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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1737/85**of 24 June 1985****laying down the arrangements applicable to imports of products originating in Yugoslavia**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 58 of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽¹⁾ provides that in the field of trade, the first stage of agreement is to last five years running from the date of entry into force of the trade arrangements;

Whereas the said arrangements entered into force on 1 July 1980 by virtue of an Interim Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia and therefore expire on 30 June 1985;

Whereas Article 58 (2) provides that the Contracting Parties shall enter into negotiations in order to determine the trade arrangements to be applied subsequently; whereas these negotiations have not yet taken place;

Whereas, pending the entry into force of new arrangements, the term of validity of the arrangements applied by the Community to trade with Yugoslavia in the context of the abovementioned Cooperation Agreement should be extended in order to avoid suddenly interrupting certain traditional trade flows,

HAS ADOPTED THIS REGULATION:

Article 1

The trade arrangements established by the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia shall remain applicable in the Community beyond 30 June 1985 and until the new trade arrangements enter into force.

Article 2

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

It shall apply from 1 July 1985.

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

Done at Luxembourg, 24 June 1985.

For the Council

The President

C. SIGNORILE

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.

COUNCIL REGULATION (EEC) No 1738/85

of 24 June 1985

revising the maximum amount for the production levy on B sugar and the minimum price for B beet for the 1985/86 marketing year

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1482/85 ⁽²⁾, and in particular Articles 5 (5) and 28 (5) thereof,

Having regard to the proposal from the Commission,

Whereas Article 28 (3) and (4) of Regulation (EEC) No 1785/81 provides that the losses resulting from the obligation to export surpluses of Community sugar are to be covered by production levies on the production of A and B sugar and of A and B isoglucose, within certain limits;

Whereas, when the total sum of the levies provided for does not fully cover the overall loss arising from these obligations, paragraph 5 of that Article requires that an adjustment be made in the maximum amount fixed for the B levy for the marketing year immediately following the marketing year in which the balance of uncovered losses was recorded;

Whereas the sum of the levies to be raised for the 1984/85 marketing year is less than the sum resulting from the multiplication of the exportable surplus by the average loss; whereas it is therefore necessary, according to the information available, to increase, for the 1985/86 marketing year, the maximum amount of the B levy to 37,5 % of the intervention price for

white sugar and also to adjust accordingly the minimum price for B beet fixed for that marketing year by Regulation (EEC) No 1484/85 ⁽³⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1985/1986 marketing year, the maximum amount referred to in the first indent of the second subparagraph of Article 28 (4) of Regulation (EEC) No 1785/81 shall be increased to 37,5 % of the intervention price for white sugar.

2. For the 1985/86 marketing year, the minimum price for B beet referred to in the second subparagraph of Article 5 (2) of Regulation (EEC) No 1785/81 shall be equal to 60,5 % of the basic price for beet.

Article 2

Article 3 (2) of Regulation (EEC) No 1484/85 is hereby replaced by the following:

'2. The minimum price for B beet shall be fixed at 24,74 ECU per tonne.'

Article 3

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

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

Done at Luxembourg, 24 June 1985.

For the Council

The President

C. SIGNORILE

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 151, 10. 6. 1985, p. 1.

⁽³⁾ OJ No L 151, 10. 6. 1985, p. 5.

COUNCIL REGULATION (EEC) No 1739/85

of 24 June 1985

imposing a definitive anti-dumping duty on imports of certain ball bearings and tapered roller bearings originating in Japan

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Community⁽¹⁾, and in particular Article 12 thereof,

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

Whereas :

A. Provisional action

- (1) The Commission, by Regulation (EEC) No 3669/84⁽²⁾, imposed a provisional anti-dumping duty on imports of ball bearings with greatest external diameter of more than 30 mm and of tapered roller bearings originating in Japan and manufactured or exported by Koyo Seiko Co. Ltd, Nachi-Pujikoshi Corporation (Nachi), Nippon Seiko KK (NSK) and NTN Toyo Bearing Co. Ltd.
- (2) The Council, by Regulation (EEC) No 1034/85⁽³⁾, extended the period of validity of this provisional duty for a further period not exceeding two months.

B. Subsequent procedure

- (3) Following the imposition of the provisional anti-dumping duty and within the one-month period provided for in Article 3 of Regulation (EEC) No 3669/84, the four exporters concerned requested and were granted an opportunity to be heard by the Commission and were informed in detail of the facts on which the Commission had based its preliminary finding of dumping.
- (4) The same parties with the exception of NTN also requested a disclosure conference in order to be

informed of the facts on the basis of which it was intended to establish the definitive dumping margin and these requests were granted. These parties were also granted a period within which they could make representations subsequent to these disclosure conferences.

- (5) In addition to the investigations leading to the preliminary determinations, the Commission carried out further on-the-spot investigations at the premises of Nachi and NSK in Tokyo, Japan.
- (6) Prior to the imposition of provisional duties, a certain number of smaller Japanese manufacturers and exporters had informed the Commission that they considered themselves concerned by the procedure and offered their cooperation. Questionnaires were sent to all these companies and on the basis of the replies received the Commission tentatively determined which of the companies were manufacturing the bearings under investigation and had exported them to the Community during the period of reference. This applied to the following companies, at the premises of which on-the-spot verifications were carried out :

— Asahi Seiko Co. Ltd, Osaka,
 — FKC Bearing Co. Ltd, Osaka,
 — Fujino Iron Works Co. Ltd, Osaka,
 — Inoue Jikuuke Kogyo Co. Ltd, Osaka,
 — Izumoto Seiko Co. Ltd, Osaka,
 — Maekawa Bearing MFG, Co. Ltd, Osaka,
 — Matsuo Bearing Co. Ltd, Osaka,
 — Minamiguchi Bearing MFG Co. Ltd, Osaka,
 — Nankai Seiko Co. Ltd, Osaka,
 — Sapporo Precision Inc. Sapporo,
 — Wada Seiko Co. Ltd, Osaka.

In the course of the investigation it appeared that Sapporo Precision Inc. is not a manufacturing company, but obtains nearly all of the bearings concerned by this investigation from Kita Nippon Seiko Co. Ltd, a production company which is majority owned by Sapporo Precision Inc., and is consequently considered to be effectively controlled by it. In view of this fact, for the purposes of the investigation the two companies were treated as a single economic entity.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 340, 28. 12. 1984, p. 37.

⁽³⁾ OJ No L 112, 25. 4. 1985, p. 1.

All of these manufacturers and exporters were subsequently informed of the Commission's findings, and were given an opportunity to comment, of which opportunity some availed themselves.

- (7) Within the time limit laid down by Article 3 of Regulation (EEC) No 3669/84, two independent importers requested to be heard and were granted a hearing, and the Commission subsequently sought information from another independent importer of the bearings in question, namely Findling Wälzlager, Karlsruhe, Germany.

C. Normal value

- (8) Normal value for those bearings subject to the provisional duty was finally established on the basis of the price paid by unrelated purchasers for like bearings sold in Japan, using the method which was used already for the purpose of the preliminary determination of dumping, taking into account new evidence submitted by the parties concerned.

One party contested the use of the combined weighted average of sales prices to unrelated purchasers where domestic sales were made directly by the manufacturer and through wholly-owned or controlled sales companies. It argued that in such cases the weighted average of the manufacturer's sales prices to unrelated customers and to its sales subsidiary should be used where these prices are comparable or, alternatively, normal value should be established on the basis of direct sales to unrelated customers by the manufacturer only. On the basis of the evidence made available to it, the Commission has not been satisfied that the prices and costs involved in the transactions between the manufacturer and its sales companies are comparable to those involved in transactions between the manufacturer and unrelated purchasers. Consequently, since the transactions between the manufacturer and its sales companies cannot be considered as being in the ordinary course of trade, normal value should, in accordance with Article 2 (3) (a) of Regulation (EEC) No 2176/84, be based on the comparable prices in the ordinary course of trade in the exporting country which, under the circumstances in question, are the prices paid by unrelated customers to the manufacturer and to its sales companies which constitute a single economic entity by virtue of the ownership or overall control exercised by the manufacturing company. It is considered that only when the sales made by

the controlled sales companies are taken into account, the normal value thus established adequately reflects the full range of prices payable on the domestic market. The information made available by the manufacturer concerned shows that even though its principal sales company and its sales branches both sell to the whole range of domestic customers, the former sells to a proportionately greater number of small distributors than the latter, and it is not contested that the prices charged in this sector of the market are normally higher.

- (9) The investigation of dumping concerning the smaller manufacturers covered the period 1 October 1983 to 31 March 1984.

- (10) For the purpose of establishing normal value for each of these smaller manufacturers, whose manufacturing activity related entirely to bearings, the Commission selected a representative sample of ball bearings the exports of which to the Community represented the largest aggregate values and together accounted for at least 75 % of each manufacturer's exports of ball and tapered roller bearings to the Community during the investigation period. Normal value was established for this sample on the basis of the weighted average price paid for types of like products on the Japanese market. Where a manufacturer did not sell a type identical to the type exported on the domestic market, normal value was established for a type sold on the domestic market which has characteristics closely resembling those of the type actually exported. Where such similar type was not available, normal value was established on the basis of constructed value by adding, for each company, the cost of production and a profit margin equal to the operating profit realized during its last complete financial year.

D. Export price

- (11) Except where exports were made to subsidiary companies in the Community, export prices were established on the basis of the prices actually paid or payable to the bearing manufacturers for the product sold by them for export to the Community. This basis was applied not only to those manufacturers who sold directly to customers in the Community but also to those who sold for export to the Community through independent intermediate companies in Japan, known as 'trading houses' and to those who did both. In these cases the price at which the manufacturer

sold the bearings to the intermediate company has been considered as the export price within the meaning of Article 2 (8) (a) of Regulation (EEC) No 2176/84, taking into consideration the fact that the ultimate destination of the goods was known by the manufacturer at the time of their delivery to the trading house, and that normal value has been established at a corresponding level. This approach implies that where the trading houses export under their own name, their exports will be subject to the duty applying to 'others', unless they show that the bearings exported emanate from a given manufacturer to the exports of which a lesser individual duty applies. This result takes account of the possibilities open to the trading houses to obtain bearings for export from any of a large number of different manufacturers. In view of these possibilities the alternative — of making findings for the trading houses themselves based on transient relationships with a variety of suppliers — does not appear to be a reasonable solution. This approach was also used in the case of one manufacturer who has been selling the bearings concerned, for the purpose of export to the Community, to another independent Japanese manufacturer, since the latter neither produced nor sold like bearings on the Japanese market and was therefore assuming the functions of a trading house in respect of these bearings exports. In this context it was considered to be irrelevant whether the intermediate company set its resale price independently and/or applied a fixed mark-up. The addition to the manufacturer's export price of the profit margin and overheads of the intermediate company which is not controlled by its supplier, as proposed by the respondent concerned, would only be justified if the dumping margin were to be established for the intermediate company and not for the manufacturer.

- (12) Where exports were made to subsidiary companies in the Community, the same method was applied as for the purpose of establishing the provisional duty, taking into account, however, new evidence supplied by the parties concerned. Some parties contested the deduction of a 6 % profit margin attributable to the Community subsidiaries of the Japanese manufacturers in the construction of the export prices. The data gathered by the Commission showed that this margin was equally valid for a company functioning as a fully fledged sales subsidiary and for one which keeps the bearings concerned in a bonded warehouse and sells them to unrelated importers in the Community.

E. Comparison

- (13) For the purpose of comparison between normal value and export prices the Commission took account, where appropriate, of differences affecting price comparability such as differences in physical characteristics and differences in conditions and terms of sale where claims of a direct relationship of these differences to the sales under consideration could be satisfactorily demonstrated, which was the case in respect of differences in credit terms, warranties, technical services, commissions, salaries paid to salesmen, packing, transport, insurance, handling and ancillary costs. All comparisons were made at ex works level. No allowance was granted for claims in respect of overheads and general expenses. Indeed Community legislation limits the elements to be taken into account when establishing price comparability to certain factors considered relevant as set out in Article 2 (9) of Regulation (EEC) No 2176/84: physical characteristics, quantities, conditions and terms of sales, time, and level of trade. The only heading under which overheads and general expenses could be considered is conditions and terms of sales, but in this context any adjustments are limited to those differences which bear a direct relationship to the sales under consideration. Community legislation considers that this is not the case, generally, for differences in overheads and general expenses.
- (14) One party claimed that where normal value was based on the combined weighted average of the prices of sales made to unrelated purchasers by the manufacturer and by its wholly owned or controlled sales companies, allowance should be made in addition for overheads and general expenses incurred by the domestic sales companies on the grounds that all of their costs would bear a direct relationship to the sales on the domestic market because they were exclusively engaged in domestic sales of bearings. This request cannot be granted. In the first place, this claim refers to a formal distinction between the sales branches of the manufacturing company and its sales companies, which cannot be accepted in view of the close relationship between the manufacturer and its sales subsidiaries, deriving from the overall control exercised by the former, which has already been referred to under paragraph 8, above. Therefore the argument advanced by the respondent — whereby the relationship of overheads with sales differs between the manufacturing and the sales companies — is not founded.

Moreover, under Regulation (EEC) No 2176/84 allowances can only be granted for differences in the factors mentioned in Article 2 (9). One of these factors is 'conditions and terms of sale'. This is a relatively narrow technical term referring to the obligations inherent in a sales contract, which may be laid down in the contract itself or in general conditions of sale issued by the seller. What is decisive is whether the costs are strictly necessary to fulfil the terms of the sales under consideration.

Where this first criterion is met, it must be shown in addition that these costs bear a direct functional relationship to the sales under consideration, i.e. that they are incurred because a particular sale is made. In general, overheads and general expenses, wherever they occur, do not have such a direct functional relationship and are therefore not allowable. There is no reason to deviate from this guideline because of formal legal differences such as the attribution of overall management functions to one company rather than another, or to more than one company, the corporate structure of the group, or the handling of domestic sales by a sales subsidiary or a sales department.

(15) One company claimed an allowance for a reasonable profit margin attributable to its domestic sales companies, in addition to all overheads and general expenses incurred by them, alleging differences in the level of trade between sales effected by these companies and sales made by the manufacturer for export. As to this claim, it is obvious that in view of the similarity of function assumed by the sales companies on the one side and by sales branches or sales departments of the manufacturer on the other side, and in view of the absence of significant differences in the composition of categories of their customers, there is no difference in the level of trade for which an allowance would be justified. In addition, the claim should also be rejected on the grounds of the reason already given under paragraph 14, above, referring to the purely formal nature of the distinction between the manufacturer and its sales subsidiaries.

(16) Some parties also raised the point that since in the case of associated importers, all costs of the importer are taken into account for the purpose

of constructing the export price, an identical approach should be followed where sales on the domestic market are being made indirectly through an associated sales company. This argument confuses two different issues, namely the construction of the export price on the basis of a resale price of a related importer, and the comparison between normal value and export price. For the purpose of constructing the export price, Regulation (EEC) No 2176/84 prescribes the deduction of all costs incurred between importation and resale. This is designed to arrive at an export price which is deemed not to be influenced by the relationship between the exporting company and its associated importer. As to the comparison between normal value and export price other rules apply which have led to price adjustments for all allowable factors, as explained under point 13 above.

F. Dumping margins

(17) Normal value was compared with export prices on a transaction-by-transaction basis, exports at identical prices being grouped together.

(18) A number of parties reiterated their claim that normal value should not be set against export prices on a transaction-by-transaction basis but that the weighted average domestic price should be compared with the weighted average export price for each type of bearing. The reasons for the adoption of the transaction-by-transaction, method which is in full conformity with Article 2 (13) (b) of Regulation (EEC) No 2176/84 have been set out in paragraph 12 of Commission Regulation (EEC) No 3669/84 imposing a provisional duty and are confirmed for the purpose of the definitive determination of dumping.

(19) The dumping margins established on the above-mentioned basis for each type of bearing were thereafter weighted with regard to the total cif export value of the bearings investigated. Where manufacturers also sold through trading houses at higher prices than those charged for direct exports, this fact was taken into consideration both in the calculation of the dumping margins for the various types of bearing and in the weighting of those margins in relation to the total cif value. The following overall dumping margin was obtained for each company :

	<i>Ball bearings</i>	<i>Tapered roller bearings</i>
	(%)	(%)
NTN Toyo Bearing Ltd, Osaka	3,20	2,09
Koyo Seiko Co. Ltd, Osaka	5,52	4,39
Nippon Seiko KK, Tokyo (NSK)	16,71	45,04
Nachi Fujikoshi Corpora- tion, Tokyo (Nachi)	13,91	22,72
FKC Bearing Co. Ltd, Osaka	1,21	no exports
Fujino Iron Works Co. Ltd, Osaka	7,97	no exports
Izumoto Seiko Co. Ltd, Osaka	21,75	no exports
Nankai Seiko Co. Ltd, Osaka	4,23	no exports
Sapporo Precision Inc, Sapporo	1,86	no exports
Wada Seiko Co. Ltd, Osaka	10,73	no exports

Exports made by Inoue Jikuuke and by Maekawa Bearing were not found to have been dumped and the dumping margins found in respect of Matsuo Bearing (0,98 %) and Minamiguchi Bearing (0,97 %) were considered *de minimis*.

- (20) In respect of one of the manufacturers concerned, Izumoto Seiko Co. Ltd, the information concerning normal value which had been submitted in reply to the questionnaire could not be verified at the time of the on-the-spot investigation and further contradictory data were submitted to the Commission officials on that occasion. The company was given, therefore, a final opportunity to submit complete data in writing and was invited to allow verification of these data at the Commission offices. The company provided no information which could be verified. It has been necessary, therefore, to base determination of dumping with regard to this company on the facts available, using for the calculations only those data supplied by the company which were considered to be sufficiently reliable.
- (21) For any manufacturers or exporters who have not made themselves known in the course of the investigation, dumping has been determined on the basis of the facts available. In this connection the Commission considered that the results of its investigation provided an accurate basis for determination of the level of dumping and that it

would constitute a bonus for non-cooperation to assume that the dumping margin for these operators was any lower than the highest dumping margins determined with regard to manufacturers or exporters who had cooperated in the investigation. For these reasons it is considered appropriate to use these latter dumping margins for the residual group of manufacturers and exporters, if any, who have not offered their cooperation.

G. Injury

- (22) The Council has reconsidered the evidence that led the Commission to the conclusions concerning injury as contained in Commission Regulation (EEC) No 3669/84. None of the parties involved having submitted any new evidence or raised any substantiated arguments which would have called into question the validity of the Commission's conclusion on injury reached in its preliminary determination, these conclusions are confirmed. The facts, particularly with regard to undercutting on the Community market, as finally established show that the injury being caused by dumped imports of ball bearings with a greatest external diameter of more than 30 mm and of tapered roller bearings originating in Japan, taken in isolation from that caused by other factors, has to be considered as material.

H. Community interest and rate of duty

- (23) Only one Community purchaser of the said bearings has reacted to the proceedings after the imposition of the provisional duties and complained that the imposition of these duties made it difficult to compete with bearings originating in eastern Europe. While such difficulties may exist they would not justify not taking any action against injurious imports from Japan. Meanwhile the Commission has re-opened anti-dumping proceedings against bearing imports from eastern Europe.
- (24) In view of the particularly serious difficulties facing the Community industry, its economic, social and strategic importance and the relatively low incidence of a price increase resulting from the imposition of an anti-dumping duty on the cost of goods manufactured in the Community, the Council has come to the conclusion that it is in the Community's interest that action be taken. In these circumstances, protection of the Community's interest calls for the imposition of a definitive anti-dumping duty on imports of ball bearings with greatest external diameter of more

than 30 mm and of tapered roller bearings originating in Japan, and for collection of the amounts secured by way of provisional anti-dumping duty at the rates of duty definitively imposed in the cases of Koyo Seiko Co. Ltd (for both categories of bearing), Nachi Fujikoshi Corporation (for both categories of bearing), NTN Toyo Bearing Co. Ltd (for tapered roller bearings only), and at the rates of provisional duty in the remaining cases. The rate of the anti-dumping duty should correspond to the margins of dumping found, rounded down to the nearest tenth of one percent, having regard to the extent of the injury caused, and particularly in view of the undercutting found in the course of the Commission's investigation. In all of the cases examined, amounts of undercutting in respect of imported bearings were ascertained which exceeded the duties imposed, both provisional and definitive, on the basis of price levels at the relevant period.

- (25) One party requested that the definitive duty on ball bearings should be limited to single row deep groove ball bearings, since the former price undertakings had been limited to this category of ball bearings and the investigation had been limited to it as well.

While it is true that the former price undertakings were limited to this category of ball bearings, the present investigation was initiated in order to review the measures adopted in the context of the proceeding previously initiated against ball and tapered roller bearings and which was not limited to a specific kind of ball bearing. Measures taken pursuant to the present investigation in the course of these proceedings need not, therefore, be limited to the same extent as were the old price undertakings. While it is also true that in respect of the four big manufacturers and exporters the investigation concentrated on single-row, deep-groove ball bearings, these bearings must be considered to be representative of all ball bearing exports to the Community by these four suppliers. This representativity was not disputed by any of the four companies which, after the imposition of the provisional duties, were expressly invited to submit data on normal value and export prices for ball bearings other than single-row, deep-groove ball bearings where they could demonstrate that certain of these types would fall under the most important types exported accounting for 75 % of exports to the Community. None of these companies submitted such data.

As far as the small manufacturers were concerned, the investigation took into account exports to the Community of all ball bearing types.

- (26) One independent importer has claimed that his Japanese supplier has significantly increased his export prices as from April 1984, i.e. after the end of the reference period chosen by the Commission for the calculation of the dumping margin, and that these increases should be taken into account in the determination of the final dumping margin.

Under the terms of Article 12 (1) of Regulation (EEC) No 2176/84 the final determination of dumping always refers to the period under investigation. For the purposes of definitive anti-dumping measures developments which occurred after the end of this period, whether they relate to the issue of dumping or injury, must necessarily be ignored. Any other method would render an investigation virtually permanent, allow exporters to manipulate the results by short-lived price increases and is not warranted by Regulation (EEC) No 2176/84.

I. Undertakings

- (27) None of the exporters concerned by the investigation has offered a price undertaking.

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of ball bearings with greatest external diameter of more than 30 mm and of tapered roller bearings falling within heading No ex 84.62 of the Common Customs Tariff and corresponding to NIMEXE codes 84.62-09 and 84.62-17, originating in Japan with the exception of bearings manufactured by Inoue Jikuuke Kogyo Co. Ltd, Maekawa Bearing MFG Co. Ltd, Matsuo Bearing Co. Ltd and Minamiguchi Bearing MFG Co. Ltd.

2. The rate of the anti-dumping duty shall be as set out below, expressed as a percentage of the net, free-at-Community-frontier price before duty ;

- (a) Ball bearings (greatest external diameter more than 30 mm) manufactured by :
- | | |
|--|--------|
| — NTN Toyo Bearing Ltd, Osaka : | 3,2 % |
| — Koyo Seiko Co. Ltd, Osaka : | 5,5 % |
| — Nippon Seiko KK, Tokyo (NSK) : | 16,7 % |
| — Nachi Fujikoshi Corporation, Tokyo (Nachi) : | 13,9 % |

— FKC Bearing Co. Ltd, Osaka :	1,2 %
— Fujino Iron Works Co. Ltd, Osaka :	7,9 %
— Izumoto Seiko Co. Ltd, Osaka :	21,7 %
— Mankai Seiko Co. Ltd, Osaka :	4,2 %
— Sapporo Precision Inc., Sapporo :	1,8 %
— Wada Seiko Co. Ltd, Osaka :	10,7 %
— Others :	21,7 %

(b) Tapered roller bearings manufactured by :

— NTN Toyo Bearing Ltd, Osaka :	2,0 %
— Koyo Seiko Co. Ltd, Osaka :	4,3 %
— Nippon Seiko KK, Tokyo (NSK) :	45,0 %
— Nachi Fujikoshi Corporation, Tokyo (Nachi) :	22,7 %
— Others :	45,0 %

3. The provisions in force with regard to customs duties shall apply to the said duty.

Article 2

The amounts secured by way of provisional anti-dumping duty under Regulation (EEC) No 3669/84 shall be collected at the rates of duty definitively imposed in the cases of Koyo Seiko Co. Ltd (for both categories of bearing), Nachi Fujikoshi Corporation (for both categories of bearing), NTN Toyo Bearing Co. Ltd (for tapered roller bearings only), and at the rates of provisional duty in the remaining cases, which are Nippon Seiko KK (for both categories of bearing) and NTN Toyo Bearing Co. Ltd (for ball bearings).

Article 3

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

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

Done at Luxembourg, 24 June 1985.

For the Council

The President

C. SIGNORILE

COMMISSION REGULATION (EEC) No 1740/85

of 26 June 1985

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 1018/84 ⁽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 3131/84 ⁽⁵⁾ and subsequent amending
Regulations;

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 %, a rate of exchange based on
their central rate, multiplied by the coefficient
provided for in Article 2b (2) of Regulation (EEC)

No 974/71 ⁽⁶⁾, as last amended by Regulation (EEC)
No 855/84 ⁽⁷⁾,

- 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, and the aforesaid coeffi-
cient;

Whereas these exchange rates being those recorded on
25 June 1985;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 3131/84 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 27 June
1985.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, 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 293, 10. 11. 1984, p. 1.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 26 June 1985 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	107,15
10.01 B II	Durum wheat	151,42 ⁽¹⁾ ⁽²⁾
10.02	Rye	107,11 ⁽⁶⁾
10.03	Barley	96,32
10.04	Oats	83,57
10.05 B	Maize, other than hybrid maize for sowing	88,49 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	75,32 ⁽⁴⁾
10.07 C	Grain sorghum	109,35 ⁽⁴⁾
10.07 D I	Triticale	(7)
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	165,83
11.01 B	Rye flour	165,78
11.02 A I a)	Durum wheat groats and meal	248,96
11.02 A I b)	Common wheat groats and meal	175,99

(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 486/85 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.

(7) The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

COMMISSION REGULATION (EEC) No 1741/85

of 26 June 1985

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 organ-
ization of the market in cereals⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84⁽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 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 premiums to be added to the levies on
cereals and malt were fixed by Regulation (EEC) No
2222/84⁽⁵⁾ and subsequent amending Regulations;

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

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

provided for in Article 2b (2) of Regulation (EEC)
No 974/71⁽⁶⁾, as last amended by Regulation (EEC)
No 855/84⁽⁷⁾,

- 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, and the aforesaid coeffi-
cient;

Whereas these exchange rates being those recorded on
25 June 1985;

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 27 June
1985.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, 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 205, 1. 8. 1984, p. 4.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 26 June 1985 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 6	1st period 7	2nd period 8	3rd period 9
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	8,34	8,34	10,97
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	2,04
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	1,98	1,98	1,98
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 6	1st period 7	2nd period 8	3rd period 9	4th period 10
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 1742/85
of 26 June 1985
fixing the import levies on rice and broken 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 1025/84 ⁽²⁾, and in particular Article 11 (2)
thereof,

Whereas the import levies on rice and broken rice
were fixed by Regulation (EEC) No 576/85 ⁽³⁾, as last
amended by Regulation (EEC) No 1664/85 ⁽⁴⁾;

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 %, a rate of exchange based on
their central rate, multiplied by the coefficient
provided for in Article 2b (2) of Regulation (EEC)
No 974/71 ⁽⁵⁾, as last amended by Regulation (EEC)
No 855/84 ⁽⁶⁾,
- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of

these currencies recorded over a given period in
relation to the Community currencies referred to
in the previous indent, and the aforesaid coeffi-
cient;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 576/85 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 the products listed
in Article 1 (1) (a) and (b) of Regulation (EEC) No
1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 June
1985.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽³⁾ OJ No L 67, 7. 3. 1985, p. 5.

⁽⁴⁾ OJ No L 160, 20. 6. 1985, p. 13.

⁽⁵⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 26 June 1985 fixing the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)	
		Third countries ⁽¹⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾
ex 10.06	Rice :		
	B. Other :		
	I. Paddy rice ; husked rice :		
	a) Paddy rice :		
	1. Round grain	263,44	128,12
	2. Long grain	263,89	128,34
	b) Husked rice :		
	1. Round grain	329,30	161,05
	2. Long grain	329,86	161,33
	II. Semi-milled or wholly milled rice :		
	a) Semi-milled rice :		
	1. Round grain	357,19	166,67
	2. Long grain	550,69	263,46
	b) Wholly milled rice :		
	1. Round grain	380,41	177,85
	2. Long grain	590,34	282,82
	III. Broken rice	78,37	36,18

⁽¹⁾ Subject to the application of the provisions of Articles 10 and 11 of Regulation (EEC) No 486/85 and of Regulation No 551/85.

⁽²⁾ In accordance with Regulation (EEC) No 486/85, 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⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

COMMISSION REGULATION (EEC) No 1743/85

of 26 June 1985

fixing the premiums to be added to the import levies on rice and broken 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 1025/84 ⁽²⁾, and in particular Article 13 (6)
thereof,

Whereas the premiums to be added to the levies on
rice and broken rice were fixed by Regulation (EEC)
No 2505/84 ⁽³⁾, as last amended by Regulation (EEC)
No 1665/85 ⁽⁴⁾;

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

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 %, a rate of exchange based on
their central rate, multiplied by the coefficient
provided for in Article 2b (2) of Regulation (EEC)
No 974/71 ⁽⁵⁾, as last amended by Regulation (EEC)
No 855/84 ⁽⁶⁾,

- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies recorded over a given period in
relation to the Community currencies referred to
in the previous indent, and the aforesaid coeffi-
cient;

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 shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the import levies fixed
in advance in respect of rice and broken rice shall be
as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 June
1985.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 13.

⁽³⁾ OJ No L 234, 1. 9. 1984, p. 8.

⁽⁴⁾ OJ No L 160, 20. 6. 1985, p. 15.

⁽⁵⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 26 June 1985 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description	(ECU / tonne)			
		Current 6	1st period 7	2nd period 8	3rd period 9
ex 10.06	Rice :				
	B. Other				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Husked rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Wholly milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 1744/85

of 25 June 1985

establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 1012/84 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of that Regulation provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex ;

Whereas the result of applying the rules and criteria laid down in Regulation (EEC) No 1577/81 to the elements communicated to the Commission in accor-

dance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION :

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 June 1985.

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

Done at Brussels, 25 June 1985.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 101, 13. 4. 1984, p. 25.

ANNEX

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net							
				Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
1.10	07.01-13 07.01-15	07.01 A II	New potatoes	847	150,80	41,99	128,02	13,39	26753	47,35	10,69
1.12	ex 07.01-21 ex 07.01-22	ex 07.01 B I	Broccoli	5610	997,88	277,86	847,13	88,65	177031	313,36	70,74
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	1572	279,84	77,97	237,60	24,95	49663	88,00	20,01
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	4334	770,99	214,68	654,51	68,49	136779	242,11	54,66
1.20	07.01-31 07.01-33	07.01 D I	Cabbage lettuce	4624	822,54	229,04	698,27	73,07	145924	258,30	58,31
1.22	ex 07.01-36	ex 07.01 D II	Endives	1087	193,05	53,86	164,34	17,22	34406	60,91	14,03
1.28	07.01-41 07.01-43	07.01 F I	Peas	10877	1934,78	538,75	1642,48	171,89	343243	607,57	137,16
1.30	07.01-45 07.01-47	07.01 F II	Beans (of the species Phaseolus)	3599	640,23	178,27	543,50	56,88	113580	201,04	45,38
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	2246	399,66	111,35	339,34	35,63	70927	125,69	28,57
1.40	ex 07.01-54	ex 07.01 G II	Carrots	1211	215,47	59,99	182,91	19,14	38226	67,66	15,27
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	4681	829,74	232,08	707,70	74,37	147972	261,92	60,74
1.60	07.01-63	ex 07.01 H	Onions (other than sets)	771	137,23	38,21	116,49	12,19	24345	43,09	9,72
1.70	07.01-67	ex 07.01 H	Garlic	5994	1066,16	296,87	905,09	94,72	189144	334,80	75,58
1.74	ex 07.01-68	ex 07.01 IJ	Leeks	3401	604,02	168,55	514,20	53,88	107653	190,59	43,92
1.80		07.01 K	Asparagus :								
1.80.1	ex 07.01-71		— green	16848	2996,81	834,47	2544,06	266,24	531652	941,07	212,46
1.80.2	ex 07.01-71		— other	6005	1068,14	297,43	906,77	94,89	189495	335,42	75,72
1.90	07.01-73	07.01 L	Artichokes	2721	484,23	134,91	411,15	43,17	85936	152,28	34,62
1.100	07.01-75 07.01-77	07.01 M	Tomatoes	2969	528,27	147,10	448,46	46,93	93718	165,89	37,45
1.110	07.01-81 07.01-82	07.01 P I	Cucumbers	2146	381,88	106,33	324,19	33,92	67748	119,92	27,07
1.112	07.01-85	07.01 Q II	Chantarelles	39816	7113,98	1966,27	6023,74	633,12	1211715	2215,74	516,49
1.118	07.01-91	07.01 R	Fennel	2349	418,81	116,51	355,45	37,18	74293	131,52	30,27
1.120	07.01-93	07.01 S	Sweet peppers	2609	464,15	129,24	394,03	41,23	82344	145,75	32,90
1.130	07.01-97	07.01 T II	Aubergines	2697	479,83	133,61	407,34	42,63	85125	150,68	34,01
1.140	07.01-96	07.01 T I	Vegetable marrows (including courgettes)	1050	186,68	52,01	158,62	16,61	33127	58,63	13,34
1.150	ex 07.01-99	ex 07.01 T III	Celery stalks and leaves	2216	394,20	109,76	334,65	35,02	69934	123,79	27,94
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	3810	675,23	188,86	575,92	60,52	120417	213,14	49,42
2.10	08.01-31	ex 08.01 B	Bananas, fresh	2674	475,64	132,44	403,79	42,25	84383	149,36	33,72
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	1873	333,30	92,81	282,94	29,61	59130	104,66	23,62
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	7411	1318,26	367,07	1119,10	117,11	233868	413,96	93,45
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	10477	1863,70	518,95	1582,14	165,57	330632	585,25	132,12
2.50		08.02 A I	Sweet oranges, fresh :								
2.50.1	08.02-02 08.02-06 08.02-12 08.02-16		— Sanguines and semi-sanguines	4305	766,19	213,47	650,55	68,31	135975	240,96	54,79

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net							
				Bfrs/Lfrs	Dkr	DM	FF	£ Irl	Lit	Fl	£
2.50.2	08.02-03 08.02-07 08.02-13 08.02-17		— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	2 584	459,69	128,00	390,25	40,84	81 553	144,35	32,59
2.50.3	08.02-05 08.02-09 08.02-15 08.02-19		— others	2 046	363,94	101,34	308,96	32,33	64 566	114,28	25,80
2.60		ex 08.02 B	Mandarins including tangerines and satsumas, fresh, clementines, wilkings and other similar citrus hybrids, fresh :								
2.60.1	08.02-29	ex 08.02 B II	— Monreales and satsumas	3 733	664,06	184,91	563,74	58,99	117 809	208,53	47,07
2.60.2	08.02-31	ex 08.02 B II	— Mandarins and wilkings	2 483	440,92	123,03	375,36	39,33	78 585	139,13	32,06
2.60.3	08.02-28	08.02 B I	— Clementines	2 589	458,86	128,34	391,37	41,12	81 830	144,84	33,59
2.60.4	08.02-34 08.02-37	ex 08.02 B II	— Tangerines and others	2 344	416,99	116,11	353,99	37,04	73 976	130,94	29,56
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	3 567	634,48	176,67	538,62	56,36	112 561	199,24	44,98
2.80		ex 08.02 D	Grapefruit, fresh :								
2.80.1	ex 08.02-70		— white	2 896	515,29	143,48	437,44	45,78	91 415	161,81	36,53
2.80.2	ex 08.02-70		— pink	3 446	613,09	170,71	520,47	54,46	108 766	192,52	43,46
2.81	ex 08.02-90	ex 08.02 E	Limes and limettes	5 464	972,03	270,66	825,18	86,35	172 444	305,24	68,91
2.90	08.04-11 08.04-19 08.04-23	08.04 A I	Table grapes	5 958	1 059,79	295,10	899,68	94,15	188 013	332,80	75,13
2.95	08.05-50	08.05 C	Chestnuts	4 573	813,35	227,87	696,44	73,32	140 278	257,81	63,72
2.100	08.06-13 08.06-15 08.06-17	08.06 A II	Apples	3 345	595,08	165,70	505,18	52,86	105 572	186,87	42,18
2.110	08.06-33 08.06-35 08.06-37 08.06-38	08.06 B II	Pears	3 587	638,20	177,71	541,78	56,69	113 221	200,41	45,24
2.120	08.07-10	08.07 A	Apricots	3 493	621,39	173,03	527,51	55,20	110 239	195,13	44,05
2.130	ex 08.07-32	ex 08.07 B	Peaches	4 556	810,44	225,67	688,00	72,00	143 778	254,50	57,45
2.140	ex 08.07-32	ex 08.07 B	Nectarines	4 828	858,80	239,13	729,05	76,29	152 356	269,68	60,88
2.150	08.07-51 08.07-55	08.07 C	Cherries	2 016	358,76	99,90	304,56	31,87	63 647	112,66	25,43
2.160	08.07-71 08.07-75	08.07 D	Plums	3 998	711,30	198,06	603,84	63,19	126 189	223,36	50,42
2.170	08.08-11 08.08-15	08.08 A	Strawberries	4 594	816,53	227,53	693,79	72,68	144 895	256,45	58,38
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	3 329	591,82	163,87	502,64	52,82	101 773	184,63	43,45
2.180	08.09-11	ex 08.09	Water melons	1 629	289,75	80,68	245,98	25,74	51 404	90,99	20,54
2.190		ex 08.09	Melons (other than water melons :								
2.190.1	ex 08.09-19		— elongated	2 730	485,66	135,23	412,29	43,14	86 160	152,51	34,43
2.190.2	ex 08.09-19		— other	3 811	677,97	188,78	575,55	60,23	120 277	212,90	48,06
2.195	ex 08.09-90	ex 08.09	Pomegranates	6 948	1 233,97	345,01	1 053,52	110,76	217 548	390,43	94,30
2.200	ex 08.09-90	ex 08.09	Kiwis	12 207	2 171,32	604,61	1 843,29	192,90	385 207	681,85	153,93
2.202	ex 08.09-90	ex 08.09	Khakis	2 153	383,02	106,65	325,16	34,02	67 951	120,27	27,15
2.203	ex 08.09-90	ex 08.09	Lychees	10 779	1 914,40	535,25	1 634,44	171,84	337 507	605,71	146,30

COMMISSION REGULATION (EEC) No 1745/85

of 26 June 1985

amending Regulation (EEC) No 2290/83 laying down provisions for the implementation of Articles 50 to 59 of Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty⁽¹⁾, and in particular Article 143 thereof,

Whereas Article 2 (1) of Commission Regulation (EEC) No 2290/83⁽²⁾ *inter alia* obliges the establishment or organization to which the goods are consigned to use the imported goods exclusively for non-commercial purposes within the meaning of the second indent of Article 54 of the basic Regulation; whereas this requirement does not emerge from the provisions of the basic Regulation as regards goods imported under Article 51 of the said basic Regulation; whereas the wording of Article 2 (1) of Regulation (EEC) No 2290/83 must be amended accordingly;

Whereas the experience gained since the entry into force of Regulation (EEC) No 2290/83 has shown that the phrase to be entered on Control Copy T No 5 does not correctly inform the customs authorities of the Member State of destination of their obligation to ensure that the organization receiving the instrument or apparatus will use it in accordance with the conditions laid down for the continued grant of relief of customs duty; whereas that phrase ought therefore to be amended;

Whereas Article 16 (1) of Regulation (EEC) No 2290/83 provides that each Member State shall send the Commission a list of the instruments, apparatus, spare parts, components, accessories and tools of which the price or the value for customs purposes exceeds 3 000 ECU and for which it has authorized admission free of import duties under Article 7 (1) or 14 (1); whereas this threshold was set in 1980, because Regulation (EEC) No 2290/83 reproduced, unchanged, the threshold set in Commission Regulation (EEC) No 2784/79⁽³⁾ which was formerly applicable; whereas this threshold has not been amended since;

Whereas it would seem appropriate to raise this threshold to 5 000 ECU;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Duty-Free Arrangements,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2290/83 is hereby amended as follows:

1. Article 2 (1) is replaced by the following:

'1. The admission free of import duties of educational, scientific and cultural materials referred to in Article 51, 52 (1), 53 and 56 of the basic Regulation, hereinafter referred to as "goods", shall entail the following obligations on the part of the establishment or organization to which the goods are consigned:

- to dispatch the goods in question directly to the declared place of destination,
- to account for them in its inventory,
- to facilitate any verification which the competent authorities consider necessary in order to ensure that the conditions for granting admission free of import duties are satisfied, or remain satisfied.

In addition, in the case of goods referred to in Articles 52 (1), 53 and 56 of the basic Regulation, it shall entail the obligation on the part of the establishment or organization to which the goods are consigned to use the abovementioned goods exclusively for non-commercial purposes within the meaning of the second indent of Article 54 of the basic Regulation.'

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

'2. Where the establishment or organization to which the goods are lent, hired out or transferred is situated in a Member State other than that in which the establishment that lent, hired out or transferred the goods is situated, upon the dispatch of such goods the competent customs office of the Member

⁽¹⁾ OJ No L 105, 23. 4. 1983, p. 1.

⁽²⁾ OJ No L 220, 11. 8. 1983, p. 20.

⁽³⁾ OJ No L 318, 13. 12. 1979, p. 32.

State of dispatch shall issue a Control Copy T No 5 in accordance with the rules laid down in Regulation (EEC) No 223/77 in order to ensure that such goods are put to a use entitling them to continue to qualify for admission free of import duties. For this purpose, the said Control Copy shall include, in box 104 under the heading "other", one of the following

- "UNESCO-varer: Fortsat fritagelse betinget af overholdelse af artikel 57, stk. 2, første afsnit, i forordning (EØF) nr. 918/83";
- "UNESCO-Gegenstand: Weitergewährung der Zollbefreiung abhängig von der Voraussetzung des Artikels 57 Absatz 2 erster Unterabsatz der Verordnung (EWG) Nr. 918/83";
- "Αντικείμενο UNESCO: Διατήρηση της ατέλειας εξαρτώμενη από την τήρηση του άρθρου 57 παράγραφος 2 πρώτο εδάφιο του κανονισμού (ΕΟΚ) αριθ. 918/83";
- "UNESCO goods: continuation of relief subject to compliance with the first subparagraph of Article 57 (2) of Regulation (EEC) No 918/83";
- "Objet UNESCO: maintien de la franchise subordonné au respect de l'article 57 paragraphe 2 premier alinéa du règlement (CEE) n° 918/83";

- "Oggetto UNESCO: è mantenuta la franchigia a condizione che venga rispettato l'articolo 57 paragrafo 2, primo comma del regolamento (CEE) n. 918/83";
- "UNESCO-voorwerp: handhaving van de vrijstelling is afhankelijk van de nakoming van artikel 57, lid 2, eerste alinea, van Verordening (EEG) nr. 918/83".

3. Article 16 (1) is replaced by the following:

'1. Each Member State shall send the Commission a list of the instruments, apparatus, spare parts, components, accessories and tools of which the price or the value for customs purposes exceeds 5 000 ECU and for which it has authorized admission free of import duties under Article 7 (1) or Article 14 (1).'

Article 2

This Regulation shall into force on 1 July 1985.

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

Done at Brussels, 26 June 1985.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 1746/85

of 26 June 1985

amending Regulation (EEC) No 2289/83 laying down provisions for the implementation of Articles 70 to 78 of Council Regulation (EEC) No 918/83 setting up a Community system of reliefs from customs duty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty⁽¹⁾, and in particular Article 143 thereof,

Whereas experience gained since the entry into force of Commission Regulation (EEC) No 2289/83⁽²⁾ has shown that the phrase to be entered on Control Copy T No 5 does not correctly inform the customs authorities of the Member States of destination of their obligation to ensure that the institution or organization receiving the article will use it in accordance with the conditions laid down for the continued grant of relief of customs duty; whereas that phrase ought therefore to be amended;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Duty-Free Arrangements,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 (2) of Regulation (EEC) No 2289/83 is hereby replaced by the following:

'2. Where the institution or organization to which an article is lent, hired out or transferred is situated in a Member State other than that in which the institution or organization that lent, hired out or transferred the article is situated, upon the dispatch of such article the competent customs

office of the Member State of dispatch shall issue a Control Copy T No 5 in accordance with the rules laid down in Regulation (EEC) No 223/77 in order to ensure that such article is put to a use entitling it to continue to qualify for admission free of import duties. For this purpose, the said control copy shall include, in box 104 under the heading "other", one of the following entries:

- "Genstand til handicappede personer: Fortsat fritagelse betinget af overholdelse af artikel 77, stk. 2, andet afsnit, i forordning (EØF) nr. 918/83";
- "Gegenstand für Behinderte: Weitergewährung der Zollbefreiung abhängig von der Voraussetzung des Artikels 77 Absatz 2 zweiter Unterabsatz der Verordnung (EWG) Nr. 918/83";
- "Αντικείμενα προοριζόμενα για μειονεκτούντα άτομα: Διατήρηση της ατέλειας εξαρτώμενη από την τήρηση του άρθρου 77 παράγραφος 2 δεύτερο εδάφιο του κανονισμού (ΕΟΚ) αριθ. 918/83";
- "Article for the handicapped: continuation of relief subject to compliance with the second subparagraph of Article 77 (2) of Regulation (EEC) No 918/83";
- "Objet pour personnes handicapées: maintien de la franchise subordonné au respect de l'article 77 paragraphe 2 deuxième alinéa du règlement (CEE) n° 918/83";
- "Oggetto per persone minorate: la franchigia è mantenuta a condizione che venga rispettato l'articolo 77 paragrafo 2, secondo comma del regolamento (CEE) n. 918/83";
- "Voorwerp voor gehandicapten: handhaving van de paragrafo is afhankelijk van de nakoming van artikel 77, lid 2, tweede alinea van Verordening (EEG) nr. 918/83."

Article 2

⁽¹⁾ OJ No L 105, 23. 4. 1983, p. 1.
⁽²⁾ OJ No L 220, 11. 8. 1983, p. 15.

This Regulation shall enter into force on 1 July 1985.

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

Done at Brussels, 26 June 1985.

For the Commission

COCKFIELD

Vice-President

COMMISSION REGULATION (EEC) No 1747/85

of 26 June 1985

re-establishing the levying of customs duties on other vitamins falling within subheading 29.38 B V, originating in China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3362/84 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3562/84 of 18 December 1984 applying generalized tariff preferences for 1985 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas, pursuant to Articles 1 and 10 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III, other than those in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I; whereas, as provided for in Article 11 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of other vitamins falling within subheading 29.38 B V, the individual ceiling was fixed at 1 270 500 ECU; whereas, on 24 June 1985, imports of these products into the Community, originating in China, reached that ceiling after being charged thereagainst;

Whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against China,

HAS ADOPTED THIS REGULATION:

Article 1

As from 30 June 1985, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3562/84, shall be re-established on imports into the Community of the following products originating in China:

CCT heading No	Description
29.38 B V (NIMEXE code 29.38-60)	Other vitamins

Article 2

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, 26 June 1985.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 338, 27. 12. 1984, p. 1.

COMMISSION REGULATION (EEC) No 1748/85

of 25 June 1985

on the procedure for determining the fat content of maize flour falling within subheading 11.01 E and maize groats and meal falling within subheading 11.02 A V of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff ⁽¹⁾, as last amended by Regulation (EEC) No 2055/84 ⁽²⁾, and in particular Article 3 thereof,

Whereas, in order to ensure uniform application of the Nomenclature of the Common Customs Tariff, provisions should be adopted regarding the classification of maize flour and maize groats and meal;

Whereas, pursuant to subheadings 11.01 E and 11.02 A V of the Nomenclature of the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68 ⁽³⁾, as last amended by Regulation (EEC) No 3400/84 ⁽⁴⁾, maize flour and maize groats and meal are classified in accordance with fat content;

Whereas a method for determining fat content has to be defined;

Whereas following the studies which have been carried out, the procedure set out in the Annex to this Regulation appears to offer the best safeguards;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Common Customs Tariff Nomenclature;

HAS ADOPTED THIS REGULATION:

Article 1

The fat content of maize-flour falling within subheading 11.01 E and of maize groats and meal falling within subheading 11.02 A V of the Common Customs Tariff shall be determined in accordance with the procedure set out in the Annex.

Article 2

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

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

Done at Brussels, 25 June 1985.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 14, 21. 1. 1969, p. 1.

⁽²⁾ OJ No L 191, 19. 7. 1984, p. 1.

⁽³⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 320, 10. 12. 1984, p. 1.

ANNEX

Procedure for determining the fat content of maize flour falling within subheading 11.01 E and maize groats and meal falling within subheading 11.02 A V of the Common Customs Tariff

MAIZE FLOUR

The method of analysis to be used is that shown in Annex I (method A) to Commission Directive 84/4/EEC (OJ No L 15, 18. 1. 1984, p. 29).

MAIZE GROATS AND MEAL

The sample must be ground so that more than 90 % of it can pass through a sieve with a mesh size of 500 microns and 100 % can pass through a sieve with a mesh size of 1 000 microns.

The method of analysis to be used is that shown in Annex I (method A) to Commission Directive 84/4/EEC.

COMMISSION REGULATION (EEC) No 1749/85

of 26 June 1985

fixing the import levies on live cattle and on beef and veal other than frozen

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by the Act of Accession of Greece ⁽²⁾, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under subheadings 02.01 A II a) 1 to 3, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾, as last amended by Regulation (EEC) No 3114/83 ⁽⁴⁾;

Whereas the guide prices for adult bovine animals to be applied from 27 May 1985 were fixed by Council Regulation (EEC) No 1308/85 of 23 May 1985 ⁽⁵⁾;

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; whereas offer prices should also be excluded

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 291, 19. 11. 1979, p. 17.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 303, 5. 11. 1983, p. 16.

⁽⁵⁾ OJ No L 137, 27. 5. 1985, p. 16.

when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin ;

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation ;

Whereas if the free-at-frontier offer price differs by less than 0,60 ECU per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained ;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty ;

Whereas Commission Regulation (EEC) No 611/77 of 18 March 1977 ⁽¹⁾, as amended by Regulation (EEC) No 925/77 ⁽²⁾, provides that the special levy on products originating in and coming from Austria, Sweden and Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of those third countries ; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77 ;

Whereas the average price is not to be used for calculating the special levy unless it is at least 1,21 ECU per 100 kilograms of live weight more than the free-at-frontier offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68 ;

Whereas if the average price differs by less than 0,60 ECU per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained ;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures ;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State in respect of the various categories

of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State ;

Whereas the prices of adult bovine animals recorded on the representative market or markets of each Member State are equal to the average, weighted by the appropriate coefficients, of the prices for the various qualities of adult bovine animals or meat of such animals over a period of seven days in that Member State at a particular wholesale marketing stage ; whereas, until 6 April 1986, the price of adult bovine animals recorded on the representative market or markets of the United Kingdom shall be corrected by the amount of the premium granted to producers under Regulation (EEC) No 1311/85 ⁽³⁾ ; whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community ⁽⁴⁾, as last amended by Regulation (EEC) No 1511/85 ⁽⁵⁾ ;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets ; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day ; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones ; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone ; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II ;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex ;

⁽¹⁾ OJ No L 77, 25. 3. 1977, p. 14.

⁽²⁾ OJ No L 109, 30. 4. 1977, p. 1.

⁽³⁾ OJ No L 137, 27. 5. 1985, p. 20.

⁽⁴⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁵⁾ OJ No L 146, 5. 6. 1985, p. 6.

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas the levies should be so fixed that the obligations arising from international agreements concluded by the Community continue to be fulfilled ; whereas, moreover, account should be taken of Council Regulation (EEC) No 314/83 of 24 January 1983 on the conclusion of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia ⁽¹⁾, of Council Regulation (EEC) No 287/82 of 3 February 1982 establishing the arrangements applicable to imports of products originating in Yugoslavia to take account of the accession of the Hellenic Republic to the Community ⁽²⁾, and of Council Regulation (EEC) No 3349/81 of 24 November 1981 providing for a reduction in the levy applicable to imports into the Community of certain beef and veal products originating in and coming from Yugoslavia ⁽³⁾ ;

Whereas Council Regulation (EEC) No 486/85 ⁽⁴⁾ lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77 ;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff ;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month ; whereas these levies may be altered in the period between two fixings where the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets ;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Council Regulation (EEC) No 974/71 ⁽⁵⁾, as last amended by Regulation (EEC) No 855/84 ⁽⁶⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient ;

Whereas, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 1985.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 1.

⁽²⁾ OJ No L 30, 6. 2. 1982, p. 1.

⁽³⁾ OJ No L 339, 26. 11. 1981, p. 1.

⁽⁴⁾ OJ No L 61, 1. 3. 1985, p. 4.

⁽⁵⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁶⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 26 June 1985 fixing the import levies on live cattle and on beef and veal other than frozen ⁽¹⁾ for the period beginning 1 July 1985

(ECU/100 kg)

CCT heading No	Yugoslavia ⁽²⁾	Austria/Sweden/ Switzerland	Other third countries
01.02 A II (a)	— Live weight —		
	56,110	24,842	127,931
	— Net weight —		
02.01 A II a) 1	106,609	47,199	243,069
02.01 A II a) 2	85,287	37,759	194,454
02.01 A II a) 3	127,931	56,639	291,683
02.01 A II a) 4 aa)	—	70,799	364,603
02.01 A II a) 4 bb)	—	80,984	417,054
02.06 C I a) 1	—	70,799	364,603
02.06 C I a) 2	—	80,984	417,054
16.02 B III b) 1 aa)	—	80,984	417,054

⁽¹⁾ In accordance with Regulation (EEC) No 486/85, 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.

⁽²⁾ This levy is applicable only to products complying with the provisions of Regulation (EEC) No 1725/80 (OJ No L 170, 3. 7. 1980, p. 4).

(a) The levy which is to be applied to young male bovine animals, intended for fattening, of a live weight of 300 kg or less, imported under the conditions set out in Article 13 of Council Regulation (EEC) No 805/68 of 27 June 1968, and in the provisions adopted for its application, is totally or partially suspended in accordance with those provisions.

COMMISSION REGULATION (EEC) No 1750/85

of 26 June 1985

fixing the import levies on frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by the Act of Accession of Greece ⁽²⁾, and in particular Article 12 (8) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas under Article 9 of Regulation (EEC) No 805/68 a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under subheading 02.01 A II b) 1, the basic levy is determined on the basis of the difference between:

- the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and
- the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff ⁽³⁾, as last amended by Regulation (EEC) No 3114/83 ⁽⁴⁾, the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1.69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at 6.65 ECU;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas the guide prices for adult bovine animals to be applied from 27 May 1985 have been fixed by Council Regulation (EEC) No 1308/85 of 23 May 1985 ⁽⁵⁾;

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

- foreseeable developments on the market in frozen meat,
- the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,
- past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under subheadings 02.01 A II b) 2 to 4 is equal to the basic levy fixed for the product falling within subheading 02.01 A II b) 1, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients were fixed in Annex II to Regulation (EEC) No 586/77;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 291, 29. 11. 1979, p. 17.

⁽³⁾ OJ No L 75, 23. 3. 1977, p. 10.

⁽⁴⁾ OJ No L 303, 5. 11. 1983, p. 16.

⁽⁵⁾ OJ No L 137, 27. 5. 1985, p. 16.

Whereas, for the purpose of fixing the free-at-frontier offer prices, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; whereas offer prices should also be excluded when the movement of prices in general or the information available gives reason to believe that they are unrepresentative of the true trend of prices in the country of origin;

Whereas, where the free-at-frontier offer price for frozen meat differs by less than one unit of account per 100 kilograms from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of meat from such animals, taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the prices of adult bovine animals recorded on the representative market or markets of each Member State are equal to the average, weighted by the relevant coefficients, of the prices for the various qualities of adult bovine animals or meat of such animals over a period of seven days in that Member State at a particular wholesale marketing stage; whereas, until 6 April 1986, the price of adult bovine animals recorded on the representative market or markets of the United Kingdom shall be corrected by the amount of the premium granted to producers under Regulation (EEC) No 1311/85⁽¹⁾; whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community⁽²⁾, as last amended by Regulation (EEC) No 1511/85⁽³⁾;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quality is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in

the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax', are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets, the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices;

Whereas, for such period as the price of adult bovine animals recorded on representative Community markets differs by less than 0,24 ECU per 100 kilograms of live weight from the price previously used, the latter is retained;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled;

Whereas Council Regulation (EEC) No 486/85⁽⁴⁾ lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the Common Customs Tariff;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets;

⁽¹⁾ OJ No L 137, 27. 5. 1985, p. 20.

⁽²⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽³⁾ OJ No L 146, 5. 6. 1985, p. 6.

⁽⁴⁾ OJ No L 61, 1. 3. 1985, p. 4.

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Council Regulation (EEC) No 974/71 ⁽¹⁾, as last amended by Regulation (EEC) No 855/84 ⁽²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient ;

Whereas, having regard to the provisions of the aforementioned Regulations, and in particular to the infor-

mation and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies on frozen beef and veal shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 1985.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 26 June 1985 fixing the import levies on frozen beef and veal ⁽¹⁾ for the period beginning 1 July 1985

(ECU/100 kg)	
CCT heading No	Levy
	— Net weight —
02.01 A II b) 1	221,883
02.01 A II b) 2	177,506 (a)
02.01 A II b) 3	277,354
02.01 A II b) 4 aa)	332,824
02.01 A II b) 4 bb) 11	277,354 (a)
02.01 A II b) 4 bb) 22 (b)	277,354 (a)
02.01 A II b) 4 bb) 33	381,638 (a)

(¹) In accordance with Regulation (EEC) No 486/85, 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.

(a) Where products are imported under the conditions set out in Article 14 of Council Regulation (EEC) No 805/68 of 27 June 1968 and in provisions adopted for its application, the levy is totally or partially suspended in accordance with those provisions.

(b) Entry under this subheading is subject to the production of a certificate issued on conditions laid down by the competent authorities of the European Communities.

COMMISSION REGULATION (EEC) No 1751/85

of 26 June 1985

altering the corrective amount applicable to the refund on cereals

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 1018/84 ⁽²⁾, and in particular the
fourth sentence of the second subparagraph of Article
16 (4) thereof,

Having regard to Council Regulation (EEC) No
2746/75 of 29 October 1975 laying down general rules
for granting export refunds on cereals and criteria for
fixing the amount of such refunds ⁽³⁾,

Whereas the corrective amount applicable to the
refund on cereals was fixed by Regulation (EEC) No
1696/85 ⁽⁴⁾;

Whereas, the basis of today's cif prices and cif forward
delivery prices, taking foreseeable developments on the

market into account, the corrective amount at present
applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of
Regulation (EEC) No 2727/75, fixed in the Annex to
Regulation (EEC) No 1696/85, which is
applicable to the export refunds fixed in advance in
respect of cereals, is hereby altered to the amounts set
out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 June
1985.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 162, 21. 6. 1985, p. 37.

ANNEX

to the Commission Regulation of 26 June 1985 altering the corrective amount applicable to the refund on cereals

(ECU/tonne)								
CCT heading No	Description	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11	6th period 12
10.01 B I	Common wheat and meslin :							
	For exports to :							
	— China	0	+ 6,00	+ 6,00	+ 3,00	+ 2,00	+ 2,00	+ 2,00
	— other third countries	0	0	0	— 3,00	— 4,00	—	—
10.01 B II	Durum wheat	0	0	0	0	0	—	—
10.02	Rye	0	0	0	0	0	—	—
10.03	Barley	0	0	0	0	0	—	—
10.04	Oats	—	—	—	—	—	—	—
10.05 B	Maize other than hybrid maize for sowing	—	—	—	—	—	—	—
10.07 C	Grain sorghum	—	—	—	—	—	—	—
11.01 A	Common wheat flour	0	0	0	0	0	—	—
11.01 B	Rye flour	0	0	0	0	0	—	—
11.02 A I a)	Durum wheat groats and meal	0	0	0	0	0	0	0
11.02 A I b)	Common wheat groats and meal	0	0	0	0	0	—	—

N. B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 501/85 (OJ No L 60, 28. 2. 1985).

COMMISSION REGULATION (EEC) No 1752/85
of 26 June 1985
fixing the amount of the subsidy on oil seeds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 231/85 ⁽²⁾, and in particular Article 27 (4),

Having regard to Council Regulation (EEC) No 1223/83 of 20 May 1983 on the exchange rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 1297/85 ⁽⁴⁾,

Having regard to Council Regulation (EEC) No 1569/72 of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁵⁾, as last amended by Regulation (EEC) No 1474/84 ⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Regulation (EEC) No 1121/85 ⁽⁷⁾, as last amended by Regulation (EEC) No 1690/85 ⁽⁸⁾;

Whereas the target price and the monthly increments in the target price of sunflower seed for the 1985/86 marketing year have been fixed in Regulations (EEC) No 1489/85 ⁽⁹⁾, and (EEC) No 1490/85 ⁽¹⁰⁾;

Whereas, in the absence of the target price for the 1985/86 marketing year for colza and rape seed and in the absence of the amount of the monthly increase for September, October and November 1985 for colza and rape seed, the amount of the subsidy in the case of advance fixing for July, August, September, October and November 1985 for colza and rape seed has been obtainable only provisionally on the basis of the target price and the monthly increase as last proposed by the Commission to the Council for the marketing year 1985/86; whereas this amount may, therefore, be applied on a temporary basis and should be confirmed or replaced when the indicative price of the 1985/86 marketing year is known;

Whereas, for the period 19 to 25 June 1985, for certain currencies:

- for the current month, the difference referred to in Article 2 (1) of Regulation (EEC) No 1569/72 differs by more than one point from the percentage adopted for the previous fixing,
- for certain following months the difference referred to in Article 2 (2) of Regulation (EEC) No 1569/72 exceeds 0,5 %; whereas this difference in the case of certain forward differential amounts differs by more than one point from the percentage adopted for the previous fixing;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1121/85 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amounts of the subsidy and the exchange rates referred to in Article 33 (2) and (3) of Regulation (EEC) No 2681/83 ⁽¹¹⁾ shall be as set out in the Annexes hereto.

2. The amount of the subsidy in the case of advance fixing for July, August, September, October and November 1985 for colza and rape seed will, however, be confirmed or replaced as from 27 June 1985 to take into account the indicative price which is fixed for these products for the 1985/86 marketing year, and the amount of the monthly increase for September, October and November 1985 for colza and rape seed.

Article 2

This Regulation shall enter into force on 27 June 1985.

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

⁽²⁾ OJ No L 26, 31. 1. 1985, p. 12.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 137, 27. 5. 1985, p. 1.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁷⁾ OJ No L 118, 1. 5. 1985, p. 32.

⁽⁸⁾ OJ No L 162, 21. 6. 1985, p. 22.

⁽⁹⁾ OJ No L 151, 10. 6. 1985, p. 13.

⁽¹⁰⁾ OJ No L 151, 10. 6. 1985, p. 14.

⁽¹¹⁾ OJ No L 266, 28. 9. 1983, p. 1.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX I

Aids to colza and rape seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month	5th month
1. Gross aids (ECU)	15,361	10,351 (¹)	12,351 (¹)	12,871 (¹)	11,430 (¹)	11,950 (¹)
2. Final aids						
Seeds harvested and processed in :						
— Federal Republic of Germany (DM)	39,09	27,14 (¹)	31,80 (¹)	33,25 (¹)	29,96 (¹)	31,90 (¹)
— Netherlands (Fl)	44,04	30,58 (¹)	35,80 (¹)	37,43 (¹)	33,72 (¹)	35,81 (¹)
— BLEU (Bfrs/Lfrs)	712,93	480,41 (¹)	573,23 (¹)	596,03 (¹)	529,08 (¹)	542,66 (¹)
— France (FF)	96,95	68,68 (¹)	82,37 (¹)	85,04 (¹)	74,66 (¹)	78,31 (¹)
— Denmark (Dkr)	129,26	87,10 (¹)	103,93 (¹)	108,31 (¹)	96,18 (¹)	99,81 (¹)
— Ireland (£ Irl)	11,522	7,764 (¹)	9,259 (¹)	9,588 (¹)	8,503 (¹)	8,735 (¹)
— United Kingdom (£)	10,527	7,427 (¹)	8,608 (¹)	8,930 (¹)	8,094 (¹)	8,172 (¹)
— Italy (Lit)	20 048	15 206 (¹)	17 911 (¹)	18 425 (¹)	16 252 (¹)	16 704 (¹)
— Greece (Dr)	974,38	1 050,93 (¹)	1 256,08 (¹)	1 309,30 (¹)	1 161,37 (¹)	1 214,58 (¹)

(¹) On the basis of the Commission's last proposal concerning the indicative price and subject to confirmation by the Council's decision.

ANNEX II

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	1st month	2nd month	3rd month	4th month
1. Gross aids (ECU)	21,632	21,632	17,072	17,072	18,739
2. Final aids					
Seeds harvested and processed in :					
— Federal Republic of Germany (DM)	54,33	54,33	43,49	43,74	47,64
— Netherlands (Fl)	61,22	61,22	48,96	49,23	53,63
— BLEU (Bfrs/Lfrs)	1 003,98	1 003,98	792,34	790,77	868,18
— France (FF)	139,03	139,03	114,67	113,53	125,35
— Denmark (Dkr)	182,03	182,03	143,66	143,66	157,69
— Ireland (£ Irl)	16,226	16,226	12,800	12,727	13,979
— United Kingdom (£)	14,526	14,526	11,705	11,705	12,707
— Italy (Lit)	28 800	28 796	24 836	24 532	27 023
— Greece (Dr)	1 493,39	1 493,39	1 737,80	1 737,80	1 908,65

ANNEX III

Exchange rate of the ECU to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of 1 ECU)

	Current month	1st month	2nd month	3rd month	4th month	5th month
DM	2,246830	2,240380	2,234080	2,227820	2,227820	2,209730
Fl	2,530980	2,526280	2,521750	2,516940	2,516940	2,503000
Bfrs/Lfrs	45,273400	45,259500	45,247400	45,237100	45,237100	45,235000
FF	6,850460	6,859020	6,867440	6,877820	6,877820	6,912510
Dkr	8,065060	8,070600	8,072250	8,074680	8,074680	8,084460
£ Irl	0,717449	0,718940	0,720595	0,722054	0,722054	0,725241
£	0,569862	0,571553	0,573175	0,574601	0,574601	0,578362
Lit	1 433,42	1 439,40	1 445,59	1 451,94	1 451,94	1 470,05
Dr	99,601500	99,521200	99,453700	99,393400	99,393400	99,295300

COMMISSION REGULATION (EEC) No 1753/85

of 26 June 1985

abolishing the countervailing charge on cucumbers originating in Poland

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 1332/84⁽²⁾, and in
particular the second subparagraph of Article 27 (2)
thereof,

Whereas Commission Regulation (EEC) No 1640/85
of 17 June 1985⁽³⁾ introduced a countervailing charge
on cucumbers originating in Poland;

Whereas for this product originating in Poland there
were no prices for six consecutive working days;

whereas the conditions specified in Article 26 (1) of
Regulation (EEC) No 1035/72 are therefore fulfilled
and the countervailing charge on imports of cucum-
bers originating in Poland can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1640/85 is hereby repealed.

Article 2

This Regulation shall enter into force on 27 June
1985.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No L 158, 18. 6. 1985, p. 14.

COMMISSION REGULATION (EEC) No 1754/85

of 26 June 1985

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 1018/84⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1025/84⁽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 1407/85⁽⁷⁾, as last amended by Regulation (EEC) No 1722/85⁽⁸⁾;

Whereas Council Regulation (EEC) No 1027/84 of 31 March 1984⁽⁹⁾ amended Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within sub-heading 23.02 A of the Common Customs Tariff;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽¹¹⁾ as last amended by Regulation (EEC) No 855/84⁽¹²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 25 June 1985;

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⁽¹³⁾ 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, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to amended Regulation (EEC) No 1407/85 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 June 1985.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 107, 19. 4. 1984, p. 13.

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

⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁷⁾ OJ No L 141, 30. 5. 1985, p. 23.

⁽⁸⁾ OJ No L 165, 25. 6. 1985, p. 16.

⁽⁹⁾ OJ No L 107, 19. 4. 1984, p. 15.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽¹²⁾ OJ No L 90, 1. 4. 1984, p. 1.

⁽¹³⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 26 June 1985 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 F ⁽²⁾	84,93	81,91
11.02 A VI ⁽²⁾	84,93	81,91
11.02 E II d) 1 ⁽²⁾	145,13	139,09
11.02 F VI ⁽²⁾	84,93	81,91
11.08 A II	111,94	81,11

⁽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.

COMMISSION REGULATION (EEC) No 1755/85
of 26 June 1985
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1785/81 of 30 June 1981 on the common
organization of the markets in the sugar sector ⁽¹⁾, as
last amended by Regulation (EEC) No 606/82 ⁽²⁾, and
in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1854/84 ⁽³⁾,
as last amended by Regulation (EEC) No 1721/85 ⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1854/84 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 Regu-
lation (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 27 June
1985.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.
⁽³⁾ OJ No L 172, 30. 6. 1984, p. 53.
⁽⁴⁾ OJ No L 165, 25. 6. 1985, p. 15.

ANNEX

to the Commission Regulation of 26 June 1985 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	48,63
	B. Raw sugar	45,66 ⁽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 1756/85**of 26 June 1985****fixing the maximum export refund for white sugar for the ninth partial invitation to tender issued within the framework of the supplementary standing invitation to tender provided for in Regulation (EEC) No 2384/84**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2384/84 of 14 August 1984 on a supplementary standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2384/84 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the ninth partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the ninth partial invitation to tender for white sugar issued under Regulation (EEC) No 2384/84 is hereby fixed at 44,520 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 27 June 1985.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 221, 18. 8. 1984, p. 16.

COMMISSION REGULATION (EEC) No 1757/85

of 26 June 1985

fixing the maximum export refund for raw sugar for the ninth partial invitation to tender issued within the framework of the supplementary standing invitation to tender provided for in Regulation (EEC) No 2385/84

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 606/82⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 2385/84 of 14 August 1984 on a supplementary standing invitation to tender in order to determine levies and/or refunds on exports of raw sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar ;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 2385/84, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question ;

Whereas, following an examination of the tenders submitted in response to the ninth partial invitation to tender, the provisions set out in Article 1 should be adopted ;

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

HAS ADOPTED THIS REGULATION :

Article 1

The maximum export refund for the ninth partial invitation to tender for raw sugar issued under Regulation (EEC) No 2385/84 is hereby fixed at 40,950 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 27 June 1985.

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

Done at Brussels, 26 June 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 74, 18. 3. 1982, p. 1.

⁽³⁾ OJ No L 221, 18. 8. 1984, p. 21.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 5 June 1985

**derogating from High Authority recommendation No 1-64 on tariff protection
in order to enable the generalized tariff preferences to be applied to certain iron
and steel products originating in the developing countries**

(117th derogation)

(85/317/ECSC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Coal and Steel Community,

Having regard to High Authority recommendation No
1-64 of 15 January 1964 to the Governments of the
Member States concerning the protective duty on iron
and steel products at the external frontiers of the
Community⁽¹⁾, as last amended by recommendation
81/772/ECSC⁽²⁾,

Whereas, for a number of years, the Governments of
the Member States of the European Coal and Steel
Community meeting within the Council have granted
non-member countries covered by the generalized
preferences scheme tariff advantages in respect of
imports into the Community of certain ECSC iron
and steel products in the form of total tariff suspen-
sions without quantitative limits for certain types of
product or total tariff suspensions within the limits of
quotas either fixed or to be calculated for other types
of product;

Whereas the Commission is involved in the negotia-
tion of such concessions and in the decisions of the
representatives of the Governments implementing
them; whereas the decisions in question are taken
with the Commission's full agreement;

Whereas such concessions are covered by Article 3 of
High Authority recommendation No 1-64, under

which the Commission, after consulting the Member
States, can for reasons of commercial policy derogate
from the tariff obligations laid down by the recom-
mendation;

Whereas the most recent decision of the Member
States establishing tariff concessions was adopted, with
the Commission's agreement, on 18 December 1984⁽³⁾
and meets the requirements laid down in Article 3 of
the recommendation for the granting of a derogation,
that as a consequence it is appropriate to grant the
derogation for the concessions in question;

Whereas the Member States have been consulted on
the draft of this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The Member States are hereby authorized to derogate
from obligations arising under Article 1 of High
Authority recommendation No 1-64 to the extent
necessary to apply, on imports from non-member
countries of iron and steel products covered by the
ECSC Treaty, the duty suspensions resulting from the
Decision of the representatives of the Governments of
the Member States of the European Coal and Steel
Community of 18 December 1984.

⁽¹⁾ OJ No 8, 22. 1. 1964, p. 99/64.

⁽²⁾ OJ No L 285, 7. 10. 1981, p. 33.

⁽³⁾ OJ No L 338, 27. 12. 1984, p. 225.

Article 2

Done at Brussels, 5 June 1985.

This Decision is applicable with effect from 1 January 1985. It shall remain in force until 31 December 1985.

Article 3

This Decision is addressed to the Member States.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION DECISION

of 11 June 1985

concerning the zones referred to in Article 2 (3) of Regulation (EEC) No 2616/80 instituting a specific Community regional development measure contributing to overcoming constraints on the development of new economic activities in certain zones adversely affected by restructuring of the steel industry

(Only the French text is authentic)

(85/318/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2616/80 of 7 October 1980 instituting a specific Community regional development measure contributing to overcoming constraints on the development of new economic activities in certain zone adversely affected by restructuring of the steel industry⁽¹⁾, as amended by Council Regulation (EEC) No 216/84⁽²⁾, and in particular Article 2(3) thereof,

Whereas the specific measure instituted by Regulation (EEC) No 2616/80 already applies to the zones referred to in Article 2(2) of that Regulation;

Whereas Article 2(3) of Regulation (EEC) No 2616/80 provides that the specific measure shall also apply to those zones which in principle meet the criteria laid down in Article 2(1)(a), (b) and (f) of that Regulation each time the Commission has adopted a position on the restructuring programmes for the steel industry forwarded by the Member States in accordance with Commission Decision No 2320/81/ECSC of 7 August 1981 establishing Community rules for aids to the steel industry⁽³⁾;

Whereas France has forwarded its restructuring programme for the steel industry, and the Commission has adopted a position on that programme;

Whereas the zones likely to benefit from the specific measure must be the subject of a request by the

Member State in question; whereas France has submitted such a request to the Commission;

Whereas the départements of Nord, Meurthe-et-Moselle, Moselle, the arrondissements of Autun and Charolles in the département of Saône-et-Loire and the arrondissements of Charleville-Mézières and Sedan in the département of the Ardennes conform to the abovementioned criteria,

HAS ADOPTED THIS DECISION:

Article 1

The zones referred to in Article 2(3) of Regulation (EEC) No 2616/80 are, in the case of France, as follows:

the départements of Nord, Meurthe-et-Moselle, Moselle, the arrondissements of Autun and Charolles in the département of Saône-et-Loire and the arrondissements of Charleville-Mézières and Sedan in the département of the Ardennes.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 11 June 1985.

For the Commission

Grigoris VARFIS

Member of the Commission

⁽¹⁾ OJ No L 271, 15. 10. 1980, p. 9.

⁽²⁾ OJ No L 27, 31. 1. 1984, p. 9.

⁽³⁾ OJ No L 228, 13. 8. 1981, p. 14.

COMMISSION DECISION

of 21 June 1985

concerning applications submitted by Görtz & Co., Duisburg, for the refund of anti-dumping duties collected on certain imports of cotton yarn originating in Turkey

(85/319/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 16 thereof,

Whereas :

A. Procedure

- (1) On 3 December 1981 the Commission, by Regulation (EEC) No 3453/81⁽²⁾, imposed a provisional anti-dumping duty of 16 % on certain cotton yarn originating in Turkey; on 3 April 1982, by Council Regulation (EEC) No 789/82⁽³⁾, a definitive anti-dumping duty of 12 % was imposed on the product concerned and the amounts secured by way of provisional duty from 1 January 1982 pursuant to Regulation (EEC) No 3453/81 were definitively collected up to the amount of the definitive duty.
- (2) On 30 July 1982, an arrangement was agreed upon between the Commission on the one hand and the Turkish Government and the Turkish Textile Exporters' Association on the other. Under the terms of this arrangement the Turkish authorities and exporters agreed to raise the prices for exports of cotton yarn to the Community to specified levels (hereinafter called 'the arrangement prices'). The arrangement also provided for the periodic updating of these prices to take account of changes in raw cotton prices in Turkey which would have corresponding effects on prices of cotton yarn in Turkey. The arrangement prices were equivalent to the normal values definitively determined in Regulation (EEC) No 789/82 and, consequently, eliminated the dumping margin as finally established. Because of this arrangement, it was decided that it was no longer necessary to

levy an anti-dumping duty. The definitive duty was, therefore, repealed by Council Regulation (EEC) No 2306/82⁽⁴⁾. Regulation (EEC) No 789/82, however, continued to apply for those goods which had already been introduced into the customs territory of the Community but which had not yet been released into free circulation.

- (3) Between 1 April 1982 and 28 February 1983 Görtz and Co., Duisburg, an importer of cotton yarn from Turkey, submitted several applications to the German authorities for refunds of amounts, totalling DM⁽⁵⁾, which it had definitively paid in anti-dumping duties on its imports of cotton yarn from Turkey. The German authorities forwarded the applications to the Commission.
- (4) Following the submission by the applicant of further supporting evidence, the claims were examined by the Commission. The applicant was informed of the preliminary results of this examination and given an opportunity to comment on it. The comments made were taken into consideration prior to this Decision.
- (5) The Commission informed the Member States and gave its opinion on the matter. None of the Member States disagreed with the opinion of the Commission.

B. Arguments of the applicant

- (6) The applicant has based its claim on an allegation that its Turkish supplier's normal values were lower than those definitively determined in Regulation (EEC) No 789/82. In this respect it submitted a statement alleging certain price levels in Turkey but the source of this information was not disclosed and no evidence was submitted to substantiate it. The applicant also alleged that a certain number of the shipments involved in its claim were of low-quality cotton yarn and that therefore the normal value for these shipments should be reduced accordingly.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 347, 3. 12. 1981, p. 19.

⁽³⁾ OJ No L 90, 3. 4. 1982, p. 1.

⁽⁴⁾ OJ No L 246, 21. 8. 1982, p. 14.

⁽⁵⁾ In the published version of the Decision, some figures have hereinafter been omitted, pursuant to the provisions of Article 8 of Council Regulation (EEC) No 2176/84 concerning non-disclosure of business secrets.

- (7) In addition, the applicant has claimed that the arrangement prices mentioned in paragraph 2 above should not be used as normal values as these were not real prices as they were arrived at by negotiation between the Community and Turkey and, therefore, did not reflect actual price levels in Turkey. Moreover, the applicant has argued that the Commission's decision to use updated normal values for shipments released into free circulation in the Community (see paragraphs 10 and 11 below) after 28 August 1982 is not in accordance with Article 2 B of the Community's anti-dumping legislation. (Council Regulation (EEC) No 3017/79 ⁽¹⁾ in force at that time has now been replaced by Regulation (EEC) No 2176/84). In this respect the applicant claims that Article 2 B only allows the use of one normal value for all the shipments in question.

C. Admissibility

- (8) The application is admissible since it was introduced in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular the time limits.

D. Merits of the claim

- (9) In considering the validity of the applicant's claim, the Commission has used as normal values the arrangement prices (paragraph 2 above) in force at the time the goods concerned were released into free circulation in the Community. For goods released until 28 August 1982, the original arrangement prices were used and for goods released after that date, updated arrangement prices were used.
- (10) The Commission took the date on which the goods were released into free circulation in the Community as the basis for deciding which of the normal values mentioned in paragraph 9 above (original or updated arrangement prices) was appropriate. It is on that date that the obligation to pay the duty is incurred and the importer becomes eligible to claim a refund and, consequently, it is the circumstances on that date that have to be taken into account.
- (11) In taking the decision to use the arrangement prices in operation at the time of release into free circulation as normal values, consideration was given to the applicant's allegation that the arrangement prices were not genuine prices as they

were arrived at by negotiation between the Community and Turkey and as such did not reflect actual prices in Turkey. The Commission rejected this argument as the arrangement prices were, in fact, equivalent to the normal values established on the basis of constructed value at representative firms during the Commission's anti-dumping investigation in Turkey and, consequently, to those definitively determined in Regulation (EEC) No 789/82.

- (12) This method of establishing normal values at representative firms was only used by the Commission because individual Turkish exporters failed to reply to requests for domestic and export price information. The Commission was instead contacted by the Turkish Textile Exporters' Association who, acting on behalf of all Turkish exporters, including the Turkish supplier of the present applicant, volunteered price information which they stated was representative and could be verified at the premises of some of the larger exporters to the Community. This approach was accepted by the Commission since the Community's anti-dumping legislation provides expressly for such a representative method to be used and because of the assurances given by the Turkish Textile Exporters' Association of the representative nature of the exporters selected for this purpose.

- (13) Therefore, given that the abovementioned arrangement prices are equivalent to the normal values definitively determined in Regulation (EEC) No 789/82 and those normal values were calculated in accordance with the relevant provisions of the Community's anti-dumping legislation, the Commission considers that it was fully entitled to use them in the context of this refund claim. As the original arrangement prices remained in force until 28 August 1982, it is also considered appropriate that they be used as normal values for all goods released into free circulation in the Community until that date.

- (14) With regard to the goods released into free circulation in the Community after 28 August 1982, the Commission has decided to reject the applicant's argument that updated normal values should not be used. This is because the arrangement provided for the periodic updating of the arrangement prices to reflect increases in normal values and the Turkish Textile Exporters' Association agreed to this. In this respect, the Commission does not accept that Article 2 B of Regulation (EEC) No 2176/84 in any way precludes the updating of normal values. These provisions in

⁽¹⁾ OJ No L 339, 31. 12. 1979, p. 1.

Article 2 B should be read in conjunction with Article 2 (9) which states that normal values and export prices should be compared as nearly as possible at the same time. This makes it clear that normal values may be updated when calculating dumping margins. In any event, the use of updated normal values (in this case increased normal values) for certain shipments has not affected the applicant's claim in this case as its export prices were, in fact, below the original arrangement prices. The second question raised by the applicant, therefore, has no practical significance for the Commission's conclusion in this case.

- (15) Therefore, for the goods which were released into free circulation in the Community after 28 August 1982, the Commission has decided that the normal values to be used should be equivalent to the updated arrangement prices.
- (16) The Commission has also decided to reject the applicant's request that lower normal values should be used for certain shipments because the cotton yarn is of a lower quality. This is because, though the arrangements mentioned in paragraph 2 above does allow for lower export prices for low-quality cotton yarn, the applicant did not

provide any evidence to substantiate its claim and, in any event, failed to identify which shipments it was alleging were of a low quality.

- (17) A comparison of the normal values mentioned in paragraphs 13 and 15 above with the export prices of the goods concerned shows that the applicant's claim is not justified,

HAS ADOPTED THIS DECISION :

Article 1

The refund applications submitted by Görtz and Co., Duisburg, between 1 April 1982 and 28 February 1983, are not hereby rejected.

Article 2

This Decision is addressed to Görtz and Co., Duisburg.

Done at Brussels, 21 June 1985.

For the Commission

Willy DE CLERCQ

Member of the Commission
