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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1041/87

of 13 April 1987

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⁾, as amended by Regulation (EEC) No 910/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 135/87 ⁽⁵⁾ and subsequent amending Regulations ;

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

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

of 2,25 %, a rate of exchange based on their central rate, multiplied by the 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 10 April 1987 ;

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 135/87 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 14 April 1987.

⁽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 88, 31. 3. 1987, p. 42.

⁽⁵⁾ OJ No L 17, 20. 1. 1987, p. 1.

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

Done at Brussels, 13 April 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 13 April 1987 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	14,16	198,52
10.01 B II	Durum wheat	49,60	262,69 ⁽¹⁾ ⁽²⁾
10.02	Rye	43,23	184,44 ⁽⁶⁾
10.03	Barley	41,50	193,23
10.04	Oats	99,79	152,42
10.05 B	Maize, other than hybrid maize for sowing	2,43	186,49 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	41,50	135,61
10.07 B	Millet	41,50	161,10 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	27,41	190,30 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	(7)	(7)
10.07 D II	Canary seed ; other cereals	41,50	65,80 ⁽⁵⁾
11.01 A	Wheat or meslin flour	35,25	293,35
11.01 B	Rye flour	75,95	273,64
11.02 A I a)	Durum wheat groats and meal	90,63	420,92
11.02 A I b)	Common wheat groats and meal	35,41	314,15

⁽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).

⁽⁸⁾ The levy referred to in Article 1 of Council Regulation (EEC) No 2913/86 shall be fixed on the basis of an invitation to tender in accordance with Commission Regulation (EEC) No 3140/86.

COMMISSION REGULATION (EEC) No 1042/87

of 13 April 1987

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⁾, as amended by Regulation (EEC) No 910/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 2011/86⁽⁵⁾ and subsequent amending Regulations ;

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

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the 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 10 April 1987 ;

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 14 April 1987.

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

Done at Brussels, 13 April 1987.

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 88, 31. 3. 1987, p. 42.⁽⁵⁾ OJ No L 173, 1. 7. 1986, p. 4.

ANNEX

to the Commission Regulation of 13 April 1987 fixing the premiums to be added to the import levies on cereals, flour and malt from third countries

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 4	1st period 5	2nd period 6	3rd period 7
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	0
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	0
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	0	0	0	0
10.07 D	Other cereals	0	3,92	3,92	3,92
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION REGULATION (EEC) No 1043/87

of 10 April 1987

imposing a provisional anti-dumping duty on imports of standardized multi-phase electric motors having an output of more than 0,75 kW but not more than 75 kW, originating in Yugoslavia

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 11 thereof,

After consultation within the advisory committee as provided for under that Regulation,

Whereas :

A. Procedure

- (1) In October 1986 the Groupement des industries de matériel d'équipement électrique et de l'électronique industrielle associés (Gimelec), supported by the Zentralverband der Elektrotechnischen Industrie (Zvei), the Rotating Electrical Machines Association (REMA), the Fédération des Entreprises de l'industrie des fabrications métallurgiques, mécaniques, électriques et de la transformation des matières plastiques (Fabrimetal) and the Associazione Nazionale Industrie Elettrotecniche ed Elettroniche (ANIE), lodged with the Commission a complaint that imports of certain standardized multi-phase electric motors, originating in Yugoslavia, were being dumped and were causing injury to a Community industry.

The complainants represent a large proportion of total Community production of the products in question.

- (2) The complaint concerning imports from Yugoslavia was lodged with a view to extending the anti-dumping proceeding previously initiated concerning imports of similar motors originating in Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania and the Soviet Union⁽²⁾. Although this new proceeding concerning Yugoslav electric motors is separate from the review referred to above, it nevertheless deals with the same products. In addition, the reference periods chosen for assess-

ing the situation are practically the same. The Commission, in reaching its preliminary conclusions regarding the Yugoslav imports in question, therefore took particular account of the Council's definitive conclusions concerning injury, causal link and Community interest in the sector in question, set out in Council Regulation (EEC) No 864/87⁽³⁾.

- (3) The complaint included evidence of dumping and of consequent material injury for the Community industry manufacturing the standardized multi-phase electric motor in question. This evidence was considered sufficient to justify the initiation of a proceeding and the Commission therefore announced, by a notice in the *Official Journal of the European Communities*⁽⁴⁾, the initiation of an anti-dumping proceeding concerning imports of standardized multi-phase electric motors having an output of more than 0,75 kW but not more than 75 kW, originating in Yugoslavia.
- (4) The products concerned by the complaint are standardized multi-phase electric motors having an output of more than 0,75 kW but not more than 75 kW, falling within subheading ex 85.01 B 1 b) of the Common Customs Tariff, corresponding to NIMEXE codes ex 85.01-33, ex 85.01-34 and ex 85.01-36.
- (5) The Commission officially informed the exporters and importers known to be concerned, the representatives of the exporting countries, and the complainants of the opening of the proceeding and gave the parties directly concerned the opportunity to make known their views in writing and to request to be heard orally.
- Most of the Community manufacturers, certain importers, and the Yugoslav exporters known to be concerned — Rade-Koncar, Sever and Elektrokovina — made known their views in writing, in particular on the question of injury and its causes. The information thus gathered was checked by the Commission where necessary.
- (6) In order to make a preliminary assessment of dumping and injury, the Commission carried out inspections at the premises of the following companies :

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 305, 26. 11. 1985, p. 2.

⁽³⁾ OJ No L 83, 27. 3. 1987, p. 1.

⁽⁴⁾ OJ No C 282, 8. 11. 1986, p. 2.

— *Community producers:*

— Federal Republic of Germany:

- BBC-Deutschland (Saarbrücken),
- Loher (Ruhstorf),
- Schorch (Mönchengladbach),
- Siemens (Erlangen),

— France:

- BBC-France (Lyon),
- Leroy-Somer (Angoulême),

— Italy:

- Ansaldo-Marelli/CEE (Milan),
- Electro-Adda (Bavate),
- Fimet (Turin),
- Lafert (S. Dona di Piave),

— Yugoslav exporters:

- Rade-Koncar (Zagreb),
- Sever (Subotica),
- Elektrovokina (Maribor).

- (7) As several importers made their views in writing, the arguments presented by the following companies were also taken into account by the Commission:

- Sermes, Strasbourg,
- Rade-Koncar, Milan,
- Smem, Monza,
- Ceam, Inveruno,
- Incontrera & Wenninger, Milan,
- Sever Agrovodina, Copenhagen,
- Sever Agrovodina, Munich,
- Sever, Maidstone.

- (8) The reference period adopted by the Commission for investigating whether dumping had occurred was 1 January to 31 December 1985. The same reference period was used to examine price factors affecting injury.

B. Definition of the products

- (9) The products alleged to have been dumped are AC standardized multi-phase electric motors having an output of more than 0,75 kW but not more than 75 kW.

In accordance with current commercial practice in the industry, the expression 'standardized multi-phase motors' is taken to include all motors subject to international norms, in particular those of the International Electrotechnical Commission (IEC).

The motors in question have the following standard rotation speeds: 3 000 rpm, 1 500 rpm, 1 000 rpm or 750 rpm; the following standard output: 1,1, 1,5, 2,2, 3, 4, 5,5, 7,5, 11, 15, 18,5, 22, 30, 37, 45, 55 or 75 kW; and the following standard spindle height: 80, 90, 100, 112, 132, 160, 180, 200, 250, 280 or 315 mm.

- (10) Given the relatively high degree of international standardization in the manufacture of such motors, each type of standardized motor originating in Yugoslavia constitutes a like product to the same type of Community standardized motor, though there may be differences in physical characteristics.
- (11) Given the large number of motors concerned by this proceeding (more than 64 types), the Commission considered that a sample of six precisely defined types of motor (1 500 rpm 4-pole motors of the following powers: 1,1 kW, 3 kW, 5,5 kW, 11 kW, 30 kW and 75 kW) of the category with the highest sales in the Community (enclosed, blower-cooled, type B3 motors with retaining legs, IP 44/54, 220/380/V, 50 Hz) was representative for the calculation of dumping margins and the determination of price-linked factors affecting injury (import and resale prices, production costs and price undercutting margins).

The validity of that method and the representative nature of that sample were not disputed.

C. Normal value

- (12) The normal value of exports by each of the Yugoslav producers/exporters was established on the basis of the comparable prices actually paid or payable in the ordinary course of trade for the like product intended for consumption in Yugoslavia. It was calculated on the basis of the average sales prices during the reference period.

D. Export prices

- (13) For each of the Yugoslav producers/exporters the Commission based export prices on the price actually paid or payable on exports to each of the main Community markets.

E. Comparison

- (14) In comparing normal value with export prices at the ex-works stage for each of the like products, the Commission took account of differences affecting price comparability and made appropriate allowances where the interested parties showed that such a request was justified. Allowances were made for

payment, credit and guarantee conditions, after-sales service, salaries paid to sales staff, packaging, transport, insurance, handling and loading and associated costs, where these differences had a direct functional relationship to the sales in question.

An allowance was also made for the refund on exports to the Community of import charges borne by materials physically incorporated into such electric motors when the said motors are sold on the Yugoslav market.

The Yugoslav exporters requested a number of other allowances.

- (15) The first request was for an allowance for differences in advertising costs.

However, the exporters were unable to show that these costs were directly linked to the sales in question; the Commission therefore considered them to be general expenses, for which no allowance is made.

- (16) The second request concerned an allowance for the cost of financing stocks intended for the domestic market.

The Commission considered these costs to be general expenses, for which no allowance is made. The Yugoslav exporters were unable to prove that the level of stocks in question was needed in order to satisfy the particular conditions of sales contracts for the Yugoslav market.

- (17) A similar request concerned an allowance for the cost of joint financing by the producers of certain investments on the part of their suppliers.

For reasons similar to those given at point 16, the Commission considered these costs to be general expenses, for which no allowance is made.

- (18) The fourth request was for an allowance to take account of the fact that raw materials purchased in Yugoslavia for the manufacture of electric motors for the Yugoslav market are more expensive than those purchased on the world market for the production of electric motors for export.

The investigation showed that use of raw materials of different origins did not result in differences in physical characteristics between Yugoslav motors sold on the domestic market and those exported to the Community, nor any other difference affecting

price comparability within the meaning of Article 2 (10) of Regulation (EEC) No 2176/84.

- (19) The fifth request concerned an allowance for inflation in Yugoslavia between the date of sale and date of payment, which would have the effect of reducing the domestic selling prices.

The Commission notes that due allowance has been made for conditions of payment, which are influenced in a market economy by the rate of inflation on that market. The relevant Community rules make no provision for a further allowance.

- (20) The sixth request concerned allowances in respect of various export premiums paid by the Federal and provincial governments to encourage the acquisition of convertible currency.

Apart from the fact that the exporters were not always able to provide evidence of the amounts received under this programme during the period covered by the investigation, it was not proved that the programme would constitute a refund of import charges as referred to in Article 2 (10) (d) of Regulation (EEC) No 2176/84 and defined in the notes contained in the Annex to that Regulation.

- (21) One of the exporters requested an allowance for an exemption from local and provincial taxes on salaries and profits, granted to it as an enterprise strongly geared to exports.

This request was rejected because the tax relief in question consists of a reduction in direct taxation, and therefore is not covered by Article 2 (10) (d) of Regulation (EEC) No 2176/84.

- (22) Finally, the eighth request concerned an allowance for the fact that the official exchange rate for the Yugoslav dinar allegedly did not correspond to the real value of the currency.

The Commission notes that companies operating in Yugoslavia use the official exchange rate for the conversion of both import and export transactions carried out in foreign currency. The Commission therefore used the official Yugoslav dinar exchange rate for the comparison of prices.

F. Dumping margins

- (23) Examination of the facts showed that all the transactions concerned involved substantial dumping. Dumping margins for each type of motor were calculated by comparing the average price on export to each of the main Community markets

with normal value as determined; this calculation showed that the dumping margin varied relatively little from one type of motor to another but differed substantially between exporters and between import markets.

- (24) The average weighted dumping margins for all the motor types in the representative sample represented the following percentages of the free-at-Community-frontier price, not cleared through customs: Elektrokovina, 130 %; Rade-Koncar, 132 %; Sever, 97 %.
- (25) It should be noted that the above dumping margins apply to the motors in the sample (type B3 motors). The investigation of Yugoslav producing/exporting firms showed that other types of motors (e.g. B5 or B14) were marketed in Yugoslavia subject to a price supplement of between 5 % and 20 %. The price of exports to the Community of such motors (B5, B14, etc.) originating in Yugoslavia, on the other hand, is very little — if at all — higher than that of B3 motors. The above dumping margins are thus lower than the dumping margins which would have been established if all types of standardized motor (B3 plus B5, B14, etc.) had been considered.

G. Injury

- (26) Community import statistics for the multi-phase motors in question show a substantial increase in imports of motors originating in Yugoslavia between 1983, when 153 000 motors were imported, and 1985, when the figure was 496 300; in particular, imports to Italy rose from 49 600 motors to 410 800 motors.

These figures, and in particular the Italian import statistics for 1984/85, were disputed by the three Yugoslav producers/exporters. Almost all the Italian firms and organizations consulted also considered these figures exaggerated, their opinion being that Yugoslav single-phase motors — not covered by the proceeding — had been declared, whether intentionally or in error, as multi-phase motors. This view may be corroborated by the fact that, in the Italian import statistics, the growth in the number of Yugoslav motors declared on import as multi-phase coincided with a corresponding fall in the number of Yugoslav motors declared on import as single-phase.

In these circumstances, the Commission judges that the Yugoslav request for consideration of import figures other than those in the official statistics is justified. At the present stage of the proceeding, the best information available results from direct checks made by the Commission with the three Yugoslav producers/exporters concerned. On the basis of these checks, a minimum of

100 000 of the standardized multi-phase electric motors in question were imported into the Community in 1983, 123 000 in 1984 and 116 800 in 1985. Imports into Italy were at least 35 500 in 1983, 49 000 in 1984 and 52 900 in 1985.

The absolute value of imports of these motors from Yugoslavia therefore increased from 1982 to 1985 by 16 % for the Community as a whole and 49 % for Italy specifically.

- (27) These quantities correspond to an overall market share during the period 1982 to 1985 in the region of 3,2 % to 3,3 % for the Community as a whole, with growing penetration of the two markets where Yugoslav imports are concentrated: between 1982 and 1985, their market share grew from 3,9 % to 4,8 % in Italy and from 13 % to 16 % in Denmark.
- (28) The investigation also showed that each type of standardized multi-phase electric motor originating in Yugoslavia was, by virtue of the international standardization referred to at point 10, interchangeable with similar Community motors and with similar motors originating, in particular, in the State-trading countries.

It was therefore established that all Yugoslav standardized multi-phase electric motors covered by this proceeding, and those originating in the State-trading countries and covered by the review proceeding mentioned above, were in competition on the Community market with each other and with like Community products.

- (29) Commission Regulation (EEC) No 3019/86⁽¹⁾ and Regulation No 864/87 established that the Community standardized multi-phase electric motor industry has suffered material injury from the effects of the dumped imports in question originating in Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania and the USSR.

It is clear that an established material injury to a Community industry is bound to be aggravated by an additional, though smaller, injury caused by dumped imports of similar products originating in another exporting country.

- (30) That is indeed the case here, imports from Yugoslavia, particularly since 1982, having held a significant share of the Community market — more than 3 %, in addition to the approximately 20 % already held by imports from the State-trading countries — and having been sold at prices similar to, or even below, those of motors from the State-trading countries.

⁽¹⁾ OJ No L 280, 1. 10. 1986, p. 68.

- (31) As the investigation had shown that almost all industrial-scale Community manufacturers⁽¹⁾ were making losses on their production of standardized multi-phase electric motors (see Regulation (EEC) No 864/87), the Commission examined the gap between the cost price of the most efficient Community manufacturers on each market and the selling price of motors originating in Yugoslavia. There was considerable undercutting varying on average between 15 % and 35 % of the reference cost price.

It should also be noted that the ex-importer resale prices of motors originating in Yugoslavia have been significantly undercutting Community manufacturers' selling prices, by an average of between 10 % and 30 % of the selling prices of the most efficient producers.

The selling prices of the motors in question originating in Yugoslavia are thus far too low to allow Community manufacturers to cover their costs, by which is meant solely the cost of production plus overheads and general expenses, excluding profit.

- (32) The Council's conclusions regarding imports originating in the State-trading countries, set out in Regulation (EEC) No 864/87, can therefore in substance be applied to imports of like products originating in Yugoslavia.

Although production and sales of standardized multi-phase electric motors by Community manufacturers have been rising since 1982, owing to the revival of economic activity and consumption of electric motors in the Community, the fact remains that the extremely low import prices of Yugoslav motors (which, at the cif free-at-Community-frontier stage, are about 43 % of Community manufacturers' average cost price for motors with the same physical characteristics) have exerted a strong downward pressure on Community manufacturers' prices. This is shown by the existence of large-scale price undercutting. Further, it is clear that the margin of undercutting, whether in relation to manufacturers' selling prices or cost prices, is wholly attributable to dumping by the Yugoslav exporters.

- (33) In the light of the analysis at points 26 to 32 of this Regulation and of the Council's conclusions regarding injury and causal link in the sector in question, set out in Regulation (EEC) No 864/87, which substantially apply also to Yugoslav imports,

the Commission is convinced that the injury caused by the massive dumping of those imports must of itself be considered material injury.

H. Community interest : form and rate of the duty

- (34) As in the case of imports of standardized multi-phase electric motors originating in the State-trading countries, and for the same reasons, the Commission considers that Community interests require the adoption of a trade protection measure against the Yugoslav imports proved to have been dumped, in order to eliminate the injury caused by those imports.

- (35) In order to avoid discrimination, and for the same factual reasons, the form and rate of the provisional anti-dumping duty to be imposed must be similar to those finally imposed by the Council on imports of motors originating in the State-trading countries.

— The most appropriate type of anti-dumping duty will therefore be a variable duty reflecting the difference between a minimum price expressed in ECU for each type of motor and the price to the first independent buyer.

As certain importers, in particular Sever Agrovojdina of Copenhagen and Sever Agrovojdina of Munich, are linked to an exporter by an association or a compensatory arrangement with a third party within the meaning of Article 2 (8) (b) of Regulation (EEC) No 2176/84, the Commission considers it necessary to take as a reference point in calculating the anti-dumping duty for those importers the price paid by the first buyer not associated with the exporter. In the case of the importers in question, the net unit price, free-at-Community-frontier, will correspond to the customs value as determined in accordance with Article 6 of Council Regulation (EEC) No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes⁽²⁾.

— The minimum price for each type of motor concerned has been based on the production costs of the most efficient industrial producers. A gross profit margin of 4 % of the cost price has been included to reflect the conditions of competition between Community producers.

⁽¹⁾ In other words, not artisanal.

⁽²⁾ OJ No L 134, 31. 5. 1980, p. 1.

On the basis of the Community reference cost price and the abovementioned profit margin, and given that there are no differences in physical characteristics between the imported motors and the Community motors, the Commission has determined the price increases necessary at the cif free-at-Community-frontier stage (see Annex).

The price increases for 4-pole motors represent a rise of approximately 30 % over import prices during the reference period.

The rate of the provisional anti-dumping duty is therefore much lower than the dumping margins established. However, having regard to the selling price needed to provide efficient Community producers with a reasonable profit, it should be sufficient to remove the injury caused by the imports concerned to the Community standardized multi-phase electric motor industry.

I. Final procedural provisions

- (36) A period should be fixed following imposition of the provisional duty within which the interested parties may make known their views in writing and request an oral hearing,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of standardized multi-phase electric motors having an output of more than 0,75 kW but not more than 75 kW, falling within subheading ex 85.01 B I b) of the Common Customs Tariff, corresponding to NIMEXE codes ex 85.01-33, ex 85.01-34 or ex 85.01-36, originating in Yugoslavia.

2. The expression 'standardized multi-phase motors' shall include all motors subject to international norms, in particular those of the International Electrotechnical Commission (IEC). The motors in question have the following standard rotation speeds: 3 000 rpm, 1 500 rpm, 1 000 rpm or 750 rpm; the following standard output: 1,1, 1,5, 2,2, 3, 4, 5,5, 7,5, 11, 15, 18,5, 22, 30, 37, 45, 55 or 75 kW; and the following standard spindle height: 80, 90, 100, 112, 132, 160, 180, 200, 250, 280 or 315 mm.

3. The amount of duty shall be equivalent, for each type of motor, to the difference between the net unit price, free-at-Community-frontier, not cleared through customs, and the price specified in the Annex.

The said free-at-Community-frontier price, not cleared through customs, shall be net if the actual terms and conditions of sale provide that payment shall be made within 30 days of the date of dispatch; it shall be lowered by 1 % for each month by which payment is actually deferred.

4. (a) Where it appears to the customs authorities that there is an association or a compensatory agreement between the exporter and the importer or a third party within the meaning of Article 2 (8) (b) of Regulation (EEC) No 2176/84, the price actually paid or payable for the product sold for export to the Community may not be used as a reference in establishing the net unit price, free-at-Community-frontier, mentioned in paragraph 3.

The unit price, free-at-Community-frontier, shall in this case correspond to the customs value as it could be determined in accordance with Article 6 of Regulation (EEC) No 1224/80. Failing this, where in the case of an associated importer the customs value cannot be determined in accordance with the above provisions, the net price, free-at-frontier, shall correspond to the customs value as determined in accordance with Article 2 (3) of that Regulation.

- (b) The provisions of subparagraph (a) shall apply *inter alia* to motors originating in Yugoslavia imported by the companies named below:

— Sever Agrovodna, Copenhagen,
— Sever Agrovodina, Munich.

5. Release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to payment of a security equivalent to the amount of the provisional duty.

6. The provisions in force with regard to customs duties shall apply subject to the provisions of this Regulation.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, interested parties may make known their views and apply to be heard orally by the Commission within one month of the entry into force of this Regulation.

Article 3

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

Without prejudice to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 10 April 1987.

For the Commission

Willy DE CLERCQ

Member of the Commission

ANNEX

Minimum prices for imports into the Community of certain standardized multi-phase electric motors originating in Yugoslavia

The minimum import prices referred to in Article 1 (3) of this Regulation are shown in the following table, expressed in ECU.

These prices apply to type B3 multi-phase electric motors (with retaining legs).

For other types (e.g. type B5 or B14) a supplement of 7 % must be added to the prices given below.

kW	hp	3 000 rpm	1 500 rpm	1 000 rpm	750 rpm
1,1	1,5	40,3	41,7	57,9	89,1
1,5	2	45,4	49,1	68,3	105,0
2,2	3	59,1	60,4	89,1	135,8
3	4	70,0	72,5	108,3	162,0
4	5,5	87,5	92,0	136,2	195,8
5,5	7,5	113,3	117,0	177,4	241,2
7,5	10	143,7	150,8	204,5	299,5
11	15	194,1	200,3	295,7	403,2
15	20	244,9	261,6	387,3	519,4
18,5	25	314,0	319,0	475,2	644,3
22	30	375,7	375,7	558,1	794,7
30	40	501,5	495,6	739,3	1 023,3
37	50	627,2	614,8	911,3	1 244,1
45	60	704,7	729,3	1 090,8	1 461,1
55	75	945,5	911,3	1 356,1	1 776,8
75	100	1 261,5	1 207,0	1 799,7	2 287,4

COMMISSION DECISION No 1044/87/ECSC

of 13 April 1987

amending Decision No 3485/85/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3485/ECSC of 27 November 1985 on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry⁽¹⁾, as last amended by Decision No 1008/87/ECSC⁽²⁾, and in particular Article 18 thereof,

Whereas by its Decision No 3524/86/ECSC⁽³⁾ the Commission had excluded from the application of Article 15, paragraphs 2 and 3, of Decision No 3485/85/ECSC products in Category Ic whose liberalization was imminent;

Whereas the Commission adopted Decision No 3524/86/ECSC with the aim of avoiding the transfer of references of products in Category Ic leading to the artificial swelling of the references of products remaining under the quota system;

Whereas a fresh verification of the data available leads to the conclusion that the repercussions of possible reference transfers are not of such a serious nature that they would justify the measure in question,

HAS ADOPTED THIS DECISION:

Article 1

Decision No 3524/86/ECSC is hereby repealed.

Article 2

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

It shall apply with effect from 19 November 1986.

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

Done at Brussels, 13 April 1986.

For the Commission

Karl-Heinz NARJES

Vice-President

⁽¹⁾ OJ No L 340, 18. 12. 1985, p. 5.

⁽²⁾ OJ No L 101, 11. 4. 1987, p. 1.

⁽³⁾ OJ No L 325, 20. 11. 1986, p. 35.

COMMISSION REGULATION (EEC) No 1045/87

of 13 April 1987

altering the monetary compensatory amounts in respect of skimmed-milk powder entering Spain under the arrangements laid down in Regulation (EEC) No 1624/76 and where denatured skimmed-milk powder is classified under subheading 04.02 A II b) 1 of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 90/87 ⁽²⁾, and in particular Articles 9 (2) and 12 thereof,

Whereas the monetary compensatory amounts introduced by Regulation (EEC) No 1677/85 were fixed by Commission Regulation (EEC) No 119/87 ⁽³⁾, as last amended by Regulation (EEC) No 966/87 ⁽⁴⁾;

Whereas the Spanish authorities have announced the application of Commission Regulation (EEC) No 1624/76 of 2 July 1976 concerning special arrangements for the payment of aid for skimmed-milk powder denatured or processed into compound feedingstuffs in the territory of another Member State ⁽⁵⁾, as last amended by Regulation (EEC) No 3183/86 ⁽⁶⁾; whereas the coefficient to be applied when skimmed-milk powder is imported under these arrangements should be determined with reference to the level of the intervention purchasing price in Spain;

Whereas it appears that, when the skimmed-milk powder, denatured in accordance with Article 2 of Commission Regulation (EEC) No 1725/79 of 26 July 1979 on the rules for granting aid to skimmed-milk powder processed into compound feedingstuffs and skimmed-milk powder intended for feed for calves ⁽⁷⁾, as last amended by Regulation (EEC) No 3183/86, passes through Customs, the Customs authorities sometimes classify the product under subheading 04.02 A II b) 1; whereas it should be provided that, in such a case, the monetary compensatory amount to be applied must be that applied to products classified under subheading 23.07 B II, account being taken of the proportion of skimmed-milk powder contained in the product;

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:

Article 1

In Part 5 of Annex I to Regulation (EEC) No 119/87, Note ⁽¹⁾ is replaced by the following:

'⁽¹⁾ For skimmed-milk powder consigned to Italy or Spain from another Member State in accordance with Regulation (EEC) No 1624/76 (OJ No L 180, 6. 7. 1976, p. 9), the amount indicated

- in the Member State of dispatch shall be multiplied by the coefficient 0,54,
- in Italy shall be multiplied by the coefficient 0,54,
- in Spain shall be multiplied by the coefficient 0,40.

Where milk in powder or granules which has been denatured in accordance with Article 2 of Regulation (EEC) No 1725/79 (OJ No L 199, 7. 8. 1979, p. 1) is classified under subheading 04.02 A II b) 1 of the Common Customs Tariff, the monetary compensatory amount to be applied shall be that fixed for products classified under subheading 23.07 B II of the Common Customs Tariff, account being taken of the proportion of skimmed-milk powder or granules (excluding any added whey and/or lactose and/or caseine and/or caseinates) in the finished product (see also Note ⁽⁶⁾).

In intra-Community trade in skimmed-milk powder in the unaltered state, sold under Regulations (EEC) No 368/77 (OJ No L 52, 24. 2. 1977, p. 19) and (EEC) No 443/77 (OJ No L 58, 3. 3. 1977, p. 16), the amount indicated shall be multiplied by the coefficient 0,16.'

Article 2

This Regulation shall enter into force on 1 May 1987.

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 13, 15. 1. 1987, p. 12.

⁽³⁾ OJ No L 16, 17. 1. 1987, p. 1.

⁽⁴⁾ OJ No L 91, 3. 4. 1987, p. 11.

⁽⁵⁾ OJ No L 180, 6. 7. 1976, p. 9.

⁽⁶⁾ OJ No L 297, 21. 10. 1986, p. 9.

⁽⁷⁾ OJ No L 199, 7. 8. 1979, p. 1.

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

Done at Brussels, 13 April 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

COMMISSION REGULATION (EEC) No 1046/87**of 13 April 1987****on arrangements for imports into Germany, Benelux, United Kingdom, Ireland, Denmark, Greece, Spain and Portugal of certain textile products (category 20) originating in Pakistan**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4136/86 of 22 December 1986 on common rules for imports of certain textile products originating in third countries⁽¹⁾, and in particular Article 11 thereof,

Whereas Article 11 of Regulation (EEC) No 4136/86 lays down the conditions under which quantitative limits may be established; whereas imports into the Community of certain textile products (category 20) specified in the Annex hereto and originating in Pakistan have exceeded the level referred to in paragraph 2 of the said Article 11;

Whereas, in accordance with paragraph 5 of the said Article 11 of Regulation (EEC) No 4136/86 on 5 March 1987 Pakistan was notified of a request for consultations; whereas, pending a mutually satisfactory solution, the Commission has requested Pakistan for a provisional period of three months to limit exports to Germany, Benelux, United Kingdom, Ireland, Denmark, Greece, Spain and Portugal of products falling within category 20 to 659, 547, 391, 3, 151, 5, 25 and 5 tonnes respectively, with effect from the date of notification of the request for consultations; whereas pending the outcome of the requested consultations quantitative limits identical to those requested of the supplier country should be applied provisionally to imports of the category of products in question;

Whereas imports of these products into Italy and France are already subject to regional quantitative limits for the years 1987 to 1991 by Regulation (EEC) No 4136/86;

Whereas paragraph 13 of the said Article 11 ensures that the quantitative limits are observed by means of a double-checking system in accordance with Annex VI to Regulation (EEC) No 4136/86;

Whereas the products in question exported from Pakistan to the Community between 5 March 1987 and the date of entry into force of this Regulation must be set off against the quantitative limits which have been introduced;

Whereas these quantitative limits should not prevent the importation of products covered by them shipped from

Pakistan before the date of entry into force of this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the provisions of Article 2, imports into Germany, Benelux, United Kingdom, Ireland, Denmark, Greece, Spain and Portugal of the category of products originating in Pakistan and specified in the Annex hereto shall be subject to the provisional quantitative limits set out in that Annex.

Article 2

1. Products as referred to in Article 1 shipped from Pakistan to Germany, Benelux, United Kingdom, Ireland, Denmark, Greece, Spain and Portugal before the date of entry into force of this Regulation and not yet released for free circulation, shall be so released subject to the presentation of a bill of lading or other transport document proving that shipment actually took place during that period.

2. Imports of products shipped from Pakistan to Germany, Benelux, Ireland, Denmark, Greece, Spain and Portugal after the entry into force of this Regulation shall be subject to the double-checking system described in Annex VI to Regulation (EEC) No 4136/86.

3. All quantities of products shipped from Pakistan on or after 5 March 1987 and released for free circulation shall be deducted from the quantitative limits laid down. These provisional limits shall not, however, prevent the importation of products covered by them but shipped from Pakistan before the date of entry into force of this Regulation.

Article 3

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

It shall apply until 4 June 1987.

⁽¹⁾ OJ No L 387, 31. 12. 1986, p. 1.

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

Done at Brussels, 13 April 1987.

For the Commission

Willy DE CLERCQ

Member of the Commission

ANNEX

Category	CCT heading No (1987)	NIMEXE code (1987)	Description	Third country	Units	Member States	Quantitative limits from 5 March to 4 June 1987
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
20	62.02 B I a) c)	62.02-12, 13, 19	Bed linen, other than knitted or crocheted	Pakistan	tonnes	D BNL UK IRL DK GR E P	659 547 391 3 151 5 25 5

COMMISSION REGULATION (EEC) No 1047/87**of 13 April 1987****on offers tendered in respect of the fourth invitation to tender issued under the standing invitation to tender referred to in Regulation (EEC) No 3905/86**

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 467/87 ⁽²⁾, and in particular Article 7 (3) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 3905/86 of 22 December 1986 on the sale by tender, for export, of beef held by certain intervention agencies to Peru ⁽³⁾, amended by Regulation (EEC) No 976/87 ⁽⁴⁾, intervention agencies have issued a standing invitation to tender in respect of certain quantities of beef which they hold;

Whereas no offers were received in respect of the fourth individual invitation to tender;

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

For the fourth individual invitation to tender pursuant to Regulation (EEC) No 3905/86 in respect of which the time limit for the submission of tenders expired on 8 April 1987, no award shall be made.

Article 2

This Regulation shall enter into force on 15 April 1987.

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

Done at Brussels, 13 April 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 364, 23. 12. 1986, p. 17.

⁽⁴⁾ OJ No L 92, 4. 4. 1987, p. 10.

COMMISSION REGULATION (EEC) No 1048/87

of 13 April 1987

amending Regulation (EEC) No 2664/86 and increasing to 310 000 tonnes the quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1579/86 ⁽²⁾, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 1836/82 of 7 July 1982 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies ⁽³⁾, as last amended by Regulation (EEC) No 124/87 ⁽⁴⁾,

Whereas Commission Regulation (EEC) No 2664/86 ⁽⁵⁾, as last amended by Regulation (EEC) No 884/87 ⁽⁶⁾, opened a standing invitation to tender for the export of 290 000 tonnes of rye held by the German intervention agency; whereas, in a communication of 9 April 1987, Germany informed the Commission of the intention of its intervention agency to increase by 20 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 310 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 2664/86 must therefore be amended;

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

Article 2 of Regulation (EEC) No 2664/86 is hereby replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 310 000 tonnes of rye to be exported to all third countries.
2. The regions in which the 310 000 tonnes of rye are stored are listed in Annex I hereto.

Article 2

Annex I to Regulation (EEC) No 2664/86 is replaced by the Annex hereto.

Article 3

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

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

Done at Brussels, 13 April 1987.

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 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 15, 17. 1. 1987, p. 9.

⁽⁵⁾ OJ No L 243, 28. 8. 1986, p. 17.

⁽⁶⁾ OJ No L 85, 28. 3. 1987, p. 12.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein / Hamburg	105 833
Niedersachsen / Bremen	107 805
Nordrhein-Westfalen	64 174
Hessen	7 823
Rheinland-Pfalz	11 789
Baden-Württemberg	6 138
Saarland	106
Bayern	5 919

COMMISSION REGULATION (EEC) No 1049/87

of 13 April 1987

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 23 to 29 March 1987

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

Having regard to Council Regulation (EEC) No 1347/86 of 6 May 1986 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom ⁽¹⁾, as amended by Regulation (EEC) No 4049/86 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1695/86 of 30 May 1986 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom ⁽³⁾, and in particular Article 7 (1) thereof,

Whereas, under Article 3 of Regulation (EEC) No 1347/86, an amount equivalent to the amount of the variable slaughter premium granted in the United Kingdom is levied on meat and meat preparations from animals on which it has been paid, when they are consigned to other Member States or to non-member countries;

Whereas, under Article 7 (1) of Regulation (EEC) No 1695/86 the amounts to be charged on departure from the territory of the United Kingdom of the products listed

in the Annex to the said Regulation must be fixed each week by the Commission;

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 23 to 29 March 1987 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of amended Regulation (EEC) No 1347/86, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1695/86 which left the territory of the United Kingdom during the week 23 to 29 March 1987 shall be those set out in the Annex.

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 23 March 1987.

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

Done at Brussels, 13 April 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽²⁾ OJ No L 377, 31. 12. 1986, p. 28.

⁽³⁾ OJ No L 146, 31. 5. 1986, p. 56.

ANNEX

Amounts to be levied on products which left the territory of the United Kingdom during
the week 23 to 29 March 1987

(ECU/100 kg net weight)

CCT heading No	Description	Amount
1	2	3
ex 02.01 A II a) and ex 02.01 A II b)	Meat of adult bovine animals, fresh, chilled or frozen : 1. Carcases, half-carcases or 'compensated' quarters 2. Separated or unseparated forequarters 3. Separated or unseparated hindquarters 4. Other : aa) Unboned (bone-in) bb) Boned or boneless	 26,26474 21,01179 31,51769 21,01179 35,98269
ex 02.06 C I a)	Meat salted, in brine, dried or smoked, of adult bovine animals : 1. Unboned (bone-in) 2. Boned or boneless	 21,01179 29,94180
ex 16.02 B III b) 1	Other prepared or preserved meat or meat offal, containing meat or offal of adult bovine animals : aa) Uncooked ; mixtures of cooked meat or offal and uncooked meat or offal : 11. Containing 80 % or more by weight of beef meat excluding offals and fat 22. Other	 29,94180 21,01179

COMMISSION REGULATION (EEC) No 1050/87

of 13 April 1987

amending, for the second time, Regulation (EEC) No 957/87 introducing a countervailing charge on lemons originating in Spain (except the Canary Islands)

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 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1351/86⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 957/87⁽³⁾, as amended by Regulation (EEC) No 1017/87⁽⁴⁾, introduced a countervailing charge on lemons originating in Spain (except the Canary Islands);

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge introduced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration the countervailing charge on the import of lemons originating in Spain (except the Canary Islands) must be altered;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁵⁾, the arrangements applicable to trade between, on the one hand, a new Member State and, on the other, the Community as constituted at 31 December 1985 must be those which were applicable before accession;

Whereas Article 140 (1) provides for a 4 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the second year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of amended Regulation (EEC) No 957/87, '12,04 ECU' is hereby replaced by '7,37 ECU'.

Article 2

This Regulation shall enter into force on 14 April 1987.

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

Done at Brussels, 13 April 1987

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽³⁾ OJ No L 90, 2. 4. 1987, p. 33.

⁽⁴⁾ OJ No L 95, 9. 4. 1987, p. 16.

⁽⁵⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 1051/87

of 13 April 1987

applying the duty in the Common Customs Tariff to fresh lemons originating in Cyprus

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 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus⁽¹⁾, and in particular Article 5 thereof;

Whereas Article 5 (2) and (3) of Annex I to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Cyprus; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 1252/73;

Whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾ as last amended by Regulation (EEC) No 1351/86⁽³⁾;

Whereas Regulation (EEC) No 1252/73 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24 (2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (1,44 ECU) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors and import charges other than customs duties are those used for the purpose of

calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1252/73;

Whereas, if the system is to operate normally, it 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⁽⁴⁾,
- 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 application of these rules to quotations recorded for lemons imported into the Community and originating in Cyprus indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 15 April 1987, the duty in the Common Customs Tariff shall be applied to fresh lemons (subheading 08.02 C of the Common Customs Tariff) imported into the Community and originating in Cyprus.

Article 2

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

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 119, 8. 5. 1986, p. 46.

⁽⁴⁾ 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, 13 April 1987.

For the Commission

Frans ANDRIESEN

Vice-President

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 March 1987

concerning the application submitted by Vita-tex Ltd, Slough, United Kingdom,
for refund of anti-dumping duties collected on certain imports of polyester yarn
originating in the United States of America

(Only the English text is authentic)

(87/232/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Whereas :

A. Procedure

- (1) The Council, by Regulation (EEC) No 3439/80⁽²⁾, as last amended by Regulation (EEC) No 2585⁽³⁾, imposed a definitive anti-dumping duty on imports of certain polyester yarn originating in the United States of America.
- (2) On 23 November 1984 Vita-tex Ltd, Slough, United Kingdom, an importer of polyester yarn from the United States, submitted an application to the United Kingdom authorities for a refund of an amount totalling £ ...⁽⁴⁾ sterling which it had definitively paid in anti-dumping duties on its imports of polyester yarn from the USA. The United Kingdom authorities forwarded the application to the Commission.

- (3) The Commission examined the application and informed the applicant of the preliminary result of this examination and gave it an opportunity to comment. The comments made were taken into consideration prior to this Decision.
- (4) The Commission informed the Member States and gave its opinion on the matter. The Commission altered its opinion following new representations made and information supplied by the applicant and the United Kingdom authorities. The Member States were informed of the Commission's revised opinion. None of the Member States disagreed with the revised opinion of the Commission.

B. Argument of the applicant

- (5) The applicant has based its application on a comparison between the export prices concerned and the prices of goods sold in the United States of America.

C. Admissibility

- (6) Initially, the Commission informed the applicant and the Member States that it considered the application inadmissible as it appeared to have been submitted outside the time limit specified in Article 16 (2) of Regulation (EEC) No 2176/84. Following further representations made by the applicant and the United Kingdom authorities the

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 358, 31. 12. 1980, p. 91.

⁽³⁾ OJ No L 246, 13. 9. 1985, p. 57.

⁽⁴⁾ In the published version of the present 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.

Commission now accepts that the application was submitted in conformity with the relevant provisions of the Community's anti-dumping legislation, in particular those concerning time limits.

D. Merits of the claim

- (7) The applicant included in its application detailed information on the normal values in the United States at the time the imports concerned in the application took place. The Commission is satisfied with the representativeness and completeness of the information presented and therefore the normal values submitted by the applicant have been accepted.
- (8) A comparison of the normal values mentioned in paragraph 7 above with the export prices concerned shows that the application is justified.

E. Amount of refund

- (9) The amount to be refunded should be equal to the amount by which the duty collected exceeded the difference between the normal values and the

export prices. The total difference for the shipments in question amounts to £...

HAS ADOPTED THIS DECISION:

Article 1

The refund application for a total of £... submitted by Vita-Tex Ltd, Slough, United Kingdom, is hereby granted.

Article 2

The amount set out in Article 1 shall be refunded by the authorities of the United Kingdom.

Article 3

This Decision is addressed to the United Kingdom and to Vita-Tex Ltd, Slough, United Kingdom.

Done at Brussels, 27 March 1987.

For the Commission

Karl-Heinz NARJES

Vice-President

COMMISSION DECISION

of 30 March 1987

recognizing that the production of certain quality wines produced in specified regions, because of their qualitative features, is far below demand

(Only the Spanish, French and Italian texts are authentic)

(87/233/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EEC) No 536/87 ⁽²⁾, and in particular Article 30 (3) thereof,

Whereas under Article 30 (1) of Regulation (EEC) No 337/79 all new plantings of vines are prohibited until 31 August 1990; whereas, however, that provision allows Member States to grant authorizations for new plantings in the case of quality wines psr for which the Commission has recognized that production, because of their qualitative features, is far below demand;

Whereas requests to apply that provision to certain quality wines psr were submitted by the Spanish Government on 20 November 1986, the Italian Government on 29 November 1986 and the French Government on 6 January 1987;

Whereas scrutiny of those requests shows that the quality wines psr concerned meet the requirements applicable provided that, for all quality wines psr produced in the same region, the increase in the areas intended for their

production does not exceed the limits laid down by the Spanish, Italian or French Governments, respectively;

Whereas the Management Committee for Wine has not delivered an opinion within the time limit set by the Chairman,

HAS ADOPTED THIS DECISION:

Article 1

The quality wines psr listed in the Annex hereto meet the requirements laid down in the second subparagraph of Article 30 (1) of Regulation (EEC) No 337/79 subject, for all quality wines psr in any given region, to compliance with the maximum increase in area specified in the Annex.

Article 2

This Decision is addressed to the Kingdom of Spain, the French Republic and the Italian Republic.

Done at Brussels, 30 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 54, 5. 3. 1979, p. 1.

⁽²⁾ OJ No L 55, 25. 2. 1987, p. 1.

ANNEX

Quality wine psr	(hectares) Area
I. SPAIN	
Región del Alto Ebro	
Comunidad Autónoma Foral de Navarra :	
Denominación de Origen Rioja	250
Denominación de Origen Navarra	350
Comunidad Autónoma de la Rioja :	
Denominación de Origen Rioja	600
Región Catalana	
Comunidad Autónoma de Cataluña :	
Denominación de Origen Penedès	300
Denominación de Origen Tarragona	50
Denominación de Origen Terra Alta	125
Denominación de Origen Empordà-Costa Brava	19
II. FRANCE	
Régions d'Alsace et de l'Est	110
Région de la Champagne	500
Champagne	
Région de Bourgogne	600
Beaujolais	
Bourgogne	
Chablis	
Mâcon	
Sauvignon de Saint-Bris	
Régions roannaise, du Jura et de la Savoie	600
Arbois	
Coteaux du Lyonnais	
Côtes du Jura	
L'Étoile	
Seyssel	
Vin du Bugey	
Vin de Savoie	
Côtes Roannaises	
Région des Côtes du Rhône	550
Châteauneuf du Pape	
Clairette de Die	
Condrieu	
Cornas	
Coteaux du Tricastin	
Côtes du Rhône	
Côte-Rôtie	
Côte du Ventoux	
Crozes-Hermitage	
Gigondas	
Lirac	
Saint-Joseph	
Saint-Peray	
Tavel	
Côtes du Luberon	
Côtes du Vivarais	
Régions de Provence et de la Corse	550
Bandol	
Bellet	
Côtes de Provence	
Coteaux Varois	

(hectares)	
Quality wine psr	Area
Région du Sud-Ouest	1 200
Bergerac	
Cahors	
Côtes de Buzet	
Côtes de Duras	
Côtes de Brulhois	
Côtes du Marmandais	
Côtes de Saint-Mont	
Gaillac	
Irouleguy	
Jurançon	
Madiran	
Pacherenc du Vic Bilh	
Pecharmant	
Côtes de Saint-Mont	
Tursan	
Vin d'Entraygues et du Fel	
Côtes du Frontonnais	
Vin de Lavilledieu	
Vin de Marcillac	
Région de Bordeaux	1 200
Bordeaux	
Cadillac	
Cérons	
Côtes de Blaye	
Côtes de Bordeaux	
Côtes de Bourg	
Fronsac	
Graves	
Graves de Vayres	
Haut-Médoc	
Listrac	
Margaux	
Médoc	
Moulis	
Pauillac	
Pomerol	
Saint-Émilion	
Saint-Estèphe	
Saint-Julien	
Sainte-Croix-du-Mont	
Sauternes	
Régions du Val de Loire	300
Anjou	
Bourgueil	
Cheverny	
Chinon	
Côtes d'Auvergne	
Côtes de Giens	
Coteaux d'Annecy	
Coteaux du Loir	
Gros Plant ou Gros Plant du Pays Nantais	
Menetou Salon	
Muscadet	
Pouilly fumé	
Quincy	
Reuilly	
Sancerre	
Saumur	
Touraine	
Vouvray	
Vin de l'Orléanais	
Vin du Haut-Poitou	

Quality wine psr	(hectares) Area
Régions Languedoc-Roussillon	400
Cabardès Collioure Corbières Costières du Gard Coteaux du Languedoc Côtes de la Malepère Côtes du Roussillon Faugères Fitou Saint-Chinian Minervois Picpoul de Pinet	
Vins doux naturels	15
Muscat de Beaumes-de-Venise Muscat de Frontignan Muscat de Saint-Jean-de-Minervois	
III. ITALY	
Lombardia	132
Franciacorta bianco Lugana bianco	
Emilia Romagna	100
Colli piacentini Colli bolognesi monte S. Pietro Colli di Parma Albana di Romagna Trebiano di Romagna Sangiovese di Romagna	
Lazio	35
Frascati Cerveteri Zagarolo Colli Albani	
Abruzzo	93
Montepulciano d'Abruzzo Trebiano d'Abruzzo	
Calabria	70
Melissa Savuto	
Toscana	791
Bianco pisano di San Torpé Carmignano Vernaccia di S. Gimignano Chianti classico Chianti Colli senesi Chianti Colli fiorentini Chianti Montalbano Brunello di Montalcino	

COMMISSION DIRECTIVE
of 31 March 1987
amending the Annex to Council Directive 77/101/EEC on the marketing of
straight feedingstuffs

(87/234/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 77/101/EEC of 23 November 1976 on the marketing of straight feedingstuffs ⁽¹⁾, as last amended by Directive 86/354/EEC ⁽²⁾, and in particular Article 10 thereof,

Whereas Directive 77/101/EEC provides for amendment of the content of its Annex to take account of advances in scientific and technical knowledge;

Whereas it is appropriate to amend or supplement the provisions on the description and composition of certain by-products of rice milling or certain mineral substances in order to be able to identify them by their characteristics;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 77/101/EEC is hereby amended as set out in the Annex hereto.

Article 2

Member States shall, by 30 November 1987 at the latest, bring into force the laws, regulations or administrative provisions necessary to comply with Article 1. They shall immediately inform the Commission thereof.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 31 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 32, 3. 2. 1977, p. 1.

⁽²⁾ OJ No L 212, 2. 8. 1986, p. 27.

ANNEX

In Part B of the Annex to Directive 77/101/EEC:

1. The text of item 2.4.3., 'Rice bran (brown)', is replaced by the following:

1	2	3	4	5	6	7
'2.4.3.	Rice bran (brown)	By-product of the first polishing of husked rice without the use of calcium carbonate. It consists of silvery skins, particles of the aleurone layer, endosperm and germ	Crude protein Crude fibre Crude oil and fat	Moisture Crude ash Ash insoluble in HCl	Crude protein Crude oil and fat Moisture Crude fibre Crude ash Ash insoluble in HCl Rice husks	min. 13,5 % min. 13,5 % max. 12 % max. 12,5 % max. 13 % max. 1,7 % max. 3 %

2. The following item 2.4.3.a. is added:

1	2	3	4	5	6	7
'2.4.3.a.	Rice bran (brown), low in calcium carbonate	By-product of the first polishing of husked rice. It consists of silvery skins, particles of the aleurone layer, endosperm and germ; it contains a small quantity of calcium carbonate resulting from the polishing process.	Crude protein Crude fibre Crude oil and fat Calcium carbonate	Moisture Crude ash Ash insoluble in HCl	Crude protein Crude oil and fat Moisture Crude fibre Crude ash Ash insoluble in HCl Rice husks Calcium carbonate	min. 13,5 % min. 13,5 % max. 12 % max. 12,5 % max. 16 % max. 1,7 % max. 3 % max. 3 %

3. In the item 2.4.4. 'Rice bran (white)' in column 6 the figure 10 % (for Crude ash) is replaced by the figure 9 %.

4. The text of item 4.6, 'Calcium monohydrogen phosphate (dicalcium phosphate)', is replaced by the following:

1	2	3	4	5	6	7
'4.6.	Calcium monohydrogen phosphate (dicalcium phosphate)	Product consisting of technically pure calcium monohydrogen phosphate (dicalcium phosphate)	Total phosphorus Chlorides, expressed as NaCl	Calcium	Total phosphorus Chlorides, expressed as NaCl Ratio $\frac{Ca}{P}$	min. 16 % max. 1 % > 1,15'

5. The text of item 4.9, 'Calcium bis-(dihydrogen phosphate) (monocalcium phosphate)', is replaced by the following :

1	2	3	4	5	6	7
'4.9.	Calcium bis-(dihydrogen phosphate) (monocalcium phosphate)	Product consisting of technically pure calcium bis-(dihydrogen phosphate) (monocalcium phosphate)	Total phosphorus	Calcium	Total phosphorus Calcium Chlorides expressed as NaCl Ratio $\frac{Ca}{P}$	min. 22 % min. 16 % max. 1 % < 0,8' x

COMMISSION DIRECTIVE**of 31 March 1987****amending the Annex to Council Directive 79/373/EEC on the marketing of compound feedingstuffs****(87/235/EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 79/373/EEC of 2 April 1979 on the marketing of compound feedingstuffs ⁽¹⁾, as last amended by Directive 86/354/EEC ⁽²⁾, and in particular Article 10 thereof,

Whereas Directive 79/373/EEC provides for regular amendment of the content of its Annex to take account of advances in scientific and technical knowledge;

Whereas the iron content in milk replacer feeds does not always allow the nutritional needs of animals to be covered, in particular in the case of young calves; whereas to remedy this situation it is appropriate to fix a minimum iron level for milk replacer feeds for this category of animals;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 79/373/EEC is hereby amended as set out in the Annex hereto.

Article 2

Member States shall, by 30 November 1987 at the latest, bring into force the laws, regulations or administrative provisions necessary to comply with Article 1. They shall immediately inform the Commission thereof,

Article 3

Done at Brussels, 31 March 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

In the Annex the following new item 3a is added:

- '3a. The iron level in milk replacer feeds for calves with a live weight less than or equal to 70 kilograms must be at least 30 milligrams per kilogram of the complete feedingstuffs at a moisture content of 12 %.'
-

⁽¹⁾ OJ No L 86, 6. 4. 1979, p. 30.

⁽²⁾ OJ No L 212, 2. 8. 1986, p. 27.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 864/87 of 23 March 1987 imposing a definitive anti-dumping duty on imports of standardized multi-phase electric motors having an output of more than 0,75 kW but not more than 75 kW, originating in Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland and the Soviet Union, and definitively collecting the amounts secured as provisional duties

(Official Journal of the European Communities No L 83 of 27 March 1987)

Page 12, Article 1 (4) (a), second subparagraph :

for: 'In this case the net unit price, free-at-Community-frontier, shall be the customs value as determined in accordance with Article 6 of Regulation (EEC) No 1224/80. Failing this, in cases where, for an associated importer, it is not possible to determine the customs value in accordance with the foregoing provisions, the net price, free-at-frontier, shall correspond to the customs value as determined in accordance with Article 2 (3) of the said Regulation.'

read: 'In this case the net unit price, free-at-Community-frontier, shall be the customs value as would be determined in accordance with Article 6 of Regulation (EEC) No 1224/80. Failing this, in cases where, for an associated importer, it would not be possible to determine the customs value in accordance with the foregoing provisions, the net price, free-at-frontier, shall correspond to the customs value as would be determined in accordance with Article 2 (3) of the said Regulation.'

COMMISSION OF THE EUROPEAN COMMUNITIES

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