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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1284/87

of 8 May 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 7 May 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 9 May 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, 8 May 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 8 May 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	16,66	202,16
10.01 B II	Durum wheat	52,48	261,33 ⁽¹⁾ ⁽²⁾
10.02	Rye	45,73	180,29 ⁽⁶⁾
10.03	Barley	44,00	196,88
10.04	Oats	102,29	156,89
10.05 B	Maize, other than hybrid maize for sowing	4,93	181,34 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	44,00	132,79
10.07 B	Millet	44,00	150,24 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	29,91	187,85 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed; other cereals	44,00	69,34 ⁽⁵⁾
11.01 A	Wheat or meslin flour	39,02	299,60
11.01 B	Rye flour	79,72	268,10
11.02 A I a)	Durum wheat groats and meal	95,18	418,89
11.02 A I b)	Common wheat groats and meal	39,18	320,61

⁽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 1285/87

of 8 May 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 7 May 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 9 May 1987.

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

Done at Brussels, 8 May 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 8 May 1987 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 5	1st period 6	2nd period 7	3rd period 8
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	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

CCT heading No	Description	(ECU/tonne)				
		Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
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 1286/87

of 8 May 1987

fixing the import levies on rice and broken rice

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1449/86⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 883/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports rice of the long-grain aromatic Basmati variety falling within subheading ex 10.06 B I or II of the Common Customs Tariff⁽³⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 881/87⁽⁴⁾, as last amended by Regulation (EEC) No 1197/87⁽⁵⁾;

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 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 contained in Regulation (EEC) No 881/87 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 the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 May 1987.

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

Done at Brussels, 8 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽⁴⁾ OJ No L 85, 28. 3. 1987, p. 5.

⁽⁵⁾ OJ No L 115, 1. 5. 1987, p. 5.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 8 May 1987 fixing the import levies on rice and broken rice

(ECU / tonne)

CCT heading No	Description	Portugal	Third countries ⁽³⁾	ACP or OCT ⁽¹⁾ ⁽²⁾ ⁽³⁾	Basmati ⁽⁴⁾
ex 10.06	Rice :				
	B. Other :				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	—	354,34	173,57	—
	2. Long grain	—	381,94	187,37	286,46
	b) Husked rice :				
	1. Round grain	—	442,93	217,86	—
	2. Long grain	—	477,42	235,11	358,07
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	13,05	548,03	262,09	—
	2. Long grain	12,97	681,98	329,10	511,49
	b) Wholly milled rice :				
	1. Round grain	13,90	583,66	279,48	—
	2. Long grain	13,90	731,09	353,19	548,32
	III. Broken rice	82,92	211,02	102,51	—

N.B. The levies are to be converted into national currencies using the specific agricultural conversion rates fixed in Regulation (EEC) No 3294/86.

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

⁽²⁾ In accordance with Regulation (EEC) No 486/85, the levies are not applied to imports into the overseas department of Réunion of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

⁽⁴⁾ This levy is applicable to Basmati rice covered by the arrangement provided for by Council Regulation (EEC) No 3877/86.

COMMISSION REGULATION (EEC) No 1287/87

of 8 May 1987

fixing the premiums to be added to the import levies on rice and broken rice

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

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽¹⁾, as last amended by Regulation (EEC) No 1449/86⁽²⁾, and in particular Article 13 (6) thereof,

Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2684/86⁽³⁾, as last amended by Regulation (EEC) No 1198/87⁽⁴⁾;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁵⁾,
- 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, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in Portugal shall be zero.
2. The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 May 1987.

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

Done at Brussels, 8 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 133, 21. 5. 1986, p. 1.

⁽³⁾ OJ No L 246, 30. 8. 1986, p. 8.

⁽⁴⁾ OJ No L 115, 1. 5. 1987, p. 7.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 8 May 1987 fixing the premiums to be added to the import levies on rice and broken rice

CCT heading No	Description	(ECU/tonne)			
		Current 5	1st period 6	2nd period 7	3rd period 8
ex 10.06	Rice :				
	B. Other :				
	I. Paddy rice ; husked rice :				
	a) Paddy rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Husked rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	II. Semi-milled or wholly milled rice :				
	a) Semi-milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	b) Wholly milled rice :				
	1. Round grain	0	0	0	—
	2. Long grain	0	0	0	—
	III. Broken rice	0	0	0	0

COMMISSION REGULATION (EEC) No 1288/87

of 8 May 1987

altering the specific agricultural conversion rates applicable in the rice sector

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

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽¹⁾, and in particular Article 2 (4) thereof,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽²⁾, as last amended by Regulation (EEC) No 90/87 ⁽³⁾, and in particular Article 9 (2) thereof,

Whereas by Commission Regulation (EEC) No 3294/86 ⁽⁴⁾, as last amended by Regulation (EEC) No 1199/87 ⁽⁵⁾, specific agricultural conversion rates to be applied in the rice sector were established; whereas those conversion rates must be altered pursuant to Articles 2 and 3 of Commission Regulation (EEC) No 3153/85 ⁽⁶⁾;

Whereas Regulation (EEC) No 3153/85, as amended by Regulation (EEC) No 1194/87 ⁽⁷⁾, lays detailed rules for

the calculation of monetary compensatory amounts; whereas the spot market rates for the pound sterling recorded in accordance with Regulation (EEC) No 3153/85 during the period 29 April to 5 May 1987, require the specific agricultural conversion rates applicable for the United Kingdom to be altered pursuant to Article 9 (2) of Regulation (EEC) No 1677/85,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EEC) No 3294/86 is replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 11 May 1987.

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

Done at Brussels, 8 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽³⁾ OJ No L 13, 15. 1. 1987, p. 12.

⁽⁴⁾ OJ No L 304, 30. 10. 1986, p. 25.

⁽⁵⁾ OJ No L 115, 1. 5. 1987, p. 9.

⁽⁶⁾ OJ No L 310, 21. 11. 1985, p. 4.

⁽⁷⁾ OJ No L 116, 4. 5. 1987, p. 1.

*ANNEX***Specific agricultural conversion rate for rice**

(Regulation (EEC) No 3294/86)

1 ECU	= Bfs	47,7950
	= DM	2,31728
	= Dkr	8,83910
	= Dr	171,276
	= Pta	163,292
	= FF	7,77184
	= £ Irl	0,864997
	= Lit	1 650,35
	= Fl	2,61097
	= £	0,778727

COMMISSION REGULATION (EEC) No 1289/87

of 8 May 1987

imposing a provisional anti-dumping duty on imports of urea originating in Czechoslovakia, the German Democratic Republic, Kuwait, Libya, Saudi Arabia, the USSR, Trinidad and Tobago and 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 consultations within the Advisory Committee as provided for by the above Regulation,

Whereas :

A. PROCEDURE

- (1) In July 1986 the Commission received a complaint lodged by CMC-Engrais (Common Market Committee of the Nitrogen and Phosphate Fertilizer Industry) on behalf of producers of urea whose collective output constitutes substantially all Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of urea falling within Common Customs Tariff subheadings 31.02 B and ex 31.02 C corresponding to NIMEXE codes 31.02-15 and 31.02-80 and originating in Czechoslovakia, the German Democratic Republic, Kuwait, Libya, Saudi Arabia, the USSR, Trinidad and Tobago and Yugoslavia and commenced an investigation.

The Commission also published a notice concerning supplementary allegations made by the complainants with regard to the conditions under which anti-dumping measures may be taken with retroactive effect⁽³⁾.

- (2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting countries and the

complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

- (3) The majority of the known producers, exporters and importers made their views known in writing. The producers/exporters of the German Democratic Republic, Libya, Yugoslavia, Trinidad and Tobago and a number of importers have requested and were granted hearings.
- (4) Submissions were made on behalf of Community purchasers of urea.
- (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) EEC producers :

Belgium

Nederlandse Stikstof Maatschappij (NSM), Brussels (a subsidiary of Norsk Hydro);

France

CDF Chimie AZF, Paris,

Compagnie Française de l'Azote (COFAZ), Paris (since 1 February 1986 a subsidiary of Norsk Hydro);

Italy

Agrimont SpA, Milano (a subsidiary of Montedison)

Enichem Agricoltura, Milano (a subsidiary of Enichem);

United Kingdom

Imperial Chemical Industries Ltd PLC (ICI), Billingham;

(b) Non-EEC producers/exporters :

Kuwait

Petrochemical Industry Company (PIC), Kuwait (subsidiary of Kuwait Petroleum Company);

Saudi Arabia

Al-Jubail Fertilizer Company (SAMAD), Al-Jubail and Saudi Arabian Fertilizer Company (SAFCO), Dammam, both subsidiaries of Saudi Basic Industries Corporation (SABIC), Riyadh;

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No C 254, 11. 10. 1986, p. 3.

⁽³⁾ OJ No C 34, 12. 2. 1987, p. 3.

Trinidad and Tobago

National Energy Corporation of Trinidad and Tobago Ltd, (NEC), Point Lisas and Fertilizers of Trinidad and Tobago Ltd (Fertrin), Point Lisas.

- (6) The Commission requested and received detailed written submissions from complainant Community producers, most exporters and the majority of importers and verified the information therein to the extent considered necessary.
- (7) The investigation of dumping covered the period from 1 July 1985 to 30 September 1986.

B. DUMPING**(i) Normal value****(a) Saudi Arabia**

- (8) Normal value was provisionally determined on the basis of the domestic prices of SAFCO, which sold the urea produced by SAMAD during the period under investigation and provided sufficient evidence.
- (9) For this purpose the sales prices charged by SAFCO to independent customers were used. The Commission adopted this line for the following reasons:

Article 2 (3) (a) of Regulation (EEC) No 2176/84 requires normal value to be based on prices actually paid or payable in the ordinary course of trade; Article 2 (7) entitles the Commission to disregard the prices charged in transactions between associated companies, unless the prices and costs involved are comparable to those involved in transactions between parties which have no such link. In this case, since there were no sales by the manufacturing company (SAMAD) to non-associated third parties, the Commission could not satisfy itself that the prices and costs involved in the sales between SAMAD and SAFCO corresponded to transactions between non-associated companies.

The evidence given during the investigation showed that SAMAD and SAFCO form an integral part of one corporate group (SABIC). The fact that they are legally separate entities does not alter the existence of a single economic entity. What is relevant is not the legal structure but the fact that SAFCO acts as sales company with regard to the product concerned manufactured by SAMAD.

- (10) Since exports to the Community during the period under investigation consisted not only of treated,

but also of untreated material, it was considered appropriate to determine normal value separately for each of these types.

(b) Kuwait, Trinidad and Tobago

- (11) In seeking to determine the normal value the Commission had to take account of the fact that there are no significant sales of the like product on the domestic market of these countries. The Commission decided therefore that the normal value for the producing companies in these countries should be established on the basis of the constructed value.

The constructed values were determined by adding cost of production and a reasonable margin of profit. The cost of production was computed on the basis of all costs, both fixed and variable, in the ordinary course of trade, in the country of origin, of materials and manufacture, plus a reasonable amount for selling, administrative and other general expenses.

With regard to the producer in Kuwait a profit margin of 10 %, considered to be reasonable in the light of the company's previous performance, was added to these costs. With regard to the producer in Trinidad and Tobago, a profit margin of 7 % was provisionally established. This margin was considered to be reasonable, given that normal production only started in 1985, and in the light of the profit margins found for exporters of the product concerned in other countries concerned in these proceedings. This margin was added to the costs.

The producer in Trinidad and Tobago asked the Commission to exclude amortization and depreciation from the cost of production on the grounds that it had recently started production of the product concerned and, therefore, that these costs should not be considered as being in the ordinary course of trade. This request cannot be granted because these items are normal components of a cost of production of a company in a market economy country. It was also requested that financing costs relating to the construction of the plant be excluded because otherwise the Community would be acting in contravention of Articles 129 and 185 of the third Lomé Convention. However, such a request cannot be granted because account can only be taken of the stage of development of the exporting country when examining what measures are most appropriate, but not when determining dumping, for which objective criteria have to be applied. This interpretation is in line with Article 13 of the Agreement on Implementation of Article VI of the GATT.

(c) *Yugoslavia*

- (12) In the absence of sufficient cooperation from the exporter, normal value was provisionally determined, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2176/84, on the basis of the facts available, i.e. the domestic price payable on the domestic market as alleged in the complaint.

(d) *Libya*

- (13) In the absence of sufficient cooperation from the exporter, normal value was provisionally determined, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2176/84, on the basis of the facts available, i.e. the constructed value alleged in the complaint. The costs used in the complaint for calculating the constructed value were examined by the Commission to the extent possible and were found to be reasonable.

The same profit margin as that used with regard to the producer in Kuwait was added to the costs.

(e) *Czechoslovakia, the German Democratic Republic and the USSR*

- (14) In order to establish whether the imports from Czechoslovakia, the German Democratic Republic and the USSR were dumped, the Commission had to take account of the fact that these countries do not have market economies 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 Austrian market.
- (15) However, most of the exporters and importers of the product concerned originating in these three countries objected to this choice. Furthermore, in order to avoid an additional administrative burden, the Commission normally determines normal value in one of the market economy countries already involved in the proceeding. It therefore invited parties to make comments concerning the possibility of determining normal value in one of the five market economy countries involved in the present proceeding and in particular concerning Saudi Arabia, with regard to which the complainants had suggested that normal value be determined on the basis of domestic prices.

The choice of Saudi Arabia was contested by one of the importers of the USSR product, mainly for the following reasons :

- (i) by choosing domestic prices in Saudi Arabia the normal value would be higher than the

Austrian normal value put forward by the complainants ;

- (ii) users of urea in Saudi Arabia allegedly benefit from subsidies enabling them to pay artificially high prices ;
- (iii) only a small proportion of the urea production in Saudi Arabia is consumed domestically.

However, these arguments are rejected because :

- (i) a normal value put forward by the complainants is only one of the elements to be considered by the Commission when choosing the appropriate market economy country ;
- (ii) no evidence was submitted to show that users in Saudi Arabia benefit from subsidies nor that for this reason prices would be artificially high in Saudi Arabia ;
- (iii) it was found that there is no disproportion between the sales volume of urea on the domestic market in Saudi Arabia on the one hand, and the sales volume exported to the Community on the other, or, for that matter, the sales volume exported in general.
- (16) The Commission considered that, for the purpose of this provisional duty Regulation, Saudi Arabia constitutes in this case an appropriate and not unreasonable analogue country under Article 2 (5) of Regulation (EEC) No 2176/84 for the following reasons :
- (i) Saudi Arabia is not a particularly protected market, given that no customs duties are levied on imports of urea, at least not of urea originating in the Community ;
- (ii) prices charged in Saudi Arabia for urea manufactured by SAMAD were not in an unreasonable proportion to the production costs ;
- (iii) the product originating in Saudi Arabia is similar to that originating in the State-trading countries concerned ;
- (iv) on the basis of facts available there are no significant differences in technology and production processes which could lead to significant differences in cost of production in Saudi Arabia and the three other countries concerned ;
- (v) it was also found that the nature of the raw material, i.e. gas, used for the production of ammonia from which urea is derived and which normally accounts for at least 50 % of the cost of production, is comparable. In as much as the advantages which may result from the fact that the exporting countries have their own gas deposits may be reflected in the sales

prices of urea, the choice of Saudi Arabia is considered to be appropriate, since both Saudi Arabia and the USSR are in such a situation. With respect to Czechoslovakia and the German Democratic Republic, which do not have such natural resources, this choice is considered to be to their advantage.

(ii) *Export prices*

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

With regard to exports to the Community of the product originating in the USSR, it was found that the majority were made through a subsidiary company in the Community. In such circumstances the export price is normally reconstructed, pursuant to Article 2 (8) (b) of Regulation (EEC) No 2176/84, on the basis of the price at which the imported product is first resold to an independent buyer. However, for the purposes of a preliminary determination and subject to a future on-the-spot investigation at the premises of the importer, it is considered sufficient to determine the export price for these transactions on the basis of the invoice value paid by the importer to the exporter. In this respect there is reason to believe that the invoice prices are not very substantially different from the level which will be reached by reconstructing the export price.

With regard to the export prices charged for supplies to the Community, several exporters argued that they had no choice but to sell at the low prices found by the Commission during the investigation because of the worldwide depressed price level of this product.

In this respect the Commission found contradictory information which showed that prices outside the Community were sometimes higher and sometimes lower than within the Community. In any event, the fact that prices for a particular product are depressed outside the Community does not constitute any justification whatsoever for exporters to sell their products at dumped prices within the Community. Whether or not such imports cause material injury is another question, which is examined below.

(iii) *Comparison*

- (18) In comparing normal value with export prices the Commission took account, where appropriate, of differences affecting price comparability. As far as differences in conditions and terms of sale were concerned, allowances were limited to those diffe-

rences which bore a direct relationship to the sales under consideration, such as credit terms, banking charges, transport, insurance, commissions, packing and handling.

- (19) Requests for other adjustments such as salaries paid to salesmen, technical assistance, publicity and warehousing were not granted at this stage of the proceeding because supporting evidence or satisfactory evidence showing that differences in costs were directly related to the sales under consideration was not submitted.

- (20) The comparison of export prices with normal value was made on the following basis:

Saudi Arabia:	ex-warehouse
Kuwait and Trinidad and Tobago:	fob
Yugoslavia, Libya, Czechoslovakia, the German Democratic Republic and the USSR	ex-works

(iv) *Dumping margins*

- (21) The margin of dumping was calculated for each exporter as the amount by which the normal value as established exceeds the price for each export transaction to the Community.

The preliminary examination of the facts showed the existence of dumping in respect of the producers/exporters involved in this proceeding.

- (22) These margins vary according to the exporter, the weighted average margin for each of the exporters investigated being as follows:

	%
(a) <i>Saudi Arabia:</i>	
SAMAD	61
(b) <i>Kuwait:</i>	
PIC	45
(c) <i>Trinidad and Tobago:</i>	
NEC	43
(d) <i>Yugoslavia:</i>	
INA	78
(e) <i>Libya:</i>	
Napetco	69
(f) <i>Czechoslovakia:</i>	
Petrimex	40
(g) <i>German Democratic Republic:</i>	
Chemie-Export-Import	59
(h) <i>USSR:</i>	
Sojuzpromexport	63.

C. INJURY

- (23) With regard to the injury caused by the dumped imports the evidence available to the Commission shows that imports of urea into the Community from Czechoslovakia, the German Democratic Republic, Kuwait, Libya, Saudi Arabia, the USSR, Trinidad and Tobago and Yugoslavia increased from 89 965 tonnes in 1984 to 298 595 tonnes in 1985, i. e. by 232 %. During the first nine months of 1986 these imports amounted to 713 621 tonnes.

On the assumption that imports continued at the same rate during the last three months of 1986, imports from these countries would have amounted to 951 496 tonnes and would have shown an increase of another 219 % in 1986 compared to 1985.

The imports (in tonnes) from each of the countries involved in these proceedings increased between 1984 and 1986 (assuming that the imports continued at the same rate during the last three months of 1986 as during the first nine months of 1986) as follows :

	1984	1985	1986
Czechoslovakia	34 257	33 621	41 269
German Democratic Republic	33 771	26 180	96 365
Kuwait	—	11 212	62 279
Libya	2 188	15 252	243 158
Saudi Arabia	—	20 000	147 300
USSR	4 000	140 000	194 667
Trinidad and Tobago	—	30 209	126 495
Yugoslavia	15 749	22 121	39 963

- (24) This development would represent an increase in the market share held by these countries in the Community from 2,32 % in 1984 to 7,28 % in 1985 and to 20 % in 1986. If the quantity of urea manufactured by the EEC producers and destined for captive use is deducted from total consumption in the Community, this development represents an increase in market share held by the dumped imports from 3,29 % in 1984 to 10,15 % in 1985 and to 26,00 % in 1986. If this development is related to the use of urea in the agricultural sector only, assuming that 90 % of the dumped imports are sold in this sector, such a development represents an increase in market share from 3,85 % in 1984 to 11,55 % in 1985 and to 28,74 % in 1986.

- (25) It was argued by several parties that, when assessing the impact of the dumped imports on the Community industry, account should be taken of the fact that Community producers themselves purchased part of the dumped products.

In this respect it was found that during the period under investigation approximately 80 000 tonnes of urea originating in the German Democratic Republic, Libya, Trinidad and Tobago and the USSR had been imported directly or indirectly by Community producers of urea.

- (a) During the period under investigation the French producers purchased approximately 40 000 tonnes of the dumped products. These

transactions took place mainly because one of the producers had closed down its main plant for nine months in 1985 in order to improve efficiency and this had resulted in insufficient material available for supplying domestic customers. According to the French producers they also wanted to prevent some of their customers from switching to another source of supply. On the basis of the information available to the Commission the resale prices of the imported product were similar to the prices charged by the producers for their own product.

- (b) The Italian producers purchased the total quantity of urea originating in the USSR which entered Italy during the period under investigation, i. e. 16 881 tonnes.

Approximately 4 500 tonnes of this quantity was resold to regular customers at prices significantly lower than the sales prices charged for the product manufactured in Italy. With regard to the remaining quantity the resale prices were similar to those charged for the product manufactured and sold in Italy.

- (c) In 1986 the Portuguese producer of urea purchased 17 182 tonnes of the product concerned originating in Libya and approximately 6 000 tonnes of urea originating in the German Democratic Republic. The reason for these transactions was a major breakdown at this producer's plant.

Under these circumstances, and for the purpose of this provisional duty Regulation, the Commission has decided that the French and Italian producers who imported and resold the dumped product should not be excluded from the Community industry affected by the dumped imports. The quantity imported and resold by these producers represents a minor share (0,33 % and 3,8 % in 1985 and the first nine months of 1986 respectively) of total sales of agricultural urea by the complainant producers in the Community and only a minor part, representing 0,14 % and 1,44 % respectively of the total consumption in the Community, was resold at particularly low prices. The Commission accepts that in so far as injury was caused to Community producers by these low priced sales, this injury was self-inflicted. Given the limited importance of the transactions in question, this does not affect the rate of provisional duty. To the extent that the bulk of these imports were resold at prices corresponding to the producers' own prices, no injury was caused to the Community producers themselves. However, since the Portuguese producer had no significant production of its own in 1986, it is considered appropriate to exclude this company from the injury assessment.

It was also argued that account should be taken of the fact that some imports of the dumped product into France were made by SIPA, as this importer was allegedly related to the French producers. However, it was found that the French producers hold substantially less than 50 % of the shares of the capital of this company, (users and importers holding together over 50 % of the shares).

- (26) It was found that between 1984 and 1986, assuming that the trend during the first nine months continued during the last three months of 1986, consumption of urea in the Community on the free market increased by 33,7 % and for agricultural purposes by 41,6 %.

When examining the impact on the Community market it was found that the total production of urea fell from approximately 5 567 000 tonnes in 1984 to 4 870 000 tonnes in 1985 and to 4 313 000 tonnes in 1986 (assuming that the rate of production for the first nine months of 1986 continued during the remaining three months of 1986), i. e. by 12,5 % and 11,4 % in 1985 and 1986 respectively. The production of urea available for the free market fell from an estimated 4 415 321 tonnes in 1984 to an estimated 3 710 000 tonnes in 1985 and to an estimated 3 228 000 tonnes in 1986, assuming that the rate of production for the first nine months of 1986 continued during the remaining

months of 1986. This development would represent a decrease of 16 % and 13 % in 1985 and 1986 respectively, in comparison with preceeding years.

- (27) As far as the capacity utilization of the Community industry is concerned, it decreased from approximately 85 % in 1984 to approximately 77 % in 1985 and further to approximately 66 % in 1986. Separate data concerning the capacity utilization relating to the production of urea for the free market only were not available.
- (28) Total sales in the Community of urea manufactured in the Community increased from approximately 3 587 000 tonnes in 1984 to approximately 3 615 000 tonnes in 1985. In 1986 they decreased to approximately 3 461 000 (assuming that the trend for the first nine months of 1986 continued during the last three months of 1986), i. e. to a level 3,5 % below that of 1984. The sales of the Community producers of urea destined for the free market in the Community decreased from 2 435 771 tonnes in 1984 to 1 782 315 tonnes during the first nine months of 1986. Assuming that the trend of sales over the first nine months of 1986 continued during the remaining three months of 1986, sales would have amounted to 2 376 420 tonnes in 1986 corresponding to a decrease of 2,44 % compared to 1984. These companies' sales of urea for agricultural purposes remained stable during the same period.

Community producers' sales of urea outside the Community fell from approximately 1 901 000 tonnes in 1984 to approximately 1 492 000 in 1985 and to approximately 728 000 tonnes in 1986 (assuming that the trend during the first nine months continued during the last three months). This trend did not, however, affect the production costs which were used as the basis for the calculation of the anti-dumping duty.

- (29) The share of the freely available urea market held by the Community producers amounted to 89,15 % in 1984. In 1985 it decreased to 83,47 % and for the first nine months of 1986 it decreased further to approximately 65 %. These producers' share of the market of urea used for agricultural purposes decreased from 87,32 % in 1984 to 81,18 % in 1985 and to 61,46 % for the first nine months of 1986.

In France and Italy, which represented the main markets for agricultural urea before the accession of Spain and Portugal to the Community, the Community producers' share of the agricultural urea market dropped from 97,35 % to 81,49 % and from 89,54 % to 72,10 % respectively between 1984 and 1986.

(30) As far as prices and profitability are concerned, the Commission considered it appropriate to examine the following :

- (i) the development of the sales prices at which the complainant producers sold urea throughout the period from 1 July 1985 to 30 September 1986 in the Community ;
- (ii) the relationship between these prices, the cost of production incurred by the Community producers of urea during this period and the profitability relating to their sales of urea in the Community ;
- (iii) the relationship between the prices charged by the complainant producers and the prices at which the dumped products were sold in the Community.

Given that a significant number of importers did not cooperate with the Commission during the investigation, it was difficult to calculate the overall level of price undercutting caused by the dumped imports. Weighted average margins were therefore provisionally calculated on the basis of the facts available, i.e. export prices plus import duties, a reasonable profit margin for the importer and other costs. In both Italy and France, considerable margins of price undercutting were found (see recitals 31 and 32).

Given that an estimated 90 % of the dumped imports were sold for agricultural purposes, these data were examined in the first place with regard to those Community producers who sold urea in the traditional markets of agricultural urea, i.e. Italy and France, and who cooperated sufficiently with the Commission during the investigation. In 1985 these producers accounted for more than 50 % of the sales of agricultural urea made by Community producers in Italy and France. In the second place the Commission also examined, where appropriate, to what extent the dumped imports had an impact on the prices of urea used for technical applications, i.e. mainly for the production of glues and synthetic resins.

(31) *Italy*

(a) The agricultural urea market

In 1985 consumption on this market amounted to approximately 1 000 000 tonnes, representing approximately 52 % of total consumption of agricultural urea in the Community as constituted until 31 December 1985. The Italian authorities usually fix CIP (Comitato Interministeriale Prezzi) prices,

i.e. monthly maximum sales prices, prior to or at the beginning of the agricultural year (June to May) on the basis of data concerning the development of the costs of production for urea submitted by the Italian producers. The price structure is normally as follows :

- (i) a basic price is fixed for the months of November and December ;
- (ii) given the fact that in the period from June to October urea consumption is low, prices are fixed at a lower level than the basic price in order to encourage users to purchase the product earlier and store it themselves ;
- (iii) as demand for and consumption of urea are high during the period from January to May, prices are fixed above the basic price.

It was found that during the major part of the period from 1 July 1985 to 30 September 1986 market prices deviated significantly from the CIP prices fixed for each of the months in question. With regard to one of the two Italian producers of urea holding a substantial market share in Italy, it was established that its monthly average net invoice value (before discounts) decreased by approximately 15 % between July 1985 and June 1986. It was also found that the weighted average margins of price undercutting varied between 15 % and 21 % and that the Community producer concerned was obliged to grant discounts the amounts of which increased continuously.

During the period from 1 July 1985 to 30 June 1986 these discounts represented in total 18,3 % and 22,6 % for prilled and granulated urea respectively of the total net invoiced value. As a result, the net prices after discount over the same period decreased by 31 % and 32 % for prilled and granulated urea respectively.

With regard to the development of this company's costs of production (per unit), it was found that in 1985 they were 15 % higher than in 1984 whereas the average net sales price decreased by approximately 2 % between 1984 and 1985. It was also found that during the first nine months of 1986 compared to the first nine months of 1985 the costs of production per unit had decreased by 16 % whilst the average net price per unit after discount had fallen by 27 %.

As far as the profitability of the same producer is concerned, profits were found to have fallen by 13 % in 1985 and, during the first nine months of 1986, losses incurred amounting to 8 % on total domestic sales of urea.

(b) The technical urea market

In 1985 consumption on this market reached an amount corresponding to approximately 24 % of total consumption of the technical type of urea in the Community as constituted until 31 December 1985. The Italian authorities do not fix CIP prices for this type of urea.

It was found that the weighted average margins of price undercutting varied between 5 % and 17 % and that the average net sales price for this type fell by 40 % between July 1985 and June 1986.

Furthermore, it was found that the costs of production for this type of product were similar to those of the agricultural type and that profitability between July 1985 and September 1986 followed the same trend as for agricultural urea.

(32) *France*

In 1985 consumption on the agricultural urea market amounted to approximately 375 000 tonnes corresponding to approximately 20 % of total consumption of agricultural urea in the Community as constituted until 31 December 1985.

Suppliers of urea in France traditionally set their list prices at the beginning of the season (July to June) for a period of 12 months. In order to encourage customers to purchase and store urea some time before consumption, list prices were significantly lower at the beginning of the season. The lowest prices were set for supplies in July. For deliveries during the subsequent months a monthly price increase by a fixed margin over the base price was set.

Since 1984/85 this system has been replaced by the 'clause de baisse' rule, according to which the invoice value is adjusted retroactively during the season in the light of lower prices offered on the market by other suppliers. The following findings were made with regard to three Community producers who, during the first nine months of 1986, represented approximately 80 % of Community supplies of agricultural urea in France. The average invoice price before discount of the Community producers concerned was undercut by the dumped imports by weighted average margins varying between 27 % and 35 %.

(i) Company A :

The company had to lower its invoice value and grant rebates retroactively resulting in a drop in the average net sales price by 30 %. The average costs of production at the plant

from which almost all production was sold on the domestic market remained practically stable during this period.

With regard to sales on the domestic market during the second half of 1985, the company remained profitable. During the first six months of 1986, however, losses amounting to 28 % were incurred on domestic sales.

With regard to sales of technical urea, it was found that the average net sales price to the biggest single customer representing the majority of sales of this product fell by 20 % between July 1985 and June 1986.

(ii) Company B :

The net average sales price decreased by 32 % between July 1985 and June 1986 due to lower invoice value and retroactive rebates. However, this company's major plant producing urea destined for the French market was closed down for a period of nine months in 1985 and production did not return to normal until March 1986. It is therefore considered inappropriate to take account of the development of costs of production or profitability of this company.

(iii) Company C :

The average net sales price before discount of this producer fell during this period by 37 %. In addition, in November 1985, the company started making provisions in view of the competitive market situation and the need to adjust prices retroactively. In March 1986 the provision was increased by 20 % per tonne. The rebates effectively paid amounted to 5,3 % of net turnover between June 1985 and May 1986.

For supplies of urea in the period from June 1986 to September 1986 the provision was further increased by 10 %. The total amount of provisions corresponded to 17,7 % of turnover during the same period.

Between the first half of 1985 and the first nine months of 1986 average cost of production decreased by 31 %, but profits decreased by approximately 83 %.

(33) *Spain*

Spain is another major market with a large consumption of urea. However, since, prior to accession, market conditions in Spain differed significantly from those prevailing in the Community as constituted until 31 December 1985, and

since in 1986 a Spanish conversion plan for the fertilizer sector was in operation, it was considered inappropriate to make additional injury findings with regard to the Spanish producers.

- (34) In establishing the impact of the dumped imports on the Community industry the Commission has considered the effect of all dumped imports from all countries concerned. In analysing whether cumulation was appropriate, the Commission considered whether the dumped imports in question contributed to the material injury sustained by the Community. In reaching its conclusion the Commission considered the comparability of the imported products in terms of chemical and physical characteristics, volumes imported, the increase in volume of imports since 1984, the low level of prices attributable to products of all supplying countries and the extent to which each of the imported products competed in the Community with the like product of the Community industry. On the basis of such analysis the Commission concluded that for the purposes of establishing the level of injury sustained by the Community industry regard should be paid to the effect of the dumped imports cumulated from all exporting countries concerned.

With regard to the imports of the product originating in Trinidad and Tobago, it was argued that these did not compete with the product originating in the other third countries involved in the proceeding since the material produced and exported to the Community was of the granulated type used for blending into mixed fertilizers, whereas the type originating in the other countries involved in this proceeding and sold in the Community was the prilled material. Furthermore, it was argued that it was generally sold at prices higher than those charged for prilled urea.

However, it was found during the investigation that granulated and prilled urea are like products. Firstly, prilled and granulated urea are chemically identical. Secondly, the physical differences such as unit size, crushing strength or abrasion resistance, do not significantly affect the interchangeability of both types. Also, no evidence was found to show that during the period under investigation a premium was paid for granulated urea. As far as import prices of the product originating in Trinidad and Tobago are concerned, it was found that the average price charged by the exporter in Trinidad and Tobago during the period under investigation was no higher than that charged

during the same period by most other exports involved in this proceeding.

- (35) The Commission has considered whether injury has been caused by other factors such as the worldwide glut of urea which, according to a number of exporters and importers, has led to overall price depression. Furthermore, some parties suggested that, if it were established that Community producers were encountering difficulties, these were due to severe competition amongst the Community producers themselves and not to imports from third countries.

On the basis of the information available to the Commission it appears that since 1984 there has been a significant worldwide unused production capacity and an excess of production over consumption of urea and other fertilizers which, even in the absence of dumped imports, might have led to a fall in prices in the Community, particularly as the fertilizer market is a highly transparent market in which information in general is readily available to buyers and sellers. Account has been taken of this factor when calculating the amount of anti-dumping duty necessary to eliminate the injury (see recital 42).

With regard to intra-Community sales it was found that significant quantities of urea for agricultural applications were sold on the French market by Community producers established in other Member States. Considering that urea is a very price sensitive product, these producers also had to lower their sales prices or grant rebates on the French market. No significant sales by other Community producers took place in Italy.

As far as imports from third countries not involved in these proceedings are concerned, prior to the initiation of these proceedings the Commission examined the shares held by each of these exporting countries on the Community market, on the basis of the *prima facie* evidence submitted by the complainants. It was found that the size of these individual market shares was not important enough for them to be included in the present proceedings.

- (36) The Commission took all this into account. It considered, however, that the substantial increase in dumped imports and the particularly low prices at which they were offered for sale in the Community were a major factor in forcing the Community industry to align its prices downwards to levels insufficient to enable it to cover its costs. In particular for a commodity such as urea, for which the purchase price appears to be the determining factor and for which the loyalty between supplier and

customer appears to be of little importance, if any, low priced offers from outside may have serious adverse effects on the domestic industry. This led the Commission to determine that, despite the existing over-capacity and glut, the effects of the dumped imports of urea originating in the countries concerned in this proceeding, taken in isolation, have to be qualified as constituting material injury to the Community industry concerned.

D. COMMUNITY INTEREST

- (37) Farmer's associations argued that it was not in the Community's interest that action be taken as it would increase the purchase price of urea to be paid by farmers. However, no evidence was submitted to show that protective measures would have a significant impact on the costs of production of farmers or that they would be prevented from passing on such an increase to the consumers.
- (38) It was also argued that protective measures would discourage Community producers of urea from reducing their sales prices of the product concerned in the light of the substantial fall in the price of gas, the main raw material in the production of urea, which has occurred since the beginning of 1986. However, it was found that during the period under investigation the prices of Community producers generally decreased by much more than the reduction in their costs of production. In this respect it is considered that excessive price developments should not be imposed on Community producers due to a sharp increase of the imports at unfairly low prices.
- (39) Furthermore, it was argued that it was not in the Community's interests to take protective measures against countries such as Trinidad and Tobago, Kuwait and Saudi Arabia in the light of the special features of the relations between the Community and these third countries.

The Commission considers that, although good relations with these countries represent a great interest to the Community, normal trade relations imply that sales do not take place at dumped prices. Also, the Community would be acting in a discriminatory manner if it took protective measures against exporters from some countries which sold at dumped prices in the Community but not against exporters from other countries which were engaged in the same practices.

- (40) In view of the particularly serious difficulties facing the Community industry the Commission has come to the conclusion that it is in the Community's interest that action be taken. In order to prevent further injury being caused during the remainder of the proceeding, this action should take the form of a provisional anti-dumping duty.

E. RATE OF DUTY

- (41) Having regard to the extent of the injury caused, the rate of such duty should be less than the dumping margins provisionally established but adequate to remove the injury caused.
- (42) In order to determine the amount of duty provisionally necessary to eliminate the injury suffered by the Community industry, the Commission considered the following elements:
- the selling price necessary to cover the cost of production incurred during the period from 1 July 1985 to 30 September 1986 and to provide an adequate profit margin to the Community industry,
 - the unused production capacity and excess of production over consumption of urea which were regarded as having created a situation in which representative Community producers would not have made a profit in the absence of dumping.

Having given these elements careful consideration, the Commission found it appropriate in the light of the existing worldwide unused production capacity and excess of production over consumption of urea to determine the amount of the duty at such a level that a representative Community producer is enabled to reach breakeven level on the basis of the costs of production incurred during the period from 1 July 1985 to 30 September 1986. The representative Community producer was chosen by taking into consideration the company's size, the variety, the age and the efficiency of the production installations and the overall production costs. On this basis the Commission determined that the amount of duty should correspond to the amount by which the net free-at-Community frontier price, before duty, is less than 133 ECU per tonne.

- (43) A period should be fixed within which the parties concerned may make their views known and request a hearing,

HAS ADOPTED THIS REGULATION :

Article 2

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of urea falling within Common Customs Tariff subheadings 31.02 B and ex 31.02 C corresponding to NIMEXE codes 31.02-15 and 31.02-80 and originating in Czechoslovakia, the German Democratic Republic, Kuwait, Libya, Saudi Arabia, the USSR, Trinidad and Tobago and Yugoslavia.

2. The amount of the duty shall be equal to the amount by which the price per tonne net, free-at-Community-frontier, before duty, is less than 133 ECU.

3. The provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the parties concerned may make known their views in writing and apply to be heard 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 following its publication in the *Official Journal of the European Communities*.

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, it 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, 8 May 1987.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 1290/87

of 8 May 1987

amending Regulation (EEC) No 1626/85 on protective measures applicable to imports of certain Morello cherries

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

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as amended by Regulation (EEC) No 1838/86 ⁽²⁾, and in particular Article 18 (2) thereof,

Whereas Article 5 of Commission Regulation (EEC) No 1626/85 ⁽³⁾, as last amended by Regulation (EEC) No 1257/86 ⁽⁴⁾, provides that the Regulation shall apply until 9 May 1987;

Whereas foreseeable trends in prices applied by non-member countries for Morello cherries are such that the import prices are likely to remain significantly below the prices at which Community products can be marketed;

Whereas stocks in the Community of such products in syrup are still considerable; whereas that situation could

expose the Community market to serious disturbances which might endanger the objectives set out in Article 39 of the Treaty; whereas the protective measures should continue during the 1987/88 marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 5 of Regulation (EEC) No 1626/85 '9 May 1987' is replaced by '9 May 1988'.

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, 8 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 159, 14. 6. 1986, p. 1.

⁽³⁾ OJ No L 156, 15. 6. 1985, p. 13.

⁽⁴⁾ OJ No L 113, 30. 4. 1986, p. 37.

COMMISSION REGULATION (EEC) No 1291/87

of 8 May 1987

on the issuing of a standing invitation to tender for the resale on the internal market of 62 000 tonnes of common wheat held by the Dutch intervention agency

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,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals ⁽³⁾ provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82 ⁽⁴⁾, as last amended by Regulation (EEC) No 124/87 ⁽⁵⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 62 000 tonnes of common wheat held by the Dutch intervention agency should be issued;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The Dutch intervention agency shall issue a standing invitation to tender for the resale on the internal market

of 62 000 tonnes of common wheat held by it in accordance with Regulation (EEC) No 1836/82.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be on 19 May 1987.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 9 June 1987.

3. Tenders must be lodged with the Dutch intervention agency:

Voedselvoorzienings In- en Verkoopbureau (VIB)
Burg. Kessenplein 3 — 6431 KM Hoensbroek
Corr. adres: Postbus 960 — 6430 AZ Hoensbroek
Telex 56 396.

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Dutch intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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, 8 May 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 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁵⁾ OJ No L 15, 17. 1. 1987, p. 9.

COMMISSION REGULATION (EEC) No 1292/87

of 8 May 1987

on the issuing of a standing invitation to tender for the resale on the internal market of 200 000 tonnes of common wheat held by the United Kingdom intervention agency for use in feedingstuffs

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,

Whereas Article 3 of Council Regulation (EEC) No 1581/86 of 23 May 1986 laying down general rules for intervention on the market in cereals⁽³⁾ provides that cereals held by the intervention agency are to be sold by tender;

Whereas Commission Regulation (EEC) No 1836/82⁽⁴⁾ as last amended by Regulation (EEC) No 124/87⁽⁵⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender should be issued for the resale on the internal market of 200 000 tonnes of common wheat held by the United Kingdom intervention agency; whereas utilization should be restricted to feedingstuffs to avoid disturbing the market for common wheat of breadmaking quality; whereas, to that end, provision should be made for the lodging of a security governed by the provisions of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽⁶⁾, as amended by Regulation (EEC) No 1181/87⁽⁷⁾;

Whereas in addition, as regards controls, the provisions of Commission Regulation (EEC) No 1687/76 of 30 June 1976 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽⁸⁾, as last amended by Regulation (EEC) No 1207/87⁽⁹⁾, are applicable;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The United Kingdom intervention agency shall issue a standing invitation to tender for the resale on the internal market of 200 000 tonnes of common wheat held by it, with a view to use in feedingstuffs.
2. Without prejudice to the provisions of Regulation (EEC) No 1836/82, the following special detailed rules shall apply to this invitation to tender:
 - the utilization of the common wheat shall be limited to incorporation in compound feedingstuffs,
 - the final date for incorporation shall be 31 August 1987,
 - a security of 10 ECU per tonne shall be lodged by the successful tenderer with a view to ensuring compliance with the conditions laid down in the first and second indents. That security shall be lodged no later than two working days following receipt of notification of award of the contract.

Article 2

1. The obligations laid down in the first and second indents of Article 1 (2) shall be deemed primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85. They shall be deemed to have been fulfilled only if the successful tenderer provides evidence of compliance therewith.

Such evidence shall be provided by 31 December 1987 at the latest.

2. Evidence of processing of the cereals from intervention shall be provided in accordance with the provisions of Regulation (EEC) No 1687/76.

Regulation (EEC) No 1687/76 is hereby amended as follows:

In Part II of the Annex entitled 'Products subject to a use and/or destination other than that mentioned under I', the following point 42 and the relevant footnote are added:

- '42. Commission Regulation (EEC) No 1292/87 of 8 May 1987 on the issuing of a standing invitation to tender for the resale on the internal market of

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 139, 24. 5. 1986, p. 29.

⁽³⁾ OJ No L 139, 24. 5. 1986, p. 36.

⁽⁴⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁵⁾ OJ No L 15, 17. 1. 1987, p. 9.

⁽⁶⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽⁷⁾ OJ No L 113, 30. 4. 1987, p. 31.

⁽⁸⁾ OJ No L 190, 14. 7. 1976, p. 1.

⁽⁹⁾ OJ No L 115, 1. 5. 1987, p. 24.

200 000 tonnes of common wheat held by the United Kingdom intervention agency for use in feedingstuffs :

On the dispatch of common wheat for processing :

- Section 104 : For processing (Article 1 (1) of Regulation (EEC) No 1292/87)
- Section 106 : The date on which the common wheat was removed from intervention stock ⁽⁴²⁾.

⁽⁴²⁾ OJ No L 121, 9. 5. 1987, p. 24.'

Article 3

1. The final date for the submission of tenders for the first partial invitation to tender shall be 19 May 1987.
2. The final date for the submission of tenders for the last partial invitation to tender shall be 30 June 1987.

3. Tenders must be lodged with the United Kingdom intervention agency :

Intervention Board for Agricultural Produce,
Fountain House,
2 Queens Walk,
UK - Reading,
RG1 7QW Berkshire ; (Telex 848 302).

Article 4

Not later than Tuesday of the week following the final date for the submission of tenders, the United Kingdom intervention agency shall notify the Commission of the quantities and average prices of the various lots awarded.

Article 5

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, 8 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1293/87

of 8 May 1987

introducing the buying-in of beef in respect of certain Member States and
qualities and fixing the buying-in prices for beef

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 6a (2) and (4)
thereof,

Whereas the abovementioned Article 6a (2) lays down the
conditions under which buying-in must be decided on;
whereas the eligible products were determined by
Commission Regulation (EEC) No 828/87 ⁽³⁾ and the
detailed rules for intervention were laid down in Article 3
(2) of Commission Regulation (EEC) No 2226/78 of 25
September 1978 laying down detailed rules for the appli-
cation of intervention measures in the beef and veal
sector ⁽⁴⁾, as last amended by Regulation (EEC) No
827/87 ⁽⁵⁾; whereas the abovementioned provisions make
it possible to introduce intervention measures for the
Member States or regions of Member States and in respect
of the qualities provided for in this Regulation;

Whereas the buying-in prices for the qualities concerned
should also be fixed, pursuant to Article 6a (4) of Regu-
lation (EEC) No 805/68 and to Regulation (EEC) No
827/87; whereas, moreover, the maximum and minimum
limits within which the Member States may vary the
buying-in prices should be laid down in respect of each of
those qualities so as to take account of the class subdivi-
sions adopted pursuant to Article 3 (3) of Council Regula-

tion (EEC) No 1208/81 of 28 April 1981 determining the
Community scale for the classification of carcasses of adult
bovine animals ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The intervention agencies of each Member State or
region within a Member State which are specified in
Annex I shall purchase the products specified in the
Annex to Regulation (EEC) No 828/87 which belong to
the groups of qualities set out in Annex I.
2. The buying-in prices, expressed in ECU per 100
kilograms carcass weight, are specified in Annex II.
3. The buying-in price for each quality, referred to in
paragraph 2, may be increased by up to 2 ECU or reduced
by a maximum of 5 ECU to take account of the possible
subdivision of each classification under the Community
scale referred to in Article 3 (3) of Regulation (EEC) No
1208/81.
4. Commission Regulation (EEC) No 1145/87 ⁽⁷⁾ is
repealed.

Article 2

This Regulation shall enter into force on 11 May 1987.

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

Done at Brussels, 8 May 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 80, 24. 3. 1987, p. 8.

⁽⁴⁾ OJ No L 261, 26. 9. 1978, p. 5.

⁽⁵⁾ OJ No L 80, 24. 3. 1987, p. 6.

⁽⁶⁾ OJ No L 123, 7. 5. 1981, p. 3.

⁽⁷⁾ OJ No L 111, 28. 4. 1987, p. 9.

ANNEX I

Member States or regions within a Member State and groups of qualities referred to in Article 1 (1)

Member State/Region	Groups of qualities (category and class)
Belgium	AU, AR, AO
Denmark	AO, CR, CO
Germany	AU, AR
Spain	AU, AR, AO
France	AU, AR, AO, CR, CO
Ireland	CU, CR, CO
Luxembourg	AR, AO, CO
Netherlands	AR
Great Britain	CU, CR
Northern Ireland	CU, CR, CO

ANNEX II

Buying-in price in ECU per 100 kilograms carcass weight

Quality (category and class)	Equivalent carcass price	Hindquarter price	
		straight cut ⁽¹⁾	pistola cut ⁽²⁾
AU2	310,216	372,259	387,770
AU3	305,954	367,145	382,443
AR2	300,134	360,161	375,168
AR3	295,834	355,001	369,793
AO2	287,735	345,282	359,669
AO3	283,362	340,034	354,203
CU2	299,430	359,316	374,288
CU3	295,317	354,380	369,146
CU4	287,091	344,509	358,864
CR3	295,319	354,383	369,149
CR4	286,734	344,081	358,418
CO3	277,961	333,553	347,451

⁽¹⁾ Conversion coefficient 1,20.⁽²⁾ Conversion coefficient 1,25.

COMMISSION REGULATION (EEC) No 1294/87

of 8 May 1987

on exceptional measures to be taken in the beef and veal sector following outbreaks of foot-and-mouth disease in certain regions of Italy

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 23 thereof,

Whereas because of the outbreak of foot-and-mouth disease in certain production regions in Italy, the introduction of live bovine animals and certain fresh beef or veal products from the said regions of Italy into the other Member States has been temporarily prohibited pursuant to Commission Decision 86/448/EEC of 4 September 1986 on certain protective measures against foot-and-mouth disease in Italy ⁽³⁾, as last amended by Decision 86/625/EEC ⁽⁴⁾;

Whereas because of numerous recent outbreaks of foot-and-mouth disease, the infection zone has been widened significantly;

Whereas, in order to take account of the limitations to free circulation resulting from the situation, exceptional measures to support the market but strictly limited to the needs observed must be taken in the regions concerned;

Whereas it is appropriate, for this purpose, to extend Community purchasing of hindquarters to the abovementioned regions or to authorize Italy to purchase at a higher price, costs being met from the national budget, and to grant national aid to facilitate withdrawal from the market of the forequarters corresponding to the hindquarters which have been sent into intervention;

Whereas, in the Italian regions concerned, it is no longer possible either to affix to beef and veal the health marking, or to issue the health certificate, provided for in Article 3(1) A(e) and (f) of Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat ⁽⁵⁾, as last amended by Regulation (EEC) No 3768/85 ⁽⁶⁾;

Whereas such meat may therefore not be bought in by intervention pursuant to Article 6 of Commission Regulation (EEC) No 2226/78 ⁽⁷⁾, as last amended by Regulation (EEC) No 827/87 ⁽⁸⁾; whereas provision should be made

for buying in the meat in question while ensuring that, on removal from storage, the meat to which the measures herein provided for have been applied may be readily distinguished;

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

1. With effect from 11 May 1987, the Italian intervention agency may buy in a maximum quantity of 6 000 tonnes of meat of the categories listed in the Annex at the price given against each such category.
2. The Italian intervention agency may also purchase the quantities and qualities referred to in paragraph 1 but at prices corresponding to those given in the Annex plus 60 ECU per 100 kilograms. Where this is done, all the costs shall be borne by Italy.
3. To enable the forequarters corresponding to the hindquarters sent into intervention pursuant to paragraphs 1 or 2 to be withdrawn from the market, Italy may grant a national aid of up to 106,178 ECU per 100 kilograms of forequarters to cover, in particular, deterioration of the product due to freezing.

Article 2

1. The measures referred to in Article 1 may apply only to meat obtained from adult bovine animals reared in local health units in which foot-and-mouth disease has been detected and which have not been declared free of the disease or meat obtained from adult bovine animals reared in local health units which share a boundary with such local health units. Meat obtained from adult bovine animals reared in local health units in which no cases of foot-and-mouth disease have been recorded for three months or from adult bovine animals reared in local health units which share a boundary with such local health units shall no longer qualify for this buying-in operation.

Modifications to the boundary of the infection zone shall be notified immediately by the Italian authorities to the Commission.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 259, 11. 9. 1986, p. 34.

⁽⁴⁾ OJ No L 364, 23. 12. 1986, p. 53.

⁽⁵⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽⁶⁾ OJ No L 362, 31. 12. 1985, p. 8.

⁽⁷⁾ OJ No L 261, 26. 9. 1978, p. 5.

⁽⁸⁾ OJ No L 80, 24. 3. 1987, p. 6.

2. Meat to which the measures provided for in Article 1 apply shall bear a distinctive marking equivalent to that provided for in Article 3(1) A(e) of Directive 64/433/EEC.

It shall be stored separately and in readily identifiable lots.

Article 3

Meat to which the measures provided for in Article 1 (2) have applied shall be offered for sale by the Italian intervention agency on terms which prevent any disruption of the market.

Article 4

The communications provided for in Article 18 of Regulation (EEC) No 2226/78 shall be made separately in respect of the meat referred to in Article 1 (1).

Article 5

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, 8 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO*

- Categoría A:** Canales de jóvenes animales machos no castrados de menos de 2 años.
- Kategori A:** Slagtekroppe af unge ikke-kastrerede handyr på under to år.
- Kategorie A:** Schlachtkörper von jungen männlichen, nicht kastrierten Tieren von weniger als 2 Jahren.
- Κατηγορία Α:** Σφάγια νεαρών μη ευνουχισμένων αρρένων ζώων κάτω των 2 ετών.
- Category A:** Carcasses of uncastrated young male animals of less than two years of age.
- Catégorie A:** Carcasses de jeunes animaux mâles non castrés de moins de 2 ans.
- Categoria A:** Carcasse di giovani animali maschi non castrati di età inferiore a 2 anni.
- Categorie A:** Geslachte niet-gecastreerde jonge mannelijke dieren minder dan 2 jaar oud.
- Categoria A:** Carcaças de animais jovens machos, não castrados, de menos de dois anos.

Precio de compra expresado en ECU por 100 kilogramos de productos
 Opkøbspris i ECU pr. 100 kg af produkterne
 Ankaufspreis in ECU je 100 kg des Erzeugnisses
 Τιμή αγοράς σε ECU ανά 100 χγρ προϊόντων
 Buying-in price in ECU per 100 kg of product
 Prix d'achat en Écus par 100 kilogrammes de produits
 Prezzi di acquisto in ECU per 100 kg di prodotti
 Aankoopprijs in Ecu per 100 kg produkt
 Preço de compra expresso em ECUs por 100 quilogramas de produtos

— *Quarti posteriori, taglio diritto a 5 costole:*

Categoria A classe U2	380,02
Categoria A classe U3	374,80
Categoria A classe R2	364,36
Categoria A classe R3	359,14
Categoria A classe O2	343,48
Categoria A classe O3	338,26

— *Quarti posteriori, taglio a 8 costole, detto pistola:*

Categoria A classe U2	395,85
Categoria A classe U3	390,41
Categoria A classe R2	379,54
Categoria A classe R3	374,10
Categoria A classe O2	357,79
Categoria A classe O3	352,35

COMMISSION REGULATION (EEC) No 1295/87
of 8 May 1987

**fixing the rates of the refunds applicable to certain cereal and rice products
 exported in the form of goods not covered by Annex II to the Treaty**

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 the first sentence of the fourth subparagraph of Article 16 (2) 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 1449/86⁽⁴⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 16 (1) of Regulation (EEC) No 2727/75 and Article 17 (1) of Regulation (EEC) No 1418/76 provides that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 3035/80 of 11 November 1980 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EEC) No 2223/86⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EEC) No 3035/80, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, in accordance with paragraph 2 of that Article, that rate must be determined with particular reference to:

- (a) the average costs incurred by processing industries in obtaining supplies of the basic products in question on the Community market and the prices ruling on the world markets;
- (b) the level of the refunds on exports of processed agricultural products covered by Annex II to the Treaty which are manufactured under similar conditions;
- (c) the need to ensure equality of competition for the industries which use Community products and those which use third-country products under inward processing arrangements;

Whereas Article 4 (3) of Regulation (EEC) No 3035/80 provides that, when the rate of the refund is being fixed, account should be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products; whereas such production refunds are granted under the conditions laid down in Council Regulation (EEC) No 2742/75 of 29 October 1975 on production refunds in the cereals and rice sectors⁽⁷⁾, as last amended by Regulation (EEC) No 3794/85⁽⁸⁾, and Council Regulation (EEC) No 1009/86 of 25 March 1986 establishing general rules applying to production refunds in the cereals and rice sector⁽⁹⁾; whereas, for the purposes of applying the provisions of Article 4 (3) of Regulation (EEC) No 3035/80 the amount of the production refund applicable for the goods in question, in accordance with Regulations (EEC) No 2742/75 or (EEC) No 1009/86 and their implementing provisions, should be taken into account;

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

⁽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 133, 21. 5. 1986, p. 1.

⁽⁵⁾ OJ No L 323, 29. 11. 1980, p. 27.

⁽⁶⁾ OJ No L 194, 17. 7. 1986, p. 1.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 57.

⁽⁸⁾ OJ No L 367, 31. 12. 1985, p. 20.

⁽⁹⁾ OJ No L 94, 9. 4. 1986, p. 6.

HAS ADOPTED THIS REGULATION :

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EEC) No 3035/80 and listed either in Article 1 of Regulation (EEC) No 2727/75 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B

to Regulation (EEC) No 2727/75 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

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, 8 May 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 8 May 1987 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty

CCT heading No	Description	(ECU/100 kg) Rate of refund
10.01 B I	Common wheat, and meslin (mixed wheat and rye): — For the manufacture of starch — Other than for the manufacture of starch	14,491 ⁽¹⁾ 14,491
10.01 B II	Durum wheat	20,166
10.02	Rye	14,243
10.03	Barley	16,341
10.04	Oats	12,617
10.05 B	Maize, other than hybrid maize for sowing: — For the manufacture of starch — Other than for the manufacture of starch	16,224 ⁽¹⁾ 16,224
10.06 B I b) 1	Round grain husked rice	44,020
10.06 B I b) 2	Long grain husked rice	47,554
10.06 B II b) 1	Round grain wholly milled rice	56,800
10.06 B II b) 2	Long grain wholly milled rice	68,919
10.06 B III	Broken rice: — For the manufacture of starch — Other than for the manufacture of starch	21,385 ⁽¹⁾ 21,385
10.07 C II	Grain sorghum	17,338
11.01 A	Wheat or meslin flour	17,099
11.01 B	Rye flour	24,903
11.02 A I a)	Durum wheat groats and meal	31,257
11.02 A I b)	Common wheat groats and meal	17,099

⁽¹⁾ On exportation of goods covered by the Annex to Regulation (EEC) No 1009/86, this amount must be reduced by the amount of the production refund applicable for the goods in question, in accordance with Regulations (EEC) No 2742/75 and (EEC) No 1009/86 and their implementing provisions.

On exportation of other goods, this amount must be reduced by the amount of the production refund applicable for the goods in question at the time of export.

COMMISSION REGULATION (EEC) No 1296/87

of 8 May 1987

fixing the export refunds on cereal-based compound feedingstuffs

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) thereof,

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 within 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 other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the cereal markets;

Whereas it follows from applying these detailed rules to the present situation on the market in cereal-based compound feedingstuffs that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas Article 7 (1) of Council Regulation (EEC) No 2743/75 of 29 October 1975 on the system to be applied to cereal-based compound feedingstuffs⁽⁴⁾, as amended by

Regulation (EEC) No 944/87⁽⁵⁾, provides that, when export refunds on cereal-based compound feedingstuffs are being fixed, only the products normally used in the manufacture of compound feedingstuffs for which a refund may be fixed should be taken into account;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁶⁾, as last amended by Regulation (EEC) No 537/83⁽⁷⁾, provides that calculation of the export refund must be based on the average of the refunds granted on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the month of exportation and on the levy applicable to maize; whereas this calculation must also take account of the cereal products content; whereas, therefore, in the interest of simplification, compound feedingstuffs should be placed in categories and the refund for each category should be fixed on the basis of a quantity of maize which is representative of the usual cereal products content for the category concerned; whereas, furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as between the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for compound feedingstuffs according to composition and destination; whereas, for purposes of varying the refund, the destination zones laid down in Annex II to Commission Regulation (EEC) No 1124/77 of 27 May 1977 redefining the destination zones for export refunds or levies and for certain export licences for cereals and rice⁽⁸⁾, as amended by Regulation (EEC) No 3817/85⁽⁹⁾, should be used;

⁽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 L 281, 1. 11. 1975, p. 60.

⁽⁵⁾ OJ No L 90, 2. 4. 1987, p. 2.

⁽⁶⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁷⁾ OJ No L 63, 9. 3. 1983, p. 10.

⁽⁸⁾ OJ No L 134, 28. 5. 1977, p. 53.

⁽⁹⁾ OJ No L 368, 31. 12. 1985, p. 16.

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 ⁽¹⁾,
- 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 the refund must be fixed once a month ; whereas it may be altered in the intervening period ;

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 compound feedingstuffs covered by Regulation (EEC) No 2727/75 and subject to Regulation (EEC) No 2743/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 9 May 1987.

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

Done at Brussels, 8 May 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 8 May 1987 fixing the export refunds on cereal-based compound feedingstuffs

(ECU/tonne)

CCT heading No	Special specification for refund	Nomenclature in simplified wording	Refund		
23.07 B I		Preparations of a kind used in animal feeding, covered by Regulation (EEC) No 2743/75, containing starch, glucose or glucose syrup falling within subheadings 17.02 B and 21.07 F II or milk products (falling within heading Nos 04.01, 04.02, 04.03 and 04.04 and subheadings 17.02 A and 21.07 F I):			
		Of a milk powder content of less than 50 % by weight and of a cereal products ⁽¹⁾ content by weight:			
	0510	— Exceeding 5 % but not exceeding 10 %	7,83 ⁽²⁾	8,76 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	1010	— Exceeding 10 % but not exceeding 20 %	15,67 ⁽²⁾	17,52 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	2010	— Exceeding 20 % but not exceeding 30 %	31,34 ⁽²⁾	35,03 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	3010	— Exceeding 30 % but not exceeding 40 %	47,01 ⁽²⁾	52,55 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	4010	— Exceeding 40 % but not exceeding 50 %	62,68 ⁽²⁾	70,07 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	5010	— Exceeding 50 % but not exceeding 60 %	78,35 ⁽²⁾	87,58 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	6010	— Exceeding 60 % but not exceeding 70 %	94,02 ⁽²⁾	105,10 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾
	7010	— Exceeding 70 %	102,56 ⁽²⁾	114,65 ⁽²⁾ ⁽³⁾	— ⁽⁴⁾

⁽¹⁾ 'Cereal products' means the products falling within Chapter 10 and heading Nos 11.01 and 11.02 (excluding subheading 11.02 G) of the Common Customs Tariff.

⁽²⁾ For exports to Zones A, B, C, D and E specified in Annex II to Regulation (EEC) No 1124/77.

⁽³⁾ Minimum content of maize and/or sorghum exceeding: 0510: 5 %; 1010: 10 %; 2010: 20 %; 3010: 30 %; 4010: 40 %; 5010: 50 %; 6010: 60 %; 7010: 60 %.

In so far as this minimum is observed, these refunds shall, at the request of the party concerned, also apply where the cereal products' content exceeds the maximum specified on the same line.

⁽⁴⁾ For export to other third countries.

COMMISSION REGULATION (EEC) No 1297/87

of 8 May 1987

fixing the export refunds 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 the fourth subparagraph of Article 16 (2) 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 1449/86 ⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 of Regulation (EEC) No 2727/75 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2746/75 ⁽⁵⁾, and Article 2 of Council Regulation (EEC) No 1431/76 ⁽⁶⁾ laying down general rules for granting export refunds on cereals and rice respectively and criteria for fixing the amount of such refunds, provide 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, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice 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 6 of Council Regulation (EEC) No 2744/75 of 29 October 1975 on the import and export

system for products processed from cereals and from rice ⁽⁷⁾, as last amended by Regulation (EEC) No 1588/86 ⁽⁸⁾, defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas, on the basis of the criteria laid down in Regulation (EEC) No 2744/75, particular account should be taken of the prices and quantities of basic products used to calculate the variable component of the levy; whereas Article 8 of Regulation (EEC) No 2744/75 and Article 1 of Commission Regulation (EEC) No 1077/68 ⁽⁹⁾, as amended by Regulation (EEC) No 2764/71 ⁽¹⁰⁾, provide that the amount of the export refund should, for certain products, be reduced by an amount equal to the production refund granted in respect of the basic products;

Whereas it follows from applying these detailed rules to the present situation on the market in products processed from cereals and rice that the export refund should be fixed at an amount which will cover the difference between Community prices and world market prices;

Whereas when the refund is being calculated account should be taken of the quantities of raw materials used to determine the variable component of the levy; whereas the quantities of raw materials used for certain processed products may vary according to the end use of the product; whereas, depending on the manufacturing process used, products other than the main product are obtained, the quantity and value of which may vary with the nature and quality of the main products being manufactured; whereas cumulation of the refunds on the various products manufactured by a single process from the same basic product may make it possible, in certain cases, to export to third countries at prices which are lower than world market prices; whereas the refund on certain products should therefore be limited to an amount which, while allowing access to the world market, will ensure that the aims of the common organization of the markets are respected;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

⁽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 133, 21. 5. 1986, p. 1.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁷⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁸⁾ OJ No L 139, 24. 5. 1986, p. 47.

⁽⁹⁾ OJ No L 181, 27. 7. 1968, p. 1.

⁽¹⁰⁾ OJ No L 283, 24. 12. 1971, p. 30.

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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 Commission Regulation (EEC) No 2806/71 ⁽¹⁾ lays down additional rules for granting export refunds for certain products processed from cereals and rice;

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 ⁽²⁾,
- 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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

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 (d) of Regulation (EEC) No 2727/75 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 2744/75 are hereby fixed as shown in the Annex to this Regulation.

The refund on export to Portugal has not been fixed.

Article 2

This Regulation shall enter into force on 9 May 1987.

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

Done at Brussels, 8 May 1987.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 284, 28. 12. 1971, p. 9.

⁽²⁾ OJ No L 164, 24. 6. 1985, p. 1.

ANNEX

to the Commission Regulation of 8 May 1987 fixing the export refunds on products processed from cereals and rice

(ECU/tonne)

Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund
11.01 C (I)	Barley flour, of an ash content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	219,42
11.01 C (II)	Barley flour not included under No 11.01 C (I)	—
11.01 D (I)	Oat flour, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a crude fibre content, referred to dry matter, not exceeding 1,8 % by weight, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated	227,11
11.01 D (II)	Oat flour not included under No 11.01 D (I)	—
11.01 E (I)	Maize flour, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight ⁽⁷⁾	227,14
11.01 E (II)	Maize flour, of a fat content, referred to dry matter, exceeding 1,3 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight ⁽⁷⁾	194,69
11.01 E (III)	Maize flour not included under No 11.01 E (I) and (II) ⁽⁷⁾	—
11.01 F	Rice flour	—
11.02 A III (a)	Barley groats and meal, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	226,73
11.02 A III (b)	Barley groats and meal not included under No 11.02 A III (a)	—
11.02 A IV (a)	Oat groats and meal, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated	227,11
11.02 A IV (b)	Oat groats and meal not included under No 11.02 A IV (a)	—
11.02 A V (a)	Maize groats and meal, of a fat content, referred to dry matter, not exceeding 0,9 % by weight and a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight ^{(1) (8)}	292,03
11.02 A V (b)	Maize groats and meal, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight ^{(1) (8)}	227,14
11.02 A V (c)	Maize groats and meal, of a fat content, referred to dry matter, exceeding 1,3 % by weight but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight ^{(1) (8)}	194,69
11.02 A VI	Rice groats and meal	—
11.02 B I a) 1 (aa)	Hulled (shelled or husked) barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight ⁽²⁾	219,42
11.02 B I a) 1 (bb)	Hulled (shelled or husked) barley not included under No 11.02 B I a) 1 (aa) ⁽²⁾	—
11.02 B I a) 2 (aa)	Clipped oats	—

		(ECU/tonne)
Number in nomenclature used for refunds	Nomenclature in simplified wording	Refund
11.02 B I a) 2 bb) (11)	Hulled (shelled or husked) oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of tegument content not exceeding 0,5 % of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated ⁽²⁾	201,87
11.02 B I a) 2 bb) (22)	Hulled (shelled or husked) oats, not included under No 11.02 B I a) 2 bb) (11) ⁽²⁾	—
11.02 B I b) 1 (aa)	Hulled and sliced or kibbled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight ('Grütze' or 'Grutten') ⁽²⁾	219,42
11.02 B I b) 1 (bb)	Hulled and sliced or kibbled barley, not included under No 11.02 B I b) 1 (aa) ('Grütze' or 'Grutten') ⁽²⁾	—
11.02 B I b) 2 (aa)	Hulled and sliced or kibbled oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 11 % and of which the peroxydase is virtually inactivated ('Grütze' or 'Grutten') ⁽²⁾	214,49
11.02 B I b) 2 (bb)	Hulled and sliced or kibbled oats not included under No 11.02 B I b) 2 (aa) ('Grütze' or 'Grutten') ⁽²⁾	—
11.02 B II a) (1)	Hulled (shelled or husked) wheat, not sliced or kibbled ⁽²⁾	—
11.02 B II c) (1)	Hulled and sliced or kibbled maize of a fat content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,6 % by weight ('Gruetze' or 'Grutten') ^{(2) (8)}	243,36
11.02 B II c) (2)	Hulled and sliced or kibbled maize of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight ('Gruetze' or 'Grutten') ^{(2) (8)}	186,58
11.02 C III (a)	Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — 1st category ⁽³⁾	292,56
11.02 C III (b)	Pearled barley, of an ash content, referred to dry matter, not exceeding 1 % by weight (without talc) — 2nd category ⁽³⁾	234,05
11.02 C IV	Pearled oats ⁽³⁾	—
11.02 D I	Wheat not otherwise worked than kibbled	128,00
11.02 D II	Rye not otherwise worked than kibbled	132,00
11.02 E I b) 1 (aa)	Flaked barley, of an ash content, referred to dry matter, not exceeding 1 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,9 % by weight	219,42
11.02 E I b) 1 (bb)	Flaked barley not included under 11.02 E I b) 1 (aa)	—
11.02 E I b) 2 (aa)	Flaked oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content not exceeding 0,1 %, of a moisture content not exceeding 12 % and of which the peroxydase is virtually inactivated	252,34
11.02 E I b) 2 (bb)	Flaked oats, of an ash content, referred to dry matter, not exceeding 2,3 % by weight, of a tegument content exceeding 0,1 % but not exceeding 1,5 %, of a moisture content not exceeding 12 % and of which the peroxydase is virtually inactivated	201,87
11.02 E I b) 2 (cc)	Flaked oats not included under Nos 11.02 E I b) 2 (aa) and 11.02 E I b) 2 (bb)	—
ex 11.02 E II c) (1)	Flaked maize, of a fat content, referred to dry matter, not exceeding 0,9 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,7 % by weight	259,58

Number in nomenclature used for refunds	Nomenclature in simplified wording	(ECU/tonne) Refund
ex 11.02 E II c) (2)	Flaked maize, of a fat content, referred to dry matter, not exceeding 1,3 % by weight and of a crude fibre content, referred to dry matter, not exceeding 0,8 % by weight	210,91
ex 11.02 E II c) (3)	Flaked maize, of a fat content, referred to dry matter, exceeding 1,3 % but not exceeding 1,7 % by weight and of a crude fibre content, referred to dry matter, not exceeding 1 % by weight	—
11.02 E II d) 1	Flaked rice	—
11.02 F III	Barley pellets	—
11.02 F IV	Oat pellets	—
11.02 F V	Maize pellets	—
11.02 G I	Wheat germ, whole, rolled, flaked or ground	36,23
11.02 G II	Germ of cereals other than wheat, whole, rolled, flaked or ground	40,56
11.07 A I a)	Unroasted malt, obtained from wheat, in the form of flour	257,94
11.07 A II a)	Unroasted malt, other than that obtained from wheat, in the form of flour	260,38
11.08 A I	Maize starch (*)	235,58
11.08 A II	Rice starch (*)	297,69
11.08 A III	Wheat starch (*)	249,82
11.08 A IV	Potato starch (*)	235,58
11.08 A V	Starches other than maize, rice, wheat, or potato starch (*)	—
11.09 A	Dried wheat gluten, of a protein content, referred to dry matter, of 82 % or more by weight ($N \times 6,25$)	334,76
17.02 B II a)	Glucose and malto-dextrine, other than glucose containing, in the dry state, 99 % or more by weight of the pure product, in the form of white crystalline powder, whether or not agglomerated (*)	307,73
17.02 B II b)	Malto-dextrine and malto-dextrine syrup ; glucose and glucose syrup not containing, in the dry state, 99 % or more by weight of the pure product, other than glucose in the form of white crystalline powder, whether or not agglomerated (*)	235,58
17.02 F II a)	Caramel, other than caramel containing 50 % or more by weight of sucrose in the dry matter, in the form of powder, whether or not agglomerated	322,45
17.02 F II b)	Caramel, other than caramel containing 50 % or more by weight of sucrose in the dry matter, other than in the form of powder	223,80
21.07 F II	Flavoured or coloured glucose syrup, and malto-dextrine syrup	235,58
23.02 A I a)	Brans sharps and other residues derived from the sifting, milling or working of maize or rice of a starch content not exceeding 35 % by weight	36,27
23.02 A I b) 2	Brans, sharps and other residues derived from the sifting, milling or working of maize or rice, of a starch content exceeding 35 % by weight, and not having undergone a denaturing process, or of a starch content exceeding 45 % by weight and having undergone denaturing process	36,27
23.02 A II a)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, of a starch content not exceeding 28 % by weight and of which the percentage which passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or of which the sifted product has an ash content, calculated on dry matter, not exceeding 1,5 % by weight	36,27
23.02 A II b)	Brans, sharps and other residues derived from the sifting, milling or working of cereals other than maize or rice, not included under No 23.02 A II a)	36,27
23.03 A I	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on dry matter, of 63 % or more by weight ($N \times 6,25$)	117,80

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- (¹) The export refund is paid in respect of maize, groats and meal :
- of which a percentage not exceeding 30 % passes through a sieve with an aperture of 315 microns,
 - of which a percentage not exceeding 5 % passes through a sieve with an aperture of 150 microns.
- (²) 'Hulled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).
- (³) 'Pearled grains' are grains corresponding to the definition given in the Annex to Regulation (EEC) No 821/68 (OJ No L 149, 29. 6. 1968, p. 46).
- (⁴) Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I enjoys the same export refund as the product falling within subheading 17.02 B II.
- (⁵) The export refund is granted on products falling within this subheading which have a starch content of not less than 85 % by weight.
- (⁶) The export refund is granted on products falling within this subheading which have a starch content of not less than 78 % by weight.
- (⁷) The analytical method to be used for the determination of the fatty matter content is that printed in Annex I (method A) to Directive 84/4/EEC (OJ No L 15, 18. 1. 1984, p. 28).
- (⁸) The procedure to be followed for the determination of the fatty matter content is as follows :
- the sample has to be crushed so that 90 % or more can pass through a sieve with an aperture of 500 microns and 100 % can pass through a sieve with an aperture of 1 000 microns,
 - the analytical method to be used afterwards is that which is printed in Annex I (Method A) to Directive 84/4/EEC (OJ No L 15, 18. 1. 1984, p. 28).
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COMMISSION REGULATION (EEC) No 1298/87**of 8 May 1987****abolishing the countervailing charge on courgettes 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 1137/87⁽³⁾, as amended by Regulation (EEC) No 1244/87⁽⁴⁾, introduced a countervailing charge on courgettes originating in Spain (except the Canary Islands);

Whereas the present trend of prices for these products on the representative markets referred to in Commission Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by Regulation (EEC) No 3811/85⁽⁶⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No

1035/72 would result in the countervailing charge being fixed at zero; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Spain (except the Canary Islands) can be abolished;

Whereas, pursuant to Article 136 (2) of the Act of Accession of Spain and Portugal⁽⁷⁾, 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,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1137/87 is hereby repealed.

Article 2

This Regulation shall enter into force on 9 May 1987.

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

Done at Brussels, 8 May 1987.

For the Commission

Frans ANDRIESSEN

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 110, 25. 4. 1987, p. 22.
⁽⁴⁾ OJ No L 117, 5. 5. 1987, p. 16.
⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.
⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁷⁾ OJ No L 302, 15. 11. 1985, p. 9.

COMMISSION REGULATION (EEC) No 1299/87

of 8 May 1987

abolishing the countervailing charge and re-establishing a preferential customs duty on imports of tomatoes originating in Turkey

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 1135/87⁽³⁾ introduced a countervailing charge on tomatoes originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas for this product originating in Turkey there were no prices for six consecutive days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing

charge on imports of tomatoes originating in Turkey can be abolished;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁴⁾, as amended by Regulation (EEC) No 1555/84⁽⁵⁾, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1135/87 is hereby repealed.

Article 2

This Regulation shall enter into force on 9 May 1987.

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

Done at Brussels, 8 May 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 110, 25. 4. 1987, p. 19.

⁽⁴⁾ OJ No L 367, 23. 12. 1981, p. 9.

⁽⁵⁾ OJ No L 150, 6. 6. 1984, p. 4.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 April 1987

amending Decision 86/269/EEC concerning the establishments in Canada from which Member States may authorize the importation of fresh meat

(87/256/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽¹⁾, as last amended by Directive 87/64/EEC ⁽²⁾, and in particular Article 4 (1) thereof,

Whereas establishments in third countries cannot be authorized to export fresh meat to the Community unless they satisfy the general and special conditions laid down in Directive 72/462/EEC;

Whereas Canada has forwarded, in accordance with Article 4 (3) of Directive 72/462/EEC, a list of establishments authorized to export to the Community;

Whereas, following Community on-the-spot visits, and by Commission Decision 86/269/EEC ⁽³⁾, as amended by Decision 87/134/EEC ⁽⁴⁾, Member States were authorized to continue to import fresh meat from certain Canadian establishments until 29 April 1987;

Whereas it is necessary to fix a final date for the introduction into Community territory of meat originating in these establishments and to clarify this in Decision 86/269/EEC;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The following subparagraph is hereby added to Article 1 of Decision 86/269/EEC:

'Fresh meat from these establishments may be introduced into the territory of the Community until 22 May 1987.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 April 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 34, 5. 2. 1987, p. 52.

⁽³⁾ OJ No L 171, 28. 6. 1986, p. 58.

⁽⁴⁾ OJ No L 51, 20. 2. 1987, p. 55.

COMMISSION DECISION

of 28 April 1987

on the list of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

(87/257/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽¹⁾, as last amended by Directive 87/64/EEC ⁽²⁾, and in particular Articles 4 (1) and 18 (1) thereof,

Whereas establishments in third countries cannot be authorized to export fresh meat unless they satisfy the general and special conditions laid down in Directive 72/462/EEC;

Whereas the United States of America has forwarded, in accordance with Article 4 (3) of Directive 72/462/EEC, a list of establishments authorized to export to the Community;

Whereas, on the basis of a first inspection, no establishments were judged satisfactory and Commission Decision 86/189/EEC ⁽³⁾ prohibited Member States, on a Community basis, from importing fresh meat from establishments in the United States of America, while still allowing those Member States whose national legislation so permitted not to interrupt existing trade flows with the establishments proposed by the American authorities for a period of seven months;

Whereas, following a re-examination of the establishments, the transitional arrangements were extended to 29 April 1987 by Commission Decision 87/134/EEC ⁽⁴⁾ to correspond with the entry into force of amended Community rules; whereas the deadline for introduction into the Community of meat from these establishments is 22 May 1987;

Whereas a further inspection carried out pursuant to Article 5 of Directive 72/462/EEC and Article 2 (1) of Commission Decision 86/474/EEC of 11 September 1986 on the implementation of the on-the-spot inspections to be carried out in respect of the importation of bovine

animals and swine and fresh meat from non-member countries ⁽⁵⁾ has shown that the standard of hygiene in certain establishments has been raised and can thus be regarded as satisfactory;

Whereas they may therefore be entered on an initial list of establishments authorized to export to the Community;

Whereas the case of other establishments proposed by the United States of America has to be re-examined on the basis of additional information regarding their hygiene standards and their ability to adapt quickly to Community legislation;

Whereas, to avoid any abrupt interruption of trade flows, these establishments may be authorized temporarily from 29 April 1987 to export fresh meat to those Member States prepared to accept them;

Whereas it will therefore be necessary to re-examine and, if necessary, amend this Decision in the light of measures taken to this end and of improvements made;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. The establishments in the United States of America appearing in the Annex hereto are hereby approved for the import of fresh meat into the Community pursuant to the said Annex.

2. Imports from establishments listed in the Annex shall remain subject to the Community veterinary provisions laid down elsewhere.

Article 2

Without prejudice to the provisions of Decision 86/189/EEC, after 29 April 1987 and until 31 December 1987 Member States may authorize imports of fresh meat coming from establishments appearing in a list which shall be forwarded by the Commission to the Member States.

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 34, 5. 2. 1987, p. 52.

⁽³⁾ OJ No L 140, 27. 5. 1986, p. 30.

⁽⁴⁾ OJ No L 51, 20. 2. 1987, p. 55.

⁽⁵⁾ OJ No L 279, 30. 9. 1986, p. 55.

Article 3

Member States shall prohibit imports of fresh meat coming from establishments not referred to in Articles 1 or 2.

Article 4

This Decision shall be reviewed and if necessary amended before 31 December 1987.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 28 April 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

LIST OF ESTABLISHMENTS

Approval No	Establishment/Address	Category (1)							
		SL	CP	CS	B	S/G	P	SP	SR
1-30	New Orleans Inspection Service Inc., New Orleans, LA			×					(2)
1-113	US Cold Storage, Philadelphia, PA			×					(2)
1-149	C W Storage, Albany, NY			×					(2)
1-162	Americold, Fogelsville, PA			×					(2)
1-183	Blue Grass Inspection Service, Philadelphia, PA			×					(2)
1-195	Rosenberger's Cold Storage Inc., Hatfield, PA			×					(2)
1-305	Georgia Ports Authority, Savannah, GA			×					(2)
1-320	South Carolina State Ports Authority, North Charleston, SC			×					(2)
1-333	Diamond Distribution Center, Newark, DE			×					(2)
1-335	Service Cold Storage, Miami, FL			×					(2)
1-346	Primliks, Miami, FL			×					(2)
382G	Smithfield Packing Co., Norfolk, VA			×					(2)
413	Lundy Packing, Clinton, NC	×	×				×		
511	Rocco Further Processing, Timberville, VA	×	×			×			
553	Standard Meat Co., Forth Worth, TX		×		×				
589	United Beef Co. Inc., Boston, MA		×		×				
E-713	Central Nebraska Packing Inc., North Platte, NE	×	×					×	
1198	Omaha Steaks International Inc., Omaha, NE		×		×		×		
2444	Strauss Bros Packing Co. Inc., Hales Corners, WI	×	×		×				
3001	Capitol Cold Storage, San Antonio, TX			×					(2)
3056	Termicol Inc., Wallula, WA			×					(2)
3131	Worthington Freezer Warehouse Company, Worthington, MN			×					(2)
3136	Fairmont Refrigerated Service Co., Fairmont, MN			×					(2)
3149	L & B Corporation, Des Moines, IA			×					(2)
3150	Beatrice Cold Storage Warehouse, Denver, CO			×					(2)
3158	Freezer Services Inc., Amarillo, TX			×					(2)
3161	United Monument Refrigeration Service, Indianapolis, IN			×					(2)
3164	Americold Corporation, Boston, MA			×					(2)
3170	Logansport Refrig Services, Logansport, IN			×					(2)
3190	American Freezer Services Inc., Fremont, NE			×					(2)
3198	L & B Corporation, Denison, IA			×					(2)

Approval No	Establishment/Address	Category (1)							
		SL	CP	CS	B	S/G	P	SP	SR
3215	Napoleon Warehouse Inc., Napoleon, OH			×					(2)
3216	Freezer Services Inc. of Texas, Garden City, KS			×					(2)
3229	Iowa Beef Processors Inc., Emporia, KS			×					(2)
3245	United Refrigerated Services, Marshall, MO			×					(2)
3256	Nobel Inc., Denver, CO			×					(2)
3261	Rosenberger's Cold Storage Inc., Hatfield, PA			×					(2)
3273	Central Nebraska Packing Inc., North Platte, NE			×					(2)
3338	Millard Warehouse, Iowa City, IA			×					(2)
3363	Millard Warehouse (L & B Corp), Friona, TX			×					(2)
3396	Americold, Bettendorf, IA			×					(2)
3398	Millard Warehouse, Grand Island, NE			×					(2)
3407	Bell Cold Storage, St Paul, MN			×					(2)
3475	Atlas Warehouse Cold Storage, Green Bay, WI			×					(2)
3512	Inland Storage Dist Center, Kansas City, KS			×					(2)
3552	Cloverleaf Cold Storage Co. (No 2), Sioux City, IA			×					(2)
3562	L & B Corporation, Lincoln, NE			×					(2)
3610	Millard Cold Storage, Dodge City, KS			×					(2)
3688	Newport St Paul Cold Storage, Newport, MN			×					(2)
3722	Des Moines Cold Storage Co. Inc., Des Moines, IA			×					(2)
3738	Artesian Ice and Cold Storage Co., St Joseph, MO			×					(2)
3747	Nordic Warehouses Inc., Benson, NC			×					(2)
3748	Sioux City Cold Storage, Sioux City, IA			×					(2)
3854	Merchants Refrigerating Co., Vinita Park, MO			×					(2)
3860	Central Storage and Warehouse Inc., Eau Claire, WI			×					(2)
3871	York Cold Storage Co., York, NE			×					(2)
3910	United States Cold Storage, East Peoria, IL			×					(2)
3935	Millard Warehouse, Omaha, NE			×					(2)
3942	Wilkerson Cold Storage, Lubbock, TX			×					(2)
E-4816	Great Western Meat Co., Morton, TX	×	×					×	
6543	Savannah Cold Storage, Savannah, GA			×					(2)
E-8861	Amfran Packing Co., Plainfield, CT	×	×					×	
8904	Bell Cold Storage, St Paul, MN			×					(2)
E-9910	Cavalier Export Co., Evington, VA	×	×					×	

(1) SL: Slaughterhouse S/G: Sheep Meat/Goat Meat
 CP: Cutting Premises P: Pig Meat
 CS: Cold Store SP: Meat from Solipeds
 B: Bovine Meat SR: Special Remarks

(2) Only storage of meat already finally packaged in approved slaughtering or cutting establishments.

COMMISSION DECISION

of 28 April 1987

on the list of establishments in Canada approved for the purpose of importing
fresh meat into the Community

(87/258/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Directive 72/462/EEC of 12
December 1972 on health and veterinary inspection
problems upon importation of bovine animals and swine
and fresh meat from third countries ⁽¹⁾, as last amended by
Directive 87/64/EEC ⁽²⁾, and in particular Articles 4 (1)
and 18 (1) thereof,

Whereas establishments in third countries cannot be
authorized to export fresh meat unless they satisfy the
general and special conditions laid down in Directive
72/462/EEC;

Whereas Canada has forwarded, in accordance with
Article 4 (3) of Directive 72/462/EEC, a list of establish-
ments authorized to export to the Community;

Whereas on the basis of a first inspection no establish-
ments were judged satisfactory and Commission Decision
86/269/EEC ⁽³⁾, as last amended by Decision 87/256/
EEC ⁽⁴⁾, prohibited Member States, on a Community basis,
from importing fresh meat from establishments in
Canada, while still allowing those Member States whose
national legislation so permitted not to interrupt existing
trade flows with the establishments proposed by the
Canadian authorities for a period of seven months;

Whereas, following a re-examination of the establish-
ments, the transitional arrangements were extended to 29
April 1987 by Commission Decision 87/134/EEC ⁽⁵⁾ to
correspond with the entry into force of amended
Community rules; whereas the deadline for introduction
into the Community of meat from these establishments is
22 May 1987 as laid down in Decision 87/256/EEC;

Whereas a further inspection carried out pursuant to
Article 5 of Directive 72/462/EEC and Article 2 (1) of
Commission Decision 86/474/EEC of 11 September 1986
on the implementation of the on-the-spot inspections to
be carried out in respect of the importation of bovine
animals and swine and fresh meat from non-member

countries ⁽⁶⁾ has shown that the standard of hygiene in
certain establishments has been raised and can thus be
regarded as satisfactory;

Whereas they may therefore be entered on an initial list
of establishments authorized to export to the Commu-
nity;

Whereas the case of other establishments proposed by
Canada has to be re-examined on the basis of additional
information regarding their hygiene standards and their
ability to adapt quickly to Community legislation;

Whereas, to avoid any abrupt interruption of trade flows,
these establishments may be authorized temporarily from
29 April 1987 to export fresh meat to those Member
States prepared to accept them;

Whereas it will therefore be necessary to re-examine and,
if necessary, amend this Decision in the light of measures
taken to this end and of improvements made;

Whereas the measures provided for in this Decision are in
accordance with the opinion of the Standing Veterinary
Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. The establishments in Canada appearing in the
Annex hereto are hereby approved for the import of fresh
meat into the Community pursuant to the said Annex.
2. Imports from establishments listed in the Annex
shall remain subject to the Community veterinary provi-
sions laid down elsewhere.

Article 2

Without prejudice to the provisions of Decision
86/269/EEC, after 29 April 1987 and until 31 December
1987 Member States may authorize imports of fresh meat
coming from establishments appearing in a list which
shall be forwarded by the Commission to the Member
States.

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 34, 5. 2. 1987, p. 52.

⁽³⁾ OJ No L 171, 28. 6. 1986, p. 58.

⁽⁴⁾ See page 45 of this Official Journal.

⁽⁵⁾ OJ No L 51, 20. 2. 1987, p. 55.

⁽⁶⁾ OJ No L 279, 30. 9. 1986, p. 55.

Article 3

Member States shall prohibit imports of fresh meat coming from establishments not referred to in Articles 1 or 2.

Article 4

This Decision shall be reviewed and if necessary amended before 31 December 1987.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 28 April 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

LIST OF ESTABLISHMENTS

Approval No	Establishment/Address	Category (1)							
		SL	CP	CS	B	S	P	SP	SR
54	Alsask Processors Co. Ltd, Edmonton, Alberta	×	×					×	
76	Abattoir Richelieu (1986) Inc., Massueville, Québec	×	×					×	
98	Abattoir Les Cédres Ltée, Les Cédres, Québec	×			×				
152	Dvorkin Meat Packers, Calgary, Alberta	×			×				
191	Or-Fil Inc., Laval, Québec		×				×		
235A	Montagne Meats, Calgary, Alberta		×		×				
253	Barton Feeders Co. Ltd., Owen Sound, Ontario	×	×					×	
320	Olivier Bienvenue Ltée, St-Valérien, Québec	×					×		
400	Lucerne Foods Ltd, Calgary, Alberta		×		×				
401	XL-Beef, Calgary, Alberta	×			×				
506	Bouvry Export Calgary Ltd, Fort Macleod, Alberta	×	×					×	
S-223	Trans Canada Freezers Ltd, Lethbridge, Alberta			×					(2)
S-537	Connestoga Cold Storage, Kitchener, Ontario			×					(2)
S-733	The Polar-Freez Ltd Partnership, St-Laurent, Québec			×					(2)
S-738	Frigo Québec, Lachine, Québec			×					(2)
S-739	The Polar-Freez Ltd Partnership, St-Laurent, Québec			×					(2)
S-763	Société en Commandite Laurier Pedneault Enr., Ville Vanier, Québec			×					(2)
S-788	Les Entrepôts Frigorifiques SN Enr., Montréal-Nord, Québec			×					(2)

(1) SL: Slaughterhouse
 CP: Cutting Premises
 CS: Cold Store
 B: Bovine Meat

S: Sheep Meat
 P: Pig Meat
 SP: Meat from Solipeds
 SR: Special Remarks

(2) Packaged meat only.

COMMISSION DECISION

of 29 April 1987

amending Decision 86/189/EEC concerning the establishments in the United States of America from which Member States may authorize the importation of fresh meat

(87/259/EEC)

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

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽¹⁾, as last amended by Directive 87/64/EEC ⁽²⁾, and in particular Article 4 (1) thereof,

Whereas establishments in third countries cannot be authorized to export fresh meat to the Community unless they satisfy the general and special conditions laid down in Directive 72/462/EEC;

Whereas the United States of America have forwarded, in accordance with Article 4 (3) of Directive 72/462/EEC, a list of establishments authorized to export to the Community;

Whereas, following Community on-the-spot visits, and by Commission Decision 86/189/EEC ⁽³⁾, as amended by Decision 87/113/EEC ⁽⁴⁾, Member States were authorized to continue to import fresh meat from certain American establishments until 29 April 1987;

Whereas it is necessary to fix a final date for the introduction into Community territory of meat originating in these establishments and to clarify this in Decision 86/189/EEC;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The following subparagraph is hereby added to Article 1 of Decision 86/189/EEC:

'Fresh meat from these establishments may be introduced into the territory of the Community until 22 May 1987.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 April 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 34, 5. 2. 1987, p. 52.

⁽³⁾ OJ No L 140, 27. 5. 1986, p. 30.

⁽⁴⁾ OJ No L 48, 17. 2. 1987, p. 33.

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 743/87 of 13 March 1987 laying down special detailed rules for the application of the system of import licences and advance fixing certificates for products processed from fruit and vegetables

(Official Journal of the European Communities No L 75 of 17 March 1987)

On page 11, in the table in Article 7, column 'CCT heading No':

for: 'ex 20.07 A III b) 1
b) 2',

read: 'ex 20.07 A III b)'.

On page 11, in the table in Article 7, column 'NIMEXE code':

for: 'ex 20.07-15
ex 20.07-15',

read: 'ex 20.07-15'.

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1986 Report

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