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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2315/86**of 21 July 1986****amending Annex VI to Regulation (EEC) No 3796/81 on the common organization of the market in fishery products**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products⁽¹⁾, as last amended by the 1985 Act of Accession, and in particular Article 30 thereof,

Having regard to the proposal from the Commission,

Whereas, within the framework of the free-trade agreements between the European Economic Community on the one hand, and the Kingdom of Sweden and the Swiss Confederation on the other, agreements in the form of an Exchange of Letters have been concluded following the accession of Spain and Portugal to the Community;

Whereas, in this Exchange of Letters, the Community undertakes to apply preferential treatment to imports of

certain freshwater fish originating in and coming from Sweden or Switzerland; whereas it is therefore necessary to amend Annex VI to Regulation (EEC) No 3796/81,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VI to Regulation (EEC) No 3796/81 shall be amended in accordance with the Annex to this Regulation.

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, 21 July 1986.

For the Council

The President

G. HOWE

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

ANNEX

In subheading 03.01 A, the text following subheading 03.01 A I b) shall be replaced by the following :

Heading number	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
03.01	A. . . .		
	I. . . .		
	a) . . .		
	b) . . .		
	c) Lake white fish	16	8
	d) Other	16	10
	II. Eels (<i>Anguilla</i> spp)	10	3
	III. Carp	10	8
	IV. Other :		
	a) Ornamental fish	10	Free
	b) Other	10	8

The text of subheading 03.01 B I a) 2 and the corresponding footnotes shall be replaced by the following :

Heading number	Description	Rate of duty	
		Autonomous % or levy (L)	Conventional %
1	2	3	4
03.01	B. . . .		
	I. . . .		
	a) . . .		
	1. . . .		
	aa) . . .		
	bb) . . .		
	2. from 16 June to 14 February :		
	aa) Fresh or chilled	20 (a)	15 (a) (b)
	bb) Frozen	20 (a)	15 (a) (b)
	(a) Subject to compliance with the reference price. A countervailing tax is provided for in the case of non-compliance with the reference price.		
	(b) Duty exemption within the limits of an annual tariff quota of 34 000 tonnes to be granted by the competent authorities and subject to compliance with the reference price.		

COUNCIL REGULATION (EEC) No 2316/86

of 21 July 1986

amending Regulation (EEC) No 857/84 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EEC) No 1335/86⁽²⁾, and in particular Article 5c (6) thereof,

Having regard to the proposal from the Commission,

Whereas Article 2 of Regulation (EEC) No 857/84⁽³⁾, as last amended by Regulation (EEC) No 1911/86⁽⁴⁾, provides that the reference quantity for producers or purchasers must be fixed on the basis of the quantity delivered or purchases made during the 1981 calendar year plus 1 %; whereas, however, Member States may use the figures for 1982 or 1983 providing that they weight the quantity delivered or purchased by a corresponding uniform percentage; whereas Article 2 (2) authorizes the Member States to vary the percentage on the basis of the trend in deliveries in certain regions between 1981 and 1983 or of the trend in deliveries of certain categories of persons liable during this same period;

Whereas, for administrative reasons, it should be provided that the reference quantity for producers or purchasers in Spain be fixed on the basis of the quantity delivered or purchased during one of the three years nearest to the date of accession, i. e. 1983, 1984 or 1985; whereas, at the same time, the trends taken into account pursuant to Article 2 (2) of Regulation (EEC) No 857/84 should be those occurring between 1983 and 1985; whereas, for the same reason, provision should be made that, where Article 3 (3) of the said Regulation applies, the reference to any other calendar reference year should be included within the 1983 to 1985 period;

Whereas the same provisions should apply to direct sales,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 857/84 is hereby amended as follows:

1. the second subparagraph of Article 2 (1) shall be replaced by the following:

‘However:

- (a) Member States other than the Kingdom of Spain may provide that, on their territory, the reference quantity referred to in the first subparagraph shall be equal to the quantity of milk or milk equivalent delivered or purchased during the 1982 calendar year or the 1983 calendar year, weighted by a percentage established so as not to exceed the guaranteed quantity defined in Article 5c of Regulation (EEC) No 804/68;
- (b) The Kingdom of Spain may provide that, on its territory, the reference quantity referred to in the first subparagraph shall be equal to the quantity of milk or milk equivalent delivered or purchased during the 1983 calendar year, the 1984 calendar year or the 1985 calendar year, weighted by a percentage established so as not to exceed the guaranteed quantity defined in Article 5c of Regulation (EEC) No 804/68.’;

2. the following subparagraph shall be added to Article 2 (2):

‘However, in Spain, the percentages referred to in paragraph 1 may be varied on the basis of the level of deliveries of certain categories of persons liable for the levy, of the trend in deliveries in certain regions between 1983 and 1985 or of the trend in deliveries of certain categories of persons liable during this same period, under conditions to be determined according to the procedure provided for in Article 30 of Regulation (EEC) No 804/68.’;

3. the following sentence shall be added to point 3 of the first paragraph of Article 3:

‘However, in Spain, such producers shall, at their request, obtain the taking into account of another calendar reference year within the 1983 to 1985 period.’;

4. the second subparagraph of Article 6 (1) shall be replaced by the following:

‘However:

- (a) Member States other than the Kingdom of Spain may provide that, on their territory, the reference quantity for the producer shall be equal to the quantity of direct sales which he has made during the 1982 calendar year or the 1983 calendar year, weighted by a percentage;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽⁴⁾ OJ No L 165, 21. 6. 1986, p. 6.

(b) the Kingdom of Spain may provide that, on its territory, the reference quantity for the producer shall be equal to the quantity of direct sales which he has made during the 1983 calendar year, the 1984 calendar year or the 1985 calendar year, weighted by a percentage';

5. the following subparagraph shall be added to Article 6 (1):

'However, in Spain, the percentage referred to in the first and second subparagraphs may be varied on the basis of the level of sales of certain categories of persons liable for the levy, of the trend in sales in certain regions between 1983 and 1985 or of the trend

in sales of certain categories of persons liable during this same period, under conditions to be determined according to the procedure provided for in Article 30 of Regulation (EEC) No 804/68.'

Article 2

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

It shall apply with effect from 1 April 1986.

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

Done at Brussels, 21 July 1986.

For the Council

The President

G. HOWE

COUNCIL REGULATION (EEC) No 2317/86**of 21 July 1986****amending Regulation (EEC) No 866/84 laying down special measures concerning the exclusion of milk products from inward processing arrangements and from certain usual forms of handling**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EEC) No 1335/86 ⁽²⁾, and in particular Article 12 (2) and Article 18 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 866/84 ⁽³⁾, as last amended by Regulation (EEC) No 1342/86 ⁽⁴⁾, excludes milk products from inward processing arrangements for a five-year period expiring at the end of the 1988/1989 marketing year;

Whereas up to 12 May 1986 access to inward processing arrangements for whey was authorized to enable certain traditional trade flows to continue between Austria and the Federal Republic of Germany; whereas however the increased availability of raw material of Community origin is recognized; whereas to enable the necessary adaptations to take place, access to the inward processing arrangements for whey intended for the manufacture of

certain compensatory products should be authorized for a further limited period,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is hereby added in Article 1 (1) of Regulation (EEC) No 866/84:

'However, the use of inward processing arrangements shall not be prohibited up to 31 December 1986 in respect of whey falling within subheading 04.02 A I of the Common Customs Tariff when it is processed into products falling within subheadings 04.02 A I, 17.02 A, 21.07 D II a) 1 and 21.07 F I, and into lactalbumin falling within subheading 35.02 A.'

Article 2

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

It shall apply from 12 July 1986.

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

Done at Brussels, 21 July 1986.

For the Council

The President

G. HOWE

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 27.

⁽⁴⁾ OJ No L 119, 8. 5. 1986, p. 32.

COMMISSION REGULATION (EEC) No 2318/86

of 24 July 1986

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1579/86⁽²⁾, and in particular Article 13 (5) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 2010/86⁽⁴⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for 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 coefficient;

Whereas these exchange rates being those recorded on 23 July 1986;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2010/86 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 25 July 1986.

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

Done at Brussels, 24 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 1.

ANNEX

to the Commission Regulation of 24 July 1986 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CCT heading No	Description	Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	—	160,35
10.01 B II	Durum wheat	11,04	229,28 ⁽¹⁾ ⁽²⁾
10.02	Rye	26,75	141,02 ⁽⁶⁾
10.03	Barley	23,68	164,96
10.04	Oats	61,67	146,15
10.05 B	Maize, other than hybrid maize for sowing	—	161,21 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	—	0
10.07 B	Millet	23,68	34,79 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid maize for sowing	—	169,84 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	—	0 ⁽²⁾
11.01 A	Wheat or meslin flour	1,61	236,56
11.01 B	Rye flour	50,45	210,42
11.02 A I a)	Durum wheat groats and meal	30,11	368,38
11.02 A I b)	Common wheat groats and meal	1,74	255,48

⁽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 2319/86

of 24 July 1986

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 the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1579/86⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2011/86⁽⁴⁾ and subsequent amending Regulations;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- for 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 coefficient;

Whereas these exchange rates being those recorded on 23 July 1986;

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

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 originating in Portugal shall be zero.

2. 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 originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 July 1986.

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

Done at Brussels, 24 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 24 July 1986 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

CCT heading No	Description	(ECU/tonne)			
		Current 7	1st period 8	2nd period 9	3rd period 10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	6,45	6,45	8,29
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	1,17
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	5,43
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid maize for sowing	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	2,08	2,08
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	1,56	1,56
11.07 B	Roasted malt	0	0	0	1,81	1,81

COMMISSION REGULATION (EEC) No 2320/86

of 24 July 1986

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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 1454/86⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽³⁾, as last amended by Regulation (EEC) No 1201/85⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁵⁾, as last amended by Regulation (EEC) No 436/85⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁷⁾, as last amended by Regulation (EEC) No 436/85, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁸⁾, as last amended by Regulation (EEC) No 435/85⁽⁹⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹⁰⁾;

Whereas by Regulation (EEC) No 3131/78⁽¹¹⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹²⁾ speci-

fies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

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

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 21 and 22 July 1986 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within subheadings 07.01 N II and 07.03 A II of the Common Customs Tariff and on products falling within subheadings 15.17 B I and 23.04 A II of the Common Customs Tariff must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 25 July 1986.

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

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 124, 9. 5. 1985, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 52, 22. 2. 1985, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 52, 22. 2. 1985, p. 1.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹¹⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 24 July 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)

CCT heading No	Non-member countries
15.07 A I a)	70,00 ⁽¹⁾
15.07 A I b)	68,00 ⁽¹⁾
15.07 A I c)	60,00 ⁽¹⁾
15.07 A II a)	79,00 ⁽²⁾
15.07 A II b)	95,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this tariff subheading and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

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

(b) Turkey : 11,48 ECU/100 kg (*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : 12,69 ECU/100 kg (*) provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽²⁾ For imports of oil falling within this tariff subheading :

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

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

⁽³⁾ For imports of oil falling within this tariff subheading :

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

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

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)

CCT heading No	Non-member countries
07.01 N II	14,96
07.03 A II	14,96
15.17 B I a)	34,00
15.17 B I b)	54,40
23.04 A II	4,80

COMMISSION REGULATION (EEC) No 2321/86

of 24 July 1986

laying down detailed rules for the application of Council Regulation (EEC) No 1336/86 fixing compensation for the definitive discontinuation of milk production

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1336/86 of 6 May 1986 fixing compensation for the definitive discontinuation of milk production ⁽¹⁾, and in particular Article 5 thereof,

Whereas Regulation (EEC) No 1336/83 fixes the dates by which the producers who will receive the compensation for the discontinuation of milk production must have effectively ceased this activity; whereas the procedures to be followed for the implementation of the programme and their timetable should be determined both for the producer and for the competent national authorities;

Whereas Article 2 (2) of the abovementioned Regulation fixes the amount of the compensation at a maximum of 4 ECU per year and per 100 kilograms of milk or milk equivalent; whereas, in the case where the sum of the eligible requests concerns a quantity which exceeds the quantity fixed in Annex I to the same Regulation, the Member State concerned must lay down rules for the acceptance of the requests, varying if necessary the amount of the compensation, according to objective criteria in order to take account of the structures of milk production;

Whereas the consequence of the acceptance of the requests may be that the sum of the non-discontinued reference quantities for deliveries is lower than the guaranteed total quantities fixed in the third subparagraph of Article 5c (3) under (b) and (c) of Council Regulation (EEC) No 804/68 ⁽²⁾, as last amended by Regulation (EEC) No 1335/86 ⁽³⁾, or that the sum of the non-discontinued reference quantities for direct sales is lower than the quantities referred to in the Annex to Council Regulation (EEC) No 857/84 ⁽⁴⁾, as last amended by Regulation (EEC) No 2316/86 ⁽⁵⁾, for the periods 1 April 1987 to 31 March 1988 and 1 April 1988 to 31 March 1989; whereas, in this case, the guaranteed total quantities for deliveries and the total quantities for direct sales will be adapted in accordance with Article 5c (7) of Regulation (EEC) No 804/68 and the second subparagraph of Article 6 (2) of Regulation (EEC) No 857/84.

Whereas in cases where the obligations laid down are not respected, the producer will render himself liable to the

payment of the additional levy which may be due for any delivery or direct sale to consumption of milk or milk equivalent carried out after the date specified for the definitive discontinuation of milk production; whereas it should also be laid down that Member States must, on the one hand, take all the necessary steps for the implementation of the action and for its supervision, including the penal or administrative measures for the recovery of compensation which has been improperly paid, and, on the other hand, make the required communications to the Commission, whether for statistical purposes or for the assessment of the results of the programme;

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

HAS ADOPTED THIS REGULATION:

TITLE I

Determination of the compensation*Article 1*

Before the opening of the period for the submission of requests and without prejudice to the application of Article 3 (3), Member States shall:

- fix the amount of the compensation in accordance with Article 2 (2) of Regulation (EEC) No 1336/86 and the amounts of the increase where Article 2 (3) of that Regulation is applied,
- lay down, where appropriate, the rules for the acceptance of requests in accordance with Article 3 (2) of this Regulation.

TITLE II

Submission and acceptance of requests*Article 2*

1. Requests for the granting of the compensation must be submitted by the producers concerned to the competent authority designated by the Member State:

- during the period 28 July to 30 November 1986 as regards the first year of application referred to in the first indent of the third subparagraph of Article 1 (1) of Regulation (EEC) No 1336/86,

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 21.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽³⁾ OJ No L 119, 8. 5. 1986, p. 19.

⁽⁴⁾ OJ No L 90, 1. 4. 1984, p. 13.

⁽⁵⁾ See page 3 of this Official Journal.

- during the period 1 December 1986 to 31 October 1987 as regards the second year of application referred to in the second indent of the third subparagraph of Article 1 (1) of Regulation (EEC) No 1336/86.

Each Member State may fix the opening and closing dates of the period for the submission of requests within the periods referred to in the first subparagraph.

2. For each producer, as defined in the first subparagraph of Article 12 (c) of Regulation (EEC) No 857/84, the request shall include at least the following information :

- (a) the reference quantity referred to in Article 5c (1) of Regulation (EEC) No 804/68, to which the producer is entitled on the date when the request is presented, showing separately, where appropriate, the quantities granted in accordance with Article 3 (1) and (2) or Article 4 (1) (b) and (c) of Regulation (EEC) No 857/84, accompanied by the express mention that the aforesaid quantities are not taken into account for the calculation of the compensation ;
- (b) the reference quantity, referred to in Article 5c (2) of Regulation (EEC) No 804/68, to which the producer is entitled on the date when the request is presented, showing separately, where appropriate, the quantities granted in accordance with Article 3 (1) and (2) or Article 4 (1) (b) and (c) of Regulation (EEC) No 857/84, accompanied by the express mention that the aforesaid quantities are not taken into account for the calculation of the compensation ;
- (c) a declaration by the producer certifying that he undertakes :
 - to discontinue milk production definitively no later than 31 March following the date of acceptance of his request,
 - to give up any entitlement to a reference quantity in the context of the arrangements provided for in Article 5c of Regulation (EEC) No 804/68.

Article 3

1. Upon receipt of the request, the competent authority shall :
 - (a) verify the information referred to in Article 2 (2) (a) and (b) and record the written undertaking referred to in Article 2 (2) (c) ;
 - (b) inform the producers concerned, no later than 31 January 1987 as regards requests submitted during the period referred to in the first indent of Article 2 (1), or no later than 31 December 1987 as regards requests submitted during the period referred to in the second indent of Article 2 (1), whether the request has been

accepted or not and inform the purchasers concerned accordingly.

2. Where in a Member State the sum of the requests eligible for the compensation relates to a quantity which exceeds the quantity laid down in Annex I to Regulation (EEC) No 1336/86, the Member State concerned shall determine rules for the acceptance of requests varying, if necessary, the amount of the compensation on the basis of one or more of the following criteria :

- the date of receipt of the request,
- the age of the producer,
- the level of his reference quantity,
- the criteria referred to in the second subparagraph of Article 2 (3) of Regulation (EEC) No 1336/86.

3. Where in a Member State the sum of the requests eligible for the compensation does not reach the quantity referred to in Annex I to Regulation (EEC) No 1336/86, the Member State concerned shall extend the period for the submission of requests referred to in the second subparagraph of Article 2 (1) in order for this quantity to be reached in accordance with the first subparagraph of Article 2 (5) of Regulation (EEC) No 1336/86.

TITLE III

Payment of the compensation

Article 4

1. For accepted requests, the amount of the compensation shall be paid each year for seven years to the producers concerned during the period 1 April to 30 June of the year in question and in respect of the quantities defined in Article 1 (3) of Regulation (EEC) No 1136/86.

The first payment of the compensation shall be made during the period 1 April to 30 June following the date of acceptance of the request. However, this first payment may be made during the period 1 January to 31 March, if the producer proves, to the satisfaction of the competent authority, that he has definitively discontinued milk production before the beginning of this period.

Where Article 2 (3) of Regulation (EEC) No 1336/86 is applied, Member States shall determine the period or periods for the payment of the increase.

2. Without prejudice to the spreading of payment of the Community financing over eight years, as provided for in Article 2 (1) of Regulation (EEC) No 1336/86, Member States may, by way of derogation from the first and second subparagraphs of paragraph 1, pay the compensation in one or two instalments to all the producers concerned.

3. In the event of the death of the recipient of the compensation, his successors may receive the amounts of the compensation which remain due, on condition that the said successors give an undertaking to the competent authority to assume the obligations entered into by the deceased producer.

Article 5

Where Article 2 (5) of Regulation (EEC) No 1336/86 applies, the available part of the amounts set out in Annex II to that Regulation shall be allocated to the Member States for the first and second years of application during the two months which follow the acceptance of the requests referred to in Article 3 (1) of this Regulation to be assigned for the financing of the measures referred to in Article 4 (1) (a) of Regulation (EEC) No 857/84. For the other years, the available part shall be allocated to Member States in January of each year concerned.

The reference quantities thus released shall, as necessary, be added to the reserve referred to in Article 5 or in Article 6 (3) of Regulation (EEC) No 857/84 to be used in application of Article 3 (2) and of Article 4 (1) (b) and (c) of the same Regulation.

Article 6

The amounts of the compensation referred to in Article 2 (2) and the amounts referred to in Annex II to Regulation (EEC) No 1336/86 shall be converted into national currencies by using the agricultural conversion rate in force on:

- 28 July 1986 for requests accepted no later than 31 January 1987,
- 1 February 1987 for requests accepted after 31 January 1987 and no later than 31 December 1987.

TITLE IV

Supervisory measures

Article 7

1. Member States shall take all the measures required to recover any compensation already paid where the undertakings laid down have not been complied with and to ensure that interested parties are informed of the penal or administrative sanctions to which they will be subject if they fail to comply with the provisions of this Regulation.

Member States shall inform the Commission of the measures adopted to ensure compliance with the undertakings given and shall keep it periodically informed of the position as regards administrative and legal proceedings relating thereto.

2. The sums recovered shall be transferred to the payment agencies or services and shall be debited by the

latter from the expenditure financed by the Guarantee Section of the EAGGF.

TITLE V

Final provisions

Article 8

For the purposes of this Regulation, the following definitions shall apply:

- (a) milk production: all production of cows' milk by a producer as defined in Article 12 (c) of Regulation (EEC) No 857/84;
- (b) definitive discontinuation of milk production: the cessation of milk production, as defined under (a), throughout the period of application of the discontinuation arrangements provided for by Regulation (EEC) No 1336/86 or until the end of the scheme provided for in Article 5c of Regulation (EEC) No 804/68, where the latter falls on a later date.

Article 9

1. Within the time limits laid down in Article 4 of Regulation (EEC) No 1336/86, Member States shall notify the Commission of the following:

- the amounts of the compensation granted in accordance with Article 2 (2) of Regulation (EEC) No 1336/86,
- where appropriate, the amount of the increase referred to in Article 2 (3) of Regulation (EEC) No 1336/86 and the detailed rules of application where the amount of the increase is adapted to take account of different local conditions,
- where appropriate, the measures taken pursuant to Article 3 (2) of Regulation (EEC) No 1336/86,
- the number of requests submitted by producers who have exclusively a reference quantity under Article 5c (1) of Regulation (EEC) No 804/68 for deliveries to purchasers and the sum of the corresponding reference quantities,
- the number of requests submitted by producers who have exclusively a reference quantity under Article 5c (2) of Regulation (EEC) No 804/68 for direct sales and the sum of the corresponding reference quantities,
- the number of requests submitted by producers who have both a reference quantity for deliveries and for direct sales, showing separately the sum of the corresponding reference quantities,
- the number of requests referred to in the fourth indent, accepted for payment of compensation, the sum of the corresponding reference quantities and the sum of the quantities of milk and milk equivalent delivered by the producers concerned to one or more purchasers during the 12-month period of application of the additional levy system preceding the date of submission of the request,

- the number of requests referred to in the fifth indent, accepted for payment of compensation, the sum of the corresponding reference quantities and the sum of the quantities of milk and milk equivalent sold directly to consumption by the producers concerned during the 12-month period of application of the additional levy system preceding the date of submission of the request,
- the number of requests referred to in the sixth indent, accepted for payment of compensation, the sum of the corresponding reference quantities and the quantities of milk and milk equivalent delivered by the producers concerned to one or more purchasers, on the one hand, and sold directly to consumption by those same producers, on the other hand, during the 12-month period of application of the additional levy system preceding the date when the request was lodged,
- all data concerning the number of milk cows and heifers in calf suitable for milk production and the agricultural area used for milk production on the holding at the date of the request, by the producers referred to in the seventh, eighth and ninth indents.

2. Accepted requests, as referred to in the seventh, eighth, ninth and tenth indents of paragraph 1, shall be classified as follows :

- according to the size of the reference quantities concerned,
- according to the regions of the Member State where the applicants are located.

Article 10

By 31 May 1988 at the latest, Member States shall submit to the Commission a report assessing the results of the measure, containing in particular all information on the reasons for the participation of producers in the scheme and its impact on the regional or national development of milk production in the Member State concerned.

Article 11

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

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

Done at Brussels, 24 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2322/86
of 24 July 1986

amending for the 18th time Regulation (EEC) No 610/77 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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EEC) No 3768/85 ⁽²⁾, and in particular Article 12 (7) thereof,

Whereas the information available on the trend in cattle numbers indicates that the coefficients used in calculating the price of adult bovine animals on the representative markets of the Community should be adjusted;

Whereas Annex I to Commission Regulation (EEC) No 610/77 ⁽³⁾, as last amended by Regulation (EEC) No 1969/86 ⁽⁴⁾, should therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 610/77 is replaced by the Annex hereto.

Article 2

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

It shall apply for the purposes of calculating the levies in force from 7 August 1986.

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

Done at Brussels, 24 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽³⁾ OJ No L 77, 25. 3. 1977, p. 1.

⁽⁴⁾ OJ No L 170, 27. 6. 1986, p. 24.

*ANNEX**ANNEX I*

**Coefficients to be used in calculating the price on the representative Community markets
for adult bovine animals**

Germany	18,9
Belgium	3,6
Denmark	3,2
Spain	6,0
France	27,6
Greece	0,9
Ireland	7,0
Italy	10,9
Luxembourg	0,3
Netherlands	6,2
United Kingdom	15,4'

COMMISSION REGULATION (EEC) No 2323/86

of 24 July 1986

fixing for the 1986/87 marketing year the reference prices for carp

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

Having regard to Council Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products ⁽¹⁾, as amended by the Act of Accession of Spain and Portugal, and in particular Article 22 (5) thereof,

Whereas Article 22 (1) thereof provides that before the beginning of each marketing year reference prices may be fixed for carp; whereas those prices may be fixed at different levels within each marketing year according to seasonal fluctuations in prices;

Whereas Commission Regulation (EEC) No 1985/74 of 25 July 1974 laying down detailed rules of application for carp ⁽²⁾, as amended by Regulation (EEC) No 2046/85 ⁽³⁾, provides that the reference prices shall be fixed for the period 1 August to 30 November, for the period from 1 December to 31 December and for the period from 1 January to 31 July;

Whereas the fixing of reference prices is essential in order to enable appropriate measures to be applied for the protection of Community production; whereas, having

regard to the information available on production prices, reference prices should be fixed at the levels indicated below;

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

HAS ADOPTED THIS REGULATION:

Article 1

The reference price for carp shall be as follows:

- for the period 1 August to 30 November 1986: 1 715 ECU/tonne,
- for the period 1 December to 31 December 1986: 1 491 ECU/tonne,
- for the period 1 January to 31 July 1987: 1 373 ECU/tonne.

Article 2

This Regulation shall enter into force on 1 August 1986.

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

Done at Brussels, 24 July 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 207, 29. 7. 1974, p. 30.

⁽³⁾ OJ No L 193, 25. 7. 1985, p. 15.

COMMISSION REGULATION (EEC) No 2324/86

of 24 July 1986

amending Regulation (EEC) No 1183/86 laying down detailed rules for the system for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 475/86 of 25 February 1986 laying down general rules for the system for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain⁽¹⁾, and in particular Article 16 thereof,

Whereas, in the interests of efficient administration, the period of validity of the import documents should be extended;

Whereas the method used to determine the weight of the sunflower seeds qualifying for the compensatory aid referred to in Article 14 of Regulation (EEC) No 475/86 should be laid down;

Whereas the second subparagraph of Article 14 (1) of Commission Regulation (EEC) No 1183/86⁽²⁾ provides that products imported as part of a compensation arrangement will not be subject to payment of the levy unless the products exported under this arrangement are rape seed or soya beans produced in Spain; whereas, in the interests of efficient administration, application of the levy should be extended to compensation arrangements affecting sunflower seed;

Whereas Regulation (EEC) No 1183/86 lays down, for certain oils, an overall limit to the quantities which may be imported and provides for the payment of an import levy; whereas, before accession, the Spanish market for these oils was controlled simply by fixing limits to the quantities imported; whereas, to avoid market distur-

bances, the quantities of these oils traditionally imported should, therefore, be exempted from the said levy;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1183/86 is hereby amended as follows:

1. The first sentence of Article 5 (4) is replaced by the following:
'The period of validity of the documents shall be four months.'
2. The following is added to Article 13 (2):
'For these seeds, the weight is to be determined according to the method laid down in Annex I to Regulation (EEC) No 2681/83.'
3. The second subparagraph of Article 14 (1) is replaced by the following:
'Products imported as part of a compensation arrangement shall not be subject to payment of the levy unless the products exported under this arrangement are rape seed, soya beans or sunflower seed produced in Spain.'
4. Article 14 (4) is replaced by the following:
'4. However, the levy shall not be charged:
— on the products referred to in Annex III,
— on imports of the products referred to in Article 1 (1) (c) within the limit of 34 000 tonnes.'

Article 2

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

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

Done at Brussels, 24 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽²⁾ OJ No L 107, 24. 4. 1986, p. 17.

COMMISSION REGULATION (EEC) No 2325/86**of 24 July 1986****on communications from Member States to the Commission with regard to
peas, field beans and sweet lupins**

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

Having regard to Council Regulation (EEC) No 1431/82
of 18 May 1982 laying down special measures for peas,
field beans and sweet lupins ⁽¹⁾, as last amended by Regu-
lation (EEC) No 1485/85 ⁽²⁾, and in particular Article 5
thereof,

Whereas, in order to ensure sound management of the
measures laid down for peas, field beans and sweet lupins,
Member States must keep the Commission informed
about the implementation of the measures provided for in
Council Regulation (EEC) No 2036/82 of 19 July 1982
adopting general rules concerning special measures for
peas, field beans and sweet lupins ⁽³⁾, as last amended by
Regulation (EEC) No 1832/85 ⁽⁴⁾, and in Commission
Regulation (EEC) No 3540/85 ⁽⁵⁾, as last amended by
Regulation (EEC) No 604/86 ⁽⁶⁾; whereas to that end
certain information on the situation with regard to
approved bodies and to production, markets and the
pattern of trade in peas, field beans and sweet lupins must
be communicated by Member States to the Commission
at regular intervals;

Whereas, however, such communication should be kept
to a strict minimum and should make allowance for the
administrative facilities at present available in the Member
States;

Whereas, in the interests of efficient administration, all
the obligations falling on Member States as regards the
information to be sent at regular intervals to the Commis-
sion should be included in this Regulation, and Commis-
sion Regulation (EEC) No 202/85 ⁽⁷⁾ should therefore be
repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall forward to the Commission, within
30 days of approval, the names and addresses of bodies

approved in accordance with Article 8 (2) of Regulation
(EEC) No 2036/82 and the number of producers
belonging to them.

Article 2

Member States shall, not later than Friday of each week,
notify the Commission of the quantities of peas and field
beans on one hand, and the quantities of sweet lupins on
the other, for which applications for a certificate of
advance fixing of aid as referred to in Article 6 (4) of
Regulation (EEC) No 2036/82 have been received during
the previous week.

The information shall be supplied separately for products
intended for animal feed and products intended for
human or similar consumption.

However, if during any week a Member State receives no
such applications, the requirement for weekly notification
to the Commission shall not apply. In such a case the
Member State concerned shall inform the Commission, at
the time that it forwards the monthly information
required under Article 4, of any weeks during which no
applications were received.

Article 3

Member States shall notify the Commission of the quanti-
ties, compiled separately for peas, field beans and sweet
lupins, for which applications for identification as referred
to in Article 6 (1) of Regulation (EEC) No 2036/82 have
been lodged during each half of each month, broken
down into the quantities for which aid has been fixed in
advance and those for which aid has not been fixed in
advance. The information relating to the first 15 days of
the month shall be notified by the 25th of the month in
question and that relating to the remainder by the 10th of
the following month.

The information shall be supplied separately for products
intended for animal feed and products intended for
human or similar consumption.

However, if during any half of any month a Member State
receives no such applications, the requirement for twice-
monthly notification to the Commission shall not apply.
In such a case the Member State concerned shall inform
the Commission, at the time that it forwards the monthly
information required under Article 4, of any half-month
periods during which no applications were received.

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 151, 10. 6. 1985, p. 7.

⁽³⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 173, 3. 7. 1985, p. 3.

⁽⁵⁾ OJ No L 342, 14. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 58, 1. 3. 1986, p. 26.

⁽⁷⁾ OJ No L 23, 26. 1. 1985, p. 22.

Article 4

For each month, Member States shall forward to the Commission, within 30 days following the end of the month, the following information, compiled separately for peas, field beans and sweet lupins :

- the number of certificates issued as referred to in Article 4 (2) of Regulation (EEC) No 2036/82, together with the quantities concerned,
- the quantities for which Article 30 of Regulation (EEC) No 3540/85 has been applied,
- the quantities for which Article 31 of Regulation (EEC) No 3540/85 has been applied.

Article 5

Member States shall forward to the Commission before 1 November each year, for the preceding marketing year, the following information compiled separately for peas, field beans and sweet lupins :

- the quantities actually used, broken down in accordance with the subdivisions of Article 9 of Regulation (EEC) No 3540/85, and the numbers of approved users, both in total and by type of use,
- the quantities actually used by the approved bodies, broken down in accordance with the subdivisions of Article 21 of Regulation (EEC) No 3540/85, the

number of such bodies and the numbers of producers belonging to them,

- the number of declarations of delivery lodged as referred to in Article 4 (1) of Regulation (EEC) No 2036/82, together with the quantities covered by them.

Article 6

Member States shall, by 31 July 1986, forward to the Commission the information specified in Article 3, relating to the period starting on 1 January 1986 and ending on 30 June 1986. No half-monthly breakdown of the information need be given in respect of that period.

Article 7

Regulation (EEC) No 202/85 is hereby repealed.

Article 8

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

It shall apply with effect from 1 July 1986.

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

Done at Brussels, 24 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2326/86**of 24 July 1986****amending Regulation (EEC) No 3598/83 in the matter of the list of representative
wholesale markets and ports for fishery products**

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

Having regard to Council Regulation (EEC) No 3796/81
of 29 December 1981 on the common organization of the
market in fishery products ⁽¹⁾, as last amended by the Act
of Accession of Spain and Portugal, and in particular
Articles 11 (4), 15 (4) and 17 (6) thereof,

Whereas the list of representative wholesale markets and
ports was fixed by Commission Regulation (EEC) No
3598/83 of 20 December 1983 on the notification of
prices and fixing the list of representative wholesale
markets and ports for fishery products ⁽²⁾, as last amended
by Regulation (EEC) No 3473/85 ⁽³⁾;

Whereas experience has shown that in the above-
mentioned list the representative ports and markets for
Atlantic sardines should be distinguished from those for
Mediterranean sardines, and those for mackerel should be
distinguished from those for Spanish mackerel;

Whereas the representative markets and ports of the
Azores and Madeira regions for tuna should be added to
the list;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3598/83 is replaced
by the Annex hereto.

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, 24 July 1986.

For the Commission

António CARDOSO E CUNHA

Member of the Commission

⁽¹⁾ OJ No L 379, 31. 12. 1981, p. 1.

⁽²⁾ OJ No L 357, 21. 12. 1983, p. 17.

⁽³⁾ OJ No L 333, 11. 12. 1985, p. 10.

ANNEX

ANNEX

REPRESENTATIVE WHOLESALE MARKETS AND PORTS FOR FISHERY PRODUCTS

I. Products listed in Annex I (A) to Regulation (EEC) No 3796/81

1. Herrings		Boulogne-sur-Mer Bremerhaven/Cuxhaven Fehmarn/Kiel/Maasholm Hirtshals/Skagen Killybegs Lerwick the combined markets of Mallaig/Oban/Ullapool/Stornoway the combined markets of Rossaveal Scheveningen/IJmuiden
2. Sardines		
(a) Atlantic		La Turballe Saint-Guénolé Santa Eugenia de Riveira Sada Vigo Matosinhos Peniche Figueira da Foz Olhão Portimão
(b) Mediterranean	the combined markets of the combined markets of	Kavala Ancona/Cesenatico Chioggia/Porto Garibaldi Marseille Patras Port-Vendres Salerno Salonique Siccia Sète Trapani Viareggio Castellón Tarragona
3. Dogfish	the combined markets of	Boulogne-sur-Mer Bremerhaven/Cuxhaven Fleetwood Grimsby IJmuiden Lorient Lowestoft Ostende Lisboa Sesimbra Nazaré Matosinhos Figueira da Foz Portimão
4. Redfish	the combined markets of	Boulogne-sur-Mer Bremerhaven/Cuxhaven Ostende

5. Cod	the combined markets of	Aberdeen/Peterhead Boulogne-sur-Mer
	the combined markets of	Bremerhaven/Cuxhaven
	the combined markets of	Heiligenhafen/Kiel
	the combined markets of	Esbjerg/Thyborøn
	the combined markets of	Grimsby/Hull
		Howth
		IJmuiden
		Ostende
		San Sebastian
		La Coruña
		Vigo
6. Saithe		Boulogne-sur-Mer
	the combined markets of	Aberdeen/Peterhead
	the combined markets of	Bremerhaven/Cuxhaven
	the combined markets of	Grimsby/Hull
	the combined markets of	Hirtshals/Skagen
		IJmuiden
		Lorient
7. Haddock	the combined markets of	Aberdeen/Peterhead
		Boulogne-sur-Mer
	the combined markets of	Bremerhaven/Cuxhaven
	the combined markets of	Grimsby/Hull
	the combined markets of	Hanstholm/Thyborøn
		IJmuiden
		Killybegs
		Lorient
		Ostende
8. Whiting	the combined markets of	Aberdeen/Peterhead
		Boulogne-sur-Mer
		IJmuiden
		Lorient
9. Ling	the combined markets of	Aberdeen/Peterhead
	the combined markets of	Bremerhaven/Cuxhaven
		IJmuiden
		Lorient
		Newlyn
		Ostende
10. Mackerel		Boulogne-sur-Mer
		Castletownbere
		Concarneau
		Douarnenez
		Falmouth
	the combined markets of	Hirtshals/Skagen
		IJmuiden
		Killybegs
	the combined markets of	Mallaig/Ullapool
		Newlyn
		Pirée
		Plymouth
		Bermeo
		La Coruña
		Vigo
		Olhão
		Setúbal
		Matosinhos
		Portimão
		Peniche

11. Spanish mackerel

Punta Umbria
Adra
Olhão
Setúbal
Matosinhos
Portimão
Peniche

12. Anchovies

the combined markets of
the combined markets of

Ancona/Cesenatico
Chioggia/Porto Garibaldi
Kavala
Patras
Pirée
Port-Vendres
Saint-Jean-de-Luz
Salerno
Salonique
Sciacca
Trapani
Viareggio
Adra
Barbate
Bermeo
Quetaria
Tarragona
Figueira da Foz
Matosinhos
Portimão
Setúbal
Olhão

13. Plaice

the combined markets of

Esbjerg/Thyborøn
Lowestoft
Hamburg
IJmuiden
Zeebrugge
Figueira da Foz
Póvoa do Varzim
Matosinhos

14. Hake

Ayr
La Rochelle
Lorient
La Coruña
Marín
Vigo
Pasajes
Ondarróa
Algeciras
Olhão
Matosinhos
Lisboa
Póvoa do Varzim
Setúbal

15. Megrin

the combined markets of

Concarneau
Le Guilvinec
Douarnenez
IJmuiden
Aberdeen/Peterhead
Newlyn
Ondárroa
La Coruña
Vigo
Póvoa de Varzim
Matosinhos
Figueira da Foz

16. Ray's bream

Vigo
 Santa Eugenia de Riveira
 Sesimbra
 Olhão
 Setúbal
 Lisboa

17. Anglerfish

the combined markets of

Concarneau
 Le Guilvinec
 Lorient
 Zeebrugge
 IJmuiden
 Aberdeen/Peterhead
 Newlyn
 Ondárroa
 Avilés
 La Coruña
 Vigo
 Marín
 Peniche
 Matosinhos
 Lagos
 Póvoa do Varzim
 Sesimbra
 Figueira da Foz
 Vila Real de Santo António

II. Products listed in Annex I (D) to Regulation (EEC) No 3796/81

Shrimps (*Crangon crangon*)

the combined markets of

Cuxhaven/Dorum/Spieka/Wremen
 Den Oever
 Husum
 Zeebrugge

III. Products listed in Annex I (E) to Regulation (EEC) No 3796/81

Edible crabs (*Cancer pagurus*)

River Dart
 Morlaix
 Brest
 Département de la Vendée

Norway lobster (*Nephrops norvegicus*)

Kilkeel
 Mallaig
 North Shields
 Hirtshals/Skagen
 Le Guilvinec
 Saint Guénolé
 Loctudy
 Zeebrugge
 La Coruña
 Marín
 Huelva
 Vila Real de Santo António
 Portimão
 Olhão
 Setúbal

IV. Products listed in Annex II (A) to Regulation (EEC) No 3796/81

1. Sardines (*Sardina pilchardus*)the combined markets of
the combined markets of

Concarneau/Douarnenez
 Bayonne/Saint-Jean-de-Luz
 Kavala
 Salonique

2. Sea-bream of the species *Dentex dentex*
and *Pagellus* spp.

Anzio
 Bari
 San Benedetto del Tronto
 Pirée

V. Products listed in Annex II (B) to Regulation (EEC) No 3796/81

- | | |
|---|---|
| 1. Squid (<i>Loligo</i> spp.) | Anzio
Bari
San Benedetto del Tronto
Pirée
Vigo
La Coruña |
| 2. Squid (<i>Todarodes sagittatus</i>) | Anzio
Bari
San Benedetto del Tronto
Pirée
Vigo
La Coruña |
| 3. Squid (<i>Illex</i> spp.) | Anzio
Bari
San Benedetto del Tronto
Pirée
Vigo
La Coruña |
| 4. Cuttlefish of the species <i>Sepia officinalis</i> ,
<i>Rossia macrosoma</i> , <i>Sepiola rondeleti</i> | Anzio
Bari
San Benedetto del Tronto
Pirée |
| 5. Octopus | Anzio
Bari
Pirée
San Benedetto del Tronto |

VI. Products listed in Annex III to Regulation (EEC) No 3796/81

- | | |
|----------------------|---|
| All species of tunny | Audierne
Le Havre
Cagliari
Camaret
Concarneau
Douarnenez
Saint-Jean-de-Luz
Trapani
Bermeo
Guetaria
Pasajes
Algeciras
Cádiz
Villagarcia de Arosa
La Coruña
Funchal (Madeira)
Ponta Delgada (São Miguel, Azores)
São Roque/Madalena (Pico, Azores)
Horta (Faial, Azores). |
|----------------------|---|
-

COMMISSION REGULATION (EEC) No 2327/86

of 24 July 1986

on the issue of import licences on 30 July 1986 for sheepmeat and goatmeat products originating in certain non-member countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1837/80 of 27 June 1980 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾, as last amended by Regulation (EEC) No 882/86 ⁽²⁾,

Having regard to Council Regulation (EEC) No 3643/85 of 19 December 1985 concerning the import system applicable to certain non-member countries in the sheepmeat and goatmeat sector, as from 1986 ⁽³⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 3653/85 ⁽⁴⁾ laid down detailed rules for implementing the import system provided for in Regulation (EEC) No 3643/85; whereas provision should be made, pursuant to Article 2 (5) of Regulation (EEC) No 3653/85, for determining the extent to which import licences may be issued in connection with applications lodged in respect of the third quarter of 1986;

Whereas, in cases where the quantities in respect of which licence applications have been lodged exceed the quantities which may be imported pursuant to Article 1 of Regulation (EEC) No 3653/85, such quantities should be reduced by a single percentage figure in accordance with Article 2 (5) (b) of that Regulation;

Whereas all the licence applications may be granted in cases where the quantities in respect of which licence applications have been lodged do not exceed the quantities provided for in Regulation (EEC) No 3653/85,

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall, on 30 July 1986, issue the import licences provided for in Regulation (EEC) No 3653/85 and applied for from 1 to 10 April 1986 subject to the following conditions:

- (a) for products falling within subheading 02.01 A IV a) of the Common Customs Tariff, the quantities applied for, originating in other non-member countries, shall be granted in full;
- (b) for products falling within subheading 02.01 A IV b) of the Common Customs Tariff, the quantities applied for, originating:
 - in Chile, shall be granted in full,
 - in other non-member countries, shall be granted in full;
- (c) for products falling within subheading 01.04 B of the Common Customs Tariff, the quantities applied for, originating in other non-member countries, shall be reduced by 88,889 %.

Article 2

This Regulation shall enter into force on 26 July 1986.

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

Done at Brussels, 24 July 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 82, 27. 3. 1986, p. 3.

⁽³⁾ OJ No L 348, 24. 12. 1985, p. 2.

⁽⁴⁾ OJ No L 348, 24. 12. 1985, p. 21.

COMMISSION REGULATION (EEC) No 2328/86
of 24 July 1986
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 the Act of Accession of Spain and Portugal,

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 1454/86⁽²⁾ and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85⁽³⁾ fixing the conversion rates to be applied in agriculture, as last amended by Regulation (EEC) No 2063/86⁽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 Article 27 of Regulation No 136/66/EEC provides that a subsidy should be granted in respect of oil seeds harvested and processed within the Community when the target price for a species of seed is higher than the price on the world market; whereas these provisions at present apply only in respect of colza, rape and sunflower seeds;

Whereas the subsidy on oil seeds should, theoretically, be equal to the difference between those two prices;

Whereas the target price and the monthly increments in the target price of colza, rape and sunflower seed for the 1986/87 marketing year have been fixed in Regulations (EEC) No 1457/86⁽⁷⁾, and (EEC) No 1458/86⁽⁸⁾;

Whereas estimated production of colza, rape and sunflower seed for the 1986/87 marketing year has not

been fixed; whereas the amount, where appropriate, to be deducted from the subsidy in compliance with the system of maximum guaranteed quantities referred to in Article 27a of Regulation No 136/66/EEC could therefore not be determined; whereas the amounts of the subsidy should therefore only be applied on a temporary basis and should be confirmed or replaced once the effects of the system of maximum guaranteed quantities for colza, rape and sunflower seed are known;

Whereas Article 29 of Regulation No 136/66/EEC provides that the world market price, calculated for a Community frontier crossing point, is to be determined on the basis of the most favourable purchasing opportunities, quotations being adjusted where necessary to take account of quotations for competing products;

Whereas Article 4 of Council Regulation No 115/67/EEC of 6 June 1967 laying down criteria for determining world market prices for oil seeds and fixing the frontier crossing point⁽⁹⁾, as last amended by Regulation (EEC) No 1983/82⁽¹⁰⁾, fixed the said crossing point at Rotterdam; whereas Article 1 of that Regulation provides that when the world market price is being determined account should be taken of all offers on the world market known to the Commission and of quotations on those exchanges which are significant for international trade; whereas Article 2 of Commission Regulation No 225/67/EEC of 28 June 1967 on detailed rules for determining the world market price for oil seeds⁽¹¹⁾, as last amended by Regulation (EEC) No 2284/86⁽¹²⁾, provides that offers and quotations which do not relate to shipments to be effected within 30 days following the date on which the world market price is determined should be disregarded; whereas offers and quotations which the Commission believes, in view of general price movements or information available to it, not to be representative of the real trend of the market must also be disregarded; whereas offers and quotations relating to quantities of less than 500 tonnes and offers relating to seed of a quality other than that normally acceptable on the world market must also be disregarded;

Whereas Article 3 of Regulation No 225/67/EEC provides that of the offers and quotations taken into consideration, those for delivery c and f should be increased by 0,2 %; whereas offers and quotations for delivery fas, fob or

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/86.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 8.

⁽³⁾ OJ No L 132, 21. 5. 1983, p. 33.

⁽⁴⁾ OJ No L 176, 1. 7. 1986, p. 17.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 143, 30. 5. 1984, p. 4.

⁽⁷⁾ OJ No L 133, 21. 5. 1986, p. 12.

⁽⁸⁾ OJ No L 133, 21. 5. 1986, p. 14.

⁽⁹⁾ OJ No 111, 10. 6. 1967, p. 2196/67.

⁽¹⁰⁾ OJ No L 215, 23. 7. 1982, p. 6.

⁽¹¹⁾ OJ No 136, 30. 6. 1967, p. 2919/67.

⁽¹²⁾ OJ No L 200, 23. 7. 1986, p. 16.

otherwise should be increased, as appropriate, by loading, transport and insurance costs from the point of shipment or loading to the frontier crossing point; whereas cif offers and quotations for frontier crossing points other than Rotterdam should be adjusted to allow for the difference in transport and insurance costs as compared with a product delivered cif Rotterdam; whereas the Commission should take account only of the loading, transport and insurance costs which to its knowledge are the lowest; whereas, finally, offers and quotations for delivery cif Rotterdam should be increased by 0,242 ECU;

Whereas Article 5 of Regulation No 115/67/EEC provides that the world market price should be determined for seed of the standard quality for which the target price has been fixed, delivered in bulk;

Whereas Article 3 of Regulation No 225/67/EEC provides that offers and quotations relating to products presented otherwise than in bulk should be adjusted by deducting the additional value resulting from that presentation; whereas offers and quotations relating to a quality other than the standard quality for which the target price was fixed should be adjusted on the basis of the coefficients of equivalence shown in the Annex to that Regulation; whereas, in the case of offers on the world market for qualities of colza and rape seed other than those listed in that Annex, coefficients of equivalence derived from those listed in that Annex may, pursuant to Article 4 of Regulation No 225/67/EEC, be applied; whereas, when derived coefficients are being calculated, account must be taken of the differences between prices for the qualities of seed in question and prices for the qualities listed in that Annex, and of the characteristics of these various seeds;

Whereas Article 2 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price, that price should be determined on the basis of the value of the average quantities of oil and oil cake resulting from the processing of 100 kilograms of seed within the Community less an amount corresponding to the cost of processing these seeds into oil and oil cake; whereas the quantities and costs to be taken into consideration for the purposes of the calculation are fixed in Article 5 of Regulation No 225/67/EEC; whereas the value of those quantities should be determined in accordance with Article 6 of that Regulation;

Whereas Article 3 of Regulation No 115/67/EEC provides that, where no offer or quotation can be used as a basis for determining the world market price and where it is, moreover, impossible to establish the value of the oil or oil cake processed from such seed, the world market price should be determined on the basis of the most recent known value for oil or oil cake, adjusted to take account of the trend of world prices for competing products by applying to that value the rules set out in Article 2 of

Regulation No 115/67/EEC; whereas Article 7 of Regulation No 225/67/EEC defines competing products as those oils or oil cakes, as the case may be, which appear to have been offered in the largest quantities on the world market during the period under consideration;

Whereas, under Article 6 of Regulation No 115/67/EEC, the price determined for colza, rape and sunflower seeds must also be adjusted by an amount not exceeding the margin, as calculated in accordance with that Article, where that margin may affect the normal disposal of seeds harvested in the Community;

Whereas Council Regulation (EEC) No 1594/83 of 14 June 1983 on the subsidy for oil seeds⁽¹⁾, as amended by Regulation (EEC) No 935/86⁽²⁾; laid down rules for granting the subsidy on oil seeds; whereas, under that Regulation, where the subsidy to be granted is fixed in advance, the amount of such subsidy must be equal to the amount applicable on the day on which the application for advance fixing was lodged, adjusted by the difference between the target price valid on that day and the target price valid on the day on which the seeds are placed under control at an oil or feed mill and, where appropriate, a corrective amount; whereas Article 35 of Commission Regulation (EEC) No 2681/83 of 21 September 1983 laying down detailed rules for the application of the subsidy system for oil seeds⁽³⁾, as last amended by Regulation (EEC) No 869/86⁽⁴⁾, provides that such adjustment should involve increasing or reducing the amount of subsidy applicable on the day on which the application was lodged by the corrective amount and the difference between the target prices mentioned in Article 35 of Regulation (EEC) No 2681/83;

Whereas Article 37 of Regulation (EEC) No 2681/83 provides that the corrective amount must be equal to the difference between the world market price for colza, rape and sunflower seeds and the forward price for those seeds valid for a shipment effected during the month in which the seeds were placed under control at an oil mill, those prices being determined in accordance with Articles 1, 4 and 5 of Regulation No 115/67/EEC; whereas, if no offer and no price can be used for such determination, the method of calculation provided for in Article 37 of Regulation (EEC) No 2681/83 should be used; whereas the abovementioned difference may be adjusted in accordance with Article 38 of Regulation (EEC) No 2681/83, account being taken of the prices of the main competing cereals;

Whereas the aid for colza, rape or sunflower seed harvested or processed in Spain or Portugal is to be

⁽¹⁾ OJ No L 163, 22. 6. 1983, p. 44.

⁽²⁾ OJ No L 87, 2. 4. 1986, p. 5.

⁽³⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽⁴⁾ OJ No L 81, 26. 3. 1986, p. 10.

advised as provided for in Council Regulation (EEC) No 478/86 ⁽¹⁾; whereas pursuant to Article 95 (2) and 293 (2) of the Act of Accession of Spain and Portugal this aid is to be introduced at the beginning of the 1986/87 marketing year for seed harvested in these two Member States ;

Whereas, in Article 14 of Council Regulation (EEC) No 475/86 ⁽²⁾ and Article 12 of Council Regulation (EEC) No 476/86 ⁽³⁾ of 25 February 1986 laying down general rules for the mechanism for controlling the prices and the quantities of certain products in the oils and fats sector released for consumption in Spain and Portugal respectively, provision is made for the granting of compensatory aid, subject to certain conditions ; whereas compensatory aid should be fixed for sunflower seeds harvested in Spain and Portugal ;

Whereas Article 33 of Regulation (EEC) No 2681/83 provides for the publication of the amount of the final subsidy obtained from the conversion into each of the national currencies of the amount in ECU resulting from the calculation referred to above plus or minus the differential amount ; whereas Article 1 of Commission Regulation (EEC) No 1813/84 ⁽⁴⁾, as last amended by Regulation (EEC) No 3826/85 ⁽⁵⁾, defined the elements which determine the differential amounts ; whereas these elements are equal to the incidence on the target price or the subsidy of the coefficient derived from the percentage referred to in Article 2 (1) of Regulation (EEC) No 1569/72 ; whereas, according to these provisions, this percentage represents :

- (a) for those Member States whose currencies are maintained as between themselves within a spread at any given moment of 2,25 %, the difference between :
 - the conversion rate used under the common agricultural policy, and
 - the conversion rate resulting from the central rate,
- (b) for Italy, the United Kingdom and Greece, the difference between :
 - the relationship between the conversion rate used under the common agricultural policy for the currency of the Member State concerned and the central rate of each of the currencies of the Member States referred to in (a), and
 - the spot market rate for the currency of the Member State in question in relation to each of the currencies of the Member States referred to in (a), as recorded over a period to be determined ;

Whereas, however, pursuant to Article 2a of Regulation (EEC) No 1569/72, the monetary disparity for the marketing years 1984/85 to 1986/87 will be calculated by a method which takes into account a coefficient applied to

the conversion rate resulting from the central rate ; whereas Regulation (EEC) No 2679/85 ⁽⁶⁾ fixed the coefficient ;

Whereas Regulation (EEC) No 1813/84 specifies the spot and forward exchange rates and the period to be used for calculating the differential amounts ; whereas in cases where, for one or more months, quotations of forward exchange rates are not available, the rates adopted for the previous months or the following months, as the case may be, must be used ;

Whereas the subsidy should be fixed whenever the market situation makes it necessary and in such a way as to ensure its being applied at least once a week ; whereas the subsidy may be altered whenever it becomes obvious that such alteration is necessary ;

Whereas it follows from applying these provisions to the offers and quotations known to the Commission that, pursuant to Article 33 of Regulation (EEC) No 2681/83 the amount of the subsidy in ECU and the amount of the subsidy in each of the national currencies must be fixed in accordance with the Annex to this Regulation ; whereas, pursuant to the same Article, the spot and forward exchange rates for the ECU in national currencies determined in accordance with Article 4 of Regulation (EEC) No 1813/84 must also be published,

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 shall be as set out in the Annex hereto.
2. The amount of the compensatory aid referred to in Article 14 of Regulation (EEC) No 475/86 and Article 12 of Regulation (EEC) No 476/86 shall be as shown in Annex II to this Regulation for sunflower seed harvested in Spain and Portugal.
3. The amount of the subsidy in the case of advance fixing for July, August, September, October, November and December 1986 for colza and rape seed and for August, September, October and November 1986 for sunflower seed will however be confirmed or replaced as from 25 July 1986 to take into account the coefficient of equivalence of sunflower seed and, where appropriate, the effects of the application of the system of maximum guaranteed quantities for colza, rape and sunflower seed.

Article 2

This Regulation shall enter into force on 25 July 1986.

⁽¹⁾ OJ No L 53, 1. 3. 1986.

⁽²⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽³⁾ OJ No L 53, 1. 3. 1986, p. 51.

⁽⁴⁾ OJ No L 170, 29. 6. 1984, p. 41.

⁽⁵⁾ OJ No L 371, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 254, 25. 9. 1985, p. 14.

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

Done at Brussels, 24 July 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX I

Aids to colza and rape seed

(amounts per 100 kilograms)

	Current month (¹)	2nd month (¹)	3rd month (¹)	4th month (¹)	5th month (¹)	6th month (¹)
1. Gross aids (ECU)						
— Spain	0,610	0,610	0,610	0,610	0,610	0,610
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	30,001	30,001	30,403	30,460	30,582	31,078
2. Final aids						
(a) Seed harvested and processed in :						
— Federal Republic of Germany (DM)	72,67	72,67	73,65	73,92	74,24	75,76
— Netherlands (Fl)	81,88	81,88	82,97	83,27	83,63	85,30
— BLEU (Bfrs/Lfrs)	1 398,64	1 398,64	1 417,44	1 419,24	1 424,77	1 442,89
— France (FF)	205,68	205,68	208,24	207,95	208,63	212,89
— Denmark (Dkr)	255,56	255,56	258,98	259,45	260,48	264,35
— Ireland (£ Irl)	22,649	22,649	22,952	22,961	23,049	23,375
— United Kingdom (£)	17,320	17,320	17,563	17,559	17,602	17,794
— Italy (Lit)	45 169	45 167	45 646	45 570	45 729	46 334
— Greece (Dr)	2 985,85	2 961,46	2 979,63	2 938,74	2 939,39	2 889,14
(b) Seed harvested in Spain and processed :						
— in Spain (Pta)	88,94	88,94	88,94	88,94	88,94	88,94
— in another Member State (Pta)	3 511,62	3 511,62	3 569,90	3 544,55	3 560,32	3 601,45
(c) Seed harvested in Portugal and processed :						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 425,87	4 394,71	4 444,99	4 437,54	4 451,94	4 432,54

(¹) Subject to the amount to be deducted in compliance with the system of maximum guaranteed quantities.

ANNEX II

Aids to sunflower seed

(amounts per 100 kilograms)

	Current month	2nd month ⁽¹⁾	3rd month ⁽¹⁾	4th month ⁽¹⁾	5th month ⁽¹⁾
1. Gross aids (ECU)					
— Spain	—	1,720	1,720	1,720	1,720
— Portugal	—	0,000	0,000	0,000	0,000
— Other Member States	43,295	39,605	39,605	39,355	39,946
2. Final aids					
(a) Seed harvested and processed in ⁽²⁾ :					
— Federal Republic of Germany (DM)	104,47	95,67	95,68	95,26	96,67
— Netherlands (Fl)	117,71	107,80	107,80	107,31	108,90
— BLEU (Bfrs/Lfrs)	1 993,09	1 848,17	1 848,17	1 835,34	1 863,04
— France (FF)	293,44	273,27	273,00	270,30	274,49
— Denmark (Dkr)	361,37	337,52	337,52	335,36	340,40
— Ireland (£ Irl)	32,077	29,945	29,942	29,710	30,160
— United Kingdom (£)	25,025	23,220	23,220	22,987	23,357
— Italy (Lit)	62 067	59 866	59 721	59 133	60 043
— Greece (Dr)	3 620,44	4 038,12	4 010,54	3 916,86	3 985,81
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	—	250,77	250,77	250,77	250,77
— in another Member State (Pta)	—	3 449,19	3 449,19	3 374,56	3 460,72
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	—	0,00	0,00	0,00	0,00
— in Spain (Esc)	—	6 057,34	6 046,38	5 984,83	6 077,89
— in another Member State (Esc)	—	5 839,70	5 829,13	5 769,79	5 859,51
3. Compensatory aids:					
— in Spain (Pta)	—	3 263,30	3 262,47	3 186,16	3 272,32
— in Portugal (Esc)	—	5 798,65	5 787,89	5 728,18	5 817,90

⁽¹⁾ Subject to the amount to be deducted in compliance with the system of maximum guaranteed quantities.⁽²⁾ For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,037269.

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	2nd month	3rd month	4th month	5th month	6th month
DM	2,126310	2,121920	2,117570	2,113480	2,113480	2,101600
Fl	2,398530	2,396010	2,393340	2,390490	2,390490	2,381360
Bfrs/Lfrs	43,911000	43,915500	43,920700	43,925000	43,925000	43,928600
FF	6,869480	6,868500	6,868270	6,867580	6,867580	6,864800
Dkr	7,970950	7,978530	7,987570	8,002310	8,002310	8,056760
£ Irl	0,712866	0,714552	0,716486	0,718337	0,718337	0,723786
£	0,661005	0,662750	0,664332	0,665791	0,665791	0,670371
Lit	1 461,08	1 465,33	1 469,80	1 474,22	1 474,22	1 487,44
Dr	136,77070	139,19920	141,63590	144,06680	144,06680	151,33860
Pta	135,80110	136,55180	137,30190	137,95800	137,95800	139,86930
Esc	147,32050	149,00010	150,68920	152,12450	152,12450	156,90920

COMMISSION REGULATION (EEC) No 2329/86

of 24 July 1986

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 the Act of Accession of Spain and Portugal.

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1579/86 ⁽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 1007/86 ⁽⁴⁾ and in particular Article 12 (4) thereof,

Having regard to Council Regulation No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽⁵⁾ 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 Commission Regulation (EEC) No 1990/86 ⁽⁶⁾, as last amended by Regulation (EEC) No 2311/86 ⁽⁷⁾;

Whereas Council Regulation (EEC) No 1027/84 ⁽⁸⁾ as amended by Council Regulation (EEC) No 2744/75 ⁽⁹⁾ as regards products falling within subheading 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 corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85,

- 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 23 July 1986;

Whereas the aforesaid corrective factor affects the entire calculation basis for the levies, including the equivalence coefficients;

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 Commission Regulation (EEC) No 1579/74 ⁽¹⁰⁾ 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 1990/86 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 July 1986.

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

Done at Brussels, 24 July 1986.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 94, 9. 4. 1986, p. 3.
⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁶⁾ OJ No L 171, 28. 6. 1986, p. 13.
⁽⁷⁾ OJ No L 201, 24. 7. 1986, p. 31.
⁽⁸⁾ OJ No L 107, 19. 4. 1984, p. 15.
⁽⁹⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹⁰⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 24 July 1986 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.01 D ⁽²⁾	267,94	261,90
11.02 A IV ⁽²⁾	267,94	261,90
11.02 B I a) 2 aa)	151,43	148,41
11.02 B I a) 2 bb) ⁽²⁾	264,92	261,90
11.02 B I b) 2 ⁽²⁾	264,92	261,90
11.02 C IV ⁽²⁾	235,82	232,80
11.02 D IV ⁽²⁾	151,43	148,41
11.02 E I a) 2 ⁽²⁾	151,43	148,41
11.02 E I b) 2 ⁽²⁾	297,04	291,00
11.02 F IV ⁽²⁾	267,94	261,90

⁽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 2330/86
of 24 July 1986
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 the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 934/86 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2051/86 ⁽³⁾, as last amended by Regulation (EEC) No 2294/86 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2051/86 to the infor-

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 25 July 1986.

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

Done at Brussels, 24 July 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 87, 2. 4. 1986, p. 1.
⁽³⁾ OJ No L 173, 1. 7. 1986, p. 91.
⁽⁴⁾ OJ No L 200, 23. 7. 1986, p. 33.

ANNEX

to the Commission Regulation of 24 July 1986 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	49,46
	B. Raw sugar	44,60 ⁽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 2331/86

of 24 July 1986

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1579/86⁽²⁾, and in particular the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

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

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

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

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Commission Regulation No 162/67/EEC⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to

vary the refund for certain products according to destination;

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

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 % a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽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 it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession of Spain and Portugal, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 25 July 1986.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

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

Done at Brussels, 24 July 1986.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 24 July 1986 fixing the export refunds on cereals and on
wheat or rye flour, groats and meal

CCT heading No	Description	Refund (ECU/tonne)
10.01 B I	Common wheat and meslin for exports to : — Switzerland, Austria, Liechtenstein, Ceuta and Melilla — zone II b) and the Canary Islands — zone V a) — other third countries	80,00 84,00 110,00 90,00
10.01 B II	Durum wheat for exports to : — Switzerland, Austria and Liechtenstein — other third countries	5,00 ⁽³⁾ 10,00 ⁽³⁾
10.02	Rye for exports to : — Switzerland, Austria and Liechtenstein — other third countries	5,00 10,00
10.03	Barley for exports to : — Switzerland, Austria, Liechtenstein, Ceuta and Melilla — zone II b) and the Canary Islands — Japan — other third countries	85,00 90,00 — 95,00
10.04	Oats for exports to : — Switzerland, Austria and Liechtenstein — other third countries	— —
10.05 B	Maize, other than hybrid maize for sowing	—
10.07 B	Millet	—
10.07 C II	Grain sorghum, other than hybrid maize for sowing	—
ex 11.01 A	Wheat flour — of an ash content of 0 to 520 — of an ash content of 521 to 600 — of an ash content of 601 to 900 — of an ash content of 901 to 1 100 — of an ash content of 1 101 to 1 650 — of an ash content of 1 651 to 1 900	118,00 118,00 104,00 96,00 89,00 80,00

CCT heading No	Description	(ECU/tonne) Refund
ex 11.01 B	Rye flour : — of an ash content of 0 to 700 — of an ash content of 701 to 1 150 — of an ash content of 1 151 to 1 600 — of an ash content of 1 601 to 2 000	 118,00 118,00 118,00 118,00
11.02 A I a)	Durum wheat groats and meal : — of an ash content of 0 to 1 300 ⁽¹⁾ — of an ash content of 0 to 1 300 ⁽²⁾ — of an ash content of 0 to 1 300 — of an ash content of more than 1 300	 282,00 ⁽³⁾ 267,00 ⁽³⁾ 238,00 ⁽³⁾ 225,00 ⁽³⁾
11.02 A I b)	Common wheat groats and meal : — of an ash content of 0 to 520	 118,00

⁽¹⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,250 mm mesh.

⁽²⁾ Meal of which less than 10 % by weight is capable of passing through a sieve of 0,160 mm mesh.

⁽³⁾ With the exception of the quantities referred to in the Commission's Decision of 19 March 1986.

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 3817/85 (OJ No L 368, 31. 12. 1985).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 July 1986

terminating the anti-dumping proceeding concerning imports of Portland cement originating in the German Democratic Republic, Poland and Yugoslavia

(86/344/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 9 thereof,

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

Whereas :

A. PROCEDURE

1. In January 1985 the Commission received a complaint lodged by the 'Liaison Committee of the Cement Industries in the European Economic Community' acting on behalf of the national organizations of cement manufacturers in the Community and representing substantially all Community production of cement.

The complaint contained *prima facie* evidence of dumping and at least of threat of injury resulting therefrom which was considered sufficient to justify initiating a proceeding in order to establish whether

the facts alleged existed and justified any action being taken. The Commission accordingly announced, by a notice in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of Portland cement, falling within Common Customs Tariff heading No ex 25.23, originating in the German Democratic Republic, Poland, Spain and Yugoslavia, and commenced an investigation.

2. The Commission officially so advised the exporters and importers known to be concerned, the representatives of Yugoslavia and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
3. The exporters of the product originating in the German Democratic Republic and Poland made their views known in writing, requested and have been granted hearings.

The Yugoslav producers/exporters concerned in this proceeding made their views known in writing, requested and have been granted a hearing.

Some of the importers of the product concerned from the countries involved in this proceeding made their views known in writing, but only a few have requested and been granted hearings.

4. One Danish user of the product concerned made a submission to the Commission.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 84, 2. 4. 1985, p. 5.

5. The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following:

(a) *Community producers:*

Denmark: Aalborg Portland, Aalborg,

Federal Republic of Germany:

— Alsen-Breitenburg Zement- und Kalkwerke GmbH, Hamburg,

— Nordcement AG, Hannover,

— Teutonia Zementwerk AG, Hannover,

Ireland: Irish Cement Ltd, Dublin,

Italy:

— Italcementi SA, Bergamo,

— Friulana Cementi Spa, Travesio,

— Savic Sementeria di Cadola Spa, Belluno,

— Cementeria di Monselice Spa, Bergamo,

— Cementi Verona Spa, Verona,

— Cementi Piave Spa, Treviso,

United Kingdom:

— Blue Circle Industries Plc, Aldermaston,

— RTZ Cement Ltd, Peterborough,

— The Rugby Portland Cement Plc, Rugby;

(b) *Producers/exporters:*

Spain:

— Cementos Rezola SA, San Sebastian,

— Cementos Alfa SA, Santander,

— Cementos del Norte SA, Madrid,

— Cementos Portland de Limona SA, Bilbao,

— Cementos Portland SA, Pamplona,

— Corporation Noroeste SA, Vigo,

— Tudela Veguin SA, Oviedo,

— Tracoisa SA, Madrid,

Yugoslavia:

— Salanit Anhovo, Nova Gorizia,

— RO Astra Tvornica Cementa, Umag,

— RO Tvornica Portland Cementa, Koromacno;

(c) *EEC importers:*

Denmark:

— BC Industricement APS, Roskilde,

— assisted by representatives of NIC AB (Helsingborg),

Ireland:

— O'Brien Ltd, New Ross,

— Irish Agricultural Wholesale Society Ltd, Dublin;

(d) *Other companies:*

— Babcock Hydro-Pneumatics Ltd (London), which had been involved in the design and construction of the Rostock terminal (GDR),

— The Axel Johnson Group (Stockholm) and Skandinaviska Cement AB (Stockholm), both involved in trade in the product concerned originating in the German Democratic Republic.

6. In the course of the proceeding the Greek manufacturers, representing approximately 11 % of total Community production of cement, withdrew their support from the complaint, mainly because the allegedly dumped imports were considered most unlikely to represent a threat of injury to them.
7. With regard to the import of the product concerned originating in Spain, the proceeding has been continued as of 1 January 1986 on the basis of Article 380 (3) of the Act of Accession of Spain and Portugal.
8. The period under investigation with regard to dumping and price undercutting was 1 October 1984 to 31 March 1985. With regard to injury and threat of injury, facts which occurred after 31 March 1985 were generally not taken into consideration.

B. DUMPING

(a) German Democratic Republic

Normal value

9. In order to establish whether the imports from the German Democratic Republic were dumped, the Commission had to take account of the fact that that country does not have a market economy and the Commission therefore had to base its determinations on the normal value in a market economy country. In this connection, the complainants had suggested the Spanish market. However, due to lack of cooperation from the Spanish producers, it was impossible to determine properly normal value in Spain. The Commission, therefore, considered determining normal value in Yugoslavia, the other market economy country involved in this proceeding. The exporter of the product originating in the German Democratic Republic was informed by the Commission of this choice and did not submit comments.

The Commission is satisfied that both in Yugoslavia and the German Democratic Republic there are comparable production processes used by the manufacturers concerned and that there are, in both countries, products of a comparable quality manufactured.

The Commission therefore concluded that it would be appropriate and not unreasonable to determine normal value on the basis of domestic prices charged in Yugoslavia for the type comparable with the type originating in the German Democratic Republic. It was determined that during the period under investigation, normal value in Yugoslavia remained unchanged at one particular level between 1 October 1984 and 26 December 1984 and at another level between 27 December 1984 and 31 March 1985.

Export price

10. Export prices were determined on the basis of the prices actually paid for the product sold for export to the Community.

Comparison and dumping margin

11. In comparing normal value with export prices to the Community, the Commission took account, where appropriate, of differences in conditions and terms of sale such as transport costs and payment terms.
12. The export price of each individual transaction has been compared at an ex-works level with the normal value relating to the period during which the transaction took place.

The weighted average dumping margin so calculated amounts to 34 % on a cif-Community-frontier basis, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

(b) Poland

Normal value

13. In order to establish whether the imports from Poland were dumped, the Commission had to take account of the fact that that country does not have a market economy and the Commission therefore had to base its determinations on the normal value in a market economy country. In this connection, the complainants had suggested the Spanish market. However, due to lack of cooperation from the Spanish producers, it was impossible to determine properly normal value in Spain. The Commission, therefore, considered determining normal value in Yugoslavia, the other market economy country involved in this proceeding. The exporter of the product originating in Poland was informed by the Commission of this choice and did not submit comments.

The Commission is satisfied that both in Yugoslavia and Poland there are comparable production processes used by the manufacturers concerned and that there are, in both countries, products of a comparable quality manufactured.

The Commission therefore concluded that it would be appropriate and not unreasonable to determine normal value on the basis of domestic prices charged in Yugoslavia for the type comparable with the type originating in Poland. It was determined that during the period under investigation, normal value in Yugoslavia remained unchanged at one particular level between 1 October 1984 and 26 December 1984

and at another level between 27 December 1984 and 31 March 1985.

Export price

14. Export prices were determined on the basis of the prices actually paid for the product sold for export to the Community.

Comparison and dumping margin

15. In comparing normal value with export prices to the Community, the Commission took account, where appropriate, of differences in conditions and terms of sale such as transport costs and payment terms.
16. The export price of each individual transaction has been compared at an ex-works level with the normal value relating to the period during which the transaction took place.

The weighted average dumping margin so calculated amounts to 54 % on a cif-Community-frontier basis, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

(c) Yugoslavia

Normal value

17. Normal value was provisionally determined on the basis of the domestic prices of the producers concerned who exported the type concerned to the Community and who provided sufficient evidence concerning the prices actually paid in the ordinary course of trade for Portland cement intended for consumption in Yugoslavia.

It was determined that during the period under investigation normal value remained unchanged at one particular level between 1 October 1984 and 26 December 1984 and at another level between 27 December 1984 and 31 March 1985.

Export price

18. Export prices were determined on the basis of the prices actually paid for the product sold for export to the Community.

Comparison and dumping margin

19. In comparing normal value with export prices to the Community, the Commission took account, where appropriate, of differences in conditions and terms of sale such as transport costs, payment terms and commissions.
20. The export price of each individual transaction has been compared at an ex-works level with the normal value relating to the period during which the transaction took place.

The weighted average dumping margin so calculated amounts for both RO Astra Tvornica Cementa and RO Tvornica Portland Cementa to 25 % on a cif-Community-frontier basis, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

C. INJURY

21. With regard to the injury allegedly being caused by the dumped imports, the evidence available to the Commission shows that imports into the Community as constituted on 31 December 1985 from the German Democratic Republic, Poland, Spain and Yugoslavia of the product concerned, excluding imports from the German Democratic Republic into the Federal Republic of Germany, increased from 165 397 tonnes in 1981 to 552 101 tonnes in 1984, with a consequent increase in the aggregated market share held by these exporting countries from 0,13 % in 1981 to 0,47 % in 1984.

22. With regard to the resale prices of these imports, it was found that during the period under investigation they significantly undercut the prices of the Community producers most concerned.

The levels of price undercutting found were as follows:

- imports into the UK of the product originating in :
 - GDR up to 19 %,
 - Poland up to 5 %,
 - Spain up to 19 %,
- imports into Ireland of the product originating in :
 - GDR up to 14 %,
 - Spain up to 21 %,
- imports into Denmark of the product originating in :
 - GDR up to 6 %,
 - Poland up to 6 %,
- imports into the Federal Republic of Germany of the product originating in Poland :
 - up to 35 %,
- imports into Italy of the product originating in Yugoslavia :
 - up to 7 %.

23. With regard to the possible impact of the dumped imports on the situation of the producers in the Community as constituted on 31 December 1985, account has to be taken of the following factors:

- (a) production of the Community producers decreased between 1981 and 1984 in all Member

States (Greece excluded) by an average of 13 % except in the United Kingdom, where it increased by 6 %;

- (b) utilization of the production capacity of most of the Community producers decreased between 1981 and 1984, except in the United Kingdom;
- (c) since the product concerned is not suitable for holding large quantities in stock, it is reasonable to assume that sales figures follow the trend of production figures;
- (d) the market share held by the producers in the Community as constituted on 31 December 1985 decreased from 99,74 % in 1981 to 99,39 % in 1984;
- (e) the number of people employed by the Community producers concerned in the United Kingdom, Ireland, Denmark, the Federal Republic of Germany and Italy decreased by 17 % between 1981 and 1984;
- (f) some of the Community producers were not able to raise their sales prices in order to enable them to follow the general trend of price increases; some granted special rebates or extended payment terms;
- (g) the profitability of most of the Community producers concerned in the United Kingdom, Denmark, the Federal Republic of Germany and Italy developed positively between 1981 and 1984; the profitability of the sole producer in Ireland developed negatively during this period.

24. It is considered that the development of the factors mentioned under recital 23, in so far as it was negative, is predominantly caused by factors other than the dumped imports, such as:

- (a) a significant decrease in demand for the product concerned in a number of Member States due to the recession in the building industry;
- (b) the restructuring and the rationalization of some of the main Community producers concerned leading to a reduction in the number of producers and plants and to a contraction of employment;
- (c) cost involved in important investments carried out by producers in some of the Member States linked to the conversion from oil to coal energy and new technology;
- (d) competition resulting from intra-Community trade in the product concerned, which was, in the period from 1981 to 1984, considerably higher than imports from third countries.

25. Since the profitability of most of the Community producers, which they claimed in this sector to constitute the main factor to be viewed under Article 4 of Regulation (EEC) No 2176/84, did not generally deteriorate despite the negative development of a number of other criteria, the Commission, particu-

larly in the light of the extremely low market share held by the dumped imports, considers that the development of the factors mentioned above cannot be held to constitute material injury to the Community producers of the product concerned in the Community as constituted on 31 December 1985 from the dumped imports under consideration.

Furthermore, it is considered in view of the facts mentioned above that factors other than dumped imports considerably affected the Community producers and that, therefore, no clear causal link between the dumped imports and the situation of the Community producers could be established.

D. THREAT OF INJURY

26. With a view to examining whether a determination of threat of injury could be made, it was considered whether a change of circumstances, which would create a situation in which the dumping would cause material injury, could be clearly foreseen and was imminent.
27. Therefore the Commission examined the production capacity of the producers in the exporting countries concerned, their spare production capacity, their exports to the Community and other countries, the rate of increase of their exports to the Community, their export facilities, their import facilities within the Community and the likelihood that in the future substantial quantities of the product concerned will be imported into the Community, leading to material injury for a major proportion of the Community industry.

(a) Findings concerning producers/exporters in the German Democratic Republic

28. Production capacity in the German Democratic Republic was estimated at 12 million tonnes and exports to third countries other than the Community amounted to approximately 500 000 tonnes per year.
29. A new terminal with a throughput capacity of an estimated 1 million tonnes per year was set up in Rostock (DDR) and became operational in 1984. The installations in Rostock make it possible to load vessels with a capacity of at least 15 000 tonnes. The storage capacity available in Rostock during the reference period was estimated at 6 800 tonnes.
30. In 1983 Limex, the exclusive exporter of the product concerned in the German Democratic Republic signed a contract with a trading company in the United Kingdom concerning future sales via the Rostock terminal for the United Kingdom and Ireland. The quantities provided for in this contract were the following): ...⁽¹⁾ tonnes in 1984, ... tonnes

in 1985 and ... tonnes in 1986. An extension of the contract by two years was also provided for. On the basis of this contract, the trading company was granted the exclusive right to import bulk cement and cement in big bags (1 500 kilograms per bag) into the contract territory. It was also provided in the contract that re-exports to other markets would be possible.

31. As far as imports of the product in small bags to the United Kingdom is concerned, Limex sold to at least six importers who were able to distribute the product all over the country and who developed a regular customer service.
 32. Limex also signed a contract with a large Irish cooperative made up of a great number of agricultural cooperatives with a total demand of approximately 100 000 tonnes per year. So far, they are not satisfying more than one quarter of their needs with the imported product. Their storage capacity was estimated at 3 000 tonnes.
 33. Limex also signed a contract with a large Scandinavian trading concern, on the basis of which the latter became a non-exclusive purchaser of the product concerned, at least in bulk for the Danish market. The marketing of these imports in Denmark was undertaken by another Scandinavian company.
 34. With regard to sales for the Belgian and the Netherlands markets, a contract for the supply in 1985 of 10 000 tonnes to each of these Member States was signed. The Belgian importer has a storage capacity of at least 2 000 tonnes.
- #### (b) Findings concerning producers/exporters in Poland
35. Production capacity for the product concerned in Poland is estimated to reach 20 million tonnes per year. Effective production is estimated to have amounted in 1984 to only 13 million tonnes, leaving significant spare production capacity unused.
 36. Total exports of the product concerned from Poland are estimated to have increased from 485 000 tonnes in 1981 to 600 000 tonnes in 1984, although contracts and the national plan had foreseen exports of much larger quantities.
 37. As far as exports to the Community are concerned, Minex, the only Polish exporter of the product concerned known to the Commission, signed several contracts with foreign companies.
 38. With a view to supplying the United Kingdom and Denmark, Minex signed an exclusive long-term contract with NIC AB, a Swedish company related to one of the main cement traders in the world.

⁽¹⁾ In the published version of the Decision, some figures have hereinafter been omitted, pursuant to the provisions of Article 8 of Regulation (EEC) No 2176/84 concerning non-disclosure of business secrets.

With regard to the United Kingdom, both companies signed in 1982 a contract providing for a minimum quantity of 200 000 tonnes per year. This target has, however, not been met. It was also foreseen that NIC would provide and finance equipment and staff for loading the vessels. Furthermore, NIC would organize the transport to and within the United Kingdom.

In Grimsby, NIC (UK), an affiliate of the Swedish company, has available a terminal which makes it possible to import at least 100 000 tonnes per year, and a storage capacity of 10 000 tonnes. A distribution system enabling it to supply customers on a regular basis in different parts of the United Kingdom was set up. The company is also capable of assisting customers in technical matters.

The 1985 contract complementing the basic contract of 1982 provided for the supply of 70 000 tonnes of the product concerned in big bags (1 500 kilograms per bag). Already in 1984 NIC was actively marketing the product concerned in small bags (50 kilograms per bag).

With regard to the Scandinavian market (including Denmark) Minex signed in 1982 with NIC AB a contract valid until at least 31 December 1985. The 1985 contract complementing the basic contract of 1982 provided for a quantity of 30 000 tonnes in bulk. The company is also responsible for transport by sea or rail to Denmark. For the reception of cement in Denmark the company constructed a silo in Køge (DK) with a capacity of almost 1 400 tonnes, which became operational at the beginning of 1985. The company also developed a close business relationship with its customer, which was originally a transport company.

39. In order to supply the Federal Republic of Germany, Minex signed in 1984 with HGS Baustoffe GmbH (FRG) (hereinafter called 'HGS') a long-term contract for the supply of at least 1 million tonnes of the product concerned in bulk between 1985 and 1989. The implementing contract for supplies in 1985 provided for the sale of 185 000 tonnes to HGS. That company chartered a vessel for the transport of the product concerned to the Federal Republic of Germany and has a silo with a storage capacity of 2 000 tonnes in Hamburg. Its customer in West Berlin has a storage capacity of 1 300 tonnes.

(c) Findings concerning producers/exporters in Yugoslavia

40. Production of all Yugoslav producers of the product concerned decreased between 1981 and 1984 from 9 613 700 tonnes to 9 031 900 tonnes. Their domestic sales decreased during the same period from

8 862 576 tonnes to 8 453 289 tonnes. Their total exports increased during the same period from 716 450 tonnes to 1 082 329 tonnes (mainly to Egypt and Italy), i. e. by 51 %.

41. The three Yugoslav producers/exporters who were alleged to have dumped the product concerned in Italy have a production capacity of 1 610 000 tonnes per year. Their production and sales increased between 1981 and 1984 by 2 %. Their total exports increased during the same period from 64 932 tonnes to 295 395 tonnes.
42. Salanit Anhovo has a storage capacity of 45 000 tonnes (three silos of 15 000 tonnes each) at the plant. So far, exports to Italy have only taken place in bulk by truck. The market for supplies in bags was considered unattractive. Representatives of Salanit Anhovo admitted that exports by rail to Italy are in principle possible, but require the building of a silo on the Italian side. Such a project was not yet planned.

On 30 October 1981 Salanit Anhovo signed an exclusive supply contract with an Italian importer, Mark. On the basis of this contract, the following supplies were made: ... tonnes in 1981, ... tonnes in 1983, ... tonnes in 1984 and ... tonnes during the first three months of 1985. According to information available to the Commission, the contract is still in force.

However, Salanit Anhovo has also been supplying 8 000 to 9 000 tonnes per year to another company, Simek, for the purpose of supplying a consortium of concrete producers and another 5 000 tonnes to a producer of concrete tubes in Italy.

43. RO Tvornica Portland Cementa (Koromacno) exported to Italy only the puzzolanic quality falling outside the scope of the investigation. On 13 April 1984 a contract was signed between this Yugoslav company, an exporting company, a transporting company and an Italian importer, Marex, providing for the supply of 20 000 tonnes of puzzolanic cement per year.
44. RO Astra Tvornica Cementa (Umag) concluded an agreement with Marex for the supply of 20 000 tonnes of the product concerned in 1983. On 3 August 1984 the same Yugoslav producer, an exporting company and an Italian importer, signed a contract for the supply of 60 000 tonnes of OPC and pussolanic cement (in bags or bulk) per year.
45. On 18 September 1984 an agreement was initialled between those Yugoslav producers/exporters concerned and the Italian cement producers established in the Veneto-Friuli area near the Yugoslavian/Italian border, with a view to the supply of a maximum of 75 000 tonnes per year. It was expected that the contract would enter into force on 1 January

1985 and would be valid for four years. Furthermore, the contract provided that the export price of the Yugoslav product would remain below prices on the Italian market, should price increases be authorized by the Italian authorities. Simek, a mixed company of which 51 % of the capital shares are held by Italian companies and 49 % by Yugoslav companies, would act as an intermediary. The contract also contained a clause providing that a possible anti-dumping proceeding would not be prejudicial to the fulfilment of the contractual obligations of the partners. Despite strong pressure exercised by the Italian companies on the Yugoslav producers, the agreement was never finalized.

46. On 30 April 1985 the three Yugoslav producers/exporters concerned signed an agreement with several Italian companies providing that Unical, of which Unicem, one of the main cement producers in Italy, and Calcestruzzi, each own 50 % of the shares, would act as the exclusive importer of ... tonnes of Yugoslav cement per year in Italy. This contract was considered to replace all contracts previously concluded with Italian importers. It entered into force on 30 April 1985 and is valid for five years.

According to Unical and Unicem, the former is expected to act independently of the shareholders. A copy of the contract on this matter between both shareholders was not submitted, despite several express requests from the Commission.

The contract with Unical is complemented by an agreement dated 30 April 1985 amongst the three Yugoslav producers providing that each of them will, in theory, contribute to the quantities concerned in the proportion 55 %, 30 % and 15 % respectively. In practice, however, only Salonit Anhovo will physically export to Italy. Separate contracts implementing the basic agreement were signed by Salonit Anhovo and each of the other two producers.

(d) Exports of the dumped products to the Community and their rate of increase

47. The dumped imports from the German Democratic Republic, Poland, Spain and Yugoslavia into the Community as constituted on 31 December 1985 increased by 68 % between 1981 and 1984, leading to an aggregated market share held in 1984 in the Community by the product originating in the four countries concerned of only 0,47 % (imports from the German Democratic Republic into the Federal Republic of Germany excluded).

(e) Likelihood of increased exports of the dumped products to the Community

(i) With regard to imports originating in the German Democratic Republic

48. Immediately after the signing of the contract in 1983 between Limex and the trading company (see recital 30), one of the three manufacturers of the product concerned in the United Kingdom signed a 'back to back' contract with the latter taking over his rights and obligations. In April 1985 a complementary contract was signed between the manufacturer in the United Kingdom, the trading company and the agent of Limex, mainly because the original contract had not been executed as foreseen (the exporter had not been able to supply the quantities originally contracted for and the manufacturer in the United Kingdom did not have sufficient demand for the product). Although Limex still considers the delivery of ... tonnes per annum as the target, the new contract provides for the supply of ... tonnes per annum up to October 1987. Furthermore, it concerns also the supply of cement in small bags (50 kilograms) but not on an exclusive basis.
49. The 1983 contract with Limex enabled, and is likely to continue to enable, the manufacturer concerned in the United Kingdom to divert from its home market all imports of bulk cement and cement in big bags, which represent the majority of sales of the product concerned on the UK market. Furthermore, the complementary contract of 1985 will enable the same manufacturer also to control to some extent imports of the product concerned in small bags into the United Kingdom and Ireland.
50. There is no evidence available to the Commission showing that imports from the German Democratic Republic into Denmark directly or indirectly via the Scandinavian companies mentioned in recital 33 are likely to increase significantly above the level reached in 1984 when they held a market share of 0,52 %.
51. Imports of the product concerned into the Federal Republic of Germany, where they represented in 1984 a market share of 1,82 % which is significantly higher than the market share held in that Member State by the product concerned originating in any other country, fall within inter-German trade and are, therefore, not subject to this proceeding. Also, German producers did not complain about these imports.
52. Imports of the product concerned into Benelux are restricted by quota, the level of which is set pursuant to a Community procedure.
53. There were no imports into France or Italy and there is no evidence that such imports are likely to take place in the future.

(ii) With regard to imports originating in Poland

54. Imports into the United Kingdom, where substantial efforts were made in order to achieve an effective market penetration, represented in 1984 only 0,4 % of the market. Even if the target of 200 000 tonnes had been met in 1984, the market share would not have been more than 1,5 %.

55. Imports into Denmark, another Member State on which the Scandinavian company mentioned in recital 38 concentrated its efforts, reached in 1984 a market share of 1,34 %. Even if an amount of 30 000 tonnes had been imported (see recital 38), the market share would have been only 2,2 %.

56. On the basis of the information available to the Commission, it appears that the main manufacturers concerned in the Federal Republic of Germany set up a joint venture, which acquired 50 % of the share capital of the importing company 'HGS'. Furthermore, the manufacturers seem to have made arrangements enabling them to control the distribution and marketing of this product in the future.

57. Imports into other Member States did not take place and there is no evidence that such imports are likely to take place in the future.

(iii) With regard to imports originating in Yugoslavia

58. Imports into Italy in 1984 amounted to a market share of 0,44 %. Even if, during the first nine months of 1985, 218 000 tonnes had been imported, that would represent only a 0,56 % share of the market in Italy. Furthermore, as mentioned above, Italian manufacturers have already taken steps in order to limit future imports.

59. No significant imports were made into other Member States and there is no evidence that such imports are likely to take place in the future.

(f) Findings with regard to the alleged loss of other outlets

60. The anti-dumping measures taken by Norway concerning imports of the product originating in the German Democratic Republic, by recommendation of 13 July 1984, which could possibly have led to a diversion of trade to the Community, were repealed in December 1985.

61. The Swedish authorities did not take any formal action against imports of the product concerned

originating in the German Democratic Republic and Poland. These countries only entered into voluntary export restraints on the basis of which their exports to Sweden would not exceed ... tonnes per year. It is considered that these quantities do not lead, in the light of the total available production capacity of both exporting countries, to a significant risk of diversion of trade to the Community.

62. In view of the fact that total Yugoslav exports of the product concerned increased from 716 450 tonnes in 1981 to 1 082 329 tonnes in 1984 and that exports by the three Yugoslav companies involved in this proceeding to non-Community countries increased from 0 tonnes in 1981 to 175 000 tonnes in 1984, there is no likelihood of increased imports resulting from a loss of outlets elsewhere.

63. In the light of the facts mentioned above, in particular those relating to measures taken by some of the main Community producers concerned in order to prevent future imports of substantial quantities of the product and the extremely low market share held in 1984 by these dumped imports, it is considered that the change in circumstances, which would create a situation in which the dumping would cause material injury to a major proportion of the Community industry, cannot, at present, be foreseen and is not imminent. In addition, the investigation did not substantiate the complainants' allegation that imports into the Community would increase as a result of a loss of outlets for the producers/exporters of the countries concerned in this proceeding in third countries.

E. REGIONAL THREAT OF INJURY

1. IMPORTS INTO IRELAND, THE UNITED KINGDOM AND DENMARK

64. Considering that :

(i) producers in Ireland, the United Kingdom and Denmark sell almost all their production (95 %, 99 % and 93 %) on their respective domestic markets ; and

(ii) demand in each of these markets is not supplied to any substantial degree by producers of the product in question located elsewhere in the Community (market shares held by the product originating in other Member States on Irish, UK and Danish markets in 1984 were 4,27 %, 2,41 % and 1,16 % respectively) ;

Ireland, the United Kingdom and Denmark may be considered in the framework of this proceeding to constitute isolated markets within the meaning of Article 4 (5) of Regulation (EEC) No 2176/84.

(a) Imports into Ireland

65. Dumped imports originating in the German Democratic Republic reached 13 275 tonnes in 1982 and increased to 21 452 tonnes in 1983. In 1984 they decreased to 18 038 tonnes, i. e. by 16 %.

The market share held by these imports amounted to 0,85 % in 1982 and to 1,47 % in 1983. In 1984 it decreased to 1,32 %.

66. Dumped imports originating in Spain no longer fall within the scope of this proceeding. There were no imports from other third countries into Ireland.
67. It is considered that, apart from the facts already mentioned above with regard to a possible threat of injury on a Community-wide basis, in the present case, where the market share held by the dumped imports in Ireland is so low and the quantities of dumped imports did not show a continuous increase, there is no imminent threat of material injury to the Irish industry for the product concerned.

(b) Imports into the United Kingdom

68. Dumped imports originating in the German Democratic Republic increased from 11 tonnes in 1981 to 17 977 tonnes in 1982 and further to 56 019 tonnes in 1983. In 1984 they amounted to 52 343 tonnes.

The market share held by these imports was negligible in 1981 and reached 0,14 % in 1982. In 1983 it increased to 0,42 % ; in 1984 it dropped to 0,38 %.

69. Dumped imports originating in Poland increased from less than 60 tonnes in 1981 and 1982 to 13 207 tonnes in 1983 and further to almost 60 000 tonnes in 1984. The market share held by these imports was negligible in 1981 and 1982 ; in 1983 it amounted to 0,1 % and increased in 1984 to 0,4 %.
70. Dumped imports originating in Spain no longer fall within the scope of this proceeding. There were no imports from other third countries into the United Kingdom.
71. It is considered that, apart from the facts already mentioned with regard to a possible threat of injury on a Community-wide basis, in the present case the aggregated market share of the dumped imports amounting to 0,78 % in 1984 does not represent an imminent threat of material injury to the manufacturers in the United Kingdom.

(c) Imports into Denmark

72. Dumped imports originating in the German Democratic Republic increased from 52 tonnes in 1981 to

182 tonnes in 1982 ; in 1983 they increased to 7 546 tonnes ; in 1984 they decreased to 6 999 tonnes.

The market share held by these imports was negligible in 1981 and 1982 ; in 1983 it amounted to 0,62 % and in 1984 it decreased to 0,52 %.

73. Dumped imports originating in Poland increased from 13 157 tonnes in 1981 to 14 495 tonnes in 1982 ; in 1983 they decreased to 11 276 tonnes and in 1984 they increased to 18 146 tonnes.

The market share held by these dumped imports increased from 1,08 % in 1981 to 1,24 % in 1982. In 1983 it decreased, however, to 0,92 % and in 1984 increased to 1,34 %.

74. There were no imports from other third countries into Denmark.
75. In view of the fact that the dumped imports originating in the German Democratic Republic and Poland do not show a continuous increase, the market shares held by these imports are considered too low to represent an imminent threat of material injury to the Danish industry concerned.

2. IMPORTS INTO THE FEDERAL REPUBLIC OF GERMANY AND ITALY

76. With regard to Community producers in the Federal Republic of Germany and Italy, the Commission found that plants situated in the north-eastern regions of those Member States were almost the only ones concerned by the dumped imports. Therefore the Commission examined whether those regions could be considered as distinct markets within the meaning of Article 4 (5) of Regulation (EEC) No 2176/84. However, the evidence available to the Commission in particular with regard to sales made in those areas from elsewhere in the Community did not enable the Commission to determine that these regions may be considered as regional markets on their own.

Although the Commission did not receive full information with regard to the situation of all producers located elsewhere in the Federal Republic of Germany and Italy outside the north-eastern regions in those Member States, it appears on the basis of the information otherwise available that both Member States may be considered to constitute regional markets, considering that producers in the Federal Republic of Germany and Italy sell 93,8 % and 98,8 % respectively of their production on their domestic market and the market share held by supplies from elsewhere in the Community repre-

sents 2,85 % and 0,19 % respectively. However, the data available to the Commission show that the market share held by dumped imports in the Federal Republic of Germany and Italy amounted in 1984 only to 0,56 % and 0,44 % respectively, which is considered, in the light of the findings made above, insufficient for taking action.

F. Termination of the proceeding

77. In these circumstances, therefore, the proceeding concerning imports of Portland cement originating in the German Democratic Republic, Poland and Yugoslavia should be terminated without the imposition of measures.
78. However, as objections to this course of action were raised in the Advisory Committee by several Member States, the proceeding was not terminated by the Commission, but a proposal to that effect was submitted by the Commission to the Council.

Since the Council did not decide otherwise within one month, the proceeding stands terminated in

accordance with Article 9 (1) of Regulation (EEC) No 2176/84.

79. The complainants were informed of the essential facts and considerations on the basis of which the Commission intended to terminate this proceeding. Subsequently, they made their comments known to the Commission.

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of Portland cement originating in the German Democratic Republic, Poland and Yugoslavia is hereby terminated.

Done at Brussels, 17 July 1986.

For the Commission

Willy DE CLERCQ

Member of the Commission
