

Official Journal

of the European Communities

ISSN 0378-6978

L 174

Volume 32

22 June 1989

English edition

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1768/89

of 19 June 1989

imposing a definitive anti-dumping duty on imports of video cassettes originating in the Republic of Korea and Hong Kong, collecting definitively the provisional duty and terminating the anti-dumping proceeding with regard to the imports of video tape reels originating in the Republic of Korea

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 Articles 9 and 12 thereof,

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

Whereas :

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EEC) No 4062/88⁽¹⁾ (hereinafter referred to as the Commission Regulation) imposed a provisional anti-dumping duty on imports of video tape on reels or in cassettes originating in the Republic of Korea and Hong Kong. That duty was extended for a maximum period of two months by Council Regulation (EEC) NO 996/89⁽²⁾.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping duty all the Korean exporters and two of the Hong Kong exporters requested and were granted an opportunity to be heard by the Commission. They also made written submissions

making known their views on the findings. The representatives of the Hong Kong Government were informed of the essential facts and considerations on the basis of which the provisional anti-dumping duties were imposed. They requested and were granted to make their views known on behalf of the Hong Kong video cassette industry as a whole and of specific Hong Kong exporters who were not otherwise represented.

- (3) One Hong Kong company, Casin Video Cassette Ltd, replied to the questionnaire after the verifications were carried out at the premises of the other Hong Kong exporters and made known its views and applied to be heard according to Article 2 of the Commission Regulation. While its views were fully taken into account, no new investigation could be carried out in their respect since an additional verification would have delayed the further proceeding. Consequently, their reply to the questionnaire had to be disregarded.

- (4) Upon request, parties were also informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to these disclosure meetings.

- (5) The oral and written submissions and comments of the parties and of the representatives of the Hong Kong Government were considered and, where appropriate, the Commission's findings were modified to take account of them.

- (6) Due to the complexity of the proceeding, in particular to the detailed verification of the data and due to the number of exporters involved and

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 356, 24. 12. 1988, p. 47.

⁽³⁾ OJ No L 107, 19. 4. 1989, p. 1.

the numerous arguments put forward, the investigation could not be concluded within the time limit laid down in Article 7 (9) (a) of Regulation (EEC) No 2423/88.

C. PRODUCT UNDER CONSIDERATION, LIKE PRODUCT AND COMMUNITY INDUSTRY

- (7) In its provisional findings, the Commission considered that all Community-produced/VHS video cassettes and video tape reels are respectively like products to all video cassettes and video tape reels exported from Korea and Hong Kong and that the Community producers Agfa-Gevaert AG, BASF AG, PDM Magnetics and Magna Tonträger Productions GmbH form the Community industry, within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88. No new arguments were advanced by the exporters against these definitions. They are, therefore, confirmed by the Council.

D. NORMAL VALUE

1. Korean exporters

(a) SKC and Goldstar

- (8) For these two exporters normal value was, as for the purpose of provisional findings, established on the basis of the video cassette models sold in sufficient quantities for consumption in Korea and at prices which permitted recovery of all costs reasonably allocated in the normal course of trade on the domestic market. Normal value was determined on the average domestic prices of these models. The sales transactions at prices below the cost of production were disregarded as provided for in Article 2 (4) of Regulation (EEC) No 2423/88 since they have been made in substantial quantities during the investigation period and at prices which did not permit recovery in the normal course of trade of all costs reasonably allocated and within this investigation period. The volume of the remaining sales transactions was still over the threshold, established by the Commission in previous cases to be 5 % of the volume of exports of the models concerned to the Community.

(b) Kolon

- (9) for provisional findings, the normal value of the exporter was based on constructed value. It was claimed, however, that the normal value should be established on the comparable domestic prices. In order to determine whether these prices were less than the cost of production, the Commission calculated the average cost of production for the investigation period.
- (10) As far as manufacturing overheads and financing costs were concerned, the Commission applied the calculation methods as explained in recitals 24 to 27 of the Commission Regulation. As to depreciation of machinery costs, an allocation was

claimed of 42 % of the total depreciation for video cassettes and 58 % for video tape reels according to the alleged marketing strategy of this company. This claim, however, could not be accepted since insufficient evidence was provided to support this proposed allocation.

- (11) The Commission considered that, in the absence of precise information, an allocation should be made according to the actual production costs of these two products during the investigation period. This resulted in an equal allocation of the depreciation for machinery costs between video cassettes and video tape reels.

- (12) By these calculations, the actual costs of production for the like product in the ordinary course of trade on the Korean market were established and the sales transactions at prices below these costs of production were disregarded as provided for in Article 2 (4) of Regulation (EEC) No 2423/88. Indeed, these transactions have been made in substantial quantities during the investigation period and at prices which did not permit recovery in the normal course of trade of all costs within this investigation period. Since the volume of the remaining sales transactions was still over 5 % of the volume of exports of the models concerned to the Community, normal value was established on the weighted average sales price of these remaining sales on the Korean market.

(c) Saehan Media

- (13) This exporter's own calculation of cost of production showed that, for the video cassette model most sold on the domestic market and comparable to the most exported model, substantial quantities have been sold at less than the costs of production and at prices which did not permit recovery, in the normal course of trade and within the investigation period, of all cost reasonably allocated. The remaining sales volumes were less than 5 % of the respective models exported to the Community. Therefore, the normal value had to be constructed.
- (14) As far as manufacturing overhead costs are concerned, the Commission calculated the depreciation costs according to the total depreciation amount contained in the exporter's balance sheet for the investigation period. In this respect, the exporter argued that part of this amount is based on special depreciation for the financial year concerned which should not have any repercussion on the cost calculation. This special depreciation was applied according to specific provisions of the Korean tax regulations. The Commission found, however, that a similar specific depreciation was reported in the balance sheet for the two previous financial years. The Commission considered, therefore, that the part of this special depreciation for 1987 corresponding to a normal annual charge together with the normal depreciation of this exporter should be taken into

account for the calculation of the production costs. This approach was accepted by the exporter concerned. Consequently, these two depreciation amounts were then allocated to the video tape sector according to the ratio of the investment costs for the video and audio sectors of this exporter. The amount, for the video sector, was then allocated to the 11-month investigation period and, consequently, to video cassettes and video tape reels, according to the respective investment costs for these two products. In order to establish the depreciation amount per video cassette, this depreciation amount was allocated to the total number of video cassette sales. The allocation on sales was considered to be warranted in this specific case since, on the one hand, this exporter's production quantity approximated his sales quantity and, on the other hand, no precise production figures of video cassettes were supplied.

Korean exporters on their profitable sales of the like product on the Korean market, i.e. 10,5 %.

2. Hong Kong exporters

(15) As far as the licence fee for manufacturing and sale of video cassettes was concerned, the Commission based its calculation on the royalty amount agreed by the exporter with the Japanese licensor. In this respect, the exporter claimed a lower licence fee since some of his customers outside Korea paid the royalty directly to the licensor for the video cassettes purchased. This claim, however, could not be accepted. Normal value has to be established on the basis of the costs, in the ordinary course of trade, in the domestic market. Indeed, for the sales in the Korean market, this exporter had to pay the full royalty amount. Therefore, the equivalent of 10 yen was included in the manufacturing costs of this exporter.

(16) With regard to the amounts of selling, administrative and other general expenses the Commission applied the method as explained in recital 28 of the Commission Regulation. In this respect, income and expense items referring to foreign currency transactions as well as gains and losses on disposals of fixed assets and miscellaneous income and expenses were disregarded since the exporter could not prove any clear connection of these items to sales of video cassettes on the domestic market.

(17) As far as profit was concerned, it was taken from the average weighted profit realized by the other

(18) For all Hong Kong exporters for which reliable accounting and cost data were available, the sales of the video cassette types on the Hong Kong market comprised less than 5 % of the volume of exports of the particular video cassette types exported to the Community. Normal values were therefore established by means of constructed values on the basis of the methods used for provisional determination of dumping, taking into account new evidence submitted by the exporters.

(19) In so far as the respective accounting documents of the exporters concerned did not show any payment of the royalty to the Japanese licensor, the usual licence fee for manufacturing and sale was added to the manufacturing costs. Indeed, it was considered that the liability for this royalty has to be considered as a cost incurred in the ordinary course of trade, as provided for in Article 2 (3) (b) (II) of Regulation (EEC) 2423/88.

(20) As far as waste was concerned, some exporters did not supply any costs for waste during the manufacturing process. In this respect and for these exporters, the usual waste costs expressed as a percentage of the total manufacturing costs were added to the costs of materials.

(21) Hanny Magnetics claimed the their global rate of manufacturing overhead costs shown in their accounting records should not be applied to the production costs of video cassettes. This exporter does not himself manufacture the video tape. Therefore, the proportion of this producer's on manufacturing costs for video cassettes was considerably lower than that for other products manufactured by this producer. This argument has been considered acceptable and, therefore, a lower rate corresponding to the specific overhead manufacturing costs of video cassettes was applied.

(22) As far as the amounts for selling, general and administrative expenses were concerned, the Commission accepted the calculation of these expenses as shown in the accounting records of the exporters.

(23) The Council confirms this conclusion.

(24) As regards profit, no reliable accounting data were available for profits realised on the Hong Kong market on substantial sales of video cassettes similar or identical to those models as exorted to the Community. the sales on the Hong Kong market of the video cassette types directly comparable to the exported video cassettes accounted for only a very small proportion of the volume of the exports to the Community. One exporter indicated that he had realized on his sales, made in substantial quantities on the Hong Kong market, of video cassette models identical to those exported to the Community, a return of considerably more than 8 %. Another exporter also realized, on its total sales of all types and models of video cassettes on the Hong Kong market, a profit of more than 8 % of its turnover. On its sales of video cassettes adapted to the PAL/Secam system, the same exporter realized a profit of less than 8 % on its turnover. Yet, these sales also included types intended for professional use. Such types were, however, not exported. In this situation, the Commission considered it appropriate and reasonable to apply a profit rate of 8 % on turnover for the construction of normal values for this and all the other Hong Kong exporters.

(25) The Council confirms this construction.

(26) As far as claims of some Hong Kong exporters with respect to the cost of production are concerned, Magnetic Enterprise claimed selling, general and administrative expenses for the like product which were lower than those shown in its profit and loss statement. Since this exporter manufactures only video cassettes and video tape reels, it was, however, considered appropriate to calculate the selling, general and administrative expenses on the basis of this exporter's accounting data shown in the profit and loss statement.

(27) Swire argued that it applies an accelerated depreciation rate for machinery and that, for the purposes of these proceedings, not this accelerated but the normal and industry representative depreciation rate should be applied. However, the Commission took the view that, in general, the exporter's own depreciation method should be taken into account if this method has already been applied by this exporter in previous accounting years, is reasonable and is not a method specifically established for these anti-dumping proceedings. Since the accelerated method is Swire's usual depreciation method, the exporter's claim had to be rejected.

E. EXPORT PRICE

1. Korean exporters

(28) With regard to exports by Korean exporters directly to independent importers in the Community, export prices were determined on the basis of the prices actually paid or payable for the products sold net of all taxes, discounts and rebates actually granted and directly related to the sales under consideration.

(29) In other cases, exports were made to subsidiary companies which imported the product into the Community. In such cases it was considered appropriate, in view of the relationship between exporter and importer, that export prices be constructed on the basis of prices at which the exported product was first resold to an independent buyer. Discounts, rebates and the value of free goods directly linked to a sale under consideration were deducted from the price to the independent customer and suitable adjustment was made to take account of all costs incurred between importation and resale, including all duties and taxes.

(30) For one of the subsidiary companies of Goldstar, the costs for advertising the Goldstar brand name were reimbursed by the exporting parent company in Korea and, consequently shown as revenue in this subsidiary's accounting record. It was considered, however, that these advertising expenses have occurred at the subsidiary, are normally borne by the importing subsidiary and, consequently, have to be added to their costs. In this respect, the exporter argued that only the reimbursement of advertising costs related to the promotion of sales of branded video cassettes in the United Kingdom market could be considered as normally borne by the importer. Since the subsidiary sold only bulk video cassettes on this market, the advertising costs for the Goldstar brand name would not normally be borne by the importing subsidiary. The Commission, however, took the view that advertising for the exporter's brand name is also intended to have a promotional effect on the sales of branded and unbranded video cassettes sold by the Goldstar subsidiaries and that, therefore, these costs should be taken into account for reconstructing the export price.

(31) The Council confirms this conclusion.

(32) As far as profits are concerned, the Korean exporters supplied independent importers which have similar functions to the exporter's sales subsidiaries

in the Community during the investigation period was not more than 5 %. Consequently, this percentage was applied when reconstructing the export price.

2. Hong Kong exporters

- (33) No Hong Kong exporter had importing subsidiaries in the Community. The export price had, therefore, been considered as being the price actually paid by the independent importers net of all taxes, discounts and rebates actually granted and directly related to the sales under consideration. This price has been established on fob Hong Kong harbour basis.

F. COMPARISON

- (34) For the purpose of a fair comparison between normal value and export prices, the Commission took account, where appropriate, of differences affecting price comparability, such as differences in physical characteristics, and differences in selling costs, where claims of a direct relationship of these differences to the sales under consideration could be satisfactorily demonstrated. This was the case in respect of differences in credit terms, warranties, commissions, salaries paid to salesmen, packing, transport, insurance, handling and ancillary costs.
- (35) Two of the Community producers claimed that adjustments should be taken into account for the differences in playing time for a VHS-T120 video cassette sold in the Korean market and a VHS-E180 video cassette sold on the Community market. The Commission found that both types of video cassette have very similar tape length and are identical in all other technical and physical aspects. However, due to the different recording and playing systems used in Korea and the Community (i.e. the NSTC and the PAL/Secam systems), the playing time of a T120 video cassette is usually two hours and that of an E180 video cassette is three hours in the respective markets. Since the difference in playing time is not due to differences in physical and technical characteristics of the two types of video cassette but is based on the different recording systems of the video cassette recorders used in both markets, this claim had to be rejected.
- (36) One Korean exporter continued to claim an allowance concerning its import charges borne by the

like product and by materials physically incorporated therein, when destined for consumption in the country of origin and refunded in respect of the products exported to the Community. The claimed import charges were disproportionately higher than those claimed by other Korean exporters. This exporter was requested to supply evidence that the video cassette model sold on the Korean market and similar to the most exported model to the Community contained the imported materials for which he had claimed import charges. The evidence presented by this exporter did not, however, show to the satisfaction of the Commission that its claim was justified. Indeed, laboratory examination of the different video cassettes supplied by the exporter and carried out by the complainants showed that for the video cassettes sold on the domestic market no specific imported tapes have been used. Therefore, it was considered appropriate to grant only an allowance corresponding to the average amount claimed by the other Korean exporters.

- (37) Saehan Media and Swire, in addition to the adjustment for directly related differences in selling expenses, claimed a supplementary allowance for differences in selling expenses and reduced profit resulting from export sales made to original equipment manufacturer (OEM) customers or in higher quantities than on the domestic market. They referred to the practice of the Community institutions in previous anti-dumping cases. These claims are, however, not sufficient evidence for proving differences in selling expenses and reduced profit, as requested by Article 2 (9) (b) of Regulation (EEC) No 2423/88. Accordingly, for this reason and, in addition, for those given in recital 29 of the Commission Regulation, these claims were rejected.
- (38) Swire also claimed allowances for differences in selling expenses resulting from sales made under different conditions and from differences in transport costs. However, these claims were based on this exporter's assumptions and unsupported by any evidence. No allowance could, therefore, be granted.

G. DUMPING MARKETS

- (39) Normal value for each of the models of each exporter was compared with export prices of comparable models on a transaction-by-transaction basis. The examination of the facts shows the existence of dumping in respect of imports of video

cassettes originating in Korea and Hong Kong and of video cassette types originating in Korea from all exporters investigated, the margin of dumping being equal to the amount by which the normal value as established exceeds the price for export to the Community.

- (40) The margins of dumping varied according to the exporter, and, expressed as a percentage of cif Community frontier values, the weighted average margins were as follows.

— video cassettes

Korean exporters

— Goldstar Co.	2,97 %,
— Kolon industries Inc.	2,03 %,
— Saehan Media Co.	1,96 %,
— SKC Ltd	3,81 %;

Hong Kong exporters

— Hanny Magnetics Ltd	21,99 %,
— Magnetic Enterprise Ltd	15,82 %,
— Swilynn Ltd	0,02 %,
— Swire Magnetics Ltd	4,96 %;

— Video tape reels

— Saehan Media Co.	1,06 %,
— SKC Ltd	1,40 %.

- (41) It was considered that, in accordance with the provisions of Article 7 (7) (b) of Regulation (EEC) No 2423/88. It would create an opportunity for circumvention of the duty and would constitute a bonus for non-cooperation to hold than the dumping margin for those exporters which neither replied to the Commission's questionnaire nor otherwise made themselves known — or which refused to cooperate with the Commission during the preliminary investigation — was any lower than the highest dumping margins determined with regard to any exporter who had cooperate in the investigation. Consequently, it was considered appropriate to use the dumping margins of 3,81 % for Korea and 21,98 % for Hong Kong for these groups of exporters.

- (42) As regards certain Hong Kong exporters for which it was impossible, for specific reasons of the companies, to provide the relevant information on all the points necessary for a due dumping calculation, namely ACME, Casin Ltd, Wing Shing Cassettes Ltd and Yee Keung industrial Co. Ltd, the dumping margin was estimated on the basis of

the facts available, that is to say on the basis of the information obtained by the other Hong Kong exporters. In this respect, the Council took account of the fact that dumping of most of the Hong Kong exporters was found and that the dumping margins varied considerably. The Council, contrary to the Commission's provisional conclusions, took the view that, given the fact that these firms were willing to cooperate even if unable to provide the necessary information, it would be inappropriate to use the highest dumping margin for these exporters and considered it warranted to apply the weighted average dumping margins found for the Hong Kong exporters, i.e. 9,34 %.

- (43) The Council also considered the problem of companies which started or will start exporting own-produced video cassettes to the Community after the end of the investigation period. It came to the conclusion that it would create an opportunity for circumvention of the duty to apply any anti-dumping duty lower than the highest dumping margins determined. However, the Council notes that the Commission is ready to initiate without delay a review proceeding whenever the exporting company can show the Commission, and supply to that effect sufficient evidence, that it did not export video cassettes to the Community during the period of investigation (1 January to 30 November 1987), that it only started those exports after the said period and that it is not related to or associated with any of the companies subject to the present investigation.

- (44) As far as the dumping margins of Swilynn Ltd for video cassettes and those of Saehan Media Co. and SKC Ltd for video tape reels are concerned and in view of the fact that video tape reels are exclusively exported to small and medium-sized assembling companies in the Community for further processing, these margins have to be regarded as *de minimis* and not justifying the adoption of protective measures.

H. INJURY

- (45) In its provisional findings, the Commission concluded that the Community video cassette industry had experienced material injury. This finding was based mainly on the increase in the market share of the exporters involved in the proceeding, their price under cutting, and the development of the profit and loss situation of the complainants.

(46) These conclusions were contested by exporters, in particular as far as the complainants' sales in the Community, their production and the exporters' price undercutting were concerned. The Commission carried out further investigations and split more precisely their accounting data between figures concerning video cassettes and video tape reels. Consequently, some findings concerning the data in which injury has been determined had to be revised.

(47) As far as sales of video cassettes of the Community industry in the Community are concerned, they developed as follows:

— 1985	40,2 million units,
— 1986	51,2 million units,
— 1987 ⁽¹⁾	62,6 million units.

(48) This represents a development of the market shares of the complainants from 32,5 % in 1985 to 30,5 % in 1986 and to 29,7 % in 1987. During the same period, the market share of the exporters increased from 8,7 % to 27,8 %. It appears from these revised figures that the market share of the Korean and Hong Kong producers more than tripled while that of the European producers decreased by 8,6 %.

(49) As far as prices are concerned, and in order to establish whether price undercutting existed, the Commission made, in its provisional findings, adjustments in order to compare the prices at the same level of trade and to take account of differences in quality of the products (see recital 48 of Commission Regulation). These adjustments were contested by Hong Kong exporters who argued that these adjustments should take into account the costs incurred by the independent importers in selling video cassettes and that the quality adjustment was too low. The complainants argued, in contrast, that not quality adjustment should be granted at all since consumers do not know about quality differences between the imported and the Community produced video cassettes and all video cassettes have to meet the quality standards of the Japanese licensor.

(50) These arguments could not, however, be accepted, since, on the one hand, the Commission compared the prices of the complainants as well as of the exporters to the first independent customers in the Community, duly adjusted to take account of diffe-

rences in transport costs, import charges and ancillary costs. These customers are on both sides normally either wholesalers, distributors or other customers who buy substantial quantities. On the other hand, the Commission continued to consider it appropriate to apply a quality adjustment. The quality standards of the licensor are only minimum standards and do not exclude quality differences between video cassettes. Moreover, the respective customers of the exporters and the complainants are, indeed, perfectly aware of the alleged quality differences, since they are professional buyers. Furthermore, the exporters could not give sufficient reasons and evidence why an adjustment of 20 % was too low. The Council confirms, therefore, the Commission findings as set out in recital 49 of the Commission Regulation which showed considerable price undercutting.

(51) As far as capacity utilization is concerned, the further investigation of the Commission showed that the actual capacity rose from 63,9 million units in 1985 to 90,1 million units in 1986 and to 99,2 million units in 1987 with an average utilisation rate decreasing from 83,5 % in 1985 to 76,1 % in 1987. While production increased from 53,4 million units in 1985 to 73,2 million units in 1986 and 75,5 million units in 1987 the stocks of video cassettes increased from 9 million units in 1985 to 13,8 million units in 1986 and 11,1 million units in 1987. During the reference period, stocks represented about 14,7 % of the Community's industry's production.

(52) As regards video cassette sales of the Community industry, their value increased from ECU 232,9 million in 1985 to ECU 251,2 million in 1986 but decreased to ECU 211,5 million in 1987 while the quantities sold increased from 40,2 million units in 1985 to 51,2 million units in 1986 and to 62,6 million units in 1987.

(53) As regards the financial results of the Community producers, these showed a weighted average loss of 10,4 % during the investigation period.

(54) As regards the other relevant economic factors, they remained unchanged after the further investigation.

(55) In recitals 55 to 57 of the Commission Regulation, the reasons are specified which led the Commission to conclude that the Community video cassette industry experienced material injury. These reasons have not changed after the further investigation. Indeed, the results of this further investigation show that the development of the Community industry's market share and sales were more nega-

⁽¹⁾ All data for 1987 refer to January to November of that year.

tive than assumed for the provisional findings. Compared with the general consumption, the Community industry's capacity, production and sales in volume increased at much lower rates. The sales value even decreased considerably because of the price decrease for video cassettes. This price decrease led to considerable losses for the whole industry which puts at risk the video cassette production in the Community and, consequently, employment and the further development of the Community industry in this sector.

- (56) These reasons led the Council to consider that the market position and financial performances of the Community industry are on a declining trend and that the Community industry is suffering material injury.

I. CAUSATION OF INJURY BY THE DUMPED IMPORTS

- (57) The Commission concluded in recital 58 of its Regulation that the effects of Korean and Hong Kong imports had to be analysed cumulatively and in recitals 59 to 63 of the said Regulation that the material injury suffered by the Community industry was caused by dumped imports of video cassettes originating in Korea and Hong Kong.

- (58) With regard to this conclusion, Korean and Hong Kong exporters raised in substance three arguments, firstly that the Commission failed to show the specific injurious effect of dumped imports of the individual exporters and, secondly, that the increase in the market share by the exporters was made at the expense of exporters from other countries and not of the Community industry, and thirdly, that the Community industry made wrong commercial decisions in investing heavily in advanced technology to produce high-quality video cassettes.

- (59) The Council cannot accept these arguments. In accordance with its position in previous cases and with the jurisprudence of the Court of Justice, the Council considers that the injurious effects of the dumped imports of individual exporters concerned have to be assessed together since an individual injury determination would render Regulation (EEC) No 2423/88, in the vast majority of cases, unworkable.

- (60) As to the second argument, the results of the further investigation show a clear parallel between the increase of the dumped exports and a decrease of the Community industry's market share, capacity utilization, sales value (from 1986 to 1987, when

imports of Korean and Hong Kong video cassettes almost doubled) and profitability.

- (61) As to the third argument, the investments of the Community industry were carried out to reduce the cost of production and to defend the high-quality brand image which they enjoy. Such investments cannot be regarded as wrong business decisions. Furthermore, no evidence was supplied by the exporters, nor found by the Commission, indicating that the material injury of the Community industry was caused by other factors such as volume and prices of imports which were not dumped. Moreover, the Council is of the opinion that, even if it were correct that the Community industry is facing difficulties attributable in part to causes other than the dumping, this is not a sufficient reason for concluding that the difficulties resulting from the dumped imports cannot be qualified as material injury and for depriving it of all protection against the injury caused by the dumping.

- (62) In conclusion, the Council confirms the Commission's findings that the volume of the dumped imports, their market penetration, and the prices at which the dumped video cassettes have been sold to or in the Community have caused the material injury to the Community industry.

J. COMMUNITY INTEREST

- (63) In its provisional findings, the Commission considered the interests of the Community video cassette industry, of the assemblers, duplicators and video cassette dealers, consumers and end users. For the reasons given in recitals 64 to 70 of the Commission Regulation, it concluded that the Community interests call, after all, for granting protection to the Community industry.

- (64) Some exporters contested this conclusion with the argument that the imposition of anti-dumping duties is not in the interests of the consumers.

- (65) As to this argument, it should be noted, firstly, that the purpose of anti-dumping duties is, in general, to remove distortion of competition arising from unfair trading practices of third country exporters and thus to re-establish a situation of open and fair competition on the Community market which is fundamentally in the general Community interest and also benefits consumers. The Council is of the opinion that in the present case anti-dumping duties will have exactly this effect and will neither reduce fair competition nor prevent Korean and Hong Kong exporters from access to the Commu-

nity market or from benefiting from the expected market expansion. The limited disadvantages to consumers of possible price increases are, in the Council's view, outweighed by the medium-term benefits of safeguarding the Community video cassette industry against unfair trading practices and maintaining a wider range of suppliers to the video cassette market. Indeed, the medium- and long-term interests of the consumers are better served by the preservation of a sound and healthy Community industry which will still be exposed to fair and normal competitive constraints from within and outside the Community than by abandoning the Community's video cassette production. Finally, it should be kept in mind that the price advantages which the buyers previously enjoyed originated from unfair business practices and that there is no justification for allowing these unfair low prices to persist.

- (66) As to the arguments raised by the exporters, they have already been dealt with in detail in the Commission Regulation. No new arguments have been submitted in this respect. Therefore, for the above mentioned reasons and for those expressed in recitals 64 to 70 of the said Regulation, the Council concludes that it is in the overriding interests of the Community that the injury due to dumping be eliminated and that the Community industry be accorded protection against dumped imports of video cassettes from Korea and Hong Kong.

K. DUTY

1. Retroactive duties

- (67) The complainants requested the imposition of retroactive duties according to Article 13 (4) (b) of Regulation (EEC) No 2423/88.
- (68) The Council could not, however, determine that there was a history of dumping which caused injury. As far as the question is concerned, whether the importers were, or should have been aware, that the exporters practised dumping and that such dumping would cause injury, the complainants submitted press articles referring to the present anti-dumping proceeding. This cannot, however, be considered as sufficient evidence to prove that the importers were, or should have been, aware that the exporters practised dumping during the investigation period but only that the importers were, or should have been aware of anti-dumping investigations carried out by the Commission after the investigation period. Moreover, the dumping margins found are relatively low. It cannot, therefore, be reasonably considered that importers

should have been aware of any price discrimination between the domestic and export prices of the exporters.

- (69) Consequently, the request for retroactive duties has to be rejected.

2. Amounts of the duty

- (70) As to the amount of the duties necessary to eliminate the material injury, the Commission concluded in its Regulation that the duties have to be at the level of the dumping margins found because the level of injury established was considerably higher.
- (71) The further investigations of the Commission have shown that the injury is even more serious than assumed. Indeed, when only taking into account the average loss margin of the Community industry (10,4 %), and a target profit margin of 12 %, as considered reasonable in recital 71 of the said Regulation, the industry threshold already exceeds the highest dumping margin found.
- (72) The Council concludes, therefore, on the basis of the injury calculation threshold method described in recitals 71 and 72 of the Commission Regulation and for the abovementioned reasons that duties should be imposed at the level of the actual dumping margins found.
- (73) The definitive duty to be imposed should apply to all VHS video cassettes imported from Korea and Hong Kong.

L. UNDERTAKINGS

- (74) One Hong Kong exporter, Wing Shing, has offered a price undertaking which is considered to be acceptable. The effect of this undertaking will be to increase the prices of the products concerned to an extent sufficient to eliminate the margin of dumping found for this exporter. After consultation with the Advisory Committee, this undertaking was accepted by Commission Decision 89/376/EEC (1).

M. COLLECTION OF PROVISIONAL DUTIES

- (75) In view of the dumping margins established, and the seriousness of the injury caused to the Community industry, the Council considered it necessary that amounts collected by way of provisional anti-dumping duties should be definitively collected to the extent of the amount of the duty definitively imposed. In respect of the exporter whose under-

(1) See page 30 of this Official Journal.

taking has been accepted, the provisional duty should be collected at the level of the dumping margin definitively established. In respect of the exporters whose dumping margins do not justify the adoption of protective measures, the provisional duty collected has to be released entirely. Provisional anti-dumping duties collected or securities received for video cassettes which are not covered by the definitive anti-dumping duties and those collected or securities received for video tapes on reels should also be released.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of VHS video tape in cassettes falling within CN codes ex 8523 13 00 and originating in the Republic of Korea or Hong Kong.

2. The rate of the duty, applicable to the net free-at-Community-frontier price, before duty, is set out as follows:

(a) 3,8 % for the video tape in cassettes originating in the Republic of Korea, with the exception of imports of video cassettes which are manufactured and sold for export to the Community by the following companies. Such imports shall be subject to the rate of duty mentioned hereunder:

— Goldstar Co.	2,9 %,
— Kolon Industries inc.	2,0 %,
— Saehan Media Co.	1,9 %;

(b) 21,9 % for the video tape in cassettes originating in Hong Kong, with the exception of imports of video cassettes which are manufactured and sold for export to the Community by the following company as such imports shall be subject to the rate of duty mentioned hereunder:

— Magnetic Enterprise	15,8 %,
— Swire Magnetics Ltd	4,9 %,
— ACME	9,3 %,
— Casin Ltd	9,3 %,
— Yee Keung Industrial Co Ltd	9,3 %.

3. The duty specified in paragraph 2 (b) shall not apply to video tape in cassettes manufactured and sold for export to the Community by Swilynn Ltd and Wing Shing Cassette Ltd, Hong Kong.

4. The anti-dumping proceeding concerning Swilynn Ltd is hereby terminated.

5. The duty specified in Article 1 shall not apply to video tape in cassettes other than those falling under VHS standards.

Article 2

The amounts collected or secured by way of provisional anti-dumping duty under Regulation (EEC) No 4062/88 shall be collected at the date of duty definitively imposed. It shall be collected up to the following rates for

— Wing Shing	9,3 %
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Amounts collected or secured which are not covered by the above rates of duty shall be released.

Article 3

The anti-dumping proceeding concerning imports of video tape on reels falling within CN code ex 8523 13 00 and originating in the Republic of Korea is terminated.

The amounts collected or secured by way of provisional anti-dumping duty under Regulation (EEC) No 4062/88 shall be released.

Article 4

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 Luxembourg, 19 June 1989.

For the Council

The President

C. SOLCHAGA CATALAN

COUNCIL REGULATION (EEC) No 1769/89**of 19 June 1989****amending Regulation (EEC) No 802/68 on the common definition of the concept
of origin of goods**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 Regulation (EEC) No 802/68 ⁽¹⁾, as last amended by Commission Regulation (EEC) No 3860/87 ⁽²⁾ lays down in its Annex II the criteria to be applied as regards certificates of origin; whereas certificates of origin must measure 210 × 297 mm;

Whereas the issue of certificates of origin is increasingly computerized, which involves the use of continuous stationery; whereas it has been found impossible to conform precisely to be prescribed measurements;

Whereas it is necessary to avoid obstacles to trade and the risk that a certificate of origin may be rejected on the technicality that its size does not conform to the said measurements; whereas it is necessary to introduce a tolerance of up to minus 5 mm or plus 8 mm in the length,

Article 1

Point 4 of Annex II to Regulation (EEC) No 802/68 is hereby by the following:

4. The size of the certificate shall be 210 × 297 mm. A tolerance of up to minus 5 mm or plus 8 mm in the length is to be allowed. The paper used shall be white, free of mechanical pulp, dressed for writing purposes and weigh at least 40 g/m² or between 25 and 30 g/m² where air-mail paper is used. It shall have a printed guilloché pattern background in sepia such as to reveal any falsification by mechanical or chemical means.

Article 2

This Regulation shall enter into force on the third 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 Luxembourg, 19 June 1989.

For the Council

The President

C. SOLCHAGA CATALAN

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽²⁾ OJ No L 363, 23. 12. 1987, p. 30.

COMMISSION REGULATION (EEC) No 1770/89

of 21 June 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 1213/89 ⁽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 20 June 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 22 June 1989.

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

Done at Brussels, 21 June 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 128, 11. 5. 1989, p. 1.

⁽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 21 June 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	36,26	128,52
0712 90 19	36,26	128,52
1001 10 10	60,64	192,03 ⁽¹⁾ ⁽²⁾
1001 10 90	60,64	192,03 ⁽¹⁾ ⁽²⁾
1001 90 91	35,73	125,26
1001 90 99	35,73	125,26
1002 00 00	63,32	128,06 ⁽³⁾
1003 00 10	53,90	125,52
1003 00 90	53,90	125,52
1004 00 10	44,96	97,91
1004 00 90	44,96	97,91
1005 10 90	36,26	128,52 ⁽²⁾ ⁽³⁾
1005 90 00	36,26	128,52 ⁽²⁾ ⁽³⁾
1007 00 90	54,40	136,63 ⁽⁴⁾
1008 10 00	53,90	15,35
1008 20 00	53,90	21,99 ⁽⁴⁾
1008 30 00	53,90	0,00 ⁽⁵⁾
1008 90 10	(7)	(7)
1008 90 90	53,90	0,00
1101 00 00	65,71	190,92
1102 10 00	103,35	193,98
1103 11 10	107,63	311,28
1103 11 90	69,15	204,38

⁽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 1771/89

of 21 June 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 1213/89 ⁽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 20 June 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 22 June 1989.

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

Done at Brussels, 21 June 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 128, 11. 5. 1989, p. 1.

⁽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 21 June 1989 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 6	1st period 7	2nd period 8	3rd period 9
0709 90 60	0	0	0	1,02
0712 90 19	0	0	0	1,02
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
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	1,02
1005 90 00	0	0	0	1,02
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	0

B. Malt

(ECU/tonne)

CN code	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
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 1772/89**of 20 June 1989****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 3773/87 ⁽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 23 June 1989.

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

Done at Brussels, 20 June 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 355, 17. 12. 1987, p. 19.

ANNEX

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
1.10	0701 90 51 0701 90 59	New potatoes	28,52	1 236	229,83	59,06	200,57	5 080	22,13	42 868	66,51	19,27
1.20	0702 00 10 0702 00 90	Tomatoes	40,31	1 747	324,90	83,50	283,52	7 181	31,28	60 600	94,03	27,25
1.30	0703 10 19	Onions (other than sets)	31,89	1 382	257,04	66,06	224,31	5 681	24,75	47 943	74,39	21,55
1.40	0703 20 00	Garlic	252,69	10 951	2 036,25	523,31	1 776,94	45 006	196,08	379 795	589,31	170,78
1.50	ex 0703 90 00	Leeks	33,95	1 484	275,54	70,85	241,09	5 907	26,53	51 655	79,99	21,70
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	24,64	1 063	194,92	50,89	171,59	4 055	19,14	37 482	57,16	17,15
1.70	0704 20 00	Brussels sprouts	44,76	1 931	355,63	92,23	312,60	7 362	34,82	68 116	103,74	31,19
1.80	0704 90 10	White cabbages and red cabbages	38,06	1 659	308,56	79,12	269,72	6 651	29,67	58 324	89,33	24,62
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	179,13	7 763	1 443,52	370,98	1 259,69	31 905	139,00	269 241	417,77	121,07
1.100	ex 0704 90 90	Chinese cabbage	57,37	2 486	462,33	118,81	403,45	10 218	44,52	86 233	133,80	38,77
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	52,94	2 294	426,65	109,65	372,32	9 430	41,08	79 578	123,47	35,78
1.120	ex 0705 29 00	Endives	35,98	1 568	291,05	74,89	252,83	6 361	28,07	54 951	84,47	23,52
1.130	ex 0706 10 00	Carrots	20,01	867	161,28	41,45	140,74	3 564	15,53	30 082	46,67	13,52
1.140	ex 0706 90 90	Radishes	106,60	4 645	864,46	221,94	751,52	18 854	82,98	161 745	250,18	69,62
1.150	0707 00 11 0707 00 19	Cucumbers	36,30	1 573	292,53	75,18	255,27	6 465	28,17	54 561	84,66	24,53
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	210,41	9 119	1 695,55	435,75	1 479,63	37 475	163,27	316 248	490,71	142,20
1.170	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	104,35	4 522	840,93	216,11	733,84	18 586	80,98	156 847	243,37	70,53
1.180	ex 0708 90 00	Broad beans	31,11	1 355	251,99	64,78	218,65	5 512	24,26	47 309	73,04	20,38
1.190	0709 10 00	Globe artichokes	27,71	1 201	223,34	57,40	194,90	4 936	21,50	41 657	64,63	18,73
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	398,38	17 265	3 210,24	825,02	2 801,43	70 954	309,13	598 762	929,07	269,25
1.200.2	ex 0709 20 00	— other	243,62	10 558	1 963,16	504,53	1 713,15	43 390	189,04	366 161	568,15	164,65
1.210	0709 30 00	Aubergines (egg-plants)	67,73	2 935	545,81	140,27	476,30	12 063	52,56	101 803	157,96	45,77
1.220	ex 0709 40 00	Celery stalks and leaves	64,79	2 808	522,13	134,18	455,64	11 540	50,28	97 386	151,11	43,79
1.230	0709 51 30	Chantarelles	924,16	40 052	7 447,03	1 913,87	6 498,68	164 597	717,13	1 388 993	2 155,25	624,59
1.240	0709 60 10	Sweet peppers	76,14	3 299	613,57	157,68	535,43	13 561	59,08	114 442	177,57	51,46
1.250	0709 90 50	Fennel	22,39	976	182,01	46,65	157,86	3 933	17,46	34 299	52,61	14,50
1.260	0709 90 70	Courgettes	61,09	2 656	493,91	126,81	430,39	10 878	47,43	92 014	142,88	40,65
1.270	ex 0714 20 00	Sweet potatoes, whole fresh	81,99	3 573	658,40	170,36	582,01	14 177	63,82	125 542	192,34	53,17
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	71,58	3 124	577,39	149,21	508,93	12 383	55,77	109 540	168,40	45,76
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	39,45	1 709	317,94	81,71	277,45	7 027	30,61	59 301	92,01	26,66
2.30	ex 0804 30 00	Pineapples, fresh	54,51	2 362	439,30	112,89	383,35	9 709	42,30	81 936	127,13	36,84
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	139,86	6 061	1 127,05	289,65	983,53	24 910	108,53	210 215	326,18	94,52
2.50	ex 0804 50 00	Guavas and mangoes, fresh	124,77	5 407	1 005,49	258,41	877,44	22 223	96,82	187 541	291,00	84,33
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	28,79	1 247	232,04	59,63	202,49	5 128	22,34	43 280	67,15	19,46

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	40,94	1 774	329,97	84,80	287,95	7 293	31,77	61 545	95,49	27,67
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	18,22	789	146,85	37,74	128,15	3 245	14,14	27 391	42,50	12,31
2.70		Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:										
2.70.1	ex 0805 20 10	— Clementines	42,11	1 832	340,87	87,50	296,68	7 478	32,82	64 281	98,77	27,58
2.70.2	ex 0805 20 30	— Monreales and Satsumas	54,74	2 372	441,11	113,36	384,94	9 749	42,47	82 275	127,66	36,99
2.70.3	ex 0805 20 50	— Mandarins and Wilkings	101,79	4 436	825,47	211,93	717,63	18 004	79,24	154 451	238,90	66,49
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	29,76	1 289	239,82	61,63	209,28	5 300	23,09	44 730	69,40	20,11
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	49,20	2 132	396,51	101,90	346,01	8 763	38,18	73 956	114,75	33,25
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	121,59	5 269	979,86	251,82	855,08	21 657	94,35	182 760	283,58	82,18
2.90		Grapefruit, fresh:										
2.90.1	ex 0805 40 00	— white	39,77	1 723	320,50	82,36	279,68	7 083	30,86	59 778	92,75	26,88
2.90.2	ex 0805 40 00	— pink	78,96	3 422	636,33	163,53	555,30	14 064	61,27	118 687	184,16	53,37
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	162,26	7 032	1 307,53	336,03	1 141,02	28 899	125,91	243 876	378,41	109,66
2.110	0807 10 10	Water-melons	38,32	1 660	308,83	79,37	269,50	6 825	29,74	57 602	89,37	25,90
2.120		Melons (other than water-melons)										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral	54,66	2 369	440,48	113,20	384,39	9 735	42,41	82 157	127,48	36,94
2.120.2	ex 0807 10 90	— Other	80,69	3 497	650,23	167,11	567,43	14 371	62,61	121 280	188,18	54,53
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	55,42	2 401	446,60	114,77	389,73	9 871	43,00	83 299	129,25	37,45
2.140	ex 0808 20 31 ex 0808 20 33 ex 0808 20 35 ex 0808 20 39	Pears (other than the Nashi variety (<i>Pyrus Pyrifolia</i>))	86,67	3 756	698,42	179,49	609,48	15 436	67,25	130 268	202,13	58,57
2.150	0809 10 00	Apricots	58,63	2 541	472,51	121,43	412,33	10 443	45,50	88 130	136,74	39,63
2.160	0809 20 10 0809 20 90	Cherries	152,94	6 628	1 232,49	316,75	1 075,54	27 241	118,68	229 880	356,69	103,37
2.170	ex 0809 30 00	Peaches	62,44	2 706	503,19	129,32	439,11	11 121	48,45	93 854	145,63	42,20
2.180	ex 0809 30 00	Nectarines	78,20	3 389	630,18	161,95	549,93	13 928	60,68	117 539	182,38	52,85
2.190	0809 40 11 0809 40 19	Plums	103,27	4 475	832,22	213,88	726,24	18 394	80,14	155 223	240,85	69,80
2.200	0810 10 10 0810 10 90	Strawberries	132,89	5 759	1 070,90	275,22	934,52	23 669	103,12	199 740	309,92	89,81
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	193,15	8 445	1 567,23	402,98	1 371,28	33 600	150,93	293 809	455,01	123,48
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	183,65	7 959	1 479,96	380,34	1 291,49	32 710	142,51	276 036	428,31	124,12
2.230	ex 0810 90 90	Pomegranates	64,94	2 834	523,88	135,38	461,76	11 235	50,60	99 388	152,79	41,52
2.240	ex 0810 90 90	Khakis	311,41	13 539	2 517,54	646,42	2 193,76	55 447	241,79	469 011	728,32	207,24
2.250	ex 0810 90 90	Lychees	333,12	14 517	2 701,33	693,55	2 348,43	58 917	259,33	505 433	781,78	217,58

COMMISSION REGULATION (EEC) No 1773/89

of 21 June 1989

fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 1069/89⁽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 Regulation (EEC) No 766/68 of the Council 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 its unaltered 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 Regulation (EEC) No 431/68 of the Council 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 Regulation (EEC) No 394/70 of the Commission of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EEC) No 1714/88⁽⁷⁾; whereas the refund thus

calculated for sugar containing added flavouring or colouring matter 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 subparagraph 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 Annex hereto;

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 export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 undenatured and exported in their unaltered state shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 June 1989.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, 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 152, 18. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ 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, 21 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 21 June 1989 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	(ECU) Amount of refund	
	per 100 kg	per percentage point of sucrose content and per 100 kg net of the product in question
1701 11 90 100	23,63 ⁽¹⁾	
1701 11 90 910	26,02 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	23,63 ⁽¹⁾	
1701 12 90 910	26,02 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,2569
1701 99 10 100	25,69	
1701 99 10 910	29,05	
1701 99 10 950	27,55	
1701 99 90 100		0,2569

⁽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 1774/89
of 21 June 1989

re-establishing the levying of customs duties on urea falling within CN code 3102 10 10 originating in Brazil to which the preferential tariff arrangements set out in Council Regulation (EEC) No 4257/88 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4257/88 of 19 December 1988 applying generalized tariff preferences for 1989 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 15 thereof,

Whereas, pursuant to Article 1 and 12 of Regulation (EEC) No 4257/88, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I within the framework of the preferential tariff ceiling fixed in column 7 of Annex I;

Whereas, as provided for in Article 13 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on

imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of urea falling within CN code 3102 10 10 the individual ceiling was fixed at ECU 380 000; whereas, on 2 June 1989, imports of these products into the Community originating in Brazil reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Brazil,

HAS ADOPTED THIS REGULATION:

Article 1

As from 25 June 1989, the levying of customs duties suspended pursuant to Regulation (EEC) No 4257/88, shall re-established on imports into the Community of the following products originating in Brazil:

Order No	CN code	Description
10.0400	3102 10 10	Urea containing more than 45 % by weight of nitrogen on the any anhydrous product

Article 2

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

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

Done at Brussels, 21 June 1989.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 375, 31. 12. 1988, p. 1.

COMMISSION REGULATION (EEC) No 1775/89
of 21 June 1989
fixing the import levy on molasses

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 market in sugar ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 2368/88 ⁽³⁾, as last amended by Regulation (EEC) No 1681/89 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 2368/88 to

the information at present available to the Commission that the levy at present in force should be altered as shown in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The import levy referred to in Article 16 (1) of amended Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,12 per 100 kg.

Article 2

This Regulation shall enter into force on 22 June 1989.

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

Done at Brussels, 21 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 205, 30. 7. 1988, p. 29.

⁽⁴⁾ OJ No L 164, 15. 6. 1989, p. 17.

COMMISSION REGULATION (EEC) No 1776/89

of 21 June 1989

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 5

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 1837/80
of 27 June 1980 on the common organization of the
market in sheepmeat and goatmeat⁽¹⁾, as last amended by
Regulation (EEC) No 1115/88⁽²⁾,

Having regard to Commission Regulation (EEC) No
1633/84 of 8 June 1984 laying down detailed rules for
applying the variable slaughter premium for sheep and
repealing Regulation (EEC) No 2661/80⁽³⁾, as last
amended by Regulation (EEC) No 1075/89⁽⁴⁾, and in
particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which
grants the variable slaughter premium, in region 5, within
the meaning of Article 3 (5) of Regulation (EEC) No
1837/80; whereas it is necessary therefore for the
Commission to fix, for the week beginning 29 May 1989,
the level of the premium and the amount to be charged
on products leaving that region;

Whereas Article 3 (1) of Regulation (EEC) No 1633/84
stipulates that the level of the variable slaughter premium
is to be fixed each week by the Commission;

Whereas Article 4 (1) of Regulation (EEC) No 1633/84
lays down that the amount to be charged on products
leaving region 5 shall be fixed weekly by the Commis-
sion;

Whereas in the Annex to Commission Regulation (EEC)
No 1310/88 of 11 May 1988 on the application of the
guarantee limitation arrangements for sheepmeat and
goatmeat⁽⁵⁾ the weekly amounts of the guide level are set
out pursuant to Article 9a (3) of Regulation (EEC) No
1837/80;

Whereas, pursuant to the provisions of Article 9 (1) of
Regulation (EEC) No 1837/80, for the week beginning 29
May 1989, the variable slaughter premium for sheep certi-
fied as eligible in the United Kingdom is to be in accor-
dance with the amounts fixed in the Annexes hereto;
whereas, for that week, in the light of the Judgment of
the Court of Justice of 2 February 1988 in Case 61/86,
the provisions of Article 9 (3) of Regulation (EEC) No
1837/80 and of Article 4 of Regulation (EEC) No 1633/84
lead to the amounts to be charged on products, leaving
region 5, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the appli-
cation of the provisions relating to the said amounts, the
system of controls provided for by Regulation (EEC) No
1633/84 should be maintained without prejudice to the
preparation of any more specific provisions following the
abovementioned Judgment of the Court of Justice,

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United
Kingdom in region 5, within the meaning of Article 3 (5)
of Regulation (EEC) No 1837/80, for the variable
slaughter premium during the week beginning 29 May
1989, the level of the premium is fixed at 24,457
ECU/100 kilograms of estimated or actual dressed carcase
weight within the limits laid down by Article 1 (1) (b) of
Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regu-
lation (EEC) No 1837/80, which left the territory of region
5 during the week beginning 29 May 1989, the amounts
to be charged shall be equivalent to those fixed in the
Annexes hereto.

Article 3

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 29 May 1989.

⁽¹⁾ OJ No L 183, 16. 7. 1980, p. 1.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 36.

⁽³⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽⁴⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 122, 12. 5. 1988, p. 69.

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

Done at Brussels, 21 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 21 June 1989 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 5

(ECU/100 kg)

CN code	Amounts	
	A. Products qualifying for the premium specified in Article 9 of Regulation (EEC) No 1837/80	B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾
	Live weight	Live weight
0104 10 90	11,495	0
0104 20 90		0
	Net weight	Net weight
0204 10 00	24,457	0
0204 21 00	24,457	0
0204 50 11		0
0204 22 10	17,120	
0204 22 30	26,903	
0204 22 50	31,794	
0204 22 90	31,794	
0204 23 00	44,512	
0204 30 00	18,343	
0204 41 00	18,343	
0204 42 10	12,840	
0204 42 30	20,177	
0204 42 50	23,846	
0204 42 90	23,846	
0204 43 00	33,384	
0204 50 13		0
0204 50 15		0
0204 50 19		0
0204 50 31		0
0204 50 39		0
0204 50 51		0
0204 50 53		0
0204 50 55		0
0204 50 59		0
0204 50 71		0
0204 50 79		0
0210 90 11	31,794	
0210 90 19	44,512	
1602 90 71 :		
— unboned (bone-in)	31,794	
— boned or boneless	44,512	

⁽¹⁾ Eligibility for these reduced amounts is subject to compliance with the conditions laid down in the second subparagraph of Article 5 (3) of Regulation (EEC) No 1633/84.

COMMISSION REGULATION (EEC) No 1777/89**of 21 June 1989****on the issue of import licences for frozen thin skirt of bovine animals**

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

Having regard to Council Regulation (EEC) No 1009/89 of 17 April 1989 opening a Community tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 (1989)⁽¹⁾, and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 1368/89⁽²⁾ lays down detailed rules for the application of import arrangements provided for by Regulation (EEC) No 1009/89 for frozen thin skirt of bovine animals;

Whereas Article 1 (1) (b) of Regulation (EEC) No 1368/89 fixes the amount of frozen thin skirt which may be imported on special terms in 1989 at 800 tonnes;

Whereas Article 8 (5) of Regulation (EEC) No 1368/89 lays down that the quantities applied for may be reduced; whereas the applications lodged relate to total quantities which exceed the quantities available; whereas, under

these circumstances and taking care to ensure an equitable distribution of the available quantities, it is appropriate to reduce proportionally the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

All applications for import licences made pursuant to Article 7 of Regulation (EEC) No 1368/89 are hereby met to the extent of 0,1655 % of the quantity requested.

Article 2

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

It shall apply with effect from 23 June 1989.

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

Done at Brussels, 21 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 109, 20. 4. 1989, p. 2.

⁽²⁾ OJ No L 137, 20. 5. 1989, p. 12.

COMMISSION REGULATION (EEC) No 1778/89**of 21 June 1989****fixing the maximum export refund for white sugar for the eighth partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 999/89**

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 1069/89 ⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 999/89 of 17 April 1989 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, as amended by Regulation (EEC) No 1381/89 ⁽⁴⁾; requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 999/89, 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 eighth partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the eighth partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 999/89 the maximum amount of the export refund is fixed at ECU 31,810 per 100 kilograms.

Article 2

This Regulation shall enter into force on 22 June 1989.

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

Done at Brussels, 21 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 107, 19. 4. 1989, p. 6.

⁽⁴⁾ OJ No L 139, 23. 5. 1989, p. 5.

COMMISSION REGULATION (EEC) No 1779/89

of 21 June 1989

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to 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 1213/89⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1219/89⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 1636/87⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 1454/89⁽⁷⁾, as last amended by Regulation (EEC) No 1766/89⁽⁸⁾;

Whereas Council Regulation (EEC) No 1906/87⁽⁹⁾ amended Council Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within CN codes 2302 10, 2302 20, 2302 30 and 2302 40;

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

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

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 20 June 1989;

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

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74 of the Commission⁽¹¹⁾, as last amended by Regulation (EEC) No 1740/78⁽¹²⁾, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 1454/89 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 22 June 1989.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 128, 11. 5. 1989, p. 9.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁷⁾ OJ No L 144, 27. 5. 1989, p. 13.

⁽⁸⁾ OJ No L 172, 21. 6. 1989, p. 30.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 21 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 21 June 1989 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	Third countries (other than ACP or OCT)	ACP or OCT
1103 19 10	120,02	235,23	229,19
1103 29 10	120,02	235,23	229,19
1104 19 30	120,02	235,23	229,19
1104 29 10*20 (*)	87,24	172,37	169,35
1104 29 30*20 (*)	104,33	206,75	203,73
1104 29 95	67,61	132,90	129,88

(*) TARIC code : rye.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 June 1989

accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of video cassettes and video-tape reels originating in the Republic of Korea and Hong Kong and terminating the investigation

(89/376/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 dumping or subsidized imports from countries not members of the European Economic Community⁽¹⁾ and in particular Article 10 thereof,

After consultations within the Advisory Committee as provided for under the abovementioned Regulation;

Whereas :

By Regulation (EEC) No 4062/88⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports of video cassettes and video-tape reels originating in the Republic of Korea and Hong Kong;

Wing Shing Cassette Mfg, Ltd was one Hong Kong exporter found to have dumped video cassettes in the Community in the reference period (January to November 1987) and to have caused injury to Community producers thereby. To that extent the Commission refers to Regulation (EEC) No 1768/89⁽³⁾;

The exporter has, after the imposition of the provisional anti-dumping duty, offered a price undertaking in accordance with Article 10 of Regulation (EEC) No 2423/88;

The Commission regards this undertaking as acceptable, considering that the effect of this undertaking will be to

increase the prices of the products concerned to an extent sufficient to eliminate the margin of dumping found for this exporter;

In addition, the Hong Kong Government has offered its assistance in the monitoring of the price undertaking;

The Council has decided in Article 2 of Regulation (EEC) No 1768/89 on the collection of the amounts secured by way of provisional duty,

HAS DECIDED AS FOLLOWS:

Article 1

The undertaking offered by Wing Shing Cassette Mfg, Ltd, Hong Kong, in connection with anti-dumping proceeding concerning imports of video tape on reels or on cassettes falling within CN Code ex 8523 13 00 originating in the Republic of Korea or Hong Kong, is hereby accepted.

Article 2

The investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated.

Done at Brussels, 19 June 1989.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 356, 24. 12. 1988, p. 47.

⁽³⁾ See page 1 of this Official Journal.

COMMISSION NOTICE

For purposes of simplification, and because they are of limited interest, Commission decisions regarding the Member States' national provisions and programmes introducing measures in the area of agricultural structures and rural development will, from 26 June 1989, be published in tabular form in the 'C' series of the *Official Journal of the European Communities*, under the title:

'Communication of agricultural structure decisions (see notice in OJ No L 174, 22. 6. 1989)

This category of decisions, which take effect when they are notified to the respective Member States, will no longer be published in full, except in exceptional cases.
