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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 450/89

of 20 February 1989

imposing a definitive anti-dumping duty on imports of urea originating in the United States of America or Venezuela and adjusting the definitive anti-dumping duty for Saudi Arabia laid down by Regulation (EEC) No 3339/87

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

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

Whereas :

I. CURRENT PROCEEDING

A. Provisional measures

- (1) By Regulation (EEC) No 2623/88⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports of urea originating in Austria, Hungary, Malaysia, Romania, the United States of America or Venezuela. That duty was extended for a period not exceeding two months by Regulation (EEC) No 4018/88⁽³⁾.

B. Subsequent procedures

- (2) Following the imposition of the provisional anti-dumping duty, the Community producers and several exporters of the product concerned asked for and obtained a hearing and also made known in writing their views on the Regulation imposing the provisional duty.
- (3) One exporter asked to be informed of the main facts and considerations on the basis of which the Commission intended to recommend definitive measures. The Commission made a positive response to this request.

- (4) In accordance with Article 7 (6) of Regulation (EEC) No 2423/88, a meeting was arranged between the Venezuela exporter and the Community producers, represented by CMC-Engrais.

- (5) In addition to the investigations which resulted in the determination of the provisional anti-dumping duty, the Commission carried out further investigations at the premises of the following Community producers :

Belgium

Nederlandse Stikstof Maatschappij BV (NSM), Brussels ;

France

Compagnie française de l'azote (Cofaz), Paris,
Société Chimique de la Grande Paroisse, Paris ;

Ireland

Irish Fertilizer Industries (IFI), Dublin.

C. Dumping

(a) Normal value

1. Venezuela

- (6) Normal value was definitively calculated on the basis of constructed value, since the average selling price on the domestic market had been lower than production costs during the reference period. Normal value was definitively determined using the method and on the basis of the facts set out in recitals 11, 13 and 14 of Regulation (EEC) No 2623/88.

However, the normal value determined on the basis of constructed value, in accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88, was adjusted to take account of the cost of the raw material and general overheads, additional evidence having been supplied in support of the request to this effect.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 235, 25. 8. 1988, p. 5.

⁽³⁾ OJ No L 355, 23. 12. 1988, p. 3.

2. United States of America

- (7) In the absence of any further evidence from the firms concerned, normal value was definitively calculated in accordance with the method used for the provisional calculation, as set out in recitals 15 to 17 of Regulation (EEC) No 2623/88.

(b) *Export prices*

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

The export prices of certain United States exporters, which did not cooperate with the Commission, were determined pursuant to Article 7 (7) (b) of Regulation (EEC) No 2423/88 on the basis of the facts available, i.e. the export prices referred to in the complaint.

(c) *Comparison*

- (9) In general, normal value was compared transaction by transaction with export prices at ex-works level.

The adjustments provisionally made, where appropriate, in recital 23 of Regulation (EEC) No 2623/88 to take account of differences affecting price comparability were retained.

(d) *Dumping margins*

- (10) The dumping margin, calculated for each exporter, is equal to the difference between the normal value as established at the price for each export transaction to the Community, duly adjusted.

On the basis of the free-at-frontier price, the weighted average dumping margin for each of the exporters concerned is as follows:

— United States of America:

Agrico	6,4 %
First Mississippi Corp.	0,0 %
Other exporters	21,0 %

— Venezuela:

Pequiven/Nitroven	21,5 %
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D. Injury

- (11) Although this Regulation concerns only some of the countries covered by this anti-dumping proceeding, the assessment of the injury was made with reference to all the countries covered by the proceeding and serves as a basis for the determination of definitive measures in the form of definitive anti-dumping duties or undertakings.

- (12) Following the additional investigations carried out since the provisional anti-dumping duty was imposed, which resulted in certain adjustments to the data concerning Community producers, the definitive finding are as follows:

(a) *Volume of dumped imports*

- (13) No new evidence relating to recital 27 of Regulation (EEC) No 2623/88 has been received, and the Council accordingly confirms the data set out in the said recital.

(b) *Market share of dumped imports*

- (14) The volume of the imports covered by this proceeding represented an increase in the share of the Community market held by the countries concerned from 3,88 % in 1984 to 3,90 % in 1985 and 3,97 % in 1986. Their market share rose to 9,22 % during the first nine months of 1987 and to an estimated 11,5 % for 1987 as a whole. Expressed in terms of consumption of the non-captive market, corresponding to the total Community urea consumption minus the volume of urea manufactured by Community producers for captive consumption, these shares increased from 5,53 % in 1984 to 5,43 % in 1985, 5,09 in 1986, 11,96 % during the first nine months of 1987 and an estimated 15 % for 1987 as a whole.

If the imports covered by the anti-dumping measures imposed by Regulation (EEC) No 3339/87⁽¹⁾ are included, total dumped imports reached a combined market share of 19,87 % of the Community urea market and 25,78 % of consumption on the non-captive market in the first nine months of 1987.

Urea for agricultural use accounts for the bulk of the dumped imports sold in this sector. The share of the market for urea for agricultural use taken by imports increased from about 5 % in 1984 and 1985 to 5,5 % in 1986, 13,91 % during the first nine months of 1987 and an estimated 20 % for 1987 as a whole.

- (15) When assessing the trend of the share of the Community market held by dumped imports, account should be taken of the trend in urea consumption. Between 1984 and 1986 total urea consumption increased by about 30 %, from 3 923 692 tonnes to 5 116 159 tonnes. However, consumption fell slightly, by about 1 %, in 1987 to 3 707 605 tonnes during the first nine months of 1987 and an estimated 5 057 674 tonnes for the year as a whole.

⁽¹⁾ OJ No L 317, 7. 11. 1987, p. 1.

(c) *Price undercutting*

- (16) No new evidence concerning price undercutting has been received, and the Council accordingly confirms the findings set out in recital 30 of Regulation (EEC) No 2623/88.

(d) *Impact on Community industry*— *Production*

- (17) While Community urea consumption increased by about 29 % between 1984 and 1987, Community urea production fell by 12,5 % between 1984 and 1985, from 5 567 049 tonnes to 4 869 820 tonnes, and by a further 7 % in 1986 to 4 537 068 tonnes. In 1987 estimated production totalled 4 564 795 tonnes, on the assumption that output during the first nine months of 1987 (3 423 596 tonnes) continued at the same level during the last three months of that year.

The quantity of urea produced for the non-captive market (i.e. total production minus captive consumption) fell from 4 397 756 tonnes in 1984 to 3 703 340 tonnes in 1985 and to 3 413 534 tonnes in 1986, which represents annual decreases of 16 % and 8 % respectively. This quantity may have risen slightly, by about 0,5 %, to an estimated 3 431 499 tonnes in 1987.

— *Capacity utilization*

- (18) Capacity utilization by the Community industry fell from 85,38 % in 1984 to 77,32 % in 1985 and to 69,95 % in 1986. It remained relatively stable in 1987 in comparison to 1986, but the stocks held by Community producers increased considerably.

— *Sales*

- (19) Total sales in the Community of urea produced within the Community remained relatively stable in 1984 and 1985 reaching 3 627 183 and 3 639 945 tonnes respectively, rising by about 3 % in 1986 to 3 745 607 tonnes and totalling 2 784 873 tonnes during the first nine months of 1987. Total sales in 1987 are estimated at 3 713 164 tonnes, a fall of 1 % compared with 1986, on the assumption that consumption in the first nine months of 1987 continued at the same level in the last three months of that year. Community urea producers' sales on the Community non-captive market increased from 2 457 890 tonnes in 1984 to 2 622 073 tonnes in 1986, an increase of 6,6 %, and fell slightly during the first nine months of

1987 to 1 934 901 tonnes, giving an estimated sales total for 1987 of 2 579 868 tonnes, representing a fall of nearly 1 %. Sales of urea for agricultural use increased by about 5 % between 1984 and 1986, from 1 870 511 tonnes to 1 967 225 tonnes, and fell to 1 425 957 tonnes during the first nine months of 1987, giving an estimated total for 1987 of 1 901 276 tonnes, representing a fall of about 3 %. This stagnation contrasts with the increase in urea consumption in the Community (see recital 16 of this Regulation).

- (20) Thus Community producers' overall share of the Community market fell from 92,4 % in 1984 to 88,2 % in 1985, 73,2 % in 1986 and about 75 % in 1987. Their share of the non-captive market fell from 89,2 % in 1984 to 83,5 % in 1985, 65,6 % in 1986 and 67,7 % during the first nine months of 1987. Their share of the market for urea for agricultural use fell from 88,8 % in 1984 to 82,4 % in 1985 and 61,6 % in 1986. During the first nine months of 1987 it recovered slightly to 63 %. The slight improvement in Community producers' market share may have been the result of the announcement of the previous anti-dumping investigation and the anti-dumping measures adopted against eight exporting countries (see recitals 1, 2 and 3 of Regulation (EEC) No 2623/88). These trends are most apparent on the largest Community urea markets.

In Italy, the main market for urea, consumption totalled 1 025 273 tonnes in 1984, which represented 37,2 % of total Community consumption on the non-captive market. While consumption increased by 22,7 % between 1984 and 1986 to reach 1 258 834 tonnes, the share taken by Community producers fell from 89,4 % to 79,3 %. In 1987, while consumption increased by about 8 %, the market share taken by Community producers fell further to 70 % and that taken by imports from the six countries covered by this proceeding increased to about 5 %.

In France, non-captive consumption totalled 522 933 tonnes in 1984, representing 18,9 % of total non-captive Community consumption. Between 1984 and 1986 it increased by 19,7 % to 626 014 tonnes. Estimated consumption in 1987 was 704 779 tonnes, representing a further increase of about 12,5 %. Community producers' share of the non-captive market fell from 95,7 % in 1984 to 73,5 % in 1986 and 69 % in 1987, while the share taken by the dumped imports covered by this proceeding increased from 3,8 % to 15,4 %.

In Ireland, Community producers' share of the non-captive market fell from 100 % in 1984 to 98,1 % in 1985, 74,4 % in 1986 and about 72 % in 1987, while consumption increased by 72,5 % between 1984 and 1986, from 96 201 tonnes to 165 965 tonnes, and remained stable between 1986 and 1987. The share taken by imports from the six countries concerned increased from 5,7 % in 1986 to 19,5 % in 1987.

In the United Kingdom, the national producer's share of the non-captive market remained relatively stable between 1984 and 1987 at about 44 % while consumption increased by 23,7 % from 292 349 tonnes to about 361 802 tonnes; the share taken by imports from the six countries concerned increased from 6,1 % to about 10 %.

This trend shows that in general Community producers have not been able to benefit from the increase in consumption on the main markets and that only dumped imports, including those covered by Regulation (EEC) No 3339/87, appear to have benefited.

— Prices and profits

- (21) No new evidence relating to recitals 36 and 37 of Regulation (EEC) No 2623/88, which concern prices and profits, has been received, and the Council accordingly confirms the data set out in the said recitals.

(e) Cumulation

- (22) The Venezuelan exporter claimed that it was not appropriate for the purposes of determining injury to cumulate its exports and those of the other exporters covered by this proceeding, in so far as Venezuela had only recently (1987) started exporting to the Community.

To determine whether it was in this case appropriate to cumulate the imports covered by the complaint, the Commission took account of the comparability of the imported products in terms of physical characteristics, volumes imported and price levels and the degree to which they competed with like products produced in the Community.

All these factors were examined in recital 38 of Regulation (EEC) No 2623/88. Furthermore, the argument put forward has no bearing on the Commission's conclusions, since although Venezuela did not start exporting until 1987, in nine months its exports reached level substantially

similar to that of the other exporters covered by this proceeding.

Accordingly, and in the absence of any other new evidence relating to the arguments set out in recital 38 of Regulation (EEC) No 2623/88, the Council confirms the facts and conclusions set out by the Commission in the said recital.

(f) Causality and other factors

- (23) In the absence of any new arguments or evidence, the Council confirms the Commission's conclusions set out in recitals 39 and 40 of Regulation (EEC) No 2623/88.

E. Community interest

- (24) An importers' association repeated its views on the negative impact of the anti-dumping measures on farmers' costs of production and pointed out that the farmers were not in a position to pass on the increase in their costs to consumers. However, no evidence was presented to show that such protective measures would have a significant impact on farmers' costs or that they would be prevented from passing them on to consumers.

- (25) Venezuela claimed that it was not appropriate to impose anti-dumping measures against a country which was a beneficiary under the generalized preferences system.

There is in law no incompatibility between the imposition of anti-dumping measures and the existence of the generalized preferences system; the Council further finds that the advantage conferred by the generalized preferences system is taken into account and preserved by the calculation of the amount of the anti-dumping duty, the method of calculation being explained in recital 44 of Regulation (EEC) No 2623/88.

Accordingly, and in the absence of further evidence relating to the factors referred to in recitals 41 to 43 of Regulation (EEC) No 2623/88, the Council confirms that it is in the Community interest to adopt definitive anti-dumping measures against imports originating in the countries covered by this proceeding.

F. Definitive duty

- (26) The Council confirms the Commission's conclusions concerning both the method used for the determination of the duty to be applied and the form of duty, as set out in recitals 44 and 45 of Regulation (EEC) No 2623/88.

On this basis, the Commission calculated the following rates of anti-dumping duty on the free-at-Community-frontier price of the product, not cleared through customs:

— United States of America	12,0 %
with the exception of:	
Agrico Chemical Company	6,0 %
First Mississippi Corporation	0,0 %
— Venezuela	21,5 %

G. Collection of provisional duty

- (27) In view of the dumping margins established and the injury caused, the Council considers it necessary for the amounts secured by way of provisional anti-dumping duty to be definitively collected, either in full or at the level of the maximum definitive anti-dumping duty imposed, where this is lower than the provisional duty.

II. REVIEW OF EARLIER MEASURES

- (28) By Regulation (EEC) No 3339/87, the Council imposed a definitive anti-dumping on imports of urea originating in Libya or Saudi Arabia and accepted undertakings given in connection with imports of urea originating in Czechoslovakia, the German Democratic Republic, Kuwait, Trinidad and Tobago, the USSR and Yugoslavia and terminated the investigations. In recital 49 of that Regulation the Council considered that the measures adopted were of a transitional nature and would have to be reviewed at the end of the proceeding under way.
- (29) Review of those measures led the Commission to recalculate the definitive anti-dumping duty for Saudi Arabia on the basis of the new threshold of injury determined in this proceeding, with a view to taking account of changes in the costs of production of the representative Community producer. The new costs of production, plus a profit margin, were compared with the free-at-Community-frontier export prices plus customs duties and a reasonable profit margin for the importer.

The amount of duty for imports originating in Saudi Arabia, thus calculated on the basis of the free-at-Community-frontier price of the product not cleared through customs, is 12,8 %.

In the absence of satisfactory cooperation from the Libyan exporter, the calculation of the definitive anti-dumping duty for Libya remains unchanged.

III. UNDERTAKINGS

- (30) Since some of the countries covered by this proceeding offered to give undertakings, and the earlier undertakings need to be reviewed, a separate decision will be taken on this subject,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of urea falling within CN code 3102 10 10 or 3102 10 99, originating in the United States of America or Venezuela.

2. The amount of that duty, calculated on the basis of the free-at-Community-frontier price of the product, not cleared through customs, shall be:

- 12,0 % for urea originating in the United States of America, with the exception of urea produced and exported by Agrico Chemical Company, New Orleans, for which the rate shall be 6 %,
- 21,5 % for urea originating in Venezuela.

3. The duty specified in paragraph 2 for exports originating in the United States of America shall not apply to urea produced and sold for export to the Community by First Mississippi Corporation, Jackson, Mississippi.

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

5. The amounts secured by way of provisional anti-dumping duty pursuant to Regulation (EEC) No 2623/88 shall be definitively collected, either in full or up to the level of the percentages specified in this Regulation, whichever is lower. Amounts secured which are not covered by the definitive rates of duty shall be released.

Article 2

The amount of the definitive anti-dumping duty on imports of urea falling within CN code 3102 10 10 or 3102 10 99 originating in Saudi Arabia, calculated on the basis of the free-at-Community-frontier price of the product, not cleared through customs, shall be 12,8 %.

Article 3

This Regulation shall enter into force on the day following that 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, 20 February 1989.

For the Council

The President

F. FERNANDEZ ORDOÑEZ

COUNCIL REGULATION (EEC) No 451/89

of 20 February 1989

concerning the procedure to be applied to certain agricultural products
originating in various Mediterranean third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Article 2

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

Having regard to the proposal from the Commission,

Whereas the additional protocols to the Agreements between, on the one hand, the European Economic Community and, on the other hand, Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey and Yugoslavia have been concluded;

Whereas, for certain agricultural products concerned by the said Agreements and originating in those countries, those protocols provide for a progressive reduction of certain duties applied to those products; whereas certain of those products are subject to reference quantities;

Whereas, under the terms of the said protocols, the possibility exists of modifying the status of those products in the event of difficulties on the Community market or when the reference quantities are exceeded;

Whereas procedures should be established for the modification of the status of such products so as to make them subject to reference quantities in the event of such difficulties or to tariff quotas when the reference quantities are exceeded; whereas those procedures should be conducted through the Management Committee relevant to the products in question;

Whereas such a modification of status should be based on an annual review of trade flows by product and by country; whereas the object of that review is to follow developments in trade, to prevent market disruptions and to ascertain the extent to which the objective of maintaining traditional patterns of trade with the countries concerned has been achieved,

HAS ADOPTED THIS REGULATION:

Article 1

At the end of each marketing year, the Commission shall establish a review, by product and by country, of trade flows in the products referred to in Annexes I and II originating in Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey and Yugoslavia, in order to prevent market disturbances.

1. If taking account of the review referred to in Article 1, the Commission established that the volume of imports of a product listed in Annex I originating in Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey or Yugoslavia is increasing to such an extent that those imports threaten to cause difficulties on the Community market, it shall implement the procedure provided for either in Article 26 of Regulation (EEC) No 2727/75⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽²⁾, or, as appropriate, in the corresponding articles of the other Regulations on the common organization of the agricultural markets or, for the products for which Community rules have not instituted a Management Committee, the procedure provided for by Article 32 of Regulation (EEC) No 1035/72⁽³⁾, as last amended by Regulation (EEC) No 2238/88⁽⁴⁾, with a view to establishing a reference quantity for the product and the origin in question. If, over two consecutive years, this reference quantity is not reached, it shall cease to have effect.

2. For the preparation of the review mentioned in paragraph 1, the products concerned shall be monitored under the statistical system provided for by Article 5 of Regulation (EEC) No 2658/87⁽⁵⁾, as last amended by Regulation (EEC) No 20/89⁽⁶⁾.

3. Article 3 shall apply to the products for which the Commission has established a reference quantity in accordance with paragraph 1.

Article 3

1. Where a reference quantity established under Article 2 or concerning a product listed in Annex II originating in a country mentioned in that Annex is exceeded, and in the light of the review referred to in Article 1, the Commission shall implement the procedure provided for either in Article 26 of Regulation (EEC) No 2727/75 or, as appropriate, in the corresponding articles of the other Regulations on the common organization of the agricultural markets, or, for the products for which Community rules have not instituted a Management Committee, the procedure provided by Article 32 of Regulation (EEC) No 1035/72, in order to make the product in question subject to a Community tariff quota equal to the said reference quantity.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 12.

⁽⁴⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁶⁾ OJ No L 4, 6. 1. 1989, p. 19.

The arrangements for implementing this Article shall be adopted in accordance with the procedure provided for in Article 26 of Regulation (EEC) No 2727/75.

2. For the preparation of the review referred to in Article 1, the products concerned shall be subject to the surveillance procedure determined by Regulation (EEC) No 452/89 ⁽¹⁾.

Article 4

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

It shall apply from 1 January 1989.

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

Done at Brussels, 20 February 1989.

For the Council

The President

F. FERNANDEZ ORDOÑEZ

⁽¹⁾ See page 15 of this Official Journal.

ANNEX I

Agricultural products included in the additional protocols concluded with the Mediterranean countries and subject to a statistical monitoring procedure

CN code	Description (1)
0101 19 10	Horses for slaughter
0101 19 90	Horses other than for slaughter
0102 90 31	Babybeef
ex 0102 90 35	
ex 0102 90 37	
ex 0201 10 90	
ex 0201 20 11	
ex 0201 20 19	
ex 0201 20 39	
ex 0201 20 51	
ex 0201 20 59	
0205 00 00	Meat of horses, asses, mules or hinnies
0306 13 10	Shrimps and prawns, fresh or frozen
0306 13 30	
0306 13 90	
0306 23 10	
0306 23 31	
0406 90 29	Kashkaval cheese
0601 10	Bulbs, dormant
0602	Other live plants
ex 0602 40	Roses, excluding cuttings
0603	Cut flowers
ex 0604 10 90	Mosses and lichens
0604 91 10	— Other
0604 91 90	— — Fresh
	Potatoes, new, from 1 January to 15 May
ex 0701 90 51	— From 1 January to 31 March
	Tomatoes, fresh, from 1 November to 14 May
ex 0702 00 10	— From 15 November to 30 April
	Onions, fresh
ex 0703 10 11	— Seed
	— — From 1 to 31 July
ex 0703 10 19	— Other
	— — From 15 February to 15 May
	— — From 1 to 31 July
	Garlic fresh
ex 0703 20 00	— From 1 February to 31 May
ex 0704 90 90	Chinese cabbage
	Carrots
ex 0706 10 00	— From 1 January to 31 March
	Peas, from 1 September to 31 May
ex 0708 10 10	— From 1 October to 30 April
	Beans, from 1 October to 30 June
ex 0708 20 10	— From 1 November to 30 April
	Globe artichokes
ex 0709 10 00	— From 1 October to 31 December
	Asparagus
ex 0709 20 00	— From 1 November to the end of February
	Aubergines (egg-plants)
ex 0709 30 00	— From 1 December to 30 April
	Mushrooms, fresh
ex 0709 51 30	— Chanterelles
ex 0709 51 50	— Flap mushrooms
ex 0709 51 90	— Other

CN code	Description (*)
0709 60 10	Sweet peppers
ex 0709 60 99	Chillies (fresh) — From 1 November to 31 May
ex 0709 90 70	Courgettes — From 1 December to 15 March
ex 0709 90 90	Okra (gumbo) — From 15 February to 15 June
0710 21 00	Peas, frozen
0711 20 10	Olives, for uses other than the production of oil
0711 30 00	Capers
0711 90 10	Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , excluding sweet peppers
ex 0711 90 50	Mushrooms, other than cultivated
0712 20 00	Onions, dried
ex 0712 90 90	Garlic, dried
ex 0712 30 00	Mushrooms, other than cultivated mushrooms, dried
ex 0712 90 90	Peppers, dried
0713 10 19	Dried peas for sowing
0713 10 90	Dried leguminous vegetables, other than for sowing
0713 20 90	
0713 31 90	
0713 32 90	
0713 33 90	
0713 39 90	
0713 40 90	
0713 50 90	
0713 90 90	
0713 32	Dried beans, other than for sowing
0713 32 90	
0713 33	
0713 33 90	
0713 39	
0713 39 90	
0713 50 10	Broad beans and horse beans for sowing
0802 31 00	Other nuts
0802 32 00	Walnuts
0804 10 00	Dates, fresh or dried
ex 0804 10 00	Dates dried
0804 40	Avocados
0804 50 00	Mangoes, mangosteens and guavas
0805 10 11 to 0805 10 49	Oranges, fresh
ex 0805 20 10	Mandarins, fresh
ex 0805 20 30	
ex 0805 20 50	
ex 0805 20 70	
ex 0805 20 90	
ex 0805 30 10	Lemons, fresh
ex 0805 30 90	Limes and limettos
0805 40 00	Grapefruit
ex 0805 90 00	Kumquats
ex 0806 10 15	Table grapes, fresh — From 15 November to 30 April
ex 0807 10 10	Watermelons — From 1 April to 15 June
ex 0807 10 90	Melons — From 1 November to 31 May

CN code	Description (*)
ex 0810 10 90	Strawberries from 1 August to 30 April – From 1 November to 31 March
ex 0810 20 10	Raspberries, fresh – From 15 May to 15 June
ex 0810 20 90	Blackberries, mulberries, loganberries, fresh – From 15 May to 15 June
ex 0810 90 90	Passion fruit
ex 0810 90 90	Pomegranates – From 15 August to 15 November
ex 0810 90 90	Persimmons (kakis) – From 1 December to 31 July
ex 0811 90 90	Grapefruit segments, frozen
ex 0811 90 90	Dates, frozen
ex 0812 90 20	Oranges, finely crushed
ex 0812 90 90	Citrus fruit, finely crushed
ex 0813 10 00	Apricots, dried
ex 0813 40 90	Morello cherries, dried
0904	Pepper of the genus <i>Piper</i> Fruit of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>
0904 20 31	Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , neither crushed nor ground,
0904 20 35	other
0904 20 39	
0904 12 00	Pepper of the genus <i>Piper</i> , crushed or ground : Fruits of the genus <i>Capsicum</i> or of
0904 20 90	the genus <i>Pimenta</i> crushed or ground
0909	Seeds of anise, badian, fennel, coriander, cumin, caraway or juniper
0910 20 10	Thyme, bay leaves, saffron
0910 20 90	
0910 40 11	
0910 40 13	
0910 40 19	
0910 40 90	
1209 91 10	Seeds, spores and fruit, of a kind for sowing
1209 91 90	– Other
1209 99 99	
1211 10 00	Aromatic plants
1211 90 50	
1211 90 90	
1211 10 00	Liquorice roots
1212 10 10	Chicory roots, locust beans, fruit stones and kernels etc.
1212 10 91	
1212 10 99	
1212 20 00	
1212 30 00	
1212 99 90	
ex 1302 20	Pectic substances, pectarines
1604 14 10	Tunas and skipjack
ex 1604 20 70	
ex 1902 20 10	
2001 90 20	Fruit of the genus <i>Capsicum</i> other than sweet peppers or pimentos, prepared or preserved by vinegar
ex 2001 20 00	– Pearl onions in vinegar
ex 2001 90 90	– Okra in vinegar
ex 2002 10 00	Skinned tomatoes
2003 10 10	Mushrooms, cultivated and other, prepared or preserved otherwise than by vinegar
2003 10 90	
2003 20 00	Truffles

CN code	Description ⁽¹⁾
2004 90 50 2005 40 00 2005 51 00	Peas and beans
2004 90 99 2005 60 00	Asparagus
2004 90 99 2005 90 90	Carrots and mixtures — Other
ex 2004 90 99	Ajvar
2005 90 10	Fruit of the genus <i>Capsicum</i> other than sweet peppers
ex 2004 90 99	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, otherwise than in mixtures
ex 2005 90 90	— Celeriac — Brassicas (except cauliflowers) — Okra (gumbo)
2007 10 90	— Chestnut purée and paste, other
2007 91 90	— Citrus fruit jams and marmalades, other
2007 99 90	— Other, not specified
2008 11 91	Roast ground-nuts, in immediate packings of a net content exceeding 1 kg
2008 30 51 2008 30 71 2008 30 91 2008 30 99	Grapefruit segments
ex 2008 30 55 ex 2008 30 75	Mandarins, tangerines and satsumas, etc. finely crushed
ex 2008 30 59 ex 2008 30 79	Grapefruit; oranges and lemons, finely crushed
2008 50 61 2008 50 69	Apricots
ex 2008 50 91 ex 2008 50 99 ex 2008 70 99	Apricot and peach halves Apricot pulp
2008 60	Morello cherries
ex 2008 92 50 ex 2008 92 71 ex 2008 92 79	Fruit salad
2009 11 11 2009 11 19 2009 11 91 2009 11 99 2009 19 19 2009 19 91 2009 19 99	Orange juice
2009 20 11 2009 20 19 2009 20 91 2009 20 99	Grapefruit juice
2009 30 11 2009 30 19	Citrus fruit juices other than oranges or grapefruit juice
ex 2009 30 31 ex 2009 30 39	Other citrus fruit juices excluding lemon juice

⁽¹⁾ Without prejudice to the rules for the interpretation of the combined nomenclature, the description is provided for ease of reference only, the preferential arrangements being determined, within the framework of this Annex, by the scope of the combined nomenclature codes.

ANNEX II

Products subject to reference quantities pursuant to the additional protocols concluded with the Mediterranean third countries

CN code	Description (')	Calendar period	Origin	Quantity (tonnes)
0701 90 51 } ex 0701 90 59 } 0701 90 51 0703 20 00 0712 20 00	New potatoes New potatoes Fresh garlic Dried onions	1. 1. - 31. 5. 1. 1. - 31. 3. 1. 2. - 31. 5. 1. 1. - 31. 12.	Malta Tunisia Egypt Syria	3 000 2 600 1 600 700
ex 0712 90 90 } ex 0904 20 10 }	Dried garlic	1. 1. - 31. 12.	Egypt	1 000
ex 0707 00 11	Small winter cucumbers	1. 1. - end 2. 1. 1. - end 2. 1. 1. - end 2.	Egypt Jordan Malta	100 100 50
0709 10 00	Artichokes	1. 10. - 31. 12. 1. 10. - 31. 12.	Egypt Cyprus	100 100
0709 30 00	Aubergines	15. 1. - 30. 4.	Israel	1 200
0709 60 10	Sweet peppers	1. 1. - 31. 12.	Morocco	1 000
0712 20 00	Onions	1. 1. - 31. 12.	Syria	700
0712 90 90	Dried garlic	1. 1. - 31. 12.	Egypt	1 000
0713 10 11 } 0713 10 19 }	Peas for sowing	1. 1. - 31. 12.	Morocco	400
0713 10 90 } 0713 20 90 } 0713 31 90 } 0713 32 90 } 0713 33 90 } 0713 39 90 } 0713 40 90 } 0713 50 90 } 0713 90 90 }	Dried leguminous vegetables	1. 1. - 31. 12.	Lebanon	2 200
0804 40 10 } 0804 40 90 }	Avocados	1. 1. - 31. 12.	Israel	31 000
ex 0806 10 15 } 0806 10 19 }	Fresh table grapes	1. 2. - 30. 6.	Israel	1 900
0807 10 90	Small winter melons	1. 1. - 31. 3. 1. 1. - 31. 3.	Egypt Jordan	100 100
0810 90 10	Kiwifruit	1. 1. - 30. 4. 1. 1. - 30. 4. 1. 1. - 30. 4.	Israel Morocco Cyprus	200 200 200
0812 90 90	Comminuted citrus fruit	1. 1. - 31. 12.	Israel	1 100
2001 10 00	Cucumbers preserved in vinegar	1. 1. - 31. 12.	Yugoslavia	3 000
2004 90 30 } 2005 30 00 }	Sauerkraut	1. 1. - 31. 12.	Yugoslavia	150
2008 30 51 } 2008 30 71 }	Grapefruit and pomelo segments	1. 1. - 31. 12.	Israel	13 700
2008 50 61 } 2008 50 69 }	Apricots	1. 1. - 31. 12.	Morocco	6 300
ex 2008 30 79	Grapefruit and pomelos Comminuted oranges and lemons	1. 1. - 31. 12.	Israel	2 000
ex 2008 30 91 } ex 2008 30 91 } ex 2008 30 91 }	Grapefruit segments Citrus fruit pulp Comminuted citrus fruit	1. 1. - 31. 12.	Israel	2 900

CN code	Description ⁽¹⁾	Calendar period	Origin	Quantity (tonnes)
2008 50 99 2008 70 99	Apricot halves and peach halves	1. 1. — 31. 12.	Morocco	6 300
2009 20 11 2009 20 19 2009 20 99 2009 30 11 2009 30 19				
	Grapefruit and pomelo juice	1. 1. — 31. 12.	Israel	28 700
2009 20 99	Grapefruit and pomelo juice	1. 1. — 31. 12.	Morocco	800

⁽¹⁾ Without prejudice to the rules for the interpretation of the combined nomenclature, the description is provided for ease of reference only, the preferential arrangements being determined, within the framework of this Annex, by the scope of the combined nomenclature codes.

COUNCIL REGULATION (EEC) No 452/89

of 20 February 1989

establishing Community surveillance for certain agricultural products originating in Cyprus, Yugoslavia, Egypt, Jordan, Israel, Tunisia, Syria, Malta and Morocco which are subject to reference quantities (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 451/89 of 20 February 1989 concerning the procedure to be applied to certain agricultural products originating in various Mediterranean third countries ⁽¹⁾, and in particular Article 3 (2) thereof,

Having regard to the proposal from the Commission,

Whereas the Additional Protocols to the Cooperation Agreements between the European Economic Community and Cyprus ⁽¹⁾, Yugoslavia ⁽²⁾, Egypt ⁽³⁾, Jordan ⁽⁴⁾, Israel ⁽⁵⁾, Tunisia ⁽⁶⁾, Syria ⁽⁷⁾, Malta and Morocco ⁽⁸⁾ have been concluded; whereas these Protocols provide for the progressive reduction, subject to reference quantities laid down within a set timetable, of the customs duties applicable to certain agricultural products originating in those countries and covered by the respective Agreements;

Whereas, by virtue of Article 3 (2) of Regulation (EEC) No 451/89, a surveillance system is provided for the agricultural products in question; whereas it is appropriate therefore to submit the imports of products subject to reference quantities, shown in the Annex, to a system of surveillance for the year 1989; whereas, however, the agricultural products mentioned in Article 1 of the said Regulation are subject only to normal statistical surveillance;

Whereas, under the respective Agreements, when the rate of customs duty applied to imports into the Community of Ten of a product subject to a reference quantity is lower than that applying in respect of Spain, Portugal or both of these Member States, the process of dismantling begins once duty on imports of that product from Spain and Portugal falls below that applied to imports of the product in question from the other countries; whereas, for this reason, the Annex to this Regulation lists only products in respect of which tariff dismantling begins or continues in 1989;

Whereas the application of these arrangements requires that the Community be kept regularly informed of the progress of such imports originating in the countries in

question; whereas this objective may be achieved by means of an administrative procedure whereby imports of the products in question are charged against the reference quantities at Community level within pre-established timetables, as and when the products are entered with the customs authorities for free circulation;

Whereas the said administrative procedure requires close and rapid cooperation between the Member States and the Commission, which must, in particular, be able to monitor the charging of amounts against the reference quantities and keep the Member States informed,

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports into the Community of certain products originating in Cyprus, Yugoslavia, Egypt, Jordan, Israel, Tunisia, Syria, Malta and Morocco for which reference quantities shall be set within pre-determined timetables shall be subject to Community surveillance.

The description of the products referred to in the first subparagraph, their serial numbers, their CN codes and the quantities and timetable applying to the reference quantities are given in the table in the Annex.

2. Amounts shall be charged by Member States against the reference quantities as and when products are entered with customs authorities for free circulation, accompanied by a movement certificate conforming to the rules laid down in the Protocol concerning the definition of the concept of originating products annexed to each Agreement with the countries concerned.

Where the movement certificate is produced at a later date, the amount shall be charged against the corresponding reference quantity at the date of acceptance of the declaration of release for free circulation.

3. Member States shall forward to the Commission:

- not later than 15 July 1989, the final returns for the amounts charged against the reference quantities of the products bearing serial numbers 18.0010, 18.0040, 18.0140 or 18.0150,
- not later than 15 September 1989, the final return for the amounts charged against the reference quantities of the products bearing serial numbers 18.0015 and 18.0130,

⁽¹⁾ See page 7 of this Official Journal.

⁽²⁾ OJ No L 393, 31. 12. 1987, p. 2.

⁽³⁾ OJ No L 389, 31. 12. 1987, p. 73.

⁽⁴⁾ OJ No L 297, 21. 10. 1987, p. 11.

⁽⁵⁾ OJ No L 297, 21. 10. 1987, p. 19.

⁽⁶⁾ OJ No L 327, 30. 11. 1988, p. 36.

⁽⁷⁾ OJ No L 297, 21. 10. 1987, p. 36.

⁽⁸⁾ OJ No L 327, 30. 11. 1988, p. 58.

⁽⁹⁾ OJ No L 224, 13. 8. 1988, p. 18.

- by 15 October 1989, and not later than the fifteenth day of each subsequent month, the returns for the cumulative amounts charged during the period 1 January to 30 September, and during the preceding month respectively, against the reference quantities of the products bearing serial numbers 18.0070, 18.0080, 18.0090, 18.0100, 18.0170, 18.0180, 18.0200 and 18.0220,
- by 15 November 1989, and not later than the fifteenth day of each subsequent month, the return for the cumulative amounts charged during the preceding month against the reference quantities of the products bearing serial number 18.0050.

The level of utilization of a reference quantity shall be determined at Community level on the basis of imports charged against it in the manner described in this paragraph.

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 January 1989.

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

Done at Brussels, 20 February 1989.

For the Council

The President

F. FERNANDEZ ORDOÑEZ

ANNEX

Serial No	CN code	Description (*)	Timetable	Origin	Reference quantity (in tonnes)
(1)	(2)	(3)	(4)	(5)	(6)
18.0010	ex 0701 90 51	New potatoes	1. 1. - 31. 3.	Tunisia	2 600
18.0015	ex 0701 90 51 ex 0701 90 59	New potatoes	1. 1. - 15. 5. 16. 5. - 31. 5.	Malta	3 000
18.0040	ex 0707 00 11	Cucumbers of a length not exceeding 15 cm	1. 1. - 28. 2. 1. 1. - 28. 2. 1. 1. - 28. 2.	Egypt Jordan Malta	100 100 50
18.0050	ex 0709 10 00	Artichokes	1. 10. - 31. 12. 1. 10. - 31. 12.	Egypt Cyprus	100 100
18.0070	0709 60 10	Sweet peppers	1. 1. - 31. 12.	Morocco	1 000
18.0080	0712 20 00	Onions	1. 1. - 31. 12.	Syria	700
18.0090	ex 0712 90 90	Garlic	1. 1. - 31. 12.	Egypt	1 000
18.0100	0713 10 11 0713 10 19	Peas, for sowing	1. 1. - 31. 12.	Morocco	400
18.0130	ex 0806 10 15	Fresh table grapes	1. 2. - 30. 6.	Israel	1 900
18.0140	ex 0807 10 90	Melons of a weight not exceeding 600 grams	1. 1. - 31. 3. 1. 1. - 31. 3.	Egypt Jordan	100 100
18.0150	ex 0810 90 10	Kiwifruit (<i>Actinidia Chinensis Planch.</i>)	1. 1. - 30. 4. 1. 1. - 30. 4. 1. 1. - 30. 4.	Israel Cyprus Morocco	200 200 200
18.0170	2001 10 00	Cucumbers	1. 1. - 31. 12.	Yugoslavia	3 000
18.0180	ex 2004 90 30 2005 30 00	Sauerkraut	1. 1. - 31. 12.	Yugoslavia	150
18.0200	2008 50 61 2008 50 69	Apricots	1. 1. - 31. 12.	Morocco	6 300
18.0220	ex 2008 30 91	Pulp of citrus fruit	1. 1. - 31. 12.	Israel	2 900

(*) Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the designation of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the application of the combined nomenclature code.

COMMISSION REGULATION (EEC) No 453/89

of 23 February 1989

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 166/89 ⁽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 2401/88 ⁽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 22 February 1989;

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 2401/88 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 24 February 1989.

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

Done at Brussels, 23 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 96.

ANNEX

to the Commission Regulation of 23 February 1989 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	20,50	126,32
0712 90 19	20,50	126,32
1001 10 10	53,13	170,57 ⁽¹⁾ ⁽²⁾
1001 10 90	53,13	170,57 ⁽¹⁾ ⁽²⁾
1001 90 91	30,85	118,77
1001 90 99	30,85	118,77
1002 00 00	58,63	112,23 ⁽³⁾
1003 00 10	49,19	119,38
1003 00 90	49,19	119,38
1004 00 10	40,25	75,66
1004 00 90	40,25	75,66
1005 10 90	20,50	126,32 ⁽²⁾ ⁽³⁾
1005 90 00	20,50	126,32 ⁽²⁾ ⁽³⁾
1007 00 90	43,84	137,31 ⁽⁴⁾
1008 10 00	49,19	24,49
1008 20 00	49,19	59,19 ⁽⁴⁾
1008 30 00	49,19	0,00 ⁽⁵⁾
1008 90 10	(?)	(?)
1008 90 90	49,19	0,00
1101 00 00	57,38	180,47
1102 10 00	96,27	171,53
1103 11 10	95,80	277,83
1103 11 90	60,70	193,64

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/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 ECU 1,81/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 ECU 0,60/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 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

COMMISSION REGULATION (EEC) No 454/89

of 23 February 1989

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 Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽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 2402/88⁽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 22 February 1989;

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 24 February 1989.

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

Done at Brussels, 23 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.⁽⁵⁾ OJ No L 205, 30. 7. 1988, p. 99.

ANNEX

to the Commission Regulation of 23 February 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 2	1st period 3	2nd period 4	3rd period 5
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	8,88
1001 10 90	0	0	0	8,88
1001 90 91	0	0	0	0,86
1001 90 99	0	0	0	0,86
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	1,22

B. Malt

CN code	(ECU/tonne)				
	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6
1107 10 11	0	0	0	1,53	1,53
1107 10 19	0	0	0	1,14	1,14
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

COMMISSION REGULATION (EEC) No 455/89

of 23 February 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EEC) No 2210/88 ⁽²⁾, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria ⁽³⁾, as last amended by Regulation (EEC) No 4014/88 ⁽⁴⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco ⁽⁵⁾, as last amended by Regulation (EEC) No 4015/88 ⁽⁶⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia ⁽⁷⁾, as last amended by Regulation (EEC) No 413/86 ⁽⁸⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey ⁽⁹⁾, as last amended by Regulation (EEC) No 4016/88 ⁽¹⁰⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon ⁽¹¹⁾;

Whereas by Regulation (EEC) No 3131/78 ⁽¹²⁾ the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules

for fixing the import levy on olive oil by tender ⁽¹³⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

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

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 20 and 21 February 1989 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 24 February 1989.

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

⁽²⁾ OJ No L 197, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽⁴⁾ OJ No L 358, 27. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁶⁾ OJ No L 358, 27. 12. 1988, p. 2.

⁽⁷⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁸⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽¹⁰⁾ OJ No L 358, 27. 12. 1988, p. 3.

⁽¹¹⁾ OJ No L 181, 21. 7. 1977, p. 4.

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

⁽¹³⁾ OJ No L 331, 28. 11. 1978, p. 6.

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

Done at Brussels, 23 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Minimum import levies on olive oil

(ECU/100 kg)	
CN code	Non-member countries
1509 10 10	75,00 ⁽¹⁾
1509 10 90	75,00 ⁽¹⁾
1509 90 00	87,00 ⁽²⁾
1510 00 10	75,00 ⁽¹⁾
1510 00 90	119,00 ⁽²⁾

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

- (a) Lebanon: ECU 0,60 per 100 kg;
- (b) Tunisia: ECU 12,69 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;
- (c) Turkey: ECU 22,36 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force;
- (d) Algeria and Morocco: ECU 24,78 per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country; however, the repayment may not exceed the amount of the tax in force.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 3,86 per 100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,09 per 100 kg.

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

- (a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 7,25 per 100 kg;
- (b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 5,80 per 100 kg.

ANNEX II

Import levies on other olive oil sector products

(ECU/100 kg)	
CN code	Non-member countries
0709 90 39	16,50
0711 20 90	16,50
1522 00 31	37,50
1522 00 39	60,00
2306 90 19	6,00

COMMISSION REGULATION (EEC) No 456/89

of 23 February 1989

laying down certain provisions relating to the issue of STM certificates for seed potatoes

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, and in particular Article 85 (3) thereof,

Whereas by Commission Regulation (EEC) No 3998/88 ⁽¹⁾ the Commission adopted interim protective measures relating to the suspension of the issue of STM certificates for certified seed potatoes falling within CN code 0701 10 00, applications for which were submitted after 22 December 1988;

Whereas the indicative ceiling has been exceeded; whereas that suspension should be extended until the end of the marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

The issuing of STM certificates for certified seed potatoes falling within CN code 0701 10 00 is hereby suspended until 30 September 1989.

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, 23 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 354, 22. 12. 1988, p. 32.

COMMISSION REGULATION (EEC) No 457/89

of 23 February 1989

introducing a countervailing charge on artichokes originating in Egypt

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 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 3138/88 of 12 October 1988 fixing for the 1988/89 marketing year the reference prices for artichokes⁽³⁾ fixed the reference price for products of class I for the period 1 January to 30 April 1989 at 78,03 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by

Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for artichokes originating in Egypt the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these artichokes;

Whereas, if the system is to operate normally, the entry price 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⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- 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,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 6,71 ECU per 100 kilograms net is applied to artichokes (CN code 0709 10 00) originating in Egypt.

Article 2

This Regulation shall enter into force on 25 February 1989.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 280, 13. 10. 1988, p. 13.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 23 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 458/89

of 23 February 1989

fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 6 to 12 February 1989

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

Having regard to Council Regulation (EEC) No 1347/86 of 6 May 1986 on the granting of a premium for the slaughter of certain adult bovine animals in the United Kingdom ⁽¹⁾, as amended by Regulation (EEC) No 467/87 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 1695/86 of 30 May 1986 laying down detailed rules for the application of the premium for the slaughter of certain adult bovine animals for slaughter in the United Kingdom ⁽³⁾, as amended by Regulation (EEC) No 3988/87 ⁽⁴⁾, and in particular Article 7 (1) thereof,

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

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

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

Whereas, accordingly, the amounts to be levied on products which left the United Kingdom during the week 6 to 12 February 1989 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of amended Regulation (EEC) No 1347/86, the amounts to be levied on the products referred to in Article 7 (1) of Regulation (EEC) No 1695/86 which left the territory of the United Kingdom during the week 6 to 12 February 1989 shall be those set out in the Annex.

Article 2

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

It shall apply with effect from 6 February 1989.

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

Done at Brussels, 23 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 119, 8. 5. 1986, p. 40.

⁽²⁾ OJ No L 48, 17. 2. 1987, p. 1.

⁽³⁾ OJ No L 146, 31. 5. 1986, p. 56.

⁽⁴⁾ OJ No L 376, 31. 12. 1987, p. 31.

ANNEX

to the Commission Regulation of 23 February 1989 fixing the amounts to be levied in the beef sector on products which left the United Kingdom during the week 6 to 12 February 1989

(ECU/100 kg net weight)	
CN code	Amount
0201 10 10	26,26474
0201 10 90	26,26474
0201 20 21	26,26474
0201 20 29	26,26474
0201 20 31	21,01179
0201 20 39	21,01179
0201 20 51	31,51769
0201 20 59	31,51769
0201 20 90	21,01179
0201 30 00	35,98269
0202 10 00	26,26474
0202 20 10	26,26474
0202 20 30	21,01179
0202 20 50	31,51769
0202 20 90	21,01179
0202 30 10	35,98269
0202 30 50	35,98269
0202 30 90	35,98269
0206 10 95	35,98269
0206 29 91	35,98269
0210 20 10	21,01179
0210 20 90	29,94180
0210 90 41	29,94180
1602 50 10 ⁽¹⁾	29,94180
1602 50 10 ⁽²⁾	21,01179

⁽¹⁾ Containing 80 % or more by weight of beef meat.

⁽²⁾ Other.

COMMISSION REGULATION (EEC) No 459/89

of 23 February 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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 4132/88 ⁽²⁾, and in particular Article 12 (8) thereof,Whereas the import levies on live cattle and on beef and veal other than frozen were fixed by Regulation (EEC) No 2312/88 ⁽³⁾, as last amended by Regulation (EEC) No 181/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2312/88 to the quota-

tions and other information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 6 March 1989.

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

Done at Brussels, 23 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.⁽²⁾ OJ No L 362, 30. 12. 1988, p. 4.⁽³⁾ OJ No L 201, 27. 7. 1988, p. 83.⁽⁴⁾ OJ No L 23, 27. 1. 1989, p. 12.

ANNEX

to the Commission Regulation of 23 February 1989 fixing the import levies on live cattle and on beef and veal other than frozen⁽¹⁾

(ECU/100 kg)

CN code	Yugoslavia ⁽²⁾	Austria/Sweden/ Switzerland	Other third countries
— Live weight —			
0102 90 10	—	17,896	120,988
0102 90 31	21,226	17,896	120,988
0102 90 33	—	17,896	120,988
0102 90 35	21,226	17,896	120,988
0102 90 37	21,226	17,896	120,988
— Net weight —			
0201 10 10	—	34,002	229,878
0201 10 90	40,329	34,002	229,878
0201 20 21	—	34,002	229,878
0201 20 29	40,329	34,002	229,878
0201 20 31	—	27,202	183,903
0201 20 39	32,264	27,202	183,903
0201 20 51	48,395	40,802	275,853
0201 20 59	48,395	40,802	275,853
0201 20 90	—	51,002	344,817
0201 30 00	—	58,340	394,422
0206 10 95	—	58,340	394,422
0210 20 10	—	51,002	344,817
0210 20 90	—	58,340	394,422
0210 90 41	—	58,340	394,422
0210 90 90	—	58,340	394,422
1602 50 10	—	58,340	394,422
1602 90 61	—	58,340	394,422

(¹) In accordance with Regulation (EEC) No 486/85, levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

(²) This levy is applicable only to products complying with the provisions of Regulation (EEC) No 1368/88 (OJ No L 126, 20. 5. 1988, p. 26).

COMMISSION REGULATION (EEC) No 460/89
of 23 February 1989
fixing the import levies on frozen beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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 4132/88 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas the import levies on frozen beef and veal were fixed by Commission Regulation (EEC) No 2311/88 ⁽³⁾, as last amended by Regulation (EEC) No 182/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2311/88 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 6 March 1989.

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

Done at Brussels, 23 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 362, 30. 12. 1988, p. 4.

⁽³⁾ OJ No L 201, 27. 7. 1988, p. 79.

⁽⁴⁾ OJ No L 23, 27. 1. 1989, p. 14.

ANNEX

to the Commission Regulation of 23 February 1989 fixing the import levies on frozen beef and veal ⁽¹⁾

<i>(ECU/100 kg)</i>	
CN code	Levy
	— Net weight —
0202 10 00	223,251
0202 20 10	223,251
0202 20 30	178,600
0202 20 50	279,064
0202 20 90	334,876
0202 30 10	279,064
0202 30 50	279,064
0202 30 90	383,991
0206 29 91	383,991

⁽¹⁾ In accordance with Regulation (EEC) No 486/85, levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the overseas countries and territories.

COMMISSION REGULATION (EEC) No 461/89**of 23 February 1989****fixing 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 Regulation (EEC) No 2727/75 of the Council of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽²⁾,

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 16 (4) of Regulation (EEC) No 2727/75 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount must be applied to the refund;

Whereas Regulation (EEC) No 2744/75 of the Council of 29 October 1975 on the import and export system for products processed from cereals and from rice⁽⁴⁾, as last amended by Regulation (EEC) No 1906/87⁽⁵⁾, made possible the fixing of a corrective amount for certain products listed in Article 1 (c) of Regulation (EEC) No 2727/75;

Whereas Regulation (EEC) No 1281/75 of the Commission⁽⁶⁾ laid down detailed rules for the advance fixing of export refunds for cereals and certain products processed from cereals;

Whereas, pursuant to that Regulation, when the corrective amount is 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 possibilities and conditions for the sale of cereals and cereal products on the world market on the other; whereas the same Regulation provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and,

furthermore, to take into account the economic aspect of exports and the need to avoid disturbances on the Community market;

Whereas for the products listed in Article 1 (c) of Regulation (EEC) No 2727/75 account should be taken of the specific criteria laid down in Article 2 (2) of Regulation (EEC) No 1281/75;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure;

Whereas it may be altered in the period between fixings;

Whereas, if the system of corrective amounts is to operate normally, corrective amounts 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⁽⁷⁾, as last amended by Regulation (EEC) No 1636/87⁽⁸⁾,
- 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 preceding indent and the aforesaid coefficient;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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 corrective amount referred to in Article 16 (4) of Regulation (EEC) No 2727/75 which is applicable to export refunds fixed in advance in respect of cereals shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 February 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽⁵⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽⁶⁾ OJ No L 131, 22. 5. 1975, p. 15.

⁽⁷⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁸⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 23 February 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 23 February 1989 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (*)	Current 2	1st period 3	2nd period 4	3rd period 5	4th period 6	5th period 7	6th period 8
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 10 000	01	0	0	0	0	—	—	—
1001 10 90 000	01	0	0	0	0	- 40,00	- 40,00	- 40,00
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1002 00 00 000	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1003 00 10 000	01	0	0	0	0	—	—	—
1003 00 90 000	03	0	+ 3,00	+ 3,00	+ 3,00	- 30,00	- 30,00	- 30,00
	02	0	0	0	0	- 30,00	- 30,00	- 30,00
1004 00 10 000	—	—	—	—	—	—	—	—
1004 00 90 000	01	0	0	0	- 30,00	- 30,00	- 30,00	- 30,00
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	0	- 30,00	- 30,00	- 30,00
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 110	01	0	0	0	0	0	—	—
1101 00 00 120	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 100	01	0	0	0	0	0	—	—
1102 10 00 200	01	0	0	0	0	0	—	—
1102 10 00 300	01	0	0	0	0	0	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 100	01	0	0	0	0	- 50,00	- 50,00	- 50,00
1103 11 10 200	01	0	0	0	0	- 50,00	- 50,00	- 50,00
1103 11 10 500	01	0	0	0	0	- 50,00	- 50,00	- 50,00
1103 11 10 900	01	0	0	0	0	- 50,00	- 50,00	- 50,00
1103 11 90 100	01	0	0	0	0	0	—	—
1103 11 90 900	—	—	—	—	—	—	—	—

(*) For the following destinations:

01 All third countries,

02 Other third countries,

03 Algeria, Tunisia, Egypt and the Canary Islands.

NB: The zones are those defined in Commission Regulation (EEC) No 1124/77 (OJ No L 134, 28. 5. 1977, p. 53), as last amended by Regulation (EEC) No 296/88 (OJ No L 30, 2. 2. 1988, p. 9).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 February 1989

accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of urea originating in Austria, Hungary, Malaysia or Romania, confirming the undertakings accepted pursuant to Council Regulation (EEC) No 3339/87 and terminating the investigations

(89/143/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾ and in particular Article 10 thereof,

Whereas :

I. CURRENT PROCEEDING

A. Provisional measures

- (1) Commission Regulation (EEC) No 2623/88 imposed a provisional anti-dumping duty on imports of urea originating in Austria, Hungary, Malaysia, Romania, the USA or Venezuela⁽²⁾. That duty was extended for a period not exceeding two months by Council Regulation (EEC) No 4018/88⁽³⁾.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty, the Community producers and several exporters of the product concerned asked

for and obtained a hearing and also made known in writing their views on the Regulation imposing the provisional duty.

- (3) In addition to the investigations which resulted in the determination of the provisional anti-dumping duty, the Commission carried out further investigations at the premises of the following Community producers :

Belgium

Nederlandse Stikstof Maatschappij BV (NSM), Brussels,

France

- Compagnie française de l'azote (Cofaz), Paris,
— Société Chimique de la Grande Paroisse, Paris,

Ireland

Irish Fertilizer Industries (IFI), Dublin.

C. Dumping

(a) *Normal value*1. *Austria*

- (4) Normal value was definitively calculated according to the method used for the provisional calculation of normal value, in other words on the basis of the prices charged during the reference period on the domestic market by the Austrian exporter, which provided sufficient evidence. The Austrian exporter expressed no objection to the method laid down in recital 10 of Regulation (EEC) No 2623/88 or the results obtained by the Commission.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 235, 25. 8. 1988, p. 5.

⁽³⁾ OJ No L 355, 23. 12. 1988, p. 3.

2. Malaysia

- (5) Normal value was definitively calculated on the basis of constructed value, since the average selling price on the Malaysian domestic market during the reference period was lower than the cost of production. Normal value was definitively established according to the method, and in accordance with the information, given in recitals 11, 12 and 14 of Regulation (EEC) No 2623/88.

In this connection, the Malaysian firms concerned by the current proceeding reiterated for the most part the arguments they had put forward prior to adoption of the Regulation. In these circumstances, and in the absence of fresh evidence, the Commission confirms the validity of the method referred to above.

3. Hungary and Romania

- (6) As Hungary and Romania are State-trading countries, normal value was definitively calculated according to the method used for the provisional calculation, that is on the basis of prices charged on the Austrian domestic market and according to the method, and in accordance with the information, given in recitals 18 to 21 of Regulation (EEC) No 2623/88.
- (7) The Hungarian exporter contested the choice of Austria as an analogous country, maintaining that Austria was not representative because the Austrian exporter had a monopoly position and its production costs were greater than the Hungarian production costs.

Although no evidence was offered in support of these arguments, the Commission noted that prices on the Austrian market were influenced by a considerable level of imports, and that in this sense they were representative. As regards costs, the Commission received not the slightest evidence that some costs in Hungary were lower than costs found in Austria. In any case, even if it were possible to establish exactly the existence and extent of the advantages and disadvantages in question, any adjustment on this basis of costs determined in a market economy country would imply taking as a basis for comparison costs in a non-market economy country, which is precisely what Article 2 (3) of Regulation (EEC) No 2423/88 aims to prevent.

In these circumstances the Commission confirms the choice of Austria as an analogous country for the establishment of normal value in Hungary.

- (8) The Romanian exporter repeated its objections to the choice of Austria as an analogous country, on

the grounds that the Austrian market was very narrow and therefore not representative, that it was largely made up of urea for technological use whereas Romania exports only agricultural urea, and that Austria has no natural gas; Romania therefore proposed Kuwait as a reference country.

The Commission confirms its position, set out in recital 21 of Regulation (EEC) No 2623/88, as follows:

- although the Austrian market is limited, it is a competitive market where prices are influenced by substantial imports and are representative in this sense;
- the argument based on the type of urea is not relevant, since there are no significant differences in the technology and processes involved in the production of urea;
- any possible advantage resulting from the cost of gas was difficult to quantify and might be counterbalanced by other competitive disadvantages, as explained in recital 20 of Regulation (EEC) No 2623/88.

In these circumstances, the Commission considers it appropriate and not unreasonable to base normal value in Romania on prices on the Austrian domestic market. It is not therefore appropriate to choose Kuwait as reference country.

(b) Export prices

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

(c) Comparison

- (10) In general, normal value was compared transaction by transaction with export prices at ex-works level.

The adjustments provisionally made, where appropriate, in recital 23 of Regulation (EEC) No 2623/88 to take account of differences affecting price comparability were retained.

(d) Dumping margins

- (11) The dumping margin calculated for each exporter is equal to the difference between the normal value as established and the price for each export transaction to the Community, duly adjusted.

On the basis of the free-at-frontier price, the weighted average dumping margin for each of the exporters concerned is as follows:

— Austria : Chemie Linz	over 50,0 %,
— Hungary : Chemolimpex	over 51,0 %,
— Malaysia : ABF/Petronas	41,0 %,
— Romania : ICE Chimica	over 55,0 %.

D. Injury

- (12) As no new evidence was received, the Commission confirms the facts and conclusions presented in recitals 27, 30, 32 and 36 to 40 of Regulation (EEC) No 2623/88.

As regards the effect of dumped imports on the market share held by the exporters, on Community production and on the sales and market share of Community producers, as determined following the additional investigations carried out after the imposition of the provisional anti-dumping duty, the Commission refers to the amended information contained in recitals 14, 17, 19 and 20 of Council Regulation (EEC) No 450/89⁽¹⁾ imposing a definitive anti-dumping duty on imports of urea originating in the United States of America or Venezuela.

E. Quantitative restrictions and anti-dumping measures

- (13) As regards the existence in certain Member States of the Community of quantitative restrictions concerning imports of urea originating in Hungary or Romania, it was argued by the Romanian exporter that the imposition of an anti-dumping duty on imports of urea in addition to the quantitative restrictions was incompatible with some provisions of the GATT. The Commission considers that neither Community law nor international rules forbid the imposition of import duties, customs duties or any other measure affecting imports, provided that injury has been established.

As for the advisability of such measures in this case, the Commission notes that during the reference period more than half of the exports were concentrated on the markets of the Member States not protected by quantitative restrictions, namely Belgium, Luxembourg and the United Kingdom. In addition, it was established that the quantitative restrictions on imports of the products concerned into Germany and Ireland had been substantially exceeded.

The Commission also notes that there is substantial price undercutting on these imports, reaching 17 % in the case of Hungary and 38 % in that of Romania.

As a result, the quantitative restrictions existing in certain Member States do not eliminate the injury caused to the majority of the Community by the unfair trading practices of the Hungarian and Romanian exporters.

F. Community interest

- (14) As regards the Community's interest in taking protective measures against dumped imports,

Malaysia repeated the arguments put forward in recital 42 of Regulation (EEC) No 2623/88.

G. Undertakings

- (15) The following producers/exporters offered undertakings in accordance with Article 10 of Regulation (EEC) No 2423/88:

- Austria: Chemie Linz GmbH,
- Hungary: Chemolimpex,
- Malaysia: Asean Rintulu Fertilizer, SDN. BHD (ABF)/Petroliam, National Bernhard (Petronas),
- Romania: ICE Chimica.

The Commission regarded these undertakings as acceptable, considering that they were such as to bring some stability to the Community market while allowing the exporters in question to maintain a share of the Community market.

H. Collection of the provisional duty

- (16) Given the dumping margins established and the injury caused, the Commission considers it necessary to release the amounts secured by way of a provisional duty, for the following reasons:

- in the case of products originating in Malaysia, Malaysia qualifies for special differential treatment under Article 13 of the GATT anti-dumping code;
- in the case of products originating in Austria, the provisional anti-dumping duty is very small;
- in the case of products originating in Hungary and Romania, there were no exports of the product in question between the imposition of the provisional duty and the Commission Decision.

II. REVIEW OF PREVIOUS MEASURES

- (17) Having reviewed the measures as requested by the Council, the Commission found that the undertakings accepted pursuant to Council Regulation (EEC) No 3339/87⁽²⁾ had been adhered to and that they were such as to have alleviated considerably the difficulties facing the Community industry by reducing imports of urea originating in the countries concerned to a reasonable share of Community consumption.

In these circumstances, the Commission confirms the validity of the undertakings accepted pursuant to Regulation (EEC) No 3339/87.

⁽¹⁾ See page 1 of this Official Journal.

⁽²⁾ OJ No L 317, 7. 11. 1987, p. 1.

III. TERMINATION OF THE INVESTIGATION

- (18) The exporters concerned were informed of the main conclusions of the investigation and had the opportunity to make known their point of view.

In consultations within the Advisory Committee, certain Member States opposed the proposed undertakings.

The Commission presented the proposal for acceptance of undertakings to the Council. There was not the necessary qualified majority in the Council to accept the undertakings as proposed. Since it was also impossible to find a qualified majority for the Council to take a different decision, the undertakings offered by the exporters can be accepted under Article 10 of Regulation (EEC) No 2423/88, and the investigations concerning imports of urea originating in the countries involved in the proceeding can be terminated pursuant to Article 9 of the same Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The undertakings offered by:

- Chemie Linz GmbH, Austria
- Chemolimpex, Hungary
- Asean Bintulu Fertilizer SDN. BHD (ABF), Petroliam National Berhard (Petronas), Malaysia

— ICE Chimica, Romania

in connection with the anti-dumping proceeding concerning exports of urea falling within CN code 3102 10 10 or 3102 10 99 originating in Austria, Hungary, Malaysia or Romania are hereby accepted.

2. The acceptance of the undertakings accepted pursuant to Article 2 of Regulation (EEC) No 3339/87 is hereby confirmed.

Article 2

The amount of the provisional anti-dumping duty imposed by Regulation (EEC) No 2623/88 is hereby released as regards imports of urea originating in Austria, Hungary, Malaysia and Romania.

Article 3

The anti-dumping investigation referred to in Article 1 is hereby terminated as regards the exporters mentioned in that Article.

Done at Brussels, 21 February 1989.

For the Commission

Frans ANDRIESEN

Vice-President

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 4220/88 of 19 December 1988 suspending wholly or in part the Common Customs Tariff duties on certain agricultural products originating in Turkey (1989)

(Official Journal of the European Communities No L 371 of 31 December 1988)

On page 10 in the Annex :

- Delete 'ex' from the 'CN code' opposite order No 15.0003,
- Add 'ex' to the three CN codes opposite order No 15.0007,
- Delete order Nos 15.0021 and 15.0023 and all the details in the columns opposite.

Corrigendum to Council Directive 88/657/EEC of 14 December 1988 laying down the requirements for the production of, and trade in, minced meat, meat in pieces of less than 100 grams and meat preparations and amending Directives 64/433/EEC, 71/118/EEC and 72/462/EEC

(Official Journal of the European Communities No L 382 of 31 December 1988)

On page 6 in the fourth line of Article 6(1):

for: 'consumer or the transport...',

read: 'consumer and which prohibit the transport...'.
