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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2503/87

of 19 August 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 1900/87⁽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 last amended by Regulation (EEC) No 1636/87⁽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 1944/87⁽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 18 August 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 1944/87 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 20 August 1987.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 38.

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

Done at Brussels, 19 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 19 August 1987 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CCT heading No	Description	(ECU/tonne)	
		Levies	
		Portugal	Third country
10.01 B I	Common wheat, and meslin	—	179,07
10.01 B II	Durum wheat	34,54	239,90 ⁽¹⁾ ⁽²⁾
10.02	Rye	24,81	154,77 ⁽⁶⁾
10.03	Barley	12,27	176,47
10.04	Oats	77,28	127,98
10.05 B	Maize, other than hybrid maize for sowing	5,29	181,71 ⁽²⁾ ⁽³⁾ ⁽⁸⁾
10.07 A	Buckwheat	12,27	114,06
10.07 B	Millet	12,27	107,41 ⁽⁴⁾
10.07 C II	Grain sorghum, other than hybrid sorghum for sowing	29,71	184,57 ⁽⁴⁾ ⁽⁸⁾
10.07 D I	Triticale	⁽⁷⁾	⁽⁷⁾
10.07 D II	Canary seed ; other cereals	12,27	28,92 ⁽⁵⁾
11.01 A	Wheat or meslin flour	—	263,92
11.01 B	Rye flour	47,96	229,09
11.02 A I a)	Durum wheat groats and meal	66,62	384,93
11.02 A I b)	Common wheat groats and meal	—	284,80

⁽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 Council 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 2504/87

of 19 August 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 1900/87⁽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 last amended by Regulation (EEC) No 1636/87⁽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 1945/87⁽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 18 August 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 coming from 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 coming from third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 August 1987.

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

Done at Brussels, 19 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 185, 4. 7. 1987, p. 41.

ANNEX

to the Commission Regulation of 19 August 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 8	1st period 9	2nd period 10	3rd period 11
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0,32	0,32	0,32
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 8	1st period 9	2nd period 10	3rd period 11	4th period 12
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 2505/87**of 18 August 1987****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods ⁽¹⁾, as last amended by Regulation (EEC) No 3502/85 ⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 21 August 1987.

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

Done at Brussels, 18 August 1987.

For the Commission

Manuel MARÍN

Vice-President

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 335, 13. 12. 1985, p. 9.

ANNEX

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net									
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	07.01-13 } 07.01-15 }	07.01 A II	New potatoes	31,72	1 365	249,42	65,83	219,32	4 944	24,56	47 658	74,16	22,20
1.12	ex 07.01-21 } ex 07.01-22 }	ex 07.01 B I	Broccoli	110,43	4 758	871,32	229,52	764,04	17 306	85,66	166 088	258,34	76,67
1.14	07.01-23	07.01 B II	White cabbages and red cabbages	41,22	1 772	322,69	85,59	285,00	6 316	32,06	61 054	96,57	29,13
1.16	ex 07.01-27	ex 07.01 B III	Chinese cabbage	12,38	532	96,65	25,69	85,83	1 919	9,59	18 579	28,95	8,67
1.20	07.01-31 } 07.01-33 }	07.01 D I	Cabbage lettuce	38,04	1 639	300,16	79,06	263,20	5 961	29,50	57 216	88,99	26,41
1.22	ex 07.01-36	ex 07.01 D II	Endives	40,67	1 748	318,40	84,46	281,22	6 232	31,63	60 243	95,28	28,74
1.28	07.01-41 } 07.01-43 }	07.01 F I	Peas	353,23	15 193	2 756,74	732,99	2 447,99	54 757	273,70	529 896	825,74	247,29
1.30	07.01-45 } 07.01-47 }	07.01 F II	Beans (of the species Phaseolus)	92,24	3 968	726,23	191,42	636,75	14 435	71,45	138 597	215,46	64,76
1.32	ex 07.01-49	ex 07.01 F III	Broad beans	28,32	1 220	221,09	58,81	196,63	4 381	21,99	42 649	66,32	19,62
1.40	ex 07.01-54	ex 07.01 G II	Carrots	7,70	331	60,66	15,99	53,18	1 205	5,96	11 577	17,99	5,41
1.50	ex 07.01-59	ex 07.01 G IV	Radishes	74,15	3 195	578,86	153,99	514,81	11 470	57,58	111 664	173,65	51,37
1.60	ex 07.01-63	ex 07.01 H	Onions (other than wild onions and sets)	19,48	839	155,71	40,40	135,02	3 058	15,11	29 298	45,55	13,53
1.70	07.01-67	ex 07.01 H	Garlic	131,69	5 674	1 052,40	273,10	912,56	20 673	102,15	198 012	307,89	91,50
1.74	ex 07.01-68	ex 07.01 I J	Leeks	30,12	1 297	235,77	62,60	208,56	4 628	23,41	44 668	70,60	21,14
1.80		07.01 K	Asparagus :										
1.80.1	ex 07.01-71		— green	510,34	21 992	4 078,42	1 058,37	3 536,49	80 116	395,89	767 360	1 193,18	354,60
1.80.2	ex 07.01-71		— other	133,44	5 739	1 041,48	276,91	924,83	20 687	103,40	200 191	311,95	93,42
1.90	07.01-73	07.01 L	Artichokes	135,44	5 837	1 057,28	281,25	940,29	20 950	105,18	203 951	317,17	93,82
1.100	07.01-75 } 07.01-77 }	07.01 M	Tomatoes	44,83	1 932	358,29	92,98	310,68	7 038	34,78	67 413	104,82	31,15
1.110	07.01-81 } 07.01-82 }	07.01 P I	Cucumbers	30,41	1 308	239,13	63,12	210,27	4 740	23,55	45 692	71,10	21,29
1.112	07.01-85	07.01 Q II	Chantarelles	499,67	21 532	3 993,19	1 036,25	3 462,59	78 441	387,62	751 324	1 168,25	347,19
1.118	07.01-91	07.01 R	Fennel	31,34	1 350	245,33	65,13	217,02	4 816	24,36	46 478	73,46	21,99
1.120	07.01-93	07.01 S	Sweet peppers	50,12	2 159	400,55	103,94	347,32	7 868	38,88	75 364	117,18	34,82
1.130	07.01-97	07.01 T II	Aubergines	44,23	1 906	353,50	91,73	306,53	6 944	34,31	66 511	103,42	30,73
1.140	07.01-96	07.01 T I	Vegetable marrows (including courgettes)	61,33	2 638	478,65	127,27	425,04	9 507	47,52	92 006	143,37	42,93
1.150	ex 07.01-99	ex 07.01 T III	Celery stalks and leaves	35,73	1 537	281,30	74,15	246,64	5 591	27,67	53 685	83,45	25,08
1.160	ex 07.06-90	ex 07.06 B	Sweet potatoes, fresh, whole	74,60	3 185	582,47	153,85	512,38	11 235	57,94	109 532	173,25	55,53
2.10	08.01-31	ex 08.01 B	Bananas, fresh	50,05	2 156	399,98	103,79	346,83	7 857	38,82	75 257	117,01	34,77
2.20	ex 08.01-50	ex 08.01 C	Pineapples, fresh	76,88	3 313	614,39	159,44	532,75	12 069	59,63	115 599	179,74	53,42
2.30	ex 08.01-60	ex 08.01 D	Avocados, fresh	139,45	6 009	1 114,42	289,20	966,34	21 891	108,17	209 681	326,03	96,89
2.40	ex 08.01-99	ex 08.01 H	Mangoes and guavas, fresh	129,95	5 600	1 038,57	269,51	900,57	20 401	100,81	195 409	303,84	90,30
2.50		08.02 A I	Sweet oranges, fresh :										
2.50.1	08.02-02 } 08.02-06 } 08.02-12 } 08.02-16 }		— Sanguines and semi-sanguines	95,60	4 112	746,74	198,46	664,05	14 837	74,12	143 693	223,54	66,52

Code	NIMEXE code	CCT heading No	Description	Amount of unit values per 100 kg net									
				ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50.2	08.02-03 08.02-07 08.02-13 08.02-17		— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	49,77	2 144	397,78	103,22	344,93	7 814	38,61	74 844	116,37	34,58
2.50.3	08.02-05 08.02-09 08.02-15 08.02-19		— others	34,93	1 505	279,15	72,44	242,05	5 483	27,09	52 522	81,66	24,27
2.60		ex 08.02 B	Mandarins including tangerines and satsumas, fresh, clementines, wilkings and other similar citrus hybrids, fresh :										
2.60.1	08.02-29	ex 08.02 B II	— Monreales and satsumas	52,33	2 255	412,92	108,77	362,08	8 201	40,59	78 709	122,42	36,33
2.60.2	08.02-31	ex 08.02 B II	— Mandarins and wilkings	72,47	3 117	565,63	150,39	502,28	11 235	56,16	108 726	169,42	50,73
2.60.3	08.02-28	08.02 B I	— Clementines	65,10	2 805	513,66	135,31	450,42	10 202	50,49	97 913	152,30	45,19
2.60.4	08.02-34 08.02-37	ex 08.02 B II	— Tangerines and others	53,68	2 313	429,02	111,33	372,01	8 427	41,64	80 720	125,51	37,30
2.70	ex 08.02-50	ex 08.02 C	Lemons, fresh	44,80	1 930	358,05	92,91	310,47	7 033	34,75	67 368	104,75	31,13
2.80		ex 08.02 D	Grapefruit, fresh :										
2.80.1	ex 08.02-70		— white	43,19	1 861	345,21	89,58	299,34	6 781	33,51	64 952	100,99	30,01
2.80.2	ex 08.02-70		— pink	59,02	2 543	471,71	122,41	409,03	9 266	45,78	88 752	138,00	41,01
2.81	ex 08.02-90	ex 08.02 E	Limes and limettes	143,60	6 188	1 147,59	297,80	995,11	22 543	111,39	215 922	335,74	99,78
2.90	08.04-11 08.04-19 08.04-23	08.04 A I	Table grapes	83,24	3 587	665,23	172,63	576,83	13 067	64,57	125 164	194,62	57,84
2.95	08.05-50	08.05 C	Chestnuts	101,92	4 360	796,49	210,24	702,62	15 251	79,05	149 480	236,99	75,27
2.100	08.06-13 08.06-15 08.06-17	08.06 A II	Apples	56,14	2 419	448,70	116,44	389,08	8 814	43,55	84 423	131,27	39,01
2.110	08.06-33 08.06-35 08.06-37 08.06-38	08.06 B II	Pears	43,58	1 878	348,31	90,39	302,03	6 842	33,81	65 536	101,90	30,28
2.120	08.07-10	08.07 A	Apricots	45,25	1 950	361,62	93,84	313,57	7 103	35,10	68 040	105,79	31,44
2.130	ex 08.07-32	ex 08.07 B	Peaches	65,67	2 829	518,17	136,49	454,37	10 292	50,94	98 772	153,63	45,59
2.140	ex 08.07-32	ex 08.07 B	Nectarines	92,31	3 977	728,35	191,86	638,67	14 466	71,60	138 835	215,95	64,09
2.150	08.07-51 08.07-55	08.07 C	Cherries	115,53	4 978	911,55	240,12	799,31	18 105	89,61	173 756	270,27	80,21
2.160	08.07-71 08.07-75	08.07 D	Plums	74,53	3 211	595,62	154,56	516,48	11 700	57,81	112 067	174,25	51,78
2.170	08.08-11 08.08-15	08.08 A	Strawberries	110,57	4 753	862,87	229,27	766,67	17 157	85,64	166 095	258,40	77,52
2.175	08.08-35	08.08 C	Fruit of the species Vaccinium myrtillus	144,16	6 212	1 152,10	298,98	999,02	22 631	111,83	216 770	337,06	100,17
2.180	08.09-11	ex 08.09	Water melons	18,15	782	145,09	37,65	125,81	2 850	14,08	27 299	42,44	12,61
2.190		ex 08.09	Melons (other than water melons):										
2.190.1	ex 08.09-19		— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	28,65	1 234	228,97	59,42	198,55	4 497	22,22	43 082	66,98	19,90
2.190.2	ex 08.09-19		— other	51,34	2 212	410,33	106,48	355,81	8 060	39,83	77 205	120,04	35,67
2.195	ex 08.09-80	ex 08.09	Pomegranates	47,87	2 048	374,10	98,75	330,01	7 163	37,13	70 209	111,31	35,35
2.200	08.09-50	ex 08.09	Kiwis	166,64	7 181	1 331,71	345,58	1 154,76	26 160	129,27	250 564	389,60	115,78
2.202	ex 08.09-80	ex 08.09	Khakis	217,60	9 353	1 697,99	451,17	1 508,67	33 763	168,53	326 848	508,50	152,54
2.203	ex 08.09-80	ex 08.09	Lychees	350,50	15 075	2 735,47	727,33	2 429,10	54 335	271,59	525 808	819,36	245,38

COMMISSION REGULATION (EEC) No 2506/87

of 19 August 1987

fixing the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 229/87⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in the natural state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5

(2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as amended by Regulation (EEC) No 1467/77⁽⁷⁾; whereas the refund thus calculated for aromatized sugars or for sugars with colouring added must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination;

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- 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 the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the 1 May

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 162, 1. 7. 1977, p. 6.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

exported in the natural state, shall be as set out in the Annex hereto.

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and

Article 2

This Regulation shall enter into force on 20 August 1987.

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

Done at Brussels, 19 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 19 August 1987 fixing the export refunds on white sugar and raw sugar exported in the natural state

(ECU)

CCT heading No	Description	Amount of refund	
		per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
17.01	Beet sugar and cane sugar, solid:		
	A. White sugar; flavoured or coloured sugar:		
	(I) White sugar:		
	(a) Candy sugar	46,03	
	(b) Other	44,59	
	(II) Flavoured or coloured sugar		0,4603
	B. Raw sugar:		
	II. Other:		
	(a) Candy sugar	42,34 ⁽¹⁾	
	(b) Sugar with added anti-caking agent		0,4603
	(c) Raw sugar in immediate packing not exceeding 5 kilograms net of product	40,02 ⁽¹⁾	
	(d) Other raw sugar	⁽²⁾	

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EEC) No 2507/87

of 18 August 1987

amending Regulation (EEC) No 1908/84 fixing the standard methods for determining the quality of cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975, on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1900/87 ⁽²⁾, and in particular Article 7 and 8 thereof,Having regard to Council Regulation (EEC) No 2731/75 of 29 October 1975 fixing standard qualities for common wheat, rye, barley, maize, sorghum and durum wheat ⁽³⁾, as last amended by Regulation (EEC) No 2094/87 ⁽⁴⁾, and in particular Article 6 thereof,Whereas Commission Regulation (EEC) No 1908/84 ⁽⁵⁾, as last amended by Regulation (EEC) No 2281/86 ⁽⁶⁾, lays down the various methods for determining the characteristics of cereals offered for intervention; whereas this Regulation should be amplified as regards the determination of the rate of loss of vitreous aspect of durum wheat;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1908/84 is hereby amended as follows:

1. The following eighth indent is added to Article 1:

— the standard method for determining the rate of loss of vitreous aspect of durum wheat shall be that set out in Annex V

2. An Annex V is added in accordance with 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*.

It shall apply with effect from 1 July 1987.

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

Done at Brussels, 18 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 182, 3. 7. 1987, p. 40.
⁽³⁾ OJ No L 281, 1. 11. 1975, p. 22.
⁽⁴⁾ OJ No L 196, 17. 7. 1987, p. 1.
⁽⁵⁾ OJ No L 178, 5. 7. 1984, p. 22.
⁽⁶⁾ OJ No L 200, 23. 7. 1986, p. 7.

ANNEX

ANNEX V

DETERMINATION OF THE RATE OF LOSS OF VITREOUS ASPECT USING A POHL GRAIN CUTTER

PRINCIPLE

Only part of the sample is used to determine the rate of grains which have lost wholly or partly their vitreous aspect. The grains are cut using a Pohl grain cutter.

EQUIPMENT AND APPARATUS

- Pohl grain cutter,
- tweezers, scalpel,
- tray or dish.

PROCEDURE

- (a) The determination is carried out on a sample of 100 grams once any matter other than basic cereals of unimpaired quality has been separated;
- (b) Spread the sample on a tray and homogenize well;
- (c) Insert a plate in the grain cutter and spread a handful of grains on the grid. Tap firmly to ensure that there is only one grain in each hole. Lower the movable section to hold the grains in place and then cut them;
- (d) Prepare sufficient plates to ensure that a minimum of 600 grains are cut;
- (e) Count the number of grains which have wholly or partly lost their vitreous aspect ("mitadiné");
- (f) Calculate the percentage of grains which have wholly or partly lost their vitreous aspect ("mitadiné").

EXPRESSION OF RESULTS

Where :

I = mass, in grams, of matter other than basic cereals of unimpaired quality, and

M = percentage of cleaned grains examined which have wholly or partly lost their vitreous aspect ("mitadiné").

the percentage of grains which have wholly or partly lost their vitreous aspect ("mitadiné") in the test portion is :

$$\frac{M \times (100 - I)}{100} = \dots$$

COMMISSION REGULATION (EEC) No 2508/87

of 19 August 1987

concerning applications for STM licences for milk and milk products submitted during the first ten days of August 1987

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 Commission Regulation (EEC) No 574/86 of 28 February 1986 laying down detailed rules for the application of the supplementary trade mechanism (STM)⁽¹⁾, as last amended by Regulation (EEC) No 2159/87⁽²⁾, and in particular Article 6 (4) thereof,

Having regard to Commission Regulation (EEC) No 606/86 of 28 February 1986 laying down detailed rules for applying the supplementary trade mechanism to milk products imported into Spain from the Community of Ten⁽³⁾, as last amended by Regulation (EEC) No 3952/86⁽⁴⁾, and in particular Article 3 (2) thereof,

Whereas, pursuant to Article 6 (3) of Regulation (EEC) No 574/86 the Commission has been notified of the applications for STM licences for milk and milk products during the first ten days of August 1987; whereas the necessary provisions regarding the acceptance of the said applications should be adopted,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for STM licences submitted during the first ten days of August 1987 and notified to the Commission shall be accepted for the tonnages applied for, adjusted by the coefficient set out below in the case of the following products and the categories referred to in Article 2 of Regulation (EEC) No 606/86:

CCT heading No	Description	Coefficient
ex 04.01	Milk and cream, fresh, not concentrated or sweetened:	
	— in immediate packings of a net capacity of 3 litres or less	1,00
	— other	1,00
04.03	Butter	0,04923
ex 04.04	Cheese:	
	— Category 1: Emmentaler, Gruyère	0,08249
	— Category 2: Roquefort	0,00420
	— Category 3: Blue-veined cheese	0,01904
	— Category 4: Processed cheese	0,00224
	— Category 5: Parmigiano Reggiano, Grana Padano	0,03732
	— Category 6: Havarti, fat content 60 %	0,00485
	— Category 7: Edam in balls, Gouda	0,01392
	— Category 8: Soft ripened cow's milk cheeses	0,00489
	— Category 9: Cheddar, Chester	0,01357
	— Category 10: Other	0,01907

⁽¹⁾ OJ No L 57, 1. 3. 1986, p. 1.

⁽²⁾ OJ No L 202, 23. 7. 1987, p. 30.

⁽³⁾ OJ No L 58, 1. 3. 1986, p. 28.

⁽⁴⁾ OJ No L 365, 24. 12. 1986, p. 49.

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, 19 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2509/87
of 19 August 1987
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 229/87 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 2054/87 ⁽³⁾, as last amended by Regulation (EEC) No 2483/87 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2054/87 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 August 1987.

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

Done at Brussels, 19 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President

- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.
⁽³⁾ OJ No L 192, 11. 7. 1987, p. 38.
⁽⁴⁾ OJ No L 228, 15. 8. 1987, p. 36.

ANNEX

to the Commission Regulation of 19 August 1987 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	52,08
	B. Raw sugar	44,71 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 2510/87**of 19 August 1987****fixing the maximum export refund for white sugar for the 16th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1092/87**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 229/87⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1092/87 of 15 April 1987 on a standing invitation to tender in order to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1092/87, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 16th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund for the 16th partial invitation to tender for white sugar issued under Regulation (EEC) No 1092/87 is hereby fixed at 46,780 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 20 August 1987.

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

Done at Brussels, 19 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 25, 28. 1. 1987, p. 1.

⁽³⁾ OJ No L 106, 22. 4. 1987, p. 9.

COMMISSION REGULATION (EEC) No 2511/87
of 19 August 1987
altering the corrective amount applicable to the refund on cereals

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

Having regard to 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 1900/87 ⁽²⁾, and in particular the fourth sentence of the second subparagraph of Article 16 (4) thereof,

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

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EEC) No 2338/87 ⁽⁴⁾, as last amended by Regulation (EEC) No 2500/87 ⁽⁵⁾;

Whereas, the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75, fixed in the Annex to amended Regulation (EEC) No 2338/87 which is applicable to the export refunds fixed in advance in respect of cereals, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 August 1987.

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

Done at Brussels, 19 August 1987.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 182, 3. 7. 1987.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 210, 1. 8. 1987, p. 69.

⁽⁵⁾ OJ No L 232, 19. 8. 1987, p. 16.

ANNEX

to the Commission Regulation of 19 August 1987 altering the corrective amount applicable
to the refund on cereals

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

N. B. The zones are those defined in Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977), as last amended by Regulation (EEC) No 3817/85 (OJ No L 368, 31. 12. 1985).

COUNCIL REGULATION (EEC) No 2512/87

of 18 August 1987

amending Regulation (EEC) No 2786/83 imposing a definitive anti-dumping duty on imports of copper sulphate originating in Czechoslovakia and the USSR

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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⁾, as amended by Regulation (EEC) No 1761/87⁽²⁾, and in particular Article 14 thereof,

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

Whereas :

A. Procedure

- (1) By Regulation (EEC) No 2786/83⁽³⁾ the Council imposed a definitive anti-dumping duty on imports of copper sulphate originating in Czechoslovakia and the USSR and by Decision No 83/502/EEC⁽⁴⁾ the Commission accepted an undertaking from one Czech exporter of copper sulphate. This undertaking was subsequently amended and accepted by Decision No 84/408/EEC⁽⁵⁾.
- (2) In 1986, the Commission received a request for a review of the anti-dumping measures concerning imports of copper sulphate originating in Czechoslovakia, Hungary, Poland and the USSR lodged by the European Council of Chemical Manufacturers Federations representing a major proportion of Community output of copper sulphate. This review request contained evidence of changed circumstances sufficient to justify the need for review and accordingly the Commission announced, by a notice published⁽⁶⁾ in the *Official Journal of the European Communities*, the opening of a review investigation concerning imports of copper sulphate originating in Czechoslovakia, Hungary, Poland and the USSR, falling within subheading ex 28.38 A II of the Common Customs Tariff, and corresponding to NIMEXE code 28.38-27.

- (3) The Commission officially so advised the exporters and importers known to be concerned and the Community producers and gave the parties directly concerned an opportunity to make known their views in writing and to request a hearing.

Most exporters concerned, some importers and all complainant Community producers made their views known in writing and requested and were granted hearings.

No submissions were made by or on behalf of Community purchasers or processors of the product.

- (4) The Commission sought and verified all information it deemed to be necessary and carried out investigations at the premises of the following :

Community producers :

- La Cornubia SA, Bordeaux, France,
- NV Metallo-chimique, Beerse, Belgium,
- Manica Spa, Rovereto, Italy.

The Commission requested and received detailed written submissions from all complainant Community producers, most exporters and some importers and verified the information therein to the extent considered necessary.

The investigation of dumping covered the period January to July 1986 inclusive.

B. Normal value

- (5) In order to establish whether there was renewed dumping of imports of copper sulphate from Czechoslovakia, Hungary, Poland and the USSR 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 Community industry had suggested the United States as an appropriate analogue market. All US producers of copper sulphate known to the Commission were, however, unwilling to cooperate in the investigation. Some of the exporters concerned had objected to the use of the US market and one had suggested Thailand as being a more appropriate choice. Other exporters objected to the choice of Thailand arguing that the relatively small quantities produced in Thailand would result in high unit

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽³⁾ OJ No L 274, 7. 10. 1983, p. 1.

⁽⁴⁾ OJ No L 281, 13. 10. 1983, p. 22.

⁽⁵⁾ OJ No L 225, 22. 8. 1984, p. 22.

⁽⁶⁾ OJ No C 200 9. 8. 1986, p. 4.

costs and commensurately higher prices. One exporter suggested the price actually paid in the Community as alternative basis for determining normal value.

- (6) Following enquiries by the Commission, however, the results of which were substantiated by investigation at the premises of two Thai producers of copper sulphate, it was established that there were no extraordinary differences between Thai production processes and those of the exporting countries concerned. In addition, price levels in Thailand were somewhat lower both than those in the Community and those alleged to exist in the United States, and, despite the relatively low quantities produced, were in reasonable proportion to production costs.

The Commission therefore concluded that it would be appropriate and not unreasonable to determine normal value on the basis of domestic prices in Thailand. Indeed if Thailand cannot be ruled out as an analogue country then it is not legally appropriate to use Community prices as the basis for normal value.

The normal value thus established for the reference period was higher than that established during the previous investigations relating to the exporting countries concerned, the most significant factor having been the effect on prices of an increase in the cost of copper, which comprises the major element in the production costs of copper sulphate. This increase, together with increases in the Community producers' fixed costs, considerably outweighed the beneficial effects on these producers' costs of a reduction in the cost of energy.

C. Export price

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

D. Comparison

- (8) In comparing normal value with export prices, the Commission took account, where appropriate, of differences affecting price comparability. In particular, account was taken of differences affecting price comparability. In particular, account was taken of differences in purity and copper content, sufficient evidence of which was supplied by the Polish and USSR exporters.

In all comparisons account was taken of differences in conditions and terms of payment and adjustment was made, where appropriate, to allow export

prices and normal values to be on a comparable basis in this respect.

E. Margins

- (9) The above preliminary examination of the facts showed the existence of dumping in respect of imports of copper sulphate originating in Czechoslovakia, Hungary, Poland and the USSR, the margin of dumping being equal to the amount by which the normal value as established exceeded the prices for export to the Community.

These margins varied according to the exporter concerned, and expressed as a percentage of total cif values for each of the exporters investigated were as follows:

Czechoslovakia	25,6 %
Hungary	45,5 %
Poland	44,1 %
USSR	47,9 %

F. Injury

- (10) With regard to the injury caused by the dumped imports, the evidence available to the Commission shows that imports into the Community from Czechoslovakia, Hungary, Poland and the USSR of copper sulphate have, on a cumulative basis, remained relatively stable between 1982 and 1986 and have accordingly retained a share of around 16 % of a market in which consumption in the Community has also been fairly stable.

- (11) This situation should be considered in the light of the effect of the anti-dumping measures imposed between 1983 and 1985 on imports of copper sulphate originating in, *inter alia*, the four countries concerned in this proceeding. The evidence available to the Commission indicated that, while the imposition of anti-dumping measures may have exercised an initial downward effect on the sales volumes in the Community of the individual country of countries concerned these volumes had, at least to some degree, recovered by the time of the reference period.

- (12) In addition, since the imposition of the existing anti-dumping measures relating to imports from the countries concerned, costs in the Community, particularly for copper, have increased significantly (see recital six). Thus, despite the imposition of these measures, the exporters concerned have been able to significantly undercut the prices of the Community producers. During the reference period this undercutting reached levels of around 25 % after anti-dumping duty and involved prices which were lower than those required to cover the costs of Community producers and provide a reasonable profit.

- (13) The consequent impact on the Community industry has been that its sales in the Community have remained at approximately the same level from 1982 to 1986. This has meant a continuation of low capacity utilization levels which remained, during this period, on average, at 40 %. The resultant high unit costs, combined with the depressive effect on the prices of the dumped imports, have led, for the complainant producers, to continued losses or the inability to obtain a reasonable return on sales in the Community market, which accounts for almost 90 % of their total sales of copper sulphate.

Furthermore, two Community producers have ceased production of copper sulphate since 1983, at least partially as a result of the impact of the dumped imports. These closures have led to a reduction in employment in the manufacture of copper sulphate in the Community.

- (14) The Commission has considered whether injury has been caused by other factors such as reduction in the complainants' sales to third countries, a fall in demand in the Community or an increase in imports originating in countries other than those concerned in the present proceeding.

The complainants' sales to third countries remained stable between 1982 and 1986 at around 10 % of total sales. Community consumption has also remained relatively stable during this period. As regards imports from countries other than the four concerned, anti-dumping measures were taken in 1984⁽¹⁾ concerning Bulgarian copper sulphate and, concerning the Yugoslav product, most recently in 1985⁽²⁾. Since these measures were taken, the volumes imported from those countries have fallen and imports from other countries have remained, as a whole, at approximately the same levels.

Thus, the volume of dumped imports from the four countries concerned and the prices at which they were sold in the Community during the reference period has led the Commission to determine that the effects of the dumped imports of copper sulphate originating in Czechoslovakia, Hungary, Poland and the USSR, taken in isolation, have to be considered as causing material injury to the Community industry concerned.

G. Community interest

- (15) In view of the serious difficulties facing the Community industry, and in particular the fact that two Community producers have ceased production

since 1983, the Commission has come to the conclusion that it is in the Community's interest that action be taken.

H. Undertakings

- (16) The Polish and USSR exporters concerned, having been informed of the main findings of the review investigation, offered undertakings, amended in the case of the Polish exporter, concerning their exports of copper sulphate to the Community. The Commission, in a Decision published in the *Official Journal of the European Communities* of even date with the publication hereof⁽³⁾ has accepted these undertakings and terminated the investigation with regard to imports of copper sulphate originating in Poland and the USSR. Regulation (EEC) No 2786/83 should accordingly be amended to the extent that it imposes a definitive anti-dumping duty on imports of copper sulphate originating in the USSR.

I. Duty

- (17) The Czech and Hungarian exporters concerned, having been informed of the main findings of the review investigation, did not offer to amend their undertakings in a manner which would eliminate the injury caused by the dumped imports. Accordingly, the Commission has withdrawn acceptance of the undertakings previously offered by these two exporters and has proposed that definitive duties be imposed.
- (18) 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. Having taken into account, on the one hand, the selling price necessary to cover the production costs of the Community industry and to provide an adequate return and, on the other hand, the prices at which the dumped imports are offered for sale in the Community, the Commission determined the amount of duty necessary to eliminate the injury to be 5 % and 19 % in the case of Czech and Hungarian imports respectively or, in both cases, to avoid possible circumvention, the difference between the price per tonne net, free-at-Community-frontier before duty and 522 ECU for pentahydrate copper sulphate and 630 ECU for monohydrate copper sulphate applying the variable or the *ad valorem* type of duty, whichever is the higher. Regulation (EEC) No 2786/83 should accordingly be amended to the extent that it concerns imports of copper sulphate originating in Czechoslovakia.

⁽¹⁾ OJ No L 275, 18. 10. 1984, p. 12.

⁽²⁾ OJ No L 296, 8. 11. 1985, p. 26.

⁽³⁾ See page 22 of this Official Journal.

HAS ADOPTED THIS REGULATION :

Article 1

Article 1 of Regulation (EEC) No 2786/83 is hereby replaced by the following :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of copper sulphate, falling within subheading ex 28.38 A II of the Common Customs Tariff, corresponding to NIMEXE code 28.38-27 and originating in Czechoslovakia and Hungary.

2. The amount of the duty shall be equal to :

either the amount by which the price, per tonne net, free-at-Community-frontier, before duty, is less than :

- 522 ECU for pentahydrate copper sulphate originating in Czechoslovakia and Hungary,
- 630 ECU for monohydrate copper sulphate originating in Hungary,

or the following percentages of that price :

- 5 % for copper sulphate originating in Czechoslovakia, and
- 19 % for both pentahydrate and monohydrate copper sulphate originating in Hungary,

whichever is the higher.

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

Article 2

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

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

Done at Brussels, 18 August 1987.

For the Council

The President

K. E. TYGESEN

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 July 1987

amending an undertaking and accepting an undertaking given in connection with the anti-dumping review investigation concerning imports of copper sulphate originating in Poland and the USSR respectively, and terminating the investigation as it concerns these countries
(87/443/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1761/87⁽²⁾, and in particular Articles 10 and 14 thereof,

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

Whereas :

A. Procedure

- (1) By Regulation (EEC) No 2786/83⁽³⁾ the Council imposed a definitive anti-dumping duty on imports of copper sulphate originating in Czechoslovakia and the USSR and, by Decision 83/502/EEC⁽⁴⁾, the Commission accepted an undertaking from on Czech exporter of copper sulphate. This undertaking was subsequently amended and accepted by Decision 84/408/EEC⁽⁵⁾.

Subsequently the Commission accepted, by Regulation (EEC) No 2908/84⁽⁶⁾, an undertaking offered *inter alia* by the Hungarian exporter of copper sulphate and, by Decision 85/104/EEC⁽⁷⁾, an undertaking offered by the Polish exporter of that product.

- (2) In 1986, the Commission received a request for review of the anti-dumping measures concerning imports of copper sulphate originating in Czechoslovakia, Hungary, Poland and the USSR lodged by the European Federation of Chemical Manufacturers Associations representing a major proportion of Community output of copper sulphate. This review request contained evidence of changed circumstances sufficient to justify the need for review and accordingly the Commission announced, by a Notice published in the *Official Journal of the European Communities*⁽⁸⁾, the opening of a review investigation concerning imports of copper sulphate originating in Czechoslovakia, Hungary, Poland and the USSR, falling within subheading ex 28.38 A II of the Common Customs Tariff, and corresponding to NIMEXE code 28.38-27.
- (3) The Commission officially so advised the exporters and importers known to be concerned, and the Community producers, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽³⁾ OJ No L 274, 7. 10. 1983, p. 1.

⁽⁴⁾ OJ No L 281, 13. 10. 1983, p. 22.

⁽⁵⁾ OJ No L 225, 22. 8. 1984, p. 22.

⁽⁶⁾ OJ No L 275, 18. 10. 1984, p. 12.

⁽⁷⁾ OJ No L 41, 12. 2. 1985, p. 13.

⁽⁸⁾ OJ No C 200, 9. 8. 1986, p. 4.

Most exporters concerned, some importers and all complainant Community producers made their views known in writing and requested and were granted hearings.

No submissions were made by or on behalf of Community purchasers or processors of the product.

- (4) The Commission sought and verified all information it deemed to be necessary and carried out investigations at the premises of the following:

— *EEC producers:*

- La Cornubia, SA, Bordeaux, France,
- NV Metallo-chimique, Beerse, Belgium,
- Manica Spa, Rovereto, Italy.

The Commission requested and received detailed written submissions from all complainant Community producers, most exporters and some importers, and verified the information therein to the extent considered necessary.

The investigation of dumping covered the period January to July 1986 inclusive.

B. Normal Value

- (5) In order to establish whether there was renewed dumping of imports of copper sulphate from Czechoslovakia, Hungary, Poland and the USSR, 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 Community industry had suggested the United States of America as an appropriate analogue market. All United States producers of copper sulphate known to the Commission were, however, unwilling to cooperate in the investigation. Some of the exporters concerned had objected to the use of the United States market, and one had suggested Thailand as being a more appropriate choice. Other exporters objected to the choice of Thailand arguing that the relatively small quantities produced in Thailand would result in high unit costs and commensurately higher prices. One exporter suggested the price actually paid in the Community as an alternative basis for determining normal value.
- (6) Following enquiries by the Commission, however, the results of which were substantiated by investigation at the premises of two Thai producers of copper sulphate, it was established that there were

no extraordinary differences between Thai production processes and those of the exporting countries concerned. In addition, price levels in Thailand were somewhat lower than those in the Community and those alleged to exist in the United States, and, despite the relatively low quantities produced, were in reasonable proportion to production costs.

The Commission therefore concluded that it would be appropriate and not unreasonable to determine normal value on the basis of domestic prices in Thailand. Indeed, if Thailand cannot be ruled out as an analogue country then it is not legally appropriate to use Community prices as the basis for normal value.

The normal value thus established for the reference period was higher than that established during the previous investigations relating to the exporting countries concerned, the most significant factor having been the effect on prices of an increase in the cost of copper, which comprises the major element in the production costs of copper sulphate. This increase, together with increases in the Community producers' fixed costs, considerably outweighed the beneficial effects on these producer's costs of a reduction in the cost of energy.

C. Export price

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

D. Comparison

- (8) In comparing normal value with export prices, the Commission took account, where appropriate, of differences affecting price comparability. In particular, account was taken of differences in purity and copper content, sufficient evidence of which was supplied by the Polish and USSR exporters.

In all comparisons, account was taken of differences in conditions and terms of payment, and adjustment was made, where appropriate, to allow export prices and normal values to be on a comparable basis in this respect.

E. Margins

- (9) The above preliminary examination of the facts showed the existence of dumping in respect of imports of copper sulphate originating in Czechoslovakia, Hungary, Poland and the USSR, the margin of dumping being equal to the amount by which the normal value as established exceeded the prices for export to the Community.

These margins varied according to the exporter concerned and, expressed as a percentage of total cif values for each of the exporters investigated, were as follows:

— Czechoslovakia :	25,6 %,
— Hungary :	45,5 %,
— Poland :	44,1 %,
— USSR :	47,9 %.

F. Injury

- (10) With regard to the injury caused by the dumped imports, the evidence available to the Commission shows that imports into the Community from Czechoslovakia, Hungary, Poland and the USSR of copper sulphate have, on a cumulative basis, remained relatively stable between 1982 and 1986 and have accordingly retained a share of around 16 % of a market in which consumption in the Community has also been fairly stable.
- (11) This situation should be considered in the light of the effect of the anti-dumping measures imposed between 1983 and 1985 on imports of copper sulphate originating in, *inter alia*, the four countries concerned in this proceeding. The evidence available to the Commission indicated that, while the imposition of anti-dumping measures may have had an initial downward effect on the sales volumes in the Community of the individual country or countries concerned, these volumes had, at least to some degree, recovered by the reference period.
- (12) In addition, since the imposition of the existing anti-dumping measures relating to imports from the countries concerned, costs in the Community, particularly for copper, have increased significantly (see point 6). Thus, despite the imposition of these measures, the exporters concerned have been able to undercut significantly the prices of the Community producers. During the reference period, this undercutting reached levels of around 25 % after anti-dumping duty, and involved prices which were lower than those required to cover the costs of Community producers and provide a reasonable profit.
- (13) The consequent impact on the Community industry has been that its sales in the Community have remained at approximately the same level from 1982 to 1986. This has meant a continuation of low capacity utilization levels which remained, on average, at 40 % during this period. The resultant high unit costs, combined with the depressive effect of the prices of the dumped imports, have led, for the complainant producers, to continued losses or the inability to obtain a reasonable return on sales in the Community market, which accounts for almost 90 % of their total sales of copper sulphate.

Furthermore, two Community producers have ceased production of copper sulphate since 1983, at

least partially as a result of the impact of the dumped imports. These closures have led to a reduction in employment in the manufacture of copper sulphate in the Community.

- (14) The Commission has considered whether injury has been caused by other factors such as reduction in the complainant's sales to third countries, a fall in demand in the Community, or an increase in imports originating in countries other than those concerned in the present proceeding.

The complainant's sales to third countries remained stable between 1982 and 1986 at around 10 % of total sales. Community consumption has also remained relatively stable during this period. As regards imports from countries other than the four concerned, anti-dumping measures were taken in 1984⁽¹⁾ concerning Bulgarian copper sulphate and, concerning the Yugoslav product, most recently in 1985⁽²⁾. Since these measures were taken, the volumes imported from these countries have fallen and imports from other countries have remained, as a whole, at approximately the same levels.

Thus, the volume of dumped imports from the four countries concerned and the prices at which they were sold in the Community during the reference period has led the Commission to determine that the effects of the dumped imports of copper sulphate originating in Czechoslovakia, Hungary, Poland and the USSR, taken in isolation, have to be considered as causing material injury to the Community industry concerned.

G. Community interest

- (15) In view of the serious difficulties facing the Community industry, and in particular the fact that two Community producers have ceased production since 1983, the Commission has come to the conclusion that it is in the Community's interest that action be taken.

H. Undertakings and termination

- (16) The Polish and USSR exporters concerned, having been informed of the main findings of the review investigation, offered undertakings, amended in the case of the Polish exporter, concerning their exports of copper sulphate to the Community. The effect of the said undertakings will be to increase export prices to the Community to the level which the Commission, having taken into account, on the one hand, the selling price necessary to provide an

⁽¹⁾ OJ No L 275, 18. 10. 1984, p. 12.

⁽²⁾ OJ No L 296, 8. 11. 1985, p. 26.

adequate return to Community producers and, on the other hand, the purchase price to the Community importers and their costs and profit margin, considers necessary to eliminate injury. This increase does not exceed in either instance the dumping margin found in the investigation for each of the exporting countries concerned.

In these circumstances, the amended Polish undertaking and the USSR undertaking offered are considered acceptable and the investigation may, therefore, be terminated as regards imports from these countries without imposition of anti-dumping duties.

I. Duty

- (17) The Czech and Hungarian exporters concerned, having been informed of the main findings of the review investigation, did not offer to amend undertakings in a manner which would eliminate the injury caused by the dumped imports. Accordingly, the Commission hereby withdraws its acceptance of these two undertakings and the Council, by Regulation (EEC) No 2512/87 published in the *Official Journal of the European Communities* of even date with the publication hereof⁽¹⁾, has imposed a definitive anti-dumping duty on imports of copper sulphate originating in Czechoslovakia and Hungary.

No objection to this course was raised in the Advisory Committee,

HAS DECIDED AS FOLLOWS:

Article 1

1. The amended undertaking offered by Ciech Import and Export of Chemicals Ltd, Warsaw, and the undertaking offered by Sojuzchimexport, Moscow, in connection with the anti-dumping review investigation concerning imports of copper sulphate originating in Czechoslovakia, Hungary, Poland and the USSR, falling within subheading ex 28.38 A II of the Common Customs Tariff and corresponding to NIMEXE code 28.38-27, are hereby accepted.

2. The acceptance of the undertakings offered by Chemapol Foreign Trade Company Ltd, Prague, and Chemolimpex, Budapest referred to in Decision 84/408/EEC and Decision 104/85/EEC respectively, is hereby withdrawn.

Article 2

The anti-dumping review investigation referred to in Article 1 is hereby terminated in so far as it concerns imports of copper sulphate originating in Poland and the USSR.

Done at Brussels, 30 July 1987.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ See page 18 of this Official Journal.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 2273/87 of 15 June 1987 replacing Annexes to Regulation (EEC) No 3420/83 on import arrangements for products originating in State-trading countries not liberalized at Community level

(Official Journal of the European Communities No L 217 of 6 August 1987)

On page 61, column (2), NIMEXE code 03.03-39, in the column 'E':

for: '—⁽⁷⁾',

read: '—⁽¹⁾'.

On page 62, column (2), NIMEXE code 09.01-11 → 17, in the column 'E':

for: '+⁽⁷⁾',

read: '+⁽⁶⁾'.

On page 65, column (1), first line:

for: '20.06',

read: '22.05'.

On page 95, column (1), category 150 A, in the column 'GB':

for: '+⁽⁵²⁾',

read: '+⁽⁵³⁾'.

On page 95, note ⁽²⁵⁾:

for: 'Apartado 5...',

read: '58.02-04 → 88: Apartado 5...'.
