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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1786/89
of 19 June 1989

terminating the proceeding in connection with a review of anti-dumping measures concerning imports of fibre building board (hardboard) originating in Czechoslovakia, Poland and the USSR, confirming the expiry of the definitive anti-dumping duties imposed on imports from Czechoslovakia and Poland, and repealing the definitive anti-dumping duty imposed on imports from the USSR

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 14 and 15 thereof,

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

Whereas :

A. Product

- (1) The product concerned is fibre building board (hardboard) of a density exceeding 0,8 g/cm³ falling within CN codes 4411 11 00 and 4411 19 00.

B. Procedure

- (2) The Commission received two requests for a review of anti-dumping measures, lodged by the European Confederation of Wood-working Industries on behalf of Community producers representing the great majority of Community output of hardboard. One request was lodged under Article 15 of Council Regulation (EEC) No 2176/84 with regard to the undertakings accepted by the Commission on imports from Romania⁽²⁾, Brazil⁽³⁾ and certain

Swedish exporters⁽⁴⁾, and alleged that the expiry of the measures would lead again to injury or threat of injury. The other request, lodged under Article 14 of that Regulation, concerned the definitive anti-dumping duties imposed by the Council on imports from Czechoslovakia and Poland⁽⁵⁾ and from the USSR⁽⁶⁾ and the undertakings accepted by the Commission on imports from certain (i.e. three) other Swedish exporters⁽⁷⁾,⁽⁸⁾ and contained evidence of changed circumstances sufficient to justify the need for such review.

- (3) The Commission, accordingly, announced by a notice published in the *Official Journal of the European Communities*⁽⁹⁾, the initiation of a review of anti-dumping measures concerning imports into the Community of fibre building board (hardboard), originating in Czechoslovakia, the USSR, Poland, Romania, Sweden and Brazil, and commenced an investigation which covered the period from 1 July 1987 to 31 May 1988.

- (4) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing. Most of the known exporters and some producers and importers requested and were granted hearings.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 49, 22. 2. 1983, p. 6.

⁽³⁾ OJ No L 47, 19. 2. 1983, p. 30.

⁽⁴⁾ OJ No L 181, 25. 6. 1982, p. 19.

⁽⁵⁾ OJ No L 361, 24. 12. 1983, p. 6.

⁽⁶⁾ OJ No L 170, 29. 6. 1984, p. 68.

⁽⁷⁾ OJ No L 46, 25. 2. 1986, p. 23.

⁽⁸⁾ OJ No L 361, 24. 12. 1983, p. 47.

⁽⁹⁾ OJ No C 165, 24. 6. 1988, p. 2.

(5) In December 1988 the Commission gave notice⁽¹⁾ that in accordance with Article 15 (4) of Council Regulation (EEC) No 2423/88, the anti-dumping measures concerning imports of hardboard from Czechoslovakia, Poland and two Swedish exporters (Swedeboard Vrena AB and Royal Board AB) will remain in force after the end of the relevant five-year period, pending the outcome of the review being carried out under Article 14 of that Regulation. The relevant five-year period has not expired regarding both the undertaking given by the third Swedish exporter, Karlit AB, and the anti-dumping duty on imports from the USSR.

(6) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following companies:

(a) *Community producers*

- Isorel (Boulogne), France,
- ICL SpA (Mondovi), Italy,
- Legnochimica SpA (Mondovi), Italy,
- Tafisa (Madrid), Spain,
- Renitex GmbH (Losheim), Federal Republic of Germany,
- Atex Werke GmbH & Co. KG (Grafenau), Federal Republic of Germany,
- Tafina Ltd (Agent of Tafisa) (Maidenhead), United Kingdom;

(b) *Importers*

- Portes Simon SA (Durtal), France,
- Ets Jean Huet et Fils SA (Challans), France,
- Sadepan SpA (Viadana), Italy,
- Homanit GmbH & Co. KG (Loehne), Federal Republic of Germany,
- Steinbrügge and Berninghausen GmbH & Co. (Bremen), Federal Republic of Germany,
- Svedex BV (Varsseveld), Netherlands,
- Beyleveld BV (Rotterdam), Netherlands,
- Tribomij BV (Amsterdam), Netherlands.

C. Injury or threat of injury

(7) The protective measures under consideration were introduced by the Council and only concern imports from Czechoslovakia, Poland and the USSR. However, for the assessment of injury or threat of injury, it was considered appropriate to take into account also the imports from Romania, Sweden and Brazil, where the Commission accepted undertakings. The cumulation of the

imports is in line with the institutions standard practice.

(8) With regard to the injury allegedly still being caused to the Community industry, the evidence available to the Commission shows that imports of hardboard originating in the six countries involved in the proceeding increased from 208 000 tonnes in 1985 to 263 000 tonnes in 1987 and reached 112 500 tonnes during the first five months of 1988. The development of these imports, assessed in the light of the increase of Community consumption of hardboard over the same period, leads to a combined market share held by imports from those exporting countries, which remained stable at about 21 %.

(9) In particular, imports from Sweden and Brazil taken together, showed a decline of their market share from 14,3 % in 1985 to 13 % during the first five months of 1988. In terms of volume these imports progressed by 15 % in that period, which is distinctly slower than the rise in Community consumption.

(10) Regarding imports originating in the State-trading countries concerned, they increased over the same period faster than Community consumption and, consequently, their combined market share rose from 6,1 % to 8,3 %. It was found, however, that at least one-third of the imports concerned refers to a specification of hardboard exclusively addressed to the packaging industry in the Netherlands. This specification is hardly produced by the Community industry, so that no competition for it exists. As for the remaining imports, they mainly consist of hardboard directed to low-priced segments of the market for which Community producers, under the present high rate of capacity utilization, produce only insignificant quantities. Accordingly, the impact of imports from those countries on the Community industry is limited by their reduced degree of competition.

(11) Regarding prices of the imports from the six countries concerned, their comparison during the period of investigation with prices of Community producers of like products, did not show, in the case of Sweden, margins of undercutting at all, and margins found for Brazil were not significant.

As for the prices of imports from the State-trading countries involved, it was found that, considering the application of the anti-dumping duties in force, as well as the adjustments justified by differences in quality and finish of the imported product, levels of undercutting were also not significant, for Czechoslovakia and Poland. Margins of undercutting found for USSR and Romania have not significantly affected the Community prices due to the very small market share held by imports from these two countries and their concentration in certain low-priced segments of the Community market.

⁽¹⁾ OJ No C 327, 20. 12. 1988, p. 8.

- (12) As far as the possible impact of the imports on the situation of the Community producers is concerned, account had to be taken of the following factors:
- (a) Total Community production of hardboard during the first five months of 1988, extrapolated on an annual basis, amounted to 789 000 tonnes against 651 000 tonnes in 1985, which represents an increase of 21 %. Over the same period, production capacity in tonnes of Community producers taken together, increased by 5 % and capacity utilization, consequently, also increased by nearly 16 %. These trends enabled the Community industry to achieve a rate of capacity utilization of 93 % on average.
 - (b) Stocks of Community producers at the end of May 1988 were nearly 9 % lower in tonnes than at the end of 1985.
 - (c) Sales by Community producers of hardboard in the Community were in line with the increase of production between 1985 and the first five months of 1988.
 - (d) The abovementioned development of production and sales of Community producers compared with that of Community consumption of hardboard, shows a market share held by Community producers, which remained stable at about 61 %. This reflects that the Community industry was able to take advantage of the increasing demand.
 - (e) With regard to profitability, the Community situation has improved considerably in the last three years. During this period the Community industry has been able to progressively reduce its losses and since the end of 1986 the majority of Community producers have achieved once again reasonable profit margins.
- (13) In the light of the trends of the relevant economic factors referred to above, it appears that the situation of the Community has substantially improved. This is especially witnessed by the good financial results and the high level of capacity utilization, achieved by most of Community producers. Under these circumstances, it is concluded that the Community industry is not presently suffering material injury as a result of the imports concerned.
- (14) In order to analyse whether the expiry of the anti-dumping measures in force would lead to a situation causing or threatening to cause material injury to the Community industry, the Commission took into consideration the probable development of volumes and prices of the imported product.
- (15) As previously mentioned, imports from the six countries concerned did not progress in terms of volume, during the last four years, distinctly faster than Community consumption, and consequently the market share held by those countries remained stable over that period.
- (16) With regard to the capacity installed, that of Sweden has been recently reduced after the closure of one of the main producers/exporters in that country. In respect of Brazil and the State-trading countries concerned, no clear indication exists of additional capacities being installed in the last years.
- (17) As to the likelihood that the existing spare capacity will be used to increase exports to the Community, two factors should be considered. First, even if these countries were to increase production, the magnitude of such increase would be limited, at least for the near future, by the already relatively high estimated rate of capacity utilization. Secondly, given the distribution of traditional exports from those countries between the Community and other regions, it is doubtful that such increase in production would lead to significant increases in exports to the Community, in relation to the Community consumption.
- (18) It follows that, after the expiry of the protective measures, the foreseeable development of the imports concerned is not likely to have a significant impact on the Community industry.
- (19) Concerning prices of imports from Sweden and Brazil, it was found that the exporters have been selling their products in the Community at prices similar to those of Community producers and that they have respected and, in many cases, even exceeded the minimum prices of the undertakings in force. This, jointly with the high quality of Swedish and Brazilian hardboard, leads the Commission to assume that there is no clear indication that prices for hardboard imported from these two countries would decline and undercut Community producers' prices to an extent likely to cause material injury, if the undertakings were allowed to lapse.
- (20) With regard to prices of imports from the State-trading countries concerned, the expiry of the protective measures would give the exporters an opportunity to adjust their prices to the level prevailing in the Community market. Even if the exporters did not fully take advantage of such opportunity, whatever undercutting would remain, should have, under the present circumstances, a limited effect on the prices of Community producers. The reason for this is that, in addition to the fact that no sizeable increase in imports from these countries is expected, a major proportion of these imports does not directly compete with Community production.

- (21) In view of the considerations above, it must be assumed that, following the expiry of the anti-dumping measures in force, a situation in which the imports concerned would cause or threaten to cause material injury to the Community industry is not, at present, clearly foreseeable.

D. Dumping

- (22) Given the above findings with respect to injury and threat of injury, the Commission considered it unnecessary to further investigate the question of dumping with regard to the imports concerned.

E. Termination of review proceeding

- (23) In these circumstances, therefore, the review proceeding concerning imports of hardboard originating in Czechoslovakia, Poland and the USSR, should be terminated without the imposition of further protective measures. As for the anti-dumping measures concerning the USSR they should be repealed and those in respect of Czechoslovakia and Poland allowed to lapse.
- (24) No objections to this course of action were raised in the Advisory Committee.
- (25) The complainants were informed of the considerations and main facts on the basis of which the Commission intended to terminate the proceeding.
- (26) Termination of the review proceeding concerning imports of hardboard originating in Romania,

Brazil and Sweden, is decided by Commission Decision (89/377/EEC) ⁽¹⁾.

HAS ADOPTED THIS REGULATION :

Article 1

1. The review procedure of the anti-dumping measures concerning imports of fibre building board (hardboard) falling within CN codes 4411 11 00 and 4411 19 00, originating in Czechoslovakia, Poland and the USSR, shall be terminated.
2. The definitive anti-dumping duties currently in force concerning imports of fibre building board (hardboard) originating in Czechoslovakia and Poland, shall lapse.
3. The definitive anti-dumping duty currently in force concerning imports of fibre building board (hardboard) originating in the USSR shall be repealed.

Article 2

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

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

Done at Luxembourg, 19 June 1989.

For the Council

The President

C. SOLCHAGA CATALAN

⁽¹⁾ See page 51 of this Official Journal.

COUNCIL REGULATION (EEC) No 1787/89

of 19 June 1989

opening and providing for the administration of a Community tariff quota for heifers and cows, other than those intended for slaughter, of certain mountain breeds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

Whereas the European Economic Community undertook, within the framework of the General Agreement on Tariffs and Trade (GATT), to open an annual Community tariff quota of 20 000 head at a duty of 6 % for heifers and cows, other than those intended for slaughter, of certain mountain breeds; whereas, in an Exchange of Letters with Austria dated 21 July 1972, the Community undertook unilaterally to increase the size of the tariff quota from 20 000 to 30 000 head and to lower the quota duty from 6 % to 4 %; whereas, subsequently, this quota was increased unilaterally to 38 000 head; whereas according to the Agreement in the form of an Exchange of Letters between the European Economic Community and the Republic of Austria concerning agriculture of 14 July 1986, which was approved by Decision 86/555/EEC⁽¹⁾, the volume of this tariff quota was raised to 42 600 head as from 1 July 1986; whereas the abovementioned tariff quota should therefore be opened for the period 1 July 1989 to 30 June 1990 at a duty of 4 % for a quantity of 42 600 head; whereas, however, under the terms of Article 282 of the Act of Accession, the Portuguese Republic is authorized to postpone until the beginning of the second stage the progressive application to imports of preferences granted by the

Community unilaterally or by agreement, to certain third countries; whereas a check should be carried out to ascertain that the imported animals have not been slaughtered within a certain period;

Whereas it is, in particular, necessary to ensure equal and continuous access for all Community importers to the abovementioned quota, and the uninterrupted application of the quota duties, to all imports of the animals in question until the quota is exhausted; whereas the necessary measures should be taken to ensure efficient administration of this tariff quota, taking into account the Community nature of the quota and special factors in the trade in these animals; whereas to this end the Commission should assign to the Member States on request the quantities needed to cover actual imports in accordance with an economically appropriate procedure to be determined;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the quantities levied by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1989 to 30 June 1990, the duty applicable to the import into the Community, with the exception of Portugal, of the animals designated hereafter shall be suspended at the level and within the limits of the Community tariff quota indicated:

Order No	CN code	Description	Quota volume	Quota duty (%)
09.0002	ex 0102 90 10 ex 0102 90 31 ex 0102 90 33	Cows and heifers, other than those intended for slaughter, of the following mountain breeds: grey, brown, yellow and mottled Simmental breed and mottled Pintzgau breed	42 600 head	4

2. Within the limits of this tariff quota, the Kingdom of Spain shall apply customs duties calculated in accordance with the relevant provisions in the Act of Accession.

3. For the purposes of this Regulation, the abovementioned animals shall be considered not intended for

slaughter if they are not slaughtered within four months following the date of their importation.

Derogations may, however, be granted in the event of *force majeure* duly attested by a local authority certificate setting out the reasons for the slaughter.

4. The quota volume referred to in paragraph 1 shall be divided into two equal six-monthly instalments of

⁽¹⁾ OJ No L 328, 22. 11. 1986, p. 57.

21 300 head, the first applying to imports from 1 July to 31 December 1989, the second being reserved for imports from 1 January 1990.

Article 2

1. Each of the instalments referred to in Article 1 (4) shall be further divided into two parts.

The first, 90 % of the total, i.e. 19 170 head, shall be reserved for established importers who are able to furnish proof of having imported animals of the breeds specified in the tariff quota in question during the previous three years, or in the case of Spain, during the last two years.

The second, of 10 %, i.e. 2 130 head, shall be reserved for other importers.

2. The 19 170 head shall be assigned to the various importers *pro rata*, in proportion to the scale of their previous imports over the three years under consideration, while the 2 130 head shall be assigned to applicants *pro rata*, in proportion to the entitlement applied for. In the latter case, applications which would give rise to entitlement certificates for quantities less than five head shall not be taken into consideration.

3. Any quantities of one of the parts referred to in paragraph 1 not applied for and assigned within a given period shall be automatically transferred to the other part.

Article 3

1. Applications to import under each instalment and part of the tariff quota, accompanied, where appropriate, by proof of previous imports, shall be made to the competent authorities in the Member States, in accordance with the procedures laid down and the deadline set by those authorities.

These authorities shall transmit to the Commission, not later than 10 July for the instalment beginning on 1 July and 20 December for that beginning on 1 January, the following data:

- the number of applicants and the number of head applied for by each category of importer,
- the proof of previous imports furnished by each applicant in respect of the 19 170 head reserved for established importers.

2. The Commission shall notify the Member States, by 15 July and 25 December 1989 respectively, of the quantities to be assigned to each applicant, in the form, where necessary, of a percentage of the amount originally applied for.

3. On the basis of this data, the Member States shall issue applicants with a certificate specifying the number of head to which they are entitled, valid until 31 December 1989 for the first instalment and until 30 April 1990 for the second.

This certificate, the format of which shall be decided by the Member States, shall be issued upon provision of a security of ECU 10 per head, which shall be released once the certificate has been returned, complete with the customs stamps acknowledging the import of the animals, to the issuing authority.

An entitlement certificate shall not be transferable and shall entitle the bearer to benefit from the tariff quota only when made out in the same name as the entry for release for free circulation which accompanies it.

The rules laid down in Regulation (EEC) No 3719/88⁽¹⁾ for the release of the security or its conversion into revenue for the import certificates shall apply to the security referred to in the second subparagraph.

4. Quantities specified on entitlement certificates which have not been taken up by 31 December 1989 or 30 April 1990 as the case may be shall be reassigned under the procedure described above to importers who have exhausted their own entitlements over the two periods.

To this end Member States shall notify the Commission by 10 May 1990 of the quantities remaining unused on 31 December 1989 and 30 April 1990, and furnish the data specified in the second subparagraph of paragraph 1. The Commission shall set the new percentages for entitlements in each category and shall transmit them by not later than 15 May 1990 to the Member States, which shall then issue the entitlement certificates to the applicants under the conditions set out in paragraph 3, with a period of validity not extending beyond 30 June 1990.

Article 4

1. Member States shall take all measures necessary to ensure that access to the tariff quota in question is restricted to cattle as specified in Article 1 (1).

2. They shall ensure importers equal and continuous access to the tariff quota in question.

3. Depletion of the said quota shall be measured on the basis of imports submitted for customs clearance under cover of entries for release for free circulation.

Article 5

Member States and the Commission shall cooperate closely to ensure that the provisions of this Regulation are observed.

Article 6

This Regulation shall enter into force on 1 July 1989.

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

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. ROMERO HERRERA

COUNCIL REGULATION (EEC) No 1788/89

of 19 June 1989

opening and providing for the administration of a Community tariff quota for bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the proposal from the Commission,

Whereas the European Economic Community undertook, within the framework of the General Agreement of Tariffs and Trade (GATT), to open an annual Community tariff quota of 5 000 head at a duty of 4 % for bulls, cows and heifers, other than those intended for slaughter, of certain Alpine breeds; whereas eligibility for such quota is subject to submission of the following documents:

- bulls: a pedigree certificate,
- female animals: a pedigree certificate or certificate of registration in the herdbook, certifying purity of breed;

Whereas the abovementioned tariff quota should therefore be opened for the period 1 July 1989 to 30 June 1990 at a duty 4 %; whereas, however, under the terms of Article 282 of the Act of Accession, the Portuguese Republic is authorized to postpone until the beginning of the second stage the progressive application to imports of preferences granted by the Community, unilaterally or by agreement, to certain third countries; whereas a check should be carried out to ascertain that

the imported animals have not been slaughtered within a certain period;

Whereas it is in particular necessary to ensure equal and continuous access for all Community importers to the abovementioned quota, and the uninterrupted application of the quota duties, to all imports of the animals in question until the quota is exhausted; whereas the necessary measures should be taken to ensure efficient administration of this tariff quota, taking into account the Community nature of the quota and special factors in the trade in these animals; whereas to this end the Commission should assign to the Member States on request the quantities needed to cover actual imports in accordance with an economically appropriate procedure to be determined;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the quantities levied by that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1989 to 30 June 1990 the duty applicable to the import into the Community, with the exception of Portugal, of the animals designated hereafter shall be suspended at the level and within the limits of Community tariff quota indicated:

Order No	CN code	Description	Quota volume	Quota duty (%)
09.0004	ex 0102 90 10 ex 0102 90 31 ex 0102 90 33 ex 0102 90 35	Bulls, cows and heifers other than those intended for slaughter, of the following breeds: mottled Simmental breed and the Schwyz and Fribourg breeds	5 000 head	4

Within the limits of this tariff quota, the Kingdom of Spain shall apply customs duties calculated in accordance with the relevant provisions in the Act of Accession.

2. Eligibility for this tariff quota shall be subject to the submission of:

- in the case of bulls: a pedigree certificate,
- in the case of female animals: a pedigree certificate or certificate of registration in the herdbook, certifying purity of breed.

3. For the purposes of this Regulation, the abovementioned animals shall be considered not intended for

slaughter if they are not slaughtered within four months following the date of their importation.

Derogations may, however, be granted in the event of *force majeure* duly attested by a local authority certificate setting out the reasons for the slaughter.

4. The quota volume referred to in paragraph 1 shall be divided into two equal six-monthly instalments of 2 500 head, the first applying to imports from 1 July to 31 December 1989, the second being reserved for imports from 1 January 1990.

Article 2

1. Each of the instalments referred to in Article 1 (4) shall be further divided into two parts.

The first, 90 % of the total, i.e. 2 250 head, shall be reserved for established importers who are able to furnish proof of having imported animals of the breeds specified in the tariff quota in question during the previous three years or in the case of Spain, during the last two years.

The second, of 10 %, i.e. 250 head, shall be reserved for other importers.

2. The 2 250 head shall be assigned to the various importers *pro rata*, in proportion to the scale of their previous imports over the three years under consideration, while the 250 head shall be assigned to applicants *pro rata*, in proportion to the entitlement applied for. In the latter case, applications which would give rise to entitlement certificates for quantities less than five head shall not be taken into consideration.

3. Quantities of one of the parts referred to in paragraph 1 applied for and not assigned within a given period shall be automatically transferred to the other part.

Article 3

1. Applications to import under each instalment and part of the tariff quota, accompanied, where appropriate, by proof of previous imports, shall be made to the competent authorities in the Member States, in accordance with the procedure laid down and deadlines set by those authorities.

These authorities shall transmit to the Commission not later than 10 July for the instalment beginning on 1 July and 20 December for that beginning on 1 January, the following data:

- the number of applicants and the number of head applied for by each category of importer,
- the proof of previous imports furnished by each applicant in respect of the 2 250 head reserved for established importers.

2. The Commission shall notify the Member States, by 15 July and 25 December 1989 respectively, of the quantities to be assigned to each applicant, in the form, where necessary, of a percentage of the amount originally applied for.

3. On the basis of this data, the Member States shall issue applicants with a certificate specifying the number of head to which they are entitled, valid until 31 December 1989 for the first instalment and until 30 April 1990 for the second.

This certificate, the format of which shall be decided by the Member States, shall be issued upon provision of a

security of ECU 10 per head, which shall be released once the certificate has been returned, complete with the customs stamps acknowledging the import of the animals, to the issuing authority.

An entitlement certificate shall not be transferable and shall entitle the bearer to benefit from the tariff quota only when made out in the same name as the entry for release for free circulation which accompanies it.

The rules laid down in Regulation (EEC) No 3719/88 (1) for the release of the security or its conversion into revenue for the import certificates shall apply to the security referred to in the second subparagraph.

4. Quantities specified on entitlement certificates which have not been exhausted by 31 December 1989 or 30 April 1990 as the case may be shall be reassigned under the procedure described above to importers who have exhausted their own entitlements over the two periods.

To this end Member States shall notify the Commission by 10 May 1990 of the quantities remaining unused on 31 December 1989 or 30 April 1990, and furnish the data specified in the second subparagraph of paragraph 1. The Commission shall set the new percentages for entitlements in each category and shall transmit them by not later than 15 May 1990 to the Member States, which shall then issue the entitlement certificates to the applicants under the conditions set out in paragraph 3 with a period of validity not extending beyond 30 June 1990.

Article 4

1. Member States shall take all measures necessary to ensure that access to the tariff quota in question is restricted to cattle as specified in Article 1 (1).

2. They shall ensure importers equal and continuous access to the tariff quota in question.

3. Depletion of the said quota shall be measured on the basis of imports submitted for customs clearance under cover of entries for release for free circulation.

Article 5

Member States and the Commission shall cooperate closely to ensure that the provisions of this Regulation are observed.

Article 6

This Regulation shall enter into force on 1 July 1989.

(1) OJ No L 331, 2. 12. 1988, p. 1.

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. ROMERO HERRERA

COUNCIL REGULATION (EEC) No 1789/89**of 19 June 1989****amending Regulation (EEC) No 2036/82 adopting general rules concerning specific measures for peas, field beans and sweet lupins**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1431/82 of 18 May 1982 laying down special measures for peas, field beans and sweet lupins⁽¹⁾, as last amended by Regulation (EEC) No 1104/88⁽²⁾, and in particular Article 3 (5) thereof,

Having regard to the proposal from the Commission,

Whereas the control systems provided for in Articles 13 and 14 of Regulation (EEC) No 2036/82⁽³⁾, as last amended by Regulation (EEC) No 1105/88⁽⁴⁾, are ill-adapted to the new market situation; whereas checks to ensure that imported peas and field beans are processed in such a way as to render them ineligible for aid must be stepped up in view of the development of imports from third countries; whereas under those circumstances, verification of the Community origin of peas, field beans and sweet lupins for which aid is applied for may be simplified;

Whereas the price paid to the producer should be verified at the level of the first buyer of the Community products in question; whereas, to streamline the administrative procedures for such controls, the declaration of delivery defined in Article 3 (2) and the certificate referred to in Article 4 (2) of Regulation (EEC) No 2036/82 may be abolished; whereas, however, provision should be made for the approval of the first buyer under conditions to be determined, which approval may be withdrawn in case of failure to comply with the rules laid down;

Whereas approved users who use the products in question may ensure compliance with the minimum price by undertaking to apply for the aid only in respect of products from an approved first buyer; whereas Articles 3 (4) and 5 (1) of Regulation (EEC) No 2036/82 should be amended accordingly;

Whereas the definition of sweet lupins in Article 11 (4) of Regulation (EEC) No 2036/82 entails difficulties of controls of the seed and does not afford any certainty that

the products for which the aid is applied for have an acceptable bitter seed content; whereas provision should accordingly be made for a definition of sweet lupins permitting verification of products intended for use as feedingsstuff to see whether they comply with the criteria of eligibility for the aid;

Whereas the definition and classification of the products actually used, as laid down in Article 5 (2) of Regulation (EEC) No 2036/82, take account of technical processing procedures the relevance and exhaustiveness of which depend on technical progress; whereas the said paragraph should indicate only the general conditions under which the products in question should be considered as having been used; whereas Article 6 (5) of Regulation (EEC) No 2036/82 must be adapted to the definition of the products actually used;

Whereas Article 7 of Regulation (EEC) No 2036/82 does not enable a member of an approved organization to market his products; whereas, to qualify under the aid system, producers must either market all their production or use it completely under an approved organization; whereas, for the sake of fairness, producers who market part of their production should be authorized to join an approved organization;

Whereas Article 12a (3) of Regulation (EEC) No 2036/82 provides for a carry-over of monetary gaps when calculating differential amounts where they differ by less than one point; whereas that rule leads in certain cases to an extension of the validity of monetary gaps which are no longer in force; whereas that rule should be abolished to make it easier to understand the calculation of the amount of the aid in national currencies;

Whereas the control system provided for in Article 13 of Regulation (EEC) No 2036/82 must be made more stringent by the possibility of providing for a guarantee ensuring that products imported are processed in such a way as to render them ineligible for aid;

Whereas the measures provided for in this Regulation lead to changes in the administrative procedures; whereas, where temporary adaptations are necessary, provision should be made for the possibility of adopting transitional measures,

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 16.

⁽³⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁴⁾ OJ No L 110, 29. 4. 1988, p. 18.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2036/82 is hereby amended as follows:

1. In Article 3 (1):

- 'approved' is inserted before 'first buyer',
- 'in accordance with the condition laid down in the second indent of Article 3 (3) of Regulation (EEC) No 1431/82,' is deleted.

2. The following is added to Article 3 (4):

'and who in particular undertakes to apply for the aid only for peas, field beans and sweet lupins delivered by a producer to an approved first buyer';

3. In Article 3, point (2) is deleted and points (3), (4), (5) and (6) become points (2), (3), (4) and (5) respectively.

4. The following point is added to Article 3:

'6. "sweet lupins" shall mean lupins not containing more than 5 % bitter seeds under conditions determined in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1117/88.'

5. Article 4 is replaced by the following:

'Article 4

1. In cases where the products are sold by the producer, the aid shall be granted for the products in question subject to their purchase by an approved first buyer.

2. Approval as referred to in paragraph 1 shall be given by the Member State where the person concerned is established only to first buyers who:

- undertake to conclude with the producer, in all cases where they purchase peas, field beans and sweet lupins produced in the Community, a contract providing for the payment of at least the minimum price referred to in the second indent of Article 3 (3) of Regulation (EEC) No 1431/82,
- keep accounts in accordance with rules to be laid down,
- and
- agree to submit to all controls laid down under the application of the aid arrangements.

3. Without prejudice to the implementation of the provisions of paragraph 4, where approved first buyers fail to comply with the condition relating to the minimum price, they shall be required to compensate each producer concerned, under conditions to be determined.

Compensation shall be equal to twice the difference between the minimum price and the price actually paid.

4. Approval as referred to in paragraph 1 shall be withdrawn, temporarily or permanently depending on the gravity or the failure to comply with the provisions in question, if, except in cases of *force majeure*, one of the undertakings or one of the conditions for approval laid down in paragraph 2 is no longer fulfilled or satisfied.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1117/88.'

6. Article 5 is replaced by the following:

'Article 5

1. In the case referred to in Article 4, the aid shall be granted to any approved user making use of the products provided that:

- he lodges an application with the agency appointed by the Member State in whose territory the product has been used,
- the quantity specified in the aid application has entered the undertaking and has actually been used.

2. For the purposes of this Article, a product shall be deemed to have actually been used if it has been;

- (a) irreversibly processed and incorporated in feeding-stuffs or is intended to be incorporated therein as a result of the type of processing which it has undergone;
- (b) irreversibly processed for use as foodstuffs, or available for sale after being prepared for market for consumption without further processing.

Irreversible processing as referred to in points (a) and (b) and additional conditions may be determined in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1117/78.'

7. Article 6 (5) is replaced by the following:

'5. The aid to be paid shall:

- (a) for the products referred to in Article 5 (2) (a), be the amount fixed in Article 3 (1) of Regulation (EEC) No 1431/82;
- (b) for the products referred to in Article 5 (2) (b), be the amount fixed in Article 3 (2) of Regulation (EEC) No 1431/82.'

8. In Article 7 (1), 'if a producer does not market the product' is replaced by 'if a producer does not market the entire amount produced'.

9. Article 11 (4) is deleted.

10. The second sentence of Article 12a (3) is deleted.

11. The following paragraph is added to Article 13:

'For peas and field beans which have not undergone treatment to ensure that they are processed in such a way as to render them ineligible for aid, controls may also entail the lodging of a security, which may not be higher than that necessary to ensure that it is not worthwhile to fail to submit imported products to controls.'

Article 2

Where traditional measures prove necessary to facilitate the changeover from the arrangements in force to those

provided for in this Regulation, such measures shall be adopted in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1117/78. They shall continue to apply for the period strictly required to facilitate the changeover from one set of arrangements to the other.

Article 3

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

It shall apply from 1 July 1989.

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. ROMERO HERRERA

COMMISSION REGULATION (EEC) No 1790/89

of 22 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 21 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 23 June 1989.

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

Done at Brussels, 22 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 22 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	190,51 ⁽¹⁾ ⁽²⁾
1001 10 90	60,64	190,51 ⁽¹⁾ ⁽²⁾
1001 90 91	35,73	123,23
1001 90 99	35,73	123,23
1002 00 00	63,32	126,99 ⁽³⁾
1003 00 10	53,90	124,41
1003 00 90	53,90	124,41
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	13,28
1008 20 00	53,90	19,87 ⁽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	187,22
1102 10 00	103,35	192,48
1103 11 10	107,63	308,93
1103 11 90	69,15	200,39

⁽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 1791/89

of 22 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 21 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 23 June 1989.

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

Done at Brussels, 22 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 22 June 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 6	1st period 7	2nd period 8	3rd period 9
0709 90 60	0	0	0	0,86
0712 90 19	0	0	0	0,86
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	0,86
1005 90 00	0	0	0	0,86
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

CN code	(ECU/tonne)				
	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 1792/89

of 22 June 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 Regulation No 136/66/EEC of the Council 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 1225/89⁽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⁾, as amended by the Act of Accession of Greece, 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 19 and 20 June 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 23 June 1989.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.⁽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, 22 June 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	77,00 ⁽¹⁾
1509 10 90	77,00 ⁽¹⁾
1509 90 00	89,00 ⁽²⁾
1510 00 10	77,00 ⁽¹⁾
1510 00 90	122,00 ⁽³⁾

⁽¹⁾ For imports of oil falling within this CN code 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 CN code :

- (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 CN code :

- (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	16,94
0711 20 90	16,94
1522 00 31	38,50
1522 00 39	61,60
2306 90 19	6,16

COMMISSION REGULATION (EEC) No 1793/89

of 22 June 1989

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export, amending Regulation (EEC) No 569/88 and repealing Regulation (EEC) No 1045/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 805/68 of the Council of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as amended by Regulation (EEC) No 1809/87⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold substantial stocks of boned intervention meat; whereas an extension of the period of storage for the meat bought in should be avoided on account of the ensuing high costs; whereas outlets exist in certain third countries for the products in question and it is appropriate therefore to offer this meat for sale in accordance with Commission Regulations (EEC) No 2539/84 and (EEC) No 2824/85⁽⁵⁾;

Whereas it is necessary to lay down a time limit for export of the said meat; whereas this time limit should be fixed by taking into account Article 5 (b) of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽⁶⁾, as last amended by Regulation (EEC) No 3182/88⁽⁷⁾;

Whereas in order to ensure that beef sold is exported the lodging of security, as specified in Article 5 (2) (a) of Regulation (EEC) No 2539/84, should be required;

Whereas it is appropriate to specify that, in view of the prices which have been fixed in the context of this sale in order to permit the disposal of certain cuts, exports of such cuts should not be eligible for the refunds periodically fixed in the beef and veal sector; whereas, for the

same reason, the additional code 7034 referred to in Part 3 of the Appendix to Annex I to Commission Regulation (EEC) No 4103/88 of 23 December 1988 fixing the monetary compensatory amounts applicable in the agricultural sector and certain coefficients and rates required for their application⁽⁸⁾, as last amended by Regulation (EEC) No 1692/89⁽⁹⁾, shall apply;

Whereas Article 2 (1) of Commission Regulation (EEC) No 3155/85 of 11 November 1985 providing for the advance fixing of monetary compensatory amounts⁽¹⁰⁾, as last amended by Regulation (EEC) No 1678/88⁽¹¹⁾, stipulates that monetary compensatory amounts may be fixed in advance only if the export refund is fixed in advance; whereas the absence of refunds for the meat in question means that this requirement cannot be met; whereas for the sake of impartiality it should in this instance be suspended so that advance fixing of the monetary compensatory amounts can be permitted;

Whereas products held by intervention agencies and intended for export are subject to the provisions of Commission Regulation (EEC) No 569/88⁽¹²⁾, as last amended by Regulation (EEC) No 1721/89⁽¹³⁾; whereas, however, the Annex to the said Regulation setting out the entries to be made should be expanded;

Whereas Commission Regulation (EEC) No 1045/89⁽¹⁴⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Part of the stocks of boned intervention beef held by the intervention agencies of Denmark, Ireland, Italy and the United Kingdom shall be sold.

This meat shall be for export.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 170, 30. 6. 1987, p. 23.

⁽⁵⁾ OJ No L 268, 10. 10. 1985, p. 14.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 283, 18. 10. 1988, p. 13.

⁽⁸⁾ OJ No L 364, 30. 12. 1988, p. 1.

⁽⁹⁾ OJ No L 170, 19. 6. 1989, p. 1.

⁽¹⁰⁾ OJ No L 310, 21. 11. 1985, p. 22.

⁽¹¹⁾ OJ No L 164, 15. 6. 1989, p. 12.

⁽¹²⁾ OJ No L 55, 1. 3. 1988, p. 1.

⁽¹³⁾ OJ No L 168, 17. 6. 1989, p. 27.

⁽¹⁴⁾ OJ No L 111, 22. 4. 1989, p. 12.

Subject to the provisions of this Regulation, the sale shall take place in accordance with the provisions of Regulations (EEC) No 2539/84 and (EEC) No 2824/85. However by way of derogation from Article 3 (2) of Regulation (EEC) No 2824/85 authorization to repack may also be given for meat stored outside the Member State of the intervention agency holding it.

The provisions of Commission Regulation (EEC) No 985/81⁽¹⁾ shall not apply to this sale.

2. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

3. Only those tenders shall be taken into consideration which reach the intervention agencies concerned no later than 12 noon on 28 June 1989.

4. Particulars relating to the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

Article 2

The products specified in Article 1 must be exported within six months of the date of conclusion of the contract of sale.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 10 per 100 kilograms.

2. The security provided for in Article 5 (2) (a) of Regulation (EEC) No 2539/84 shall be:

- ECU 600 per 100 kilograms of the meat referred to under 2 (a) and 4 (a) in Annex I,
- ECU 400 per 100 kilograms of the meat referred to under 1 (b), 2 (b), 3 (b) and 4 (b) in Annex I.

Article 4

In the case of the meat referred to under 1 (b), 2 (b), 3 (b) and 4 (b) in Annex I:

- (a) no export refund shall be granted;
- (b) additional code 7034 referred to in Part 3 of Annex I to Regulation (EEC) No 4103/88 shall apply; and
- (c) by way of derogation from Article 2 (1) of Regulation (EEC) No 3155/85 the monetary compensatory amount may be fixed in advance.

In cases where use is made of the option specified at (c):

- the application for advance fixing must be lodged at the same time as the application for the export licence,

— the application for advance fixing must be accompanied by the contract of sale,

— the export licence may be used for intervention meat only,

— Section 18 (a) of the export licence shall carry the following entry in one of the Community languages:

— Válido únicamente para carnes de intervención vendidas con arreglo al Reglamento (CEE) nº 1793/89

— Kun gyldig for interventionskød solgt i henhold til forordning (EØF) nr. 1793/89

— Nur gültig für Interventionsfleisch — Verkauf gemäß der Verordnung (EWG) Nr. 1793/89

— Ισχύει μόνο για τα κρέατα παρέμβασης που πωλούνται δάσει του κανονισμού (ΕΟΚ) αριθ. 1793/89

— Valid only for intervention meat sold under Regulation (EEC) No 1793/89

— Seulement valable pour les viandes d'intervention vendues sous règlement (CEE) nº 1793/89

— Valido esclusivamente per carni di intervento vendute a norma del regolamento (CEE) n. 1793/89

— Uitsluitend geldig voor vlees uit de interventievoorraden dat wordt verkocht in het kader van Verordening (EEG) nr. 1793/89

— Apenas válido para carne de intervenção vendida nos termos do Regulamento (CEE) nº 1793/89.

Article 5

Regulation (EEC) No 569/88 is hereby amended as follows:

In Part I of the Annex, 'Products to be exported in the same state as that in which they were when removed from intervention stock', the following item 45, and footnote are added:

'45. Commission Regulation (EEC) No 1793/89 of 22 June 1989 on the sale by procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for export⁽⁴⁵⁾

⁽⁴⁵⁾ OJ No L 176, 23. 6. 1989, p. 21.'

Article 6

Regulation (EEC) No 1045/89 is hereby repealed.

Article 7

This Regulation shall enter into force on 28 June 1989.

⁽¹⁾ OJ No L 99, 10. 4. 1981, p. 38.

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

Done at Brussels, 22 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

Precio mínimo expresado en ecus por tonelada (*) — Mindestpreise in ECU/ton (*) — Mindestpreise, ausgedrückt in ECU/Tonne (*) — Ελάχιστες τιμές πωλήσεως εκφραζόμενες σε Ecu ανά τόνο (*) — Minimum prices expressed in ECU per tonne (*) — Prix minimaux exprimés en écus par tonne (*) — Prezzi minimi espressi in ECU per tonnellata (*) — Minimumprijzen uitgedrukt in ecu per ton (*) — Preço mínimo expresso em ECU por tonelada (*)

1. DANMARK

b) Bryst og slag	850
Øvrigt kød af forfjerdinger	1 200

2. IRELAND

a) Cube rolls	4 000
b) Shins / shanks	1 100
Plates / flanks	850
Forequarters	1 200
Briskets	1 100

4. ITALIA

b) Collo sottospalla	1 200
Spalle giretto	1 100
Pancia	850
Petto	1 100
Sottospalla	1 200
Collo	1 200

5. UNITED KINGDOM

a) Fillets	5 000
Striploins	2 800
Topsides	2 800
Silversides	2 800
b) Shins and shanks	1 100
Clod and sticking	1 200
Ponies	1 200
Pony parts	1 100
Thin flanks	850
Forequarter flanks	850
Briskets	1 100
Foreribs	1 250
Hindquarter skirt	900
Striploin flank	800

(*) Estos precios se entenderán netos con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) n° 2173/79.

(*) Disse priser gælder netto i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

(*) Diese Preise gelten netto gemäß den Vorschriften von Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

(*) Οι τιμές αυτές εφαρμόζονται επί του καθαρού βάρους σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

(*) These prices shall apply to net weight in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

(*) Ces prix s'entendent poids net conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) n° 2173/79.

(*) Il prezzo si intende peso netto in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

(*) Deze prijzen gelden netto, overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

(*) Estes preços aplicam-se a peso líquido, conforme o disposto no n° 1 do artigo 17º do Regulamento (CEE) n° 2173/79.

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

Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção

DANMARK: Direktoratet for Markedsordningerne
EF-Direktoratet
Frederiksborggade 18
DK-1360 København K
tlf. 01 15 41 30, telex 15137 DK, telefax 01 926 948

IRELAND: Department of Agriculture and Food
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 78 90 11, ext. 22 78
Telex 4280 and 5118

ITALIA: Azienda di Stato per gli interventi nel mercato agricolo (AIMA)
via Palestro 81
I-00185 Roma
Tel. 47 49 91
Telex 61 30 03

UNITED KINGDOM: Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302

COMMISSION REGULATION (EEC) No 1794/89**of 22 June 1989****amending Regulation (EEC) No 2078/87 amending Regulation (EEC) No 1956/87
as regards the coefficients to be applied to certain monetary compensatory
amounts fixed in advance in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1677/85 of 11 June 1985 on monetary compensatory amounts in agriculture ⁽¹⁾, as last amended by Regulation (EEC) No 1889/87 ⁽²⁾, and in particular Article 12 thereof,Whereas pursuant to Article 7 of Commission Regulation (EEC) No 3155/85 of 11 November 1985 providing for the advance fixing of monetary compensatory amounts ⁽³⁾, as last amended by Regulation (EEC) No 1678/89 ⁽⁴⁾, monetary compensatory amounts fixed in advance for cereals were adjusted by Commission Regulation (EEC) No 2078/87 ⁽⁵⁾;

Whereas the adjustment in question also took account of changes in the exchange rates used for the calculation of monetary compensatory amounts resulting from the change in the correcting factor referred to in Article 6 (1) of Regulation (EEC) No 1677/85, which is not in line with the objective of Regulation (EEC) No 3155/85;

whereas the adjustments introduced by Regulation (EEC) No 2078/87 should accordingly be corrected;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

The table in the Annex to Regulation (EEC) No 2078/87 is hereby replaced by the table in the Annex hereto.

*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 on application by the party concerned lodged before 1 July 1990, from 1 July 1987.

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

Done at Brussels, 22 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.⁽²⁾ OJ No L 182, 3. 7. 1987, p. 1.⁽³⁾ OJ No L 310, 21. 11. 1985, p. 22.⁽⁴⁾ OJ No L 164, 15. 6. 1989, p. 12.⁽⁵⁾ OJ No L 195, 16. 7. 1987, p. 5.

ANNEX

Member State	Adjustment coefficients to be applied to the monetary compensatory amounts fixed in advance for the products referred to in notes a to g						
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
GERMANY							
15. 1. to 30. 6. 1987	0,925000	0,900000	0,925000	0,925000	0,949000	0,953000	0,925000
NETHERLANDS							
15. 1. to 30. 6. 1987	0,728560	0,708869	0,728560	0,728560	0,747463	0,750613	0,728560
FRANCE							
15. 1. to 30. 6. 1987	0,304380	0,296153	0,304380	0,304380	0,312277	0,313593	0,304380
IRELAND							
15. 1. to 30. 6. 1987	0,273001	0,265622	0,273001	0,273001	0,280084	0,281265	0,273001
DENMARK							
15. 1. to 30. 6. 1987	0	0	0	0	0	0	0
ITALY							
15. 1. to 8. 2. 1987	0,279232	0,271685	0,279232	0,279232	0,286477	0,287684	0,279232
9. 2. to 17. 5. 1987	0,303113	0,294921	0,303113	0,303113	0,310978	0,312289	0,303113
18. 5. to 30. 6. 1987	0,426604	0,415075	0,426604	0,426604	0,437673	0,439518	0,426604
GREECE							
15. 1. to 8. 2. 1987	0,590972	0,575000	0,590972	0,590972	0,606306	0,608861	0,590972
9. 2. to 3. 5. 1987	0,605445	0,589082	0,605445	0,605445	0,621154	0,623772	0,605445
4. 5. to 17. 5. 1987	0,615237	0,598609	0,615237	0,615237	0,631200	0,633860	0,615237
18. 5. to 21. 6. 1987	0,622236	0,605419	0,622236	0,622236	0,638381	0,641072	0,622236
22. 6. to 30. 6. 1987	0,627970	0,610997	0,627970	0,627970	0,644263	0,646978	0,627970
UNITED KINGDOM							
15. 1. to 8. 2. 1987	0,782101	0,760964	0,782101	0,782101	0,802394	0,805776	0,782101
9. 2. to 15. 2. 1987	0,790935	0,769559	0,790935	0,790935	0,811457	0,814877	0,790935
16. 2. to 1. 3. 1987	0,786123	0,764877	0,786123	0,786123	0,806520	0,809919	0,786123
2. 3. to 15. 3. 1987	0,778896	0,757845	0,778896	0,778896	0,799105	0,802474	0,778896
16. 3. to 19. 4. 1987	0,753315	0,732956	0,753315	0,753315	0,772861	0,776118	0,753315
20. 4. to 10. 5. 1987	0,743078	0,722995	0,743078	0,743078	0,762358	0,765572	0,743078
11. 5. to 30. 6. 1987	0,733470	0,713647	0,733470	0,733470	0,752501	0,755673	0,733470
SPAIN							
15. 1. to 25. 1. 1987	0,227250	0,235061	0,228470	0,229202	0,231643	0,232620	0,227738
26. 1. to 8. 2. 1987	0,369280	0,381973	0,371263	0,372453	0,376420	0,378006	0,370074
9. 2. to 15. 2. 1987	0,467338	0,483401	0,469848	0,471354	0,476373	0,478381	0,468342
16. 2. to 14. 6. 1987	0,412656	0,426840	0,414873	0,416202	0,420635	0,422408	0,413543
15. 6. to 30. 6. 1987	0,352437	0,364550	0,354329	0,355465	0,359251	0,360765	0,353194

(a) 10.01 B I, 11.01 A, 11.02 A I b), 11.02 B II a), 11.02 C I, 11.02 D I, 11.02 E II a), 11.02 F I, 11.02 G I, 11.07 A I a), 11.07 A I b), 10.05 B, 11.01 E I, 11.01 E II, 11.02 A V a) 1, 11.02 A V a) 2, 11.02 A V b), 11.02 B II c), 11.02 C V, 11.02 D V, 11.02 E II c), 11.02 F V, 11.02 G II, 23.07 B I a), 23.07 B I b), 23.07 B c).

For the monetary compensatory amounts applicable to products falling within subheadings 23.07 B I a) 2, 23.07 B I b) 2 and 23.07 B I c) 2, these coefficients shall apply only to the 'cereals' portion of the amounts in question.

(b) 10.01 B II, 11.02 A I a).

(c) 10.02, 11.01 B, 11.02 A II, 11.02 B II b), 11.02 C II, 11.02 D II, 11.02 E II b), 11.02 F II.

(d) 10.03, 11.01 C, 11.02 A III, 11.02 B I a) 1, 11.02 B I b) 1, 11.02 C III, 11.02 D III, 11.02 E I a) 1, 11.02 E I b) 1, 11.02 F III, 11.07 A II a), 11.07 A II b), 11.07 B,

10.07 B, 10.07 C II, ex 11.01 G, ex 11.02 A VII, ex 11.02 B II d), ex 11.02 C VI, ex 11.02 D VI, ex 11.02 E II d) 2, ex 11.02 F VII.

However, for products falling within subheadings 11.07 A II a), 11.07 A II b) and 11.07 B exported during August and September 1986 under the arrangements provided for in the final subparagraph of Article 16 (4) of Regulation (EEC) No 2727/75, the coefficients provided for in this Regulation shall not apply.

10.04, 11.01 D, 11.02 A IV, 11.02 B I a) 2 aa), 11.02 B I a) 2 bb), 11.02 B I b) 2, 11.02 C IV, 11.02 D IV, 11.02 E I a) 2, 11.02 E I b) 2, 11.02 F IV.

(e) 11.08 A I, 11.08 A IV, 11.08 A V, 17.02 B II a), 17.02 B II b), 17.02 F II a), 17.02 F II b), 21.07 F II, 23.03 A I.

(f) 11.08 A III, 11.09.

(g) 23.02 A I a), 23.02 A I b), 23.02 A II a), 23.02 A II b).

COMMISSION REGULATION (EEC) No 1795/89
of 22 June 1989
repealing Regulation (EEC) No 74/84

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

Having regard to Regulation (EEC) No 805/68 of the Council of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EEC) No 571/89⁽²⁾, and in particular Articles 18 (6) and 25 thereof,

Whereas Regulation (EEC) No 885/68 of the Council⁽³⁾, as last amended by Regulation (EEC) No 427/77⁽⁴⁾, lays down general rules for granting export refunds and criteria for fixing the amounts thereof;

Whereas quantities exported under Commission Regulation (EEC) No 74/84 of 12 January 1984 laying down the conditions for granting special export refunds on certain cuts of unboned (bone in) meat of bovine animals⁽⁵⁾, as last amended by Regulation (EEC) No

3988/87⁽⁶⁾, were very small; whereas that Regulation should accordingly be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 74/84 is hereby repealed.

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, 22 June 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 61, 4. 3. 1989, p. 43.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 10, 13. 1. 1984, p. 32.

⁽⁶⁾ OJ No L 376, 31. 12. 1987, p. 31.

COMMISSION REGULATION (EEC) No 1796/89
of 22 June 1989
implementing additional quality classes for asparagus and witloof chicory

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

Having regard to Regulation (EEC) No 1035/72 of the Council of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽²⁾, and in particular Article 4 thereof,

Whereas, in accordance with Article 4 (1) of Regulation (EEC) No 1035/72, products complying with the characteristics of quality class III or certain of its requirements may be marketed only under exceptional conditions, in particular to take account of the special characteristics of a product during part or all of the marketing year, whereas such a need for asparagus and witloof chicory led to the introduction of Commission Regulation (EEC) No 1387/88⁽³⁾; whereas the continued existence of this need justifies an extension of the measures;

Whereas quality class III was added to the common quality standards, in particular for asparagus, by Council Regulation (EEC) No 1194/69⁽⁴⁾; as last amended by Regulation (EEC) No 1677/88⁽⁵⁾, whereas, in the case of

witloof chicory, that additional class is to be included in the standards laid down in Commission Regulation (EEC) No 2213/83⁽⁶⁾; as amended by Regulation (EEC) No 1654/87⁽⁷⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Quality classes III defined:

- in Regulation (EEC) No 1194/69 for asparagus,
 - in Regulation (EEC) No 2413/88 for witloof chicory
- shall apply from 1 July 1989 to 30 June 1990.

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, 22 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 128, 21. 5. 1988, p. 23.

⁽⁴⁾ OJ No L 157, 28. 6. 1969, p. 1.

⁽⁵⁾ OJ No L 150, 16. 6. 1988, p. 21.

⁽⁶⁾ OJ No L 213, 4. 8. 1983, p. 13.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 35.

COMMISSION REGULATION (EEC) No 1797/89

of 22 June 1989

on the issuing of import licences for manioc and similar products falling within CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 and originating in Indonesia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products covered by CN codes 0714 10 10, 0714 10 90 and 0714 90 10 and originating in certain third countries⁽¹⁾, as amended by Regulation (EEC) No 3837/88⁽²⁾, and in particular Article 2 thereof,

Whereas the balance of the 1989 annual quota for imports of manioc and similar products originating in Indonesia and qualifying for a levy subject to a ceiling of 6 % *ad valorem* should be permitted to be released for free circulation;

Whereas Commission Regulation (EEC) No 4008/87⁽³⁾, as corrected by Regulation (EEC) No 348/88⁽⁴⁾, lays down detailed rules for implementing the import arrangements laid down by Regulation (EEC) No 430/87 for products originating in the present Contracting Parties to the GATT other than Thailand;

Whereas, in view of the applications at the beginning of 1989 for import licences indicating Indonesia as the place of origin and relating to quite abnormal quantities, when Commission Regulation (EEC) No 413/89⁽⁵⁾ relating to the second tranche was adopted, the Commission was forced to make the issuing of licences subject to the presentation of documents certifying that the goods in question originate in Indonesia and are actually being transported to the Community and to limit the term of validity of the licences; whereas those provisions should be applied for the balance of the annual quota;

Whereas, in order to monitor more closely the actual utilization of the licences, the provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁶⁾ relating to the early submission of proof of placing in free circulation should be made applicable;

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

Article 1

Import licences for products following within CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 and originating in Indonesia shall be issued under the terms of this Regulation in respect of a maximum of 125 000 tonnes.

Regulation (EEC) No 4008/87 shall apply subject to provisions to the contrary in this Regulation.

Article 2

Import licence applications shall be admissible if:

1. they are accompanied by the original of a document drawn up by the Indonesian authorities certifying that the goods originate in Indonesia, or of an extract certified a true copy of such a document for quantities not yet placed in free circulation;
2. they are accompanied by proof, in the form of a copy of the bill of lading, that the goods have been loaded in Indonesia and are being transported to the Community by the vessel mentioned in the application; or, where the goods are stored in a customs warehouse or in a free zone, by an attestation drawn up by the customs authorities of a Member State of the Community certifying that the goods have been placed under one of those customs procedures;
3. they relate to a quantity which does not exceed the quantity in respect of which the proof of origin, proof of transport or any customs attestation of storage is provided pursuant to points 1 and 2 above.

Article 3

In addition to the endorsements listed in Article 3 of Regulation (EEC) No 4008/87, section 24 of licence applications and of licences shall indicate the name of the vessel in which the goods are or have been transported to the Community, together with the number of the certificate of origin submitted.

Article 4

1. Licence applications shall be submitted to the competent authorities of any Member State by 1 p.m. on Mondays or, if that day is not a working day, on the first following working day.

Licence applications may be lodged for the first time on Monday, 3 July 1989.

⁽¹⁾ OJ No L 43, 13. 2. 1987, p. 9.

⁽²⁾ OJ No L 340, 10. 12. 1988, p. 1.

⁽³⁾ OJ No L 378, 31. 12. 1987, p. 2.

⁽⁴⁾ OJ No L 34, 6. 2. 1988, p. 24.

⁽⁵⁾ OJ No L 46, 18. 2. 1989, p. 24.

⁽⁶⁾ OJ No L 331, 2. 12. 1988, p. 1.

2. The Member State shall notify the Commission by telex by 5 p.m. at the latest on the day following that on which applications as provided for in paragraph 1 are submitted and in respect of each licence application, of :

- the quantity in respect of which an import licence is applied for,
- the name of the applicant,
- the number of the certificate of origin submitted and the overall quantity appearing on the original of the document or extract thereof,
- the name of the vessel entered in section 24.

3. Not later than Friday following the day of submission of the applications, the Commission shall determine and notify the Member States by telex of the quantities in respect of which licences are issued.

4. Import licences shall be issued on the fifth working day following the date of submission of applications forwarded in accordance with paragraph 2.

Article 5

Licences issued pursuant to this Regulation shall be valid throughout the Community for 60 days from the day of actual issue.

Article 6

Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

Article 7

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, 22 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1798/89

of 22 June 1989

introducing a countervailing charge on fresh lemons originating in Brazil

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 1119/89⁽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 1373/89 of 19 May 1989 fixing for the 1989/90 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the month of June 1989 at 54,59 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 fresh lemons originating in Brazil 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 fresh lemons;

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 Council 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 8,98 ECU per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Brazil.

Article 2

This Regulation shall enter into force on 24 June 1989.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 137, 20. 5. 1989, p. 24.

⁽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, 22 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1799/89

of 22 June 1989

introducing a countervailing charge on aubergines originating in Spain
(except the Canary Islands)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1119/89⁽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 673/89 of 16 March 1989 fixing for the 1989/90 marketing year the reference prices for aubergines⁽³⁾ fixed the reference price for products of class I for the month of June 1989 at 78,58 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 aubergines originating in Spain (except the Canary Islands) 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 aubergines;

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 Council 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;

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

Whereas Article 140 (1) provides for a 8 % reduction in the countervailing charges applicable under Regulation (EEC) No 1035/72 during the fourth year after accession,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 18,74 ECU per 100 kilograms net is applied to aubergines (CN code 0709 30 00) originating in Spain (except the Canary Islands).

Article 2

This Regulation shall enter into force on 24 June 1989.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 118, 29. 4. 1989, p. 12.

⁽³⁾ OJ No L 73, 17. 3. 1989, p. 12.

⁽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, 22 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 1800/89

of 22 June 1989

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

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 Article 16 (8) thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 1500/89 ⁽³⁾, as last amended by Regulation (EEC) No 1746/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1500/89 to the infor-

mation known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered,

HAS ADOPTED THIS REGULATION :

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 1500/89, are hereby altered to the amounts shown 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, 22 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 148, 1. 6. 1989, p. 10.

⁽⁴⁾ OJ No L 171, 20. 6. 1989, p. 50.

ANNEX

to the Commission Regulation of 22 June 1989 altering the basic amount of the import
levies on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question	Amount of levy per 100 kg of dry matter
1702 20 10	0,3065	—
1702 20 90	0,3065	—
1702 30 10	—	45,84
1702 40 10	—	45,84
1702 60 10	—	45,84
1702 60 90	0,3065	—
1702 90 30	—	45,84
1702 90 60	0,3065	—
1702 90 71	0,3065	—
1702 90 90	0,3065	—
2106 90 30	—	45,84
2106 90 59	0,3065	—

COMMISSION REGULATION (EEC) No 1801/89
of 22 June 1989
fixing the import levies on white sugar and raw sugar

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1466/89 ⁽³⁾, as last amended by Regulation (EEC) No 1745/89 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2336/88 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 June 1989.

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

Done at Brussels, 22 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 203, 28. 7. 1988, p. 22.

⁽⁴⁾ OJ No L 171, 20. 6. 1989, p. 48.

ANNEX

to the Commission Regulation of 22 June 1989 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	27,65 ⁽¹⁾
1701 11 90	27,65 ⁽¹⁾
1701 12 10	27,65 ⁽¹⁾
1701 12 90	27,65 ⁽¹⁾
1701 91 00	30,65
1701 99 10	30,65
1701 99 90	30,65 ⁽²⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable is calculated in accordance with the provisions of Article 2 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

COMMISSION REGULATION (EEC) No 1802/89

of 22 June 1989

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

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular the second subparagraph of Article 19 ⁽⁴⁾ thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 1773/89 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1773/89 to the information known to the Commission that the export refunds

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 1773/89 are hereby altered to the amounts shown 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, 22 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 174, 22. 6. 1989, p. 19.

ANNEX

to the Commission Regulation of 22 June 1989 altering the export refunds on white sugar
and raw sugar exported in the natural state

(ECU)

Product code	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	24,61 ⁽¹⁾	
1701 11 90 950	⁽²⁾	
1701 12 90 100	23,63 ⁽¹⁾	
1701 12 90 910	24,61 ⁽¹⁾	
1701 12 90 950	⁽²⁾	
1701 91 00 000		0,2569
1701 99 10 100	25,69	
1701 99 10 910	26,76	
1701 99 10 950	25,26	
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 1803/89
of 22 June 1989
fixing the amount of the subsidy on oil seeds

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 No 136/66/EEC of the Council 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 1225/89 ⁽²⁾, and in particular Article 27 (4) thereof,

Having regard to Council Regulation (EEC) No 1678/85 of 11 June 1985 fixing the conversion rates to be applied in agriculture ⁽³⁾, as last amended by Regulation (EEC) No 1697/89 ⁽⁴⁾,

Having regard to Regulation (EEC) No 1569/72 of the Council of 20 July 1972 laying down special measures for colza, rape and sunflower seed ⁽⁵⁾, as last amended by Regulation (EEC) No 2216/88 ⁽⁶⁾, and in particular Article 2 (3) thereof,

Having regard to the opinion of the Monetary Committee,
Whereas the amount of the subsidy referred to in Article 27 of Regulation No 136/66/EEC was fixed by Commission Regulation (EEC) No 1442/89 ⁽⁷⁾, as last amended by Regulation (EEC) No 1740/89 ⁽⁸⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1442/89 to the information known to the Commission that the amount of the subsidy at present in force should be altered to the amount set out in the Annexes hereto;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1989/90 year, has not, to date, been

fixed; whereas the amount of the subsidy for the 1989/90 year has been provisionally calculated on the basis of an abatement of ECU 3,44 per 100 kilograms for colza and rape seed, and of ECU 11,55 per 100 kilograms for sunflower seed,

HAS ADOPTED THIS REGULATION:

Article 1

1. The amount of the subsidy and the exchange rate referred to in Article 33 (2) and (3) of Commission Regulation (EEC) No 2681/83 ⁽⁹⁾ are as set out in the Annexes hereto.
2. The amount of the compensatory aid referred to in Article 14 of Council Regulation (EEC) No 475/86 ⁽¹⁰⁾ is as set out in Annex III for sunflower seed harvested in Spain.
3. The amount of the special subsidy provided for by Council Regulation (EEC) No 1920/87 ⁽¹¹⁾ for sunflower seed harvested and processed in Portugal is as set out in Annex III.
4. However, the amount of the subsidy in the case of advance fixing for the 1989/90 marketing year for colza, rape and sunflower seed will be confirmed or replaced as from 23 June 1989 to take into account the application of the system of maximum guaranteed quantities.

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, 22 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 15.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 11.

⁽⁴⁾ OJ No L 166, 16. 6. 1989, p. 15.

⁽⁵⁾ OJ No L 167, 25. 7. 1972, p. 9.

⁽⁶⁾ OJ No L 197, 26. 7. 1988, p. 10.

⁽⁷⁾ OJ No L 143, 26. 5. 1989, p. 25.

⁽⁸⁾ OJ No L 171, 20. 6. 1989, p. 36.

⁽⁹⁾ OJ No L 266, 28. 9. 1983, p. 1.

⁽¹⁰⁾ OJ No L 53, 1. 3. 1986, p. 47.

⁽¹¹⁾ OJ No L 183, 3. 7. 1987, p. 18.

ANNEX I

Aids to colza and rape seed other than 'double zero'

(amounts per 100 kg)

	Current 6	1st period 7 (1)	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)	5th period 11 (1)
1. Gross aids (ECU):						
— Spain	0,580	1,170	1,170	1,170	1,170	1,170
— Portugal	0,000	0,000	0,000	0,000	0,000	0,000
— Other Member States	20,795	17,243	17,422	16,952	16,563	16,716
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	49,49	41,09	41,51	40,43	39,52	40,10
— Netherlands (Fl)	55,23	45,48	45,96	44,72	43,69	44,30
— BLEU (Bfrs/Lfrs)	1 004,13	832,61	841,25	818,56	799,78	807,16
— France (FF)	152,43	129,82	131,23	127,53	124,48	125,64
— Denmark (Dkr)	182,12	153,98	155,58	151,38	147,91	149,28
— Ireland (£ Irl)	16,954	14,449	14,605	14,195	13,855	13,984
— United Kingdom (£)	12,413	11,033	11,129	10,719	10,422	10,367
— Italy (Lit)	33 065	28 670	28 970	28 105	27 449	27 475
— Greece (Dr)	2 413,20	2 671,20	2 645,49	2 471,80	2 390,51	2 292,14
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	89,44	178,89	178,89	178,89	178,89	178,89
— in another Member State (Pta)	3 177,59	2 669,89	2 689,57	2 606,70	2 547,93	2 533,91
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00	0,00
— in another Member State (Esc)	4 459,71	3 950,92	3 963,30	3 846,89	3 770,78	3 668,61

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the application of the system of maximum guaranteed quantities.

ANNEX II

Aids to colza and rape seed 'double zero'

(amounts per 100 kg)

	Current 6	1st period 7 (1)	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)	5th period 11 (1)
1. Gross aids (ECU):						
— Spain	3,080	3,670	3,670	3,670	3,670	3,670
— Portugal	2,500	2,500	2,500	2,500	2,500	2,500
— Other Member States	23,295	19,743	19,922	19,452	19,063	19,216
2. Final aids:						
(a) Seed harvested and processed in:						
— Federal Republic of Germany (DM)	55,40	46,99	47,41	46,33	45,42	46,00
— Netherlands (Fl)	61,84	52,08	52,55	51,31	50,29	50,89
— BLEU (Bfrs/Lfrs)	1 124,84	953,33	961,97	939,28	920,49	927,88
— France (FF)	171,39	149,06	150,47	146,78	143,73	144,89
— Denmark (Dkr)	204,22	176,31	177,90	173,71	170,23	171,60
— Ireland (£ Irl)	19,063	16,591	16,747	16,336	15,996	16,126
— United Kingdom (£)	14,101	12,786	12,882	12,472	12,176	12,121
— Italy (Lit)	37 153	32 853	33 152	32 288	31 632	31 658
— Greece (Dr)	2 803,25	3 119,66	3 093,96	2 920,27	2 838,97	2 740,61
(b) Seed harvested in Spain and processed:						
— in Spain (Pta)	474,98	561,13	561,13	561,13	561,13	561,13
— in another Member State (Pta)	3 563,13	3 052,13	3 071,81	2 988,94	2 930,17	2 916,15
(c) Seed harvested in Portugal and processed:						
— in Portugal (Esc)	470,02	480,01	480,01	480,01	480,01	480,01
— in another Member State (Esc)	4 929,73	4 430,92	4 443,31	4 326,89	4 250,79	4 148,62

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the application of the system of maximum guaranteed quantities.

ANNEX III

Aids to sunflower seed

(amounts per 100 kg)

	Current 6	1st period 7	2nd period 8 (1)	3rd period 9 (1)	4th period 10 (1)
1. Gross aids (ECU):					
— Spain	5,170	5,170	6,890	6,890	6,890
— Portugal	0,000	0,000	0,000	0,000	0,000
— Other Member States	20,417	20,417	17,712	17,712	17,712
2. Final aids:					
(a) Seed harvested and processed in (2):					
— Federal Republic of Germany (DM)	48,71	48,71	42,28	42,30	42,30
— Netherlands (Fl)	54,28	54,28	46,72	46,72	46,72
— BLEU (Bfrs/Lfrs)	985,87	985,87	855,26	855,26	855,26
— France (FF)	148,07	148,07	132,80	132,80	132,80
— Denmark (Dkr)	178,28	178,28	158,17	158,17	158,17
— Ireland (£ Irl)	16,467	16,467	14,781	14,781	14,781
— United Kingdom (£)	11,697	11,697	11,085	11,022	11,022
— Italy (Lit)	32 182	32 182	29 414	29 327	29 327
— Greece (Dr)	2 118,45	2 041,01	2 588,74	2 496,18	2 496,18
(b) Seed harvested in Spain and processed:					
— in Spain (Pta)	797,28	797,28	1 053,45	1 053,45	1 053,45
— in another Member State (Pta)	3 173,21	3 173,21	2 947,19	2 932,76	2 932,76
(c) Seed harvested in Portugal and processed:					
— in Portugal (Esc)	0,00	0,00	0,00	0,00	0,00
— in Spain (Esc)	6 042,18	6 039,06	5 713,95	5 684,47	5 684,47
— in another Member State (Esc)	5 888,63	5 885,59	5 568,74	5 540,01	5 540,01
3. Compensatory aids:					
— in Spain (Pta)	3 125,98	3 125,98	2 900,84	2 886,41	2 886,41
4. Special aid:					
— in Portugal (Esc)	5 888,63	5 885,59	5 568,74	5 540,01	5 540,01

(1) Subject in the case of advance fixing for the 1989/90 marketing year to the application of the system of maximum guaranteed quantities.

(2) For seed harvested in the Community as constituted at 31 December 1985 and processed in Spain, the amounts shown in 2 (a) to be multiplied by 1,0260760.

ANNEX IV

Exchange rate of the ecu to be used for converting final aids into the currency of the processing country when the latter is a country other than the country of production

(value of ECU 1)

	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11
DM	2,072010	2,068140	2,064430	2,060850	2,060850	2,050930
Fl	2,333230	2,329570	2,325910	2,322370	2,322370	2,312450
Bfrs/Lfrs	43,360000	43,338100	43,318100	43,297100	43,297100	43,223800
FF	7,027730	7,027180	7,025070	7,023930	7,023930	7,023670
Dkr	8,072970	8,074740	8,076130	8,077460	8,077460	8,092380
£Irl	0,776125	0,775830	0,776036	0,776130	0,776130	0,776984
£	0,675356	0,677980	0,680764	0,683409	0,683409	0,691095
Lit	1 501,01	1 504,59	1 508,60	1 512,03	1 512,03	1 522,46
Dr	178,19400	182,57800	185,85200	189,84900	189,84900	196,06000
Esc	172,56700	173,54400	174,63300	175,83400	175,83400	179,45500
Pta	132,63600	133,12500	133,63100	134,17900	134,17900	135,83200

COMMISSION REGULATION (EEC) No 1804/89

of 22 June 1989

fixing the export refunds 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 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 the fourth subparagraph of Article 16 (2),

Having regard to the opinion of the Monetary Committee,

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

Whereas Article 2 of 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⁾, provides that when refunds are being fixed, account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals on the Community market on the one hand, and prices for cereals and cereal products on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on cereal markets and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances on the Community market;

Whereas Article 3 of Regulation (EEC) No 2746/75 defines the specific criteria to be taken into account when the refund on cereals is being calculated;

Whereas these specific criteria are defined, as far as wheat and rye flour, groats and meal are concerned, in Article 4 of Regulation (EEC) No 2746/75; whereas furthermore, when the refund on these products is being calculated,

account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation No 162/67/EEC of the Commission⁽⁴⁾, as amended by Regulation (EEC) No 1607/71⁽⁵⁾;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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

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

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas, pursuant to Article 275 of the Act of Accession, refunds may be granted in the case of exports to Portugal; whereas, in the light of the situation and the level of prices no refund should be fixed in the case of exports to Portugal;

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 1.

⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.

⁽⁴⁾ OJ No 128, 27. 6. 1967, p. 2574/67.

⁽⁵⁾ OJ No L 168, 27. 7. 1971, p. 16.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

The refund on export to Portugal has not been fixed.

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75, exported in the natural state, shall be as set out 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, 22 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 22 June 1989 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

Product code	Destination (1)	Amount of refund
0709 90 60 000	—	—
0712 90 19 000	—	—
1001 10 10 000	01	0
1001 10 90 000	01	10,00
1001 90 91 000	01	0
1001 90 99 000	04	10,00
	05	10,00
	02	0
1002 00 00 000	03	10,00
	05	10,00
	02	0
1003 00 10 000	01	0
1003 00 90 000	04	10,00
	02	0
1004 00 10 000	01	0
1004 00 90 000	01	0
1005 10 90 000	—	—
1005 90 00 000	03	65,00
	02	0
1007 00 90 000	—	—
1008 20 00 000	—	—
1101 00 00 110	01	25,00
1101 00 00 120	01	25,00
1101 00 00 130	01	20,00
1101 00 00 150	01	10,00
1101 00 00 170	01	0
1101 00 00 180	01	0
1101 00 00 190	—	—
1101 00 00 900	—	—
1102 10 00 100	01	25,00
1102 10 00 200	01	25,00
1102 10 00 300	01	25,00
1102 10 00 500	01	25,00
1102 10 00 900	—	—
1103 11 10 100	01	50,00
1103 11 10 200	01	40,00
1103 11 10 500	01	20,00
1103 11 10 900	01	10,00
1103 11 90 100	01	20,00
1103 11 90 900	—	—

(¹) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Austria and Liechtenstein,
- 04 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,
- 05 Zone II b).

(²) The refund cannot be granted if the quality of durum wheat exported corresponds to less than the quality defined in paragraph 2 of Article 2 of Commission Regulation (EEC) No 1569/77 (OJ No L 174, 14. 7. 1977, p. 15), with the exception of impurities constituted by grain (other than mottled grains and grains affected with fusariosis); 7 % maximum, of which 5 % of soft wheat or other cereals.

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).

COMMISSION REGULATION (EEC) No 1805/89
of 22 June 1989
suspending advance fixing of the export refund for certain pigmeat products

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

Having regard to Regulation (EEC) No 2759/75 of the Council of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾,

Having regard to Regulation (EEC) No 2768/75 of the Council of 29 October 1975 laying down general rules for granting export refunds on pigmeat and criteria for fixing the amount of such refunds⁽³⁾, and in particular the second subparagraph of Article 5 (4) thereof,

Whereas the refunds for pigmeat products were fixed by Commission Regulation (EEC) No 1329/89⁽⁴⁾;

Whereas it is necessary, in the light of the situation on the world market, to adjust the refunds; whereas, in order

to discourage applications for the advance fixing of refunds from being submitted for speculative purposes, the advance fixing of refunds should be suspended until the new refunds come into effect,

HAS ADOPTED THIS REGULATION:

Article 1

Advance fixing of refunds in respect of products falling within CN codes 0103 and 0203 which are listed in the Annex to Regulation (EEC) No 1329/89 is hereby suspended from 23 to 27 June 1989.

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, 22 June 1989.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 39.

⁽⁴⁾ OJ No L 133, 17. 5. 1989, p. 17.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 June 1989

terminating the proceeding in connection with a review of anti-dumping measures concerning imports of fibre building board (hardboard) originating in Romania, Brazil and Sweden, confirming the expiry of the undertakings given by Romanian, Brazilian and certain Swedish exporters, and repealing the undertaking given by another Swedish exporter

(89/377/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 Articles 14 and 15 thereof,

After consultations within the Advisory Committee as provided for by the above Regulation,

Whereas :

A. Product

- (1) The product concerned is fibre board of a density exceeding 0,8g/cm³ falling within CN codes 4411 11 00 and 4411 19 00.

B. Procedure

- (2) The Commission received two requests for a review of anti-dumping measures, lodged by the European Confederation of Wood-working Industries on behalf of Community producers representing the great majority of Community output of hardboard. One request was lodged under Article 15 of

Council Regulation (EEC) No 2176/84⁽²⁾, as last amended by Regulation (EEC) No 1761/87⁽³⁾, with regard to the undertakings accepted by the Commission on imports from Romania⁽⁴⁾, Brazil⁽⁵⁾ and certain Swedish exporters⁽⁶⁾, and alleged that the expiry of the measures would lead again to injury or threat of injury. The other request, lodged under Article 14 of that Regulation, concerned the definitive anti-dumping duties imposed by the Council on imports from Czechoslovakia and Poland⁽⁷⁾ and from the USSR⁽⁸⁾, and the undertakings accepted by the Commission on imports from certain (i. e. three) other Swedish exporters⁽⁹⁾⁽¹⁰⁾, and contained evidence of changed circumstances sufficient to justify the need for such review.

- (3) The Commission, accordingly, announced by a notice in the *Official Journal of the European Communities*⁽¹¹⁾ the initiation of a review of anti-dumping measures concerning imports into the Community of fibre building-board (hardboard)

⁽²⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽³⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽⁴⁾ OJ No L 49, 22. 2. 1983, p. 6.

⁽⁵⁾ OJ No L 47, 19. 2. 1983, p. 30.

⁽⁶⁾ OJ No L 181, 25. 6. 1982, p. 19.

⁽⁷⁾ OJ No L 361, 24. 12. 1983, p. 6.

⁽⁸⁾ OJ No L 170, 29. 6. 1984, p. 68.

⁽⁹⁾ OJ No L 46, 25. 2. 1986, p. 23.

⁽¹⁰⁾ OJ No L 361, 24. 12. 1983, p. 47.

⁽¹¹⁾ OJ No C 165, 24. 6. 1988, p. 2.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

originating in Czechoslovakia, the USSR, Poland, Romania, Sweden and Brazil, and commenced an investigation which covered the period from 1 July 1987 to 31 May 1988.

- (4) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing. Most of the known producers and exporters and some importers made their views known in writing. Most of the known exporters and some producers and importers requested and were granted hearings.

- (5) In December 1988 ⁽¹⁾ the Commission gave notice that, in accordance with Article 15 (4) of Regulation (EEC) No 2423/88, the anti-dumping measures concerning imports of handboard from Czechoslovakia, Poland and two Swedish exporters (Swedeboard Vrena AB and Royal Board AB) would remain in force after the end of the relevant five-year period, pending the outcome of the review being carried out under Article 14 of that Regulation. The relevant five-year period has not expired regarding both the undertaking given by the third Swedish exporter, Karlit AB, and the anti-dumping duty on imports from the USSR.

- (6) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following companies:

(a) *Community producers*

- Isorel (Boulogne), France,
- ICL SpA (Mondovi), Italy,
- Legnochimica SpA (Mondovi), Italy,
- Tafisa (Madrid), Spain,
- Renitex GmbH (Losheim), Federal Republic of Germany,
- Atex Werke GmbH & Co. KG (Grafenau), Federal Republic of Germany,
- Tafinsa Ltd (Agent of Tafinsa) (Maidenhead), United Kingdom;

(b) *Importers*

- Portes Simon SA (Durtal), France,
- Ets Jean Huet et Fils SA (Challans), France,
- Sadepan SpA (Viadana), Italy,
- Homanit GmbH & Co. KG (Loehne), Federal Republic of Germany,

- Steinbrügge and Berninghausen GmbH & Co. (Bremen), Federal Republic of Germany,
- Svedex BV (Varsseveld), Netherlands,
- Beyleveld BV (Rotterdam), Netherlands,
- Tribomij BV (Amsterdam), Netherlands.

C. Injury or threat of injury

- (7) The protective measures under consideration were introduced by the Commission and only concern imports from Romania, Sweden and Brazil. However, for the assessment of injury or threat of injury, it is considered appropriate to take into account also the imports from Czechoslovakia, Poland and the USSR, on which definitive anti-dumping duties were imposed by Council Regulations. The cumulation of the imports is in line with the institutions standard practice.
- (8) With regard to the injury allegedly still being caused to the Community industry, the evidence available to the Commission shows that imports of hardboard originating in the six countries involved in the proceeding increased from 208 000 tonnes in 1985 to 263 000 tonnes in 1987 and reached 112 500 tonnes during the first five months of 1988. The development of these imports, assessed in the light of the increase in Community consumption of hardboard over the same period, was such that the combined market-share held by imports from those exporting countries, which remained stable at about 21 %.
- (9) In particular, imports from Sweden and Brazil taken together, showed a decline of their market-share from 14,3 % in 1985 to 13 % during the first five months of 1988. In terms of volume these imports progressed by 15 % in that period, which is distinctly slower than the rise in Community consumption.
- (10) Imports originating in the State-trading countries concerned increased over the same period faster than Community consumption, and consequently their combined market-share rose from 6,1 % to 8,3 %. It was found, however, that at least one third of the imports concerned related to a specification of hardboard exclusively addressed to the packaging industry in the Netherlands. This specification is hardly produced by the Community industry, so that no competition for it exists. As for the remaining imports, they consist mainly of hardboard directed at low-price segments of the market for which Community producers, under the present high rate of capacity utilization, produce only insignificant quantities. Accordingly, the impact of imports from those countries on the Community industry is limited by their reduced degree of competition.

⁽¹⁾ OJ No C 327, 20. 12. 1988, p. 8.

- (11) As regards prices of the imports from the six countries concerned, their comparison during the period under investigation with prices of Community producers of like products did not show, in the case of Sweden, any margins of undercutting at all, and margins found for Brazil were not significant.

As for the prices of imports from the State-trading countries involved, it was found that, considering the application of the anti-dumping duties in force, as well as the adjustments justified by differences in quality and finish of the imported product, levels of undercutting were likewise not significant in the case of Czechoslovakia and Poland. Margins of undercutting found for the USSR and Romania have not significantly affected Community prices owing to the very small market-share held by imports from these two countries and their concentration in certain low-price sectors of the Community market.

- (12) As far as the possible impact of the imports on the situation of the Community producers is concerned, account had to be taken of the following factors:

- (a) total Community production of hardboard during the first five months of 1988, extrapolated on an annual basis, amounted to 789 000 tonnes against 651 000 tonnes in 1985, which represents an increase of 21 %. Over the same period, production capacities, expressed in tonnes, of Community producers taken together, increased by 5 % and capacity utilization consequently also increased by nearly 16 %. These trends enabled the Community industry to achieve a rate of capacity utilization of 93 % on average;
- (b) stocks held by Community producers at the end of May 1988, expressed in tonnes, were nearly 9 % lower in tonnes than at the end of 1985;
- (c) sales by Community producers of hardboard in the Community were in line with the increase in production between 1985 and the first five months of 1988;
- (d) a comparison between the abovementioned development of production and sales of Community producers and that of Community consumption of hardboard shows that the market-share held by the Community producers remained stable at about 61 %. This indicates that the Community industry was able to take advantage of the increasing demand;
- (e) with regard to profitability, the Community situation has improved considerably in the last three years. During this period the Community industry has been able to progressively reduce

its losses and since the end of 1986 the majority of Community producers have once again achieved reasonable profit margins.

- (13) In the light of the trends of the relevant economic factors referred to above, it appears that the situation of the Community has substantially improved. This is witnessed especially by the good financial results and the high level of capacity utilization, achieved by most Community producers. Under these circumstances, it is concluded that the Community industry is not at present suffering material injury as a result of the imports concerned.
- (14) In order to analyse whether the expiry of the anti-dumping measures in force would lead to a situation causing or threatening to cause material injury to the Community industry, the Commission took into consideration the probable development of volumes and prices of the imported product.
- (15) As previously mentioned, imports from the six countries concerned did not progress in terms of volume, during the last four years, distinctly faster than Community consumption, and consequently the market-share held by those countries remained stable over that period.
- (16) With regard to installed capacity, that of Sweden has been recently reduced after the closure of one of the main producers/exporters in that country. In respect of Brazil and the State-trading countries concerned, no clear indication exists of additional capacities being installed in recent years.
- (17) As to the likelihood that the existing spare capacities will be used to increase exports to the Community, two factors should be considered. First, even if these countries were to increase production, the magnitude of such increase would be limited, at least in the near future, by the already relatively high estimated rate of capacity utilization. Secondly, given the distribution of traditional exports from those countries between the Community and other regions, it is doubtful that such increase in production would lead to significant increases in exports to the Community in relation to Community consumption.
- (18) It follows that, after the expiry of the protective measures, the foreseeable development of the imports concerned is not likely to have a significant impact on the Community industry.
- (19) Concerning prices of imports from Sweden and Brazil, it was found that the exporters have been selling their products in the Community at prices similar to those of Community producers and that they have respected and, in many cases, even exceeded the minimum prices of the undertakings in force. This, together with the high quality of

Swedish and Brazilian hardboard, leads the Commission to assume that there is no clear indication that prices for hardboard imported from these two countries would decline and undercut Community producers prices to an extent likely to cause material injury, if the undertakings were allowed to lapse.

- (20) With regard to prices of imports from the State-trading countries concerned, the expiry of the protective measures would give the exporters an opportunity to adjust their prices to the level prevailing on the Community market. Even if the exporters did not take full advantage of such an opportunity, whatever undercutting would remain should have, under present circumstances, a limited effect on the prices charged by Community producers. The reason for this is that, in addition to the fact that no sizeable increase in imports from these countries is expected, a major proportion of these imports does not directly compete with Community production.
- (21) In view of the above considerations, it must be assumed that, following the expiry of the anti-dumping measures in force, a situation in which the imports concerned would cause or threaten to cause material injury to the Community industry is not, at present, clearly foreseeable.

D. Dumping

- (22) Given the above findings with respect to injury and threat of injury, the Commission considered it unnecessary to investigate further the question of dumping with regard to the imports concerned.

E. Termination of review proceeding

- (23) In these circumstances, therefore, the review proceeding concerning imports of hardboard originating in Romania, Brazil and Sweden should be terminated without the imposition of further protective measures. The anti-dumping measures concerning one Swedish exporter (Karlit AB)

should be repealed and those in respect of Romania, Brazil and the rest of the Swedish exporters allowed to lapse.

- (24) No objections to this course of action were raised in the Advisory Committee.
- (25) The complainants were informed of the considerations and main facts on the basis of which the Commission intended to terminate the proceeding.
- (26) Termination of the review proceeding concerning imports of hardboard originating in Czechoslovakia, Poland and the USSR, is adopted by Council Regulation (EEC) No 1786/89⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Sole Article

1. The review procedure of the anti-dumping measures concerning imports of fibre building-board (hardboard) falling within CN codes 4411 11 00 and 4411 19 00, originating in Romania, Brazil and Sweden, is hereby terminated.
2. The undertakings currently in force concerning imports of fibre building-board (hardboard) originating in Romania, Brazil and Sweden, with the exception of Karlit AB, shall lapse with effect from the day following the publication of this Decision in the *Official Journal of the European Communities*.
3. The undertaking currently in force concerning imports of fibre building-board (hardboard) from Karlit AB (Sweden) is repealed with the effect from the day following the publication of this Decision in the *Official Journal of the European Communities*.

Done at Brussels, 19 June 1989.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ See page 1 of this Official Journal.

CORRIGENDA

Corrigendum to Council Directive 89/341/EEC of 3 May 1989 amending Directives 65/65/EEC, 75/318/EEC and 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products

(Official Journal of the European Communities No L 142 of 25 May 1989)

On page 11 in Article 1 (2) the title of point 5 should read :

'Officinal formula'.
