L 163, 22. 6. 1983, p. 5.
⁽³⁾ OJ No 204, 24. 8. 1967, p. 1.
⁽⁴⁾ OJ No L 206, 14. 7. 1982, p. 15.

COMMISSION REGULATION (EEC) No 1999/83

of 19 July 1983

fixing, for the 1983/84 marketing year, the threshold prices for rice

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1418/76 of 21 June 1976 on the common organization
of the market in rice ⁽¹⁾, as last amended by Regulation
(EEC) No 1566/83 ⁽²⁾, and in particular Articles 14 (5)
and 15 (4) thereof,

Whereas, under Article 14 (2) of Regulation (EEC) No
1418/76, the threshold price for husked rice calculated
for Rotterdam must be fixed in such a way that, on the
Duisburg market, the selling price for imported
husked rice corresponds to the target price; whereas
this aim is attained when the components referred to
in the second subparagraph of paragraph 2 of the said
Article are deducted from the target price;

Whereas, pursuant to Article 14 (3) of the said Regula-
tion, the threshold prices for milled rice are calculated
by adjusting the threshold price for husked rice,
account being taken of the monthly increases to which
it is subject, on the basis of the conversion rates,
processing costs and the value of by-products and by
increasing the amounts thus obtained by an amount
for the protection of the industry;

Whereas the amount for the protection of the industry
was fixed by Council Regulation (EEC) No
1263/78 ⁽³⁾; whereas the components used for
adjusting the threshold price for milled rice were fixed
by Commission Regulation No 467/67/EEC ⁽⁴⁾, as last
amended by Regulation (EEC) No 1998/83 ⁽⁵⁾;

Whereas, under Article 15 (1) of Regulation (EEC) No
1418/76, the threshold price for broken rice must be
fixed between a lower limit (130 %) and an upper
limit (140 %) calculated by reference to the threshold
price for maize; whereas, in order that imports of
broken rice do not act as a brake on the normal
disposal of Community production throughout the
Community market, the threshold price for broken
rice should be fixed at 135 % of the threshold price
for maize;

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 threshold prices for husked rice, round grain
milled rice and long grain milled rice are hereby fixed
in ECU per tonne at:

Month	Threshold price		
	Husked rice	Round grain milled rice	Long grain milled rice
September 1983	516,64	684,05	750,67
October 1983	520,62	689,19	756,44
November 1983	524,60	694,33	762,21
December 1983	528,58	699,47	767,98
January 1984	532,56	704,61	773,75
February 1984	536,54	709,75	779,52
March 1984	540,52	714,89	785,29
April 1984	544,50	720,03	791,06
May 1984	548,48	725,17	796,83
June 1984	552,46	730,31	802,60
July 1984	556,44	735,45	808,37
August 1984	556,44	735,45	808,37

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 163, 22. 6. 1983, p. 5.

⁽³⁾ OJ No L 156, 14. 6. 1978, p. 14.

⁽⁴⁾ OJ No 204, 24. 8. 1967, p. 1.

⁽⁵⁾ See page 16 of this Official Journal.

Article 2

The threshold price for broken rice is hereby fixed at 314,78 ECU per tonne.

Article 3

This Regulation shall enter into force on 1 September 1983.

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

Done at Brussels, 19 July 1983.

For the Commission

Poul DALSGER

Member of the Commission

COMMISSION REGULATION (EEC) No 2002/83

of 19 July 1983

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving that region

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1837/80 of 27 June 1980 on the common organization
of the market in sheepmeat and goatmeat⁽¹⁾, as last
amended by Regulation (EEC) No 1195/82⁽²⁾,

Having regard to Commission Regulation (EEC) No
2661/80 of 17 October 1980 laying down detailed
rules for applying the variable slaughter premium for
sheep⁽³⁾, as amended by Regulation (EEC) No
1238/82⁽⁴⁾, and in particular Articles 3 (1) and 4 (1)
thereof,

Whereas the United Kingdom is the only country
paying the variable slaughter premium; whereas the
United Kingdom has decided to pay it only in Region
5 (Great Britain), within the meaning of Article 3 (1) of
Regulation (EEC) No 1837/80; whereas it is necessary
therefore for the Commission to fix, for the period 27
June to 3 July 1983, the level of the premium and the
amount to be charged on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 2661/80
stipulates that the level of the variable slaughter
premium is to be fixed each week by the Commission
for each Member State concerned or, in the case of the
United Kingdom, for Great Britain;

Whereas Article 4 (1) of Regulation (EEC) No 2661/80
lays down that the amount to be charged on products
leaving the Member States concerned or, in the case of
the United Kingdom, Great Britain shall be fixed
weekly by the Commission for each Member State
concerned and in the case of the United Kingdom for
Great Britain;

Whereas it follows from the application of the rules
laid down in Article 9 (1) of Regulation (EEC) No
1837/80 and in Article 4 (1) and (3) of Regulation
(EEC) No 2661/80 that the variable slaughter premium
for sheep certified as eligible in the United Kingdom,
and the amounts to be charged on products leaving
Great Britain during the period 27 June to 3 July
1983, shall be as set out in the Annexes hereto;

Whereas it should be recalled that Commission Regu-
lation (EEC) No 3191/80 of 9 December 1980⁽⁵⁾, as
last amended by Regulation (EEC) No 1558/82⁽⁶⁾,
fixed transitional measures concerning non-recovery of
the variable slaughter premium for sheepmeat and
goatmeat products exported from the Community,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified in Great Britain as
eligible for the variable slaughter premium during the
period 27 June to 3 July 1983, the level of the
premium shall be as set out in Annex I hereto.

Article 2

Without prejudice to the provisions of Regulation
(EEC) No 3191/80, for products referred to in Article 1
(a) of Regulation (EEC) No 1837/80 which left Great
Britain during the period 27 June to 3 July 1983, the
amounts to be charged shall be as set out in Annex II
hereto.

Article 3

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

It shall apply with effect from 27 June 1983.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 140, 20. 5. 1982, p. 22.

⁽³⁾ OJ No L 276, 20. 10. 1980, p. 19.

⁽⁴⁾ OJ No L 143, 20. 5. 1982, p. 10.

⁽⁵⁾ OJ No L 332, 10. 12. 1980, p. 14.

⁽⁶⁾ OJ No L 172, 18. 6. 1982, p. 21.

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

Done at Brussels, 19 July 1983.

For the Commission

Poul DALSGER

Member of the Commission

ANNEX I

Level of variable slaughter premium for certified sheep in Great Britain for the week commencing 27 June 1983

Description	Premium
Certified sheep or sheepmeat	146,256 ECU per 100 kilograms of estimated or actual dressed carcase weight ⁽¹⁾

⁽¹⁾ Within the weight limits laid down by Great Britain.

ANNEX II

Amount to be charged for products leaving Great Britain during the week commencing 27 June 1983

(ECU/100 kg)		
CCT heading No	Description	Charge
01.04 B	Live sheep and goats other than pure-bred breeding animals	Live weight
		68,740
		Net weight
02.01 A IV a)	Meat of sheep or goats, fresh or chilled :	
	1. Carcases or half-carcases	146,256
	2. Short forequarters	102,379
	3. Chines and/or best ends	160,882
	4. Legs	190,133
	5. Other :	
	aa) Unboned (bone-in)	190,133
02.01 A IV b)	bb) Boned or boneless	266,186
	Meat of sheep or goats, frozen :	
	1. Carcases or half-carcases	109,692
	2. Short forequarters	76,784
	3. Chines and/or best ends	120,661
	4. Legs	142,600
	5. Other :	
02.06 C II a)	aa) Unboned (bone-in)	142,600
	bb) Boned or boneless	199,639
	Meat of sheep or goats, salted in brine, dried or smoked :	
02.06 C II a)	1. Unboned (bone-in)	190,133
	2. Boned or boneless	266,186

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 July 1983

terminating the anti-dumping proceeding in respect of imports of certain pears in syrup, originating in Australia, the People's Republic of China and the Republic of South Africa

(83/360/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⁾, as amended by Regulation (EEC) No 1580/82⁽²⁾, and in particular Article 9 thereof,

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

Whereas :

A. Procedure

- (1) In September 1981, the Commission received a complaint lodged by l'Organisation européenne des industries transformatrices de fruits et légumes (OEITFL) on behalf of French and Italian producers representing most of the Community production of pears in syrup, relating to imports of the product in question originating in Australia. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission

accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of certain pears in syrup, falling within subheadings 20.06 B II a) 6 and b) 6 of the Common Customs Tariff (NIMEXE codes 20.06-41, 43, 68 and 69) and originating in Australia, and commenced an investigation.

- (2) In June 1982, the Commission received, on behalf of the same producers, an amended complaint requesting that the anti-dumping enquiry in progress be extended to imports of the product in question originating in the People's Republic of China and the Republic of South Africa. This complaint contained evidence of dumping and material injury resulting therefrom which was considered sufficient to justify the extension of the anti-dumping proceeding; the Commission accordingly announced, in a notice published in the *Official Journal of the European Communities*⁽⁴⁾, the extension of the anti-dumping proceeding concerning imports of certain pears in syrup, which was originally opened in respect of Australia, to include certain pears in syrup originating in the People's Republic of China and the Republic of South Africa.

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

⁽²⁾ OJ No L 178, 22. 6. 1982, p. 9.

⁽³⁾ OJ No C 33, 10. 2. 1982, p. 2.

⁽⁴⁾ OJ No C 276, 19. 10. 1982, p. 7.

- (3) The Commission officially so advised the exporters and importers, known to be concerned and the representatives of the exporting countries and the complainants, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
- (4) All of the exporters and most of the importers made their views known in writing; the exporters and some importers were granted hearings.
- (5) The Australian exporters requested an opportunity to meet the Community producers for the purpose of presenting their opposing views. The Commission was prepared to grant this request but the Community producers refused to attend a meeting and it was not, therefore, possible to arrange a confrontation.
- (6) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination; it carried out investigations at the premises of the Community producers:

Conserve Gard, Nîmes, France;

Sica ASO, Montauban, France;

Falguieres Conserves, Castelsarrasin, France;

SELF, Bagnacavallo, Italy;

Parmasole, Parma, Italy;

Italfrutta, Ravenna, Italy;

Colombani Lusuco, Bologna, Italy;

with the non-EEC producers/exporters:

Ardmona Fruit Products Co-Operative Co. Ltd, Mooroopna, Australia;

SPC Limited, Shepparton, Australia;

Australian Canned Fruit (IMO) (Pty.) Ltd, Melbourne, Australia;

South African Preserving Co. (Pty.) Ltd, Cape Town, Republic of South Africa;

All Gold Foods (Pty.) Ltd, Strand, Republic of South Africa,

Langeberg Co-Op Limited, Cape Town, Republic of South Africa;

Gant's Foods (Pty.) Ltd, Strand, Republic of South Africa;

with the importers:

Irish Agricultural Wholesale Society, Dublin, Ireland;

Edeka Zentrale AG, Hamburg, Germany;

C. L. Eduard Blume, Hamburg, Germany;

Gedelfi Großeinkauf GmbH & Co. KG, Köln, Germany;

Wünsche Handelsgesellschaft, Hamburg, Germany;

Hüpeden & Co., Hamburg, Germany.

- (7) The enquiry into dumping covered the calendar year 1981.

B. Normal value

- (8) Normal value for Australian and South African exporters was provisionally determined on the basis of the domestic prices of those producers who exported to the EEC. In the case of Australian producers this basis was contested since it was argued that the prices prevalent on the Australian domestic market were not paid in the ordinary course of trade as they resulted from minimum prices fixed by the Australian Canned Fruits Corporation which is an Australian Statutory Authority. It was contended that the establishment of such a minimum price system means that the usual forces of supply and demand are not operative and that the resulting domestic prices are thus not appropriate as a basis for calculating normal value. The Commission does not consider that the term 'ordinary course of trade' presupposes the existence of perfect competition and is of the opinion that, even where competition is restricted by situations such as a cartel or a monopoly, selling prices are in the ordinary course of trade provided that they are generally available to all actual and potential customers and cover the total cost of production. The Commission has taken into account that, in the present case, the restriction on competition results from State rather than private intervention. However, the evidence available to the Commission indicates that the domestic price for canned pears is fixed bearing in mind competition from other fruits, on the one hand, and the costs of production of the canners, on the other hand, and thus takes market considerations into account. In these circumstances the Commission considers that it is reasonable, in making its preliminary determination, to use Australian domestic prices as the basis for the calculation of normal value.
- (9) In seeking to determine normal value for one of the South African exporters, South African Preserving Co. (Pty.) Ltd, the Commission had to take into account that this company had no sales of the like product on the domestic market. The Commission determined therefore that the

normal value for this company could be established on the basis of its constructed value; this was computed by taking the company's total cost of materials and manufacture, including overheads and adding a profit margin of 5 %, considered to be reasonable in the light of the industry's performance during a representative profitable period.

- (10) In order to establish whether the imports from the People's Republic of China were dumped, the Commission had to take account of the fact that this country does not have a market economy and the Commission therefore had to base its determination on the normal value in a market economy country; in this connection the complainants had suggested the Australian domestic market. However, the Chinese exporters objected to this suggestion on the basis that there were large differences between China and Australia in production techniques and the level of domestic consumption and proposed that Argentina should be used as the analogue country. The Commission considers, however, that the particular economic conditions in Argentina render its domestic market prices unsuitable for use as a basis for the normal value calculation and is satisfied that in South Africa there are no extraordinary differences in production processes and that there is sufficient international competition to ensure that price levels are in a reasonable proportion to production costs. Consequently, the Commission concluded that it would be appropriate and not unreasonable to determine normal value for imports originating in China on the basis of domestic prices in South Africa.

C. Export price

- (11) Export prices were determined on the basis of the prices actually paid or payable for the products sold for export to the Community.

D. Comparison

- (12) In comparing normal value with export prices, the Commission took account, where appropriate, of differences affecting price comparability and, particularly, differences in conditions and terms of sale. All comparisons were made at ex-works level.

E. Margins

- (13) The above preliminary examination of the facts shows the existence of dumping in respect of the three countries concerned, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community. These margins vary according to the country concerned, the weighted average margins being as follows: 44,95 % for Australia, 35,5 % for the People's Republic of China and 14,4 % for South Africa.

F. Injury

- (14) Statistical evidence available to the Commission shows that imports into the Community from Australia, the People's Republic of China and South Africa decreased from 49 922 tonnes in 1979 to 37 416 tonnes in 1980 and subsequently increased to 39 470 tonnes in 1981. During the same period the market share of these exporters decreased from 43,8 % in 1979 to 36,0 % in 1980 and to 35,8 % in 1981. The resale prices of these imports during the investigation period were lower than those required to cover the costs of many of the Community producers and provide a reasonable profit for them. While Community production increased by almost 12 % between 1979 and 1981 and the market share of Community producers rose from 54,4 to 61,9 %, approximately 25 % of Community producers incurred losses ranging from 9 to 13 % of turnover during the investigation period.

- (15) In interpreting the above statistical data the Commission has had to take into account that, in the particular circumstances, it is not possible to rely completely on the usual criteria used to assess the impact of dumping. This is due to the fact that since 1979 the Community has granted production aid to EEC canned pear producers which has enabled them to sell in competition with low-priced imports from non-EEC sources. In summary the production aid for canned pears results from the difference between the costs of production of the Community producers and the import price of non-EEC products. Thus the effect of any dumping is neutralized to a great extent. In seeking therefore to assess injury to Community producers the Commission has had to envisage what would have been the situation in the absence of production aid. While realizing the difficulty of establishing with certainty the impact

of low-priced imports on the Community industry if production aid had not been available, the Commission is nevertheless of the opinion that it is very probable that more producers would have suffered losses and that existing losses would have been greater; it is also unlikely that the market share of Community producers could have been maintained at the same level. For these reasons the Commission feels that it is appropriate to use as a criterion for assessing injury to Community industry that part of the production aid granted during the investigation period which enabled Community producers to compete with dumped imports and which is estimated to have amounted to eight million ECU.

- (16) The use of the increased burden on production aid as an indicator of injury has been contested by Australian producers and their Government and also by South African and Chinese producers. In this connection it has been argued that neither the Community's anti-dumping regulations nor the GATT Anti-Dumping Code specifically provide for the impact of dumped imports on the Communities' aid programme to be taken into consideration. The Commission considers, however, that the Communities' framework legislation and that of GATT clearly do not intend to limit the assessment of the injurious effects of dumping to any specific indicators. The Subsidy Code makes it quite clear that, where the impact of State subsidies in the exporting country is counterbalanced by government support programmes in the importing country, the increased burden on the budget is an appropriate indicator of injury caused to the domestic industry in the importing country. The Commission considers that, where the impact of dumped imports is counterbalanced by a production aid programme, it is quite reasonable by analogy to use the increased burden on public funds as one of the indicators of injury caused by the dumped imports in question.

- (17) The Commission has considered whether injury has been caused by other factors. It has been argued that the Community's production aid is artificially high since the production costs of Community producers on which the aid is partly based have been greatly overstated. The Commission's anti-dumping investigation has revealed that the data used for the calculation of produc-

tion aid is provided by the Member States of the producing countries and that no evidence in support of the allegation has been disclosed during the enquiry. The Commission is of the opinion, moreover, that even if the above argument were correct either the granting of aid would have been unnecessary or would have been at a considerably reduced level if there had been no dumped imports.

- (18) The Commission has therefore been led to determine that the effects of the dumped imports of canned pears originating in Australia, the People's Republic of China and South Africa, taken in isolation, have to be considered as constituting material injury to the Community industry concerned.

G. Community interest and termination of proceeding

- (19) The exporters concerned were informed of the main findings of the preliminary investigation. Australian, Chinese and South African exporters argued that, since in their opinion no injury had been caused to the Community industry, no action was necessary. However, while refusing to accept the Commission's determination of dumping and resultant injury, Australian, Chinese and South African exporters nevertheless agreed to ensure that their future export prices to the Community would be at a level which is considered by the Commission to be sufficient to eliminate the burden caused to the Community's budget and to provide also an adequate return to those Community producers who have made losses during the investigation period. This increase in prices in no case exceeds the dumping margins found in the investigation.
- (20) In these circumstances, the assurances given with regard to price are deemed satisfactory and the Commission considers that it is therefore not in the Community interest to impose a provisional anti-dumping duty and the anti-dumping proceeding may thus be terminated in respect of Australian, Chinese and South African exporters.
- (21) No objection to this course of action was raised in the Advisory Committee.

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of certain pears in syrup, originating in Australia, the People's Republic of China and the Republic of South Africa is hereby terminated.

Done at Brussels, 18 July 1983.

For the Commission

Wilhelm HAFERKAMP

Vice-President

THE AGRICULTURAL SITUATION IN THE COMMUNITY

1981 Report

This report is the seventh published version of the annual Report on the Agricultural Situation in the Community. It contains analyses and statistics on the general situation (economic environment and world market), the factors of production, the structures and situation of the markets in the various agricultural products, the obstacles to the common agricultural market, the position of consumers and producers, and the financial aspects. The general prospects and the market outlook for agricultural products are also dealt with.

Published in: Danish, Dutch, English, French, German, Greek, Italian.

419 pages

Price (excluding VAT) in Luxembourg:

ECU 19·60; Bfrs 800; £ Irl 13·50; £ 11·50; \$ US 21·50

Publication No CB-32-81-641-EN-C

ISBN 92-825-2707-7

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