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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 2967/90 of 15 October 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 2968/90 of 15 October 1990 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 2969/90 of 12 October 1990 on the supply of various consignments of cereals as food aid	5
* Commission Regulation (EEC) No 2970/90 of 11 October 1990 re-establishing the levying of customs duties applicable to products of categories 16, 17 and 21 (Order Nos 40.0160, 40.0170 and 40.0210) originating in Indonesia, to which preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply	9
* Commission Regulation (EEC) No 2971/90 of 11 October 1990 re-establishing the levying of customs duties applicable to products of category 21 (Order No 40.0210) originating in India, to which preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply	11
* Commission Regulation (EEC) No 2972/90 of 11 October 1990 re-establishing the levying of customs duties applicable to products of category 29 (Order No 40.0290) originating in Thailand, to which preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply	13
* Commission Regulation (EEC) No 2973/90 of 11 October 1990 re-establishing the levying of customs duties applicable to products of category 39 (Order No 40.0390) originating in Pakistan, to which preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply	14
Commission Regulation (EEC) No 2974/90 of 15 October 1990 amending Regulation (EEC) No 1424/90 on the opening of an invitation to tender for the refund for the export of barley	15

★ Commission Regulation (EEC) No 2975/90 of 15 October 1990 amending Regulation (EEC) No 1150/90 laying down detailed rules for the application of the arrangements applicable to imports of certain milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)	16
Commission Regulation (EEC) No 2976/90 of 15 October 1990 suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel	17
Commission Regulation (EEC) No 2977/90 of 15 October 1990 suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of large-flowered roses originating in Israel	19
★ Commission Regulation (EEC) No 2978/90 of 15 October 1990 fixing definitively the aid for cotton applicable before 1 September 1990 for the 1990/91 marketing year	21
Commission Regulation (EEC) No 2979/90 of 15 October 1990 fixing the amount of aid for peas, field beans and sweet lupins	23
Commission Regulation (EEC) No 2980/90 of 15 October 1990 altering the import levies on products processed from cereals and rice	30
Commission Regulation (EEC) No 2981/90 of 15 October 1990 fixing the import levies on white sugar and raw sugar	32
Commission Regulation (EEC) No 2982/90 of 15 October 1990 altering the basic amount of the import levies on syrups and certain other products in the sugar sector	34
★ Commission Regulation (EEC) No 2983/90 of 15 October 1990 concerning the allocation of the quantities of the import quota for meat of bovine animals, frozen opened by Regulation (EEC) No 3889/89 for which import licence applications have not been lodged	36

II Acts whose publication is not obligatory

Commission

90/507/EEC :

★ Commission Decision of 7 September 1990 terminating the review of the anti-dumping measures concerning dense sodium carbonate originating in the United States of America	38
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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 2967/90

of 15 October 1990

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 1340/90⁽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 2205/90⁽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 1801/90⁽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 the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 12 October 1990;

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 1801/90 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 16 October 1990.

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

Done at Brussels, 15 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 8.

ANNEX

to the Commission Regulation of 15 October 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

CN code	Levies	
	Portugal	Third country
0709 90 60	26,98	140,10 ⁽¹⁾ ⁽²⁾
0712 90 19	26,98	140,10 ⁽²⁾ ⁽³⁾
1001 10 10	21,43	191,12 ⁽¹⁾ ⁽³⁾
1001 10 90	21,43	191,12 ⁽¹⁾ ⁽³⁾
1001 90 91	27,45	165,19
1001 90 99	27,45	165,19
1002 00 00	53,04	148,70 ⁽⁶⁾
1003 00 10	44,41	151,63
1003 00 90	44,41	151,63
1004 00 10	36,05	136,76
1004 00 90	36,05	136,76
1005 10 90	26,98	140,10 ⁽²⁾ ⁽³⁾
1005 90 00	26,98	140,10 ⁽²⁾ ⁽³⁾
1007 00 90	44,41	145,45 ⁽⁴⁾
1008 10 00	44,41	56,14
1008 20 00	44,41	113,67 ⁽⁴⁾
1008 30 00	44,41	52,53 ⁽³⁾
1008 90 10	⁽⁷⁾	⁽⁷⁾
1008 90 90	44,41	52,53
1101 00 00	51,94	244,78
1102 10 00	86,90	222,64
1103 11 10	46,41	309,43
1103 11 90	55,55	263,81

⁽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 715/90 the levies are not applied to products imported directly into the French overseas departments, 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 applied in accordance with Regulation (EEC) No 715/90.

⁽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 2968/90

of 15 October 1990

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽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 2205/90⁽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 1802/90⁽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 the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 12 October 1990;

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 16 October 1990.

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

Done at Brussels, 15 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.⁽⁴⁾ OJ No L 201, 31. 7. 1990, p. 9.⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 11.

ANNEX

to the Commission Regulation of 15 October 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

CN code	(ECU/tonne)			
	Current 10	1st period 11	2nd period 12	3rd period 1
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	1,29	1,29	1,29
1001 10 90	0	1,29	1,29	1,29
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	1,61	1,61	1,61
1004 00 90	0	1,61	1,61	1,61
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

B. Malt

CN code	(ECU/tonne)				
	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2
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 2969/90

of 12 October 1990

on the supply of various consignments of cereals as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management ⁽¹⁾, as last amended by Regulation (EEC) No 1930/90 ⁽²⁾, and in particular Article 6 (1)(c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain countries and beneficiary organizations 24 600 tonnes of cereals;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community

food aid ⁽⁴⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community as Community food aid for supply to the recipients listed in the Annex in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 12 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

ANNEX I

LOTS A and B

1. **Operation No⁽¹⁾**: 846/90 to 849/90
2. **Programme**: 1990
3. **Recipient**: Euronaid, Rhijngesteersstratweg 40, PO Box 77, NL-2340 AB Oegstgeest
4. **Representative of the recipient⁽²⁾**: see OJ No C 103, 16. 4. 1987
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods⁽³⁾**: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.A.1)
8. **Total quantity**: 24 600 tonnes
9. **Number of lots**: 2 (Lot A: 4 600 tonnes; Lot B⁽¹²⁾: 20 000 tonnes)
10. **Packaging and marking⁽⁵⁾ (6) (7) (8) (11)**: see list published in OJ No C 216, 14. 8. 1987, p. 3 (under II.B.1 c):
 - marking on the bags in letters at least 5 cm high: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed⁽¹⁰⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 10 — 30. 11. 1990
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 30. 10. 1990, 12 noon
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 6. 11. 1990, 12 noon
 - (b) period for making the goods available at the port of shipment: 25. 11 — 15. 12. 1990
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders⁽⁴⁾**: Bureau de l'aide alimentaire, à l'attention de Monsieur N. Arend, bâtiment Loi 120, bureau 7/58, 200 rue de la Loi, B-1049 Bruxelles; telex AGREC 22037 B or 25670 B)
25. **Refund payable on request by the successful tenderer⁽⁹⁾**: refund applicable on 26. 10. 1990, fixed by Commission Regulation (EEC) No 2807/90 (OJ No L 268, 29. 9. 1990, p. 21)

Notes:

- (¹) The operation number is to be quoted in all correspondence.
- (²) Commission delegate to be contacted by the successful tenderer: see list published in OJ No C 227, 7. 9. 1985, p. 4.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded.
- The radioactivity certificate must indicate the caesium-134 and -137 levels.
- (⁴) In order not to overload the telex, tenderers are requested to provide, before the date and time laid down in point 20 of the Annex, evidence that the tendering security referred to in Article 7 (4) (a) of Regulation (EEC) No 2200/87 has been lodged, preferably:
- either by porter at the office referred to in point 24 of the Annex,
 - or by telecopier on one of the following numbers in Brussels:
235 01 32
236 10 97
235 01 30
236 20 05
- (⁵) The successful tenderer shall give the beneficiaries' representatives a health certificate at the time of delivery.
- (⁶) The successful tenderer shall give the beneficiaries' representatives a certificate of origin at the time of delivery.
- (⁷) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required and how they are to be distributed.
- (⁸) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 24. 7. 1989, p. 10) is applicable as regards the export refund and, where appropriate, the monetary and accession compensatory amounts, the representative rate and the monetary coefficient. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of the Annex.
- (⁹) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (¹⁰) By way of derogation from Articles 7 (3) (f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include the loading and stowage costs. The loading and stowage operations will be the responsibility of the successful tenderer.
- (¹¹) The supplier should send a duplicate of the original invoice to:
- MM De Keyzer & Schütz BV,
Postbus 1438,
Blaak 16,
NL-3000 BK Rotterdam.
- (¹²) The radioactivity certificate must be endorsed by Egyptian embassy or consulate.

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

Designación del lote Parti Bezeichnung der Partie Χαρακτηρισμός της παρτίδας Lot Désignation du lot Designazione della partita Aanduiding van de partij Designação do lote	Cantidad total del lote (en toneladas) Totalmængde (tons) Gesamtmenge der Partie (in Tonnen) Συνολική ποσότητα της παρτίδας (σε τόνους) Total quantity (in tonnes) Quantité totale du lot (en tonnes) Quantità totale della partita (in tonnellate) Totale hoeveelheid van de partij (in ton) Quantidade total (em toneladas)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas)	Beneficiario Modtager Empfänger Δικαιούχος Beneficiary Bénéficiaire Beneficiario Begunstigde Beneficiário	País destinatario Modtagerland Bestimmungsland Χώρα προορισμού Recipient country Pays destinataire Paese destinatario Bestemmingsland País destinatário	Inscripción en el embalaje Emballagens påtegning Aufschrift auf der Verpackung Ένδειξη επί της συσκευασίας Markings on the packaging Inscription sur l'emballage Iscrizione sull'imballaggio Aanduiding op de verpakking Inscrição na embalagem
A	4 600	4 600	ICR	Uganda	Action No 846/90 / Wheat / 904603 / Mombasa / Gift of the European Economic Community / For free distribution / Uganda
B	20 000	15 000	LWF	Ethiopia	Action No 847/90 / Wheat / 905101 / Ethiopia / Gift of the European Economic Community / For free distribution / Assab
		4 000	WVB	Ethiopia	Action No 848/90 / Wheat / 905310 / Ethiopia / Gift of the European Economic Community / For free distribution / Assab
		1 000	CONCERN	Ethiopia	Action No 849/90 / Wheat / 905402 / Ethiopia / Gift of the European Economic Community / For free distribution / Assab

COMMISSION REGULATION (EEC) No 2970/90

of 11 October 1990

re-establishing the levying of customs duties applicable to products of categories 16, 17 and 21 (Order Nos 40.0160, 40.0170 and 40.0210) originating in Indonesia, to which preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3897/89 of 18 December 1989 applying generalized tariff preferences for 1990 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 12 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 3897/89, preferential tariff treatment shall be accorded for each category of products subjected in Annexes I and II to individual ceilings within the limits of the quantities specified in column 8 of its Annex I and column 7 of its Annex II, in respect of certain or each of the countries or territories of origin specified in column 5 of the same Annexes; whereas Article 11 of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question as soon as the relevant individual ceilings are reached at Community level;

Whereas, in respect of products of categories 16, 17 and 21 (Order Nos 40.0160, 40.0170 and 40.0210), originating

in Indonesia, the relevant ceilings respectively amount to 94 000, 77 000 and 535 000 pieces; whereas that ceiling was reached on 2 October 1990 by charges of imports into the Community of the products in question originating in Indonesia, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Indonesia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 19 October 1990 the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3897/89, shall be re-established on imports into the Community of the following products, originating in Indonesia:

Order No	Category (unit)	CN code	Description
40.0160	16 (1 000 pieces)	6203 11 00	Men's or boys' suits and ensembles, other than knitted or crocheted, of wool, of cotton or of man-made fibres, excluding ski suits
		6203 12 00	
		6203 19 10	
		6203 19 30	
		6203 21 00	
		6203 22 90	
		6203 23 90	
40.0170	17 (1 000 pieces)	6203 29 19	Men's or boys' jackets excluding waister jackets and blazers, other than knitted or crocheted, of wool, of cotton or of man-made fibres
		6203 31 00	
		6203 32 90	
		6203 33 90	
		6203 39 19	

⁽¹⁾ OJ No L 383, 30. 12. 1989, p. 45.

Order No	Category (unit)	CN code	Description
40.0210	21 (1 000 pieces)	ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6201 91 00 6201 92 00 6201 93 00 ex 6202 12 10 ex 6202 12 90 ex 6202 13 10 ex 6202 13 90 6202 91 00 6202 92 00 6202 93 00	Parkas, anoraks, windcheaters, waister jackets and the like, other than knitted or crocheted, of wool, of cotton or of man-made fibres

Article 2

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

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

Done at Brussels, 11 October 1990.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EEC) No 2971/90

of 11 October 1990

re-establishing the levying of customs duties applicable to products of category 21 (Order No 40.0210) originating in India, to which preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3897/89 of 18 December 1989 applying generalized tariff preferences for 1990 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 12 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 3897/89, preferential tariff treatment shall be accorded for each category of products subjected in Annexes I and II to individual ceilings within the limits of the quantities specified in column 8 of its Annex I and column 7 of its Annex II, in respect of certain or each of the countries or territories of origin specified in column 5 of the same Annexes; whereas Article 11 of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question as soon as the relevant individual ceilings are reached at Community level;

Whereas, in respect of products of category 21 (Order No 40.0210), originating in India, the relevant ceiling

amounts to 535 000 pieces; whereas that ceiling was reached on 15 June 1990 by charges of imports into the Community of the products in question originating in India, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to India,

HAS ADOPTED THIS REGULATION:

Article 1

As from 19 October 1990 the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3897/89, shall be re-established on imports into the Community of the following products, originating in India:

Order No	Category (unit)	CN code	Description
40.0210	21 (1 000 pieces)	ex 3201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6201 91 00 6201 92 00 6201 93 00 ex 6202 12 10 ex 6202 12 90 ex 6202 13 10 ex 6202 13 90 6202 91 00 6202 92 00 6202 93 00	Parkas, anoraks, windcheaters, waister jackets and the like, other than knitted or crocheted, of wool, of cotton or of man-made fibres

⁽¹⁾ OJ No L 383, 30. 12. 1989, p. 45.

Article 2

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

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

Done at Brussels, 11 October 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 2972/90

of 11 October 1990

re-establishing the levying of customs duties applicable to products of category 29 (Order No 40.0290) originating in Thailand, to which preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3897/89 of 18 December 1989 applying generalized tariff preferences for 1990 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 12 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 3897/89, preferential tariff treatment shall be accorded for each category of products subjected in Annexes I and II to individual ceilings within the limits of the quantities specified in column 8 of its Annex I and column 7 of its Annex II, in respect of certain or each of the countries or territories of origin specified in column 5 of the same Annexes; whereas Article 11 of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question as soon as the relevant individual ceilings are reached at Community level;

Whereas, in respect of products of category 29 (Order No 40.0290), originating in Thailand, the relevant ceiling amounts to 118 000 pieces; whereas that ceiling was reached on 20 March 1990 by charges of imports into the Community of the products in question originating in Thailand, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Thailand,

HAS ADOPTED THIS REGULATION:

Article 1

As from 19 October 1990 the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3897/89, shall be re-established on imports into the Community of the following products, originating in Thailand:

Order No	Category (unit)	CN code	Description
40.0290	29 (1 000 pieces)	6204 11 00 6204 12 00 6204 13 00 6204 19 10 6204 21 00 6204 22 90 6204 23 90 6204 29 19	Women's or girls', suits and ensembles other than knitted or crocheted, of wool, of cotton or man-made fibres, excluding ski suits

Article 2

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

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

Done at Brussels, 11 October 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 383, 30. 12. 1989, p. 45.

COMMISSION REGULATION (EEC) No 2973/90

of 11 October 1990

re-establishing the levying of customs duties applicable to products of category 39 (Order No 40.0390) originating in Pakistan, to which preferential tariff arrangements of Council Regulation (EEC) No 3897/89 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3897/89 of 18 December 1989 applying generalized tariff preferences for 1990 in respect of textile products originating in developing countries⁽¹⁾, and in particular Article 12 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 3897/89, preferential tariff treatment shall be accorded for each category of products subjected in Annexes I and II to individual ceilings within the limits of the quantities specified in column 8 of its Annex I and column 7 of its Annex II, in respect of certain or each of the countries or territories of origin specified in column 5 of the same Annexes; whereas Article 11 of that Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question as soon as the relevant individual ceilings are reached at Community level;

Whereas, in respect of products of category 39 (Order No 40.0390), originating in Pakistan, the relevant ceiling amounts to 96 tonnes; whereas that ceiling was reached on 27 August 1990 by charges of imports into the Community of the products in question originating in Pakistan, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

Whereas it is appropriate to re-establish the levying of customs duties for the products in question with regard to Pakistan,

HAS ADOPTED THIS REGULATION:

Article 1

As from 19 October 1990 the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3897/89, shall be re-established on imports into the Community of the following products, originating in Pakistan:

Order No	Category (unit)	CN code	Description
40.0390	39 (tonnes)	6302 51 10 6302 51 90 6302 53 90 ex 6302 59 00 6302 91 10 6302 91 90 6302 93 90 ex 6302 99 00	Table linen, toilet and kitchen linen, other than knitted or crocheted, other than of terry towelling or similar terry fabrics of cotton

Article 2

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

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

Done at Brussels, 11 October 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 383, 30. 12. 1989, p. 45.

COMMISSION REGULATION (EEC) No 2974/90

of 15 October 1990

amending Regulation (EEC) No 1424/90 on the opening of an invitation to tender for the refund for the export of barley

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾,Having regard to Council Regulation (EEC) No 2746/75 of 29 October 1975 laying down general rules for granting export refunds on cereals and criteria for fixing the amount of such refunds⁽³⁾, and in particular Article 5 thereof,Whereas Commission Regulation (EEC) No 1424/90⁽⁴⁾ opened an invitation to tender for the refund for the export of barley;

Whereas, in the present situation, it is appropriate to increase the quantity delivered to tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (1) of Regulation (EEC) No 1424/90 is hereby amended as follows:

'1. A special intervention measure in the form of an export refund shall be applied in respect of 900 000 tonnes of barley produced in Spain.'

*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, 15 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.⁽³⁾ OJ No L 281, 1. 11. 1975, p. 78.⁽⁴⁾ OJ No L 137, 30. 5. 1990, p. 8.

COMMISSION REGULATION (EEC) No 2975/90

of 15 October 1990

amending Regulation (EEC) No 1150/90 laying down detailed rules for the application of the arrangements applicable to imports of certain milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, and in particular Article 27 (1) thereof,

Whereas, when Commission Regulation (EEC) No 1150/90 ⁽²⁾ was being drafted, certain errors or inconsistencies found their way into the text; whereas, therefore, these errors should be eliminated and the text of certain Articles of the Regulation in question improved;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1150/90 is hereby amended as follows:

1. In Article 2 (1), the initial sentence is replaced by the following:

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

Done at Brussels, 15 October 1990.

'The quotas referred to in Article 7 of Regulation (EEC) No 715/90 shall be staggered over the year as follows:'

2. In Article 3:

— points (b) and (c) are replaced by the following:

'(b) the application for a licence may only relate to the quotas provided for in Article 7 of Regulation (EEC) No 715/90. It may comprise several products falling within CN codes 0402 and 0406 originating in one of the African, Caribbean and Pacific States (ACP States) or one of the overseas countries and territories (OCT). In such cases, all the CN codes shall be indicated in section 16 and the description of the products in section 15;

(c) section 8 of the licence application and the licence shall show the ACP State or OCT in which the product originated; the licence shall carry an obligation to import from the country indicated;

— the second paragraph is deleted.

3. In Article 4 (2), the words 'countries of provenance' are replaced by 'countries of origin'.

Article 2

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

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 114, 5. 5. 1990, p. 21.

COMMISSION REGULATION (EEC) No 2976/90

of 15 October 1990

suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EEC) No 2396/89⁽³⁾ opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EEC) No 1387/90⁽⁴⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as amended by Regulation (EEC) No 3556/88⁽⁶⁾, lays down the detailed rules for the application of the arrangements;

Whereas, in order to enable the arrangements to operate normally, the following should be used for the calculation of the import prices:

- for the currencies which are maintained against one another within a maximum spread at any given moment for spot rate transactions of 2,25 %, a conversion rate based on their central rate adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Council Regulation (EEC) No 2396/89 is hereby suspended and the Common Customs Tariff duty is hereby reintroduced.

Article 2

This Regulation shall enter into force on 18 October 1990.

⁽¹⁾ OJ No L 133, 24. 5. 1990, p. 37.

⁽²⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽³⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 227, 4. 8. 1989, p. 9.

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

Done at Brussels, 15 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2977/90

of 15 October 1990

suspending the preferential customs duties and re-introducing the Common Customs Tariff duty on imports of large-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EEC) No 2396/89⁽³⁾ opened and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EEC) No 1387/90⁽⁴⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as amended by Regulation (EEC) No 3556/88⁽⁶⁾, lays down the detailed rules for the application of the arrangements;

Whereas, in order to enable the arrangements to operate normally, the following should be used for the calculation of the import prices:

- for the currencies which are maintained against one another within a maximum spread at any given moment for spot rate transactions of 2,25 %, a conversion rate based on their central rate adjusted by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁷⁾, as last amended by Regulation (EEC) No 2205/90⁽⁸⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for large-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of large-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Council Regulation (EEC) No 2396/89 is hereby suspended and the Common Customs Tariff duty is hereby reintroduced.

Article 2

This Regulation shall enter into force on 18 October 1990.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 311, 17. 11. 1988, p. 8.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 227, 4. 8. 1989, p. 9.

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

Done at Brussels, 15 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2978/90

of 15 October 1990

fixing definitively the aid for cotton applicable before 1 September 1990 for the 1990/91 marketing year

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 the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as amended by the Act of Accession of Spain and Portugal, in particular by Protocol 14 annexed thereto and by Commission Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 791/89 ⁽³⁾, and in particular Article 5 (1) thereof,

Having regard to the opinion of the Monetary Committee,

Whereas, in the absence of a regulation fixing the reduction in the aid resulting, where applicable, from the system of maximum guaranteed quantities for the 1990/91 marketing year, the aid for May to August 1990 has been calculated using a provisional reduction as a basis;

Whereas Commission Regulation (EEC) No 2511/90 ⁽⁴⁾ fixes the reduction in the aid for the 1990/91 marketing year;

Whereas certain of those provisional amounts of aid were fixed taking account of the guide price proposed by the Commission to the Council for the 1990/91 marketing year; whereas those amounts, fixed subject to decisions by the Council, needed to be so fixed owing to the absence of a regulation fixing the guide price for the 1990/91 marketing year; whereas Council Regulation (EEC) No 1355/90 ⁽⁵⁾ fixes the guide price for cotton for the 1990/91 marketing year; whereas, Regulation (EEC) No 2219/90 ⁽⁶⁾ reduces this price as a result of adoption of

Commission Regulation (EEC) No 784/90 ⁽⁷⁾ concerning monetary realignment;

Whereas the amounts of aid applying provisionally for cotton should accordingly be confirmed or replaced and they should be fixed definitively,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of aid for unginned cotton referred to in Commission Regulation (EEC) No 1096/90 ⁽⁸⁾ shall be replaced by the figure of ECU 44,381 and is fixed definitively from the date of entry into force of this Regulation.

Article 2

The amounts of aid for unginned cotton in Commission Regulations (EEC) No 1479/90 ⁽⁹⁾, (EEC) No 1571/90 ⁽¹⁰⁾, (EEC) No 1666/90 ⁽¹¹⁾, (EEC) No 1827/90 ⁽¹²⁾, (EEC) No 1917/90 ⁽¹³⁾, (EEC) No 2003/90 ⁽¹⁴⁾, (EEC) No 2053/90 ⁽¹⁵⁾, (EEC) No 2173/90 ⁽¹⁶⁾, (EEC) No 2243/90 ⁽¹⁷⁾, (EEC) No 2289/90 ⁽¹⁸⁾, (EEC) No 2400/90 ⁽¹⁹⁾, (EEC) No 2450/90 ⁽²⁰⁾ and (EEC) No 2481/90 ⁽²¹⁾ fixing the aid for unginned cotton are fixed definitively from the day of entry into force of each of the Regulations concerned.

Article 3

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

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 237, 1. 2. 1990, p. 9.

⁽⁵⁾ OJ No L 134, 28. 5. 1990, p. 20.

⁽⁶⁾ OJ No L 202, 31. 7. 1990, p. 26.

⁽⁷⁾ OJ No L 83, 30. 3. 1990, p. 102.

⁽⁸⁾ OJ No L 111, 1. 5. 1990, p. 27.

⁽⁹⁾ OJ No L 140, 1. 6. 1990, p. 75.

⁽¹⁰⁾ OJ No L 149, 13. 6. 1990, p. 5.

⁽¹¹⁾ OJ No L 155, 21. 6. 1990, p. 27.

⁽¹²⁾ OJ No L 167, 30. 6. 1990, p. 81.

⁽¹³⁾ OJ No L 173, 6. 7. 1990, p. 28.

⁽¹⁴⁾ OJ No L 180, 13. 7. 1990, p. 14.

⁽¹⁵⁾ OJ No L 187, 19. 7. 1990, p. 45.

⁽¹⁶⁾ OJ No L 197, 27. 7. 1990, p. 58.

⁽¹⁷⁾ OJ No L 203, 1. 8. 1990, p. 44.

⁽¹⁸⁾ OJ No L 205, 3. 8. 1990, p. 28.

⁽¹⁹⁾ OJ No L 222, 17. 8. 1990, p. 42.

⁽²⁰⁾ OJ No L 230, 24. 8. 1990, p. 10.

⁽²¹⁾ OJ No L 234, 29. 8. 1990, p. 19.

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

Done at Brussels, 15 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2979/90

of 15 October 1990

fixing the amount of aid for peas, field beans and sweet lupins

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 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 (6) (a) thereof,

Having regard to Commission Regulation (EEC) No 3540/85 of 5 December 1985 laying down detailed rules for the application of the special measures for peas, field beans and sweet lupins⁽³⁾, as last amended by Regulation (EEC) No 2249/90⁽⁴⁾, and in particular Article 26a (7) thereof,

Whereas, as provided for in Article 3 (1) of Regulation (EEC) No 1431/82, aid is granted for peas, field beans and sweet lupins harvested in the Community and used in the manufacture of feedingstuffs where the world market price of soya cake is lower than the activating price; whereas this aid is equal to a proportion of the difference between these prices; whereas this proportion of the price difference was fixed in Article 3a of Council Regulation (EEC) No 2036/82⁽⁵⁾, as last amended by Regulation (EEC) No 2206/90⁽⁶⁾;

Whereas, in accordance with Article 3 (2) of Regulation (EEC) No 1431/82, aid is granted for peas and field beans harvested in the Community where the world market price for these products is lower than the guide price; whereas this aid is equal to the difference between the two prices;

Whereas the threshold price activating the aid for peas, field beans and sweet lupins for the 1990/91 marketing year was fixed by Council Regulation (EEC) No 1189/90⁽⁷⁾; whereas, as provided for in Article 2a of

Regulation (EEC) No 1431/82, the activating price for the aid for peas, field beans and sweet lupins is increased monthly as from the beginning of the third month of the marketing year; whereas the amount of the monthly increases in the threshold price was fixed by Council Regulation (EEC) No 1191/90⁽⁸⁾;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 year, has been fixed by Commission Regulation (EEC) No 2510/90⁽⁹⁾;

Whereas the threshold price activating the aid and the minimum price fixed by the Council are to be reduced in accordance with Commission Regulation (EEC) No 1755/90 of 27 June 1990 establishing the activating threshold price for aid, the guide price and the minimum price for peas, field beans and sweet lupins fixed in ecus by the Council and reduced as a result of the monetary realignment of 5 January 1990⁽¹⁰⁾;

Whereas, pursuant to Article 4 of Regulation (EEC) No 1431/82, the world market price for soya cake must be determined on the basis of the most favourable purchase possibilities, excepting offers and quotations which cannot be considered representative of the real market trend; whereas account must be taken both of all offers on the world market and of the prices quoted on exchanges that are important for international trade;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 2049/82⁽¹¹⁾, as last amended by Regulation (EEC) No 1238/87⁽¹²⁾, the price must be determined per 100 kilograms of bulk soya cake of the standard quality defined in Article 1 (2) of Council Regulation (EEC) No 1464/86⁽¹³⁾ delivered to Rotterdam; whereas the necessary adjustments, notably those referred to in Article 2 of Regulation (EEC) No 2049/82, must be made for offers and quotations not of the type referred to above;

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

⁽¹⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽²⁾ OJ No L 110, 29. 4. 1988, p. 16.

⁽³⁾ OJ No L 342, 19. 12. 1985, p. 1.

⁽⁴⁾ OJ No L 203, 1. 8. 1990, p. 56.

⁽⁵⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 11.

⁽⁷⁾ OJ No L 119, 11. 5. 1990, p. 37.

⁽⁸⁾ OJ No L 119, 11. 5. 1990, p. 40.

⁽⁹⁾ OJ No L 237, 1. 9. 1990, p. 8.

⁽¹⁰⁾ OJ No L 162, 28. 6. 1990, p. 18.

⁽¹¹⁾ OJ No L 219, 28. 7. 1982, p. 36.

⁽¹²⁾ OJ No L 117, 5. 5. 1987, p. 9.

⁽¹³⁾ OJ No L 133, 21. 5. 1986, p. 21.

- in the case of currencies which are maintained in relation to each other at any moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the correcting factor provided for in Article 6 (1) of Council Regulation (EEC) No 1677/85 ⁽¹⁾, as last amended by Regulation (EEC) No 2205/90 ⁽²⁾,
- for the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas pursuant to Articles 121 (2) and 307 (2) of the Act of Accession the amount of the aid for products harvested and processed in either of these Member States should be reduced by the customs duty charged on importation of products from third countries;

Whereas the world market price for peas and field beans and the amount of aid referred to in Article 3 (2) of Regulation (EEC) No 1431/82 were fixed by Commission Regulation (EEC) No 1834/90 ⁽³⁾; whereas in terms of Article 2a of Regulation (EEC) No 1431/82 the guide

price is increased monthly as from the beginning of the third month of the marketing year;

Whereas, pursuant to Article 26a of Regulation (EEC) No 3540/85, the gross aid expressed in ecus that results from Article 3 of Regulation (EEC) No 1431/82 shall be weighted by the differential amount referred to in Article 12a of Regulation (EEC) No 2036/82 and then converted into the final aid in the currency of the Member State in which the products are harvested using the agricultural conversion rate of that Member State,

HAS ADOPTED THIS REGULATION:

Article 1

The amounts of aid provided for in Article 3 of Regulation (EEC) No 1431/82 is indicated in the Annexes hereto.

Article 2

This Regulation shall enter into force on 16 October 1990.

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

Done at Brussels, 15 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 164, 24. 6. 1985, p. 6.

⁽²⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽³⁾ OJ No L 167, 30. 6. 1990, p. 94.

ANNEX I

Gross aid

Products intended for human consumption :

(ECU per 100 kg)

	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
Peas used :							
— in Spain	5,657	5,815	5,973	6,131	6,289	6,447	6,605
— in Portugal	5,684	5,842	6,000	6,158	6,316	6,474	6,632
— in another Member State	5,886	6,044	6,202	6,360	6,518	6,676	6,834
Field beans used :							
— in Spain	5,886	6,044	6,202	6,360	6,518	6,676	6,834
— in Portugal	5,684	5,842	6,000	6,158	6,316	6,474	6,632
— in another Member State	5,886	6,044	6,202	6,360	6,518	6,676	6,834

Products used in animal feed :

(ECU per 100 kg)

	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
A. Peas used :							
— in Spain	8,501	8,571	8,728	8,504	8,661	8,819	9,123
— in Portugal	8,560	8,630	8,788	8,567	8,724	8,882	9,184
— in another Member State	8,560	8,630	8,788	8,567	8,724	8,882	9,184
B. Field beans used :							
— in Spain	8,501	8,571	8,728	8,504	8,661	8,819	9,123
— in Portugal	8,560	8,630	8,788	8,567	8,724	8,882	9,184
— in another Member State	8,560	8,630	8,788	8,567	8,724	8,882	9,184
C. Sweet lupins harvested in Spain and used :							
— in Spain	11,242	11,124	11,124	10,615	10,615	10,615	10,810
— in Portugal	11,320	11,203	11,203	10,699	10,699	10,699	10,893
— in another Member State	11,320	11,203	11,203	10,699	10,699	10,699	10,893
D. Sweet lupins harvested in another Member State and used :							
— in Spain	11,242	11,124	11,124	10,615	10,615	10,615	10,810
— in Portugal	11,320	11,203	11,203	10,699	10,699	10,699	10,893
— in another Member State	11,320	11,203	11,203	10,699	10,699	10,699	10,893

Final aid

Products intended for human consumption :

(in national currency per 100 kg)

	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
Products harvested in :							
— BLEU (Bfrs/Lfrs)	285,80	293,47	301,15	308,82	316,49	324,16	331,83
— Denmark (Dkr)	52,86	54,27	55,69	57,11	58,53	59,95	61,37
— Federal Republic of Germany (DM)	13,86	14,23	14,60	14,97	15,34	15,72	16,09
— Greece (Dr)	1 275,57	1 310,81	1 346,05	1 381,29	1 416,53	1 451,77	1 487,01
— Spain (Pta)	903,49	927,74	951,99	976,25	1 000,50	1 024,75	1 049,01
— France (FF)	46,47	47,72	48,97	50,22	51,46	52,71	53,96
— Ireland (£ Irl)	5,172	5,311	5,450	5,589	5,728	5,867	6,006
— Italy (Lit)	10 368	10 646	10 925	11 203	11 481	11 759	12 038
— Netherlands (Fl)	15,61	16,03	16,45	16,87	17,29	17,71	18,13
— Portugal (Esc)	1 228,27	1 261,24	1 294,21	1 327,18	1 360,15	1 393,12	1 426,09
— United Kingdom (£)	4,588	4,712	4,835	4,958	5,081	5,204	5,327

Amounts to be deducted in the case of:

- Peas used in Spain (Pta): 35,15,
- Peas, and field beans used in Portugal (Esc): 42,15.

Partial aids

Peas intended for animal feed:

(in national currency per 100 kg)

[illegible]

[illegible]

[illegible]

ANNEX VIII

Corrective amount to be added to amounts in Annex VII

(in national currency per 100 kg)

Use of products :	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
Products harvested in :											
— BLEU (Bfrs/Lfrs)	0,00	0,00	0,00	3,04	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Denmark (Dkr)	0,00	0,00	0,00	0,56	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Federal Republic of Germany (DM)	0,00	0,00	0,00	0,15	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Greece (Dr)	0,00	0,00	0,00	14,09	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Spain (Pta)	0,00	0,00	0,00	9,61	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— France (FF)	0,00	0,00	0,00	0,49	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Ireland (£ Irl)	0,000	0,000	0,000	0,055	0,000	0,000	0,000	0,000	0,000	0,000	0,000
— Italy (Lit)	0	0	0	990	0	0	0	0	0	0	0
— Netherlands (Fl)	0,00	0,00	0,00	0,17	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— Portugal (Esc)	0,00	0,00	0,00	13,06	0,00	0,00	0,00	0,00	0,00	0,00	0,00
— United Kingdom (£)	0,000	0,000	0,000	0,049	0,000	0,000	0,000	0,000	0,000	0,000	0,000

ANNEX IX

Exchange rate of the ecu to be used

	BLEU	DK	DE	EL	ES	FR	IRL	IT	NL	PT	UK
In national currency, ECU 1 =	42,4032	7,84195	2,05586	206,312	129,915	6,89509	0,767417	1 538,24	2,31643	182,232	0,683689

COMMISSION REGULATION (EEC) No 2980/90

of 15 October 1990

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to 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 1340/90⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1806/89⁽⁴⁾, and in particular Article 12 (4) 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⁽⁵⁾, as last amended by Regulation (EEC) No 2205/90⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EEC) No 2752/90⁽⁷⁾, as last amended by Regulation (EEC) No 2895/90⁽⁸⁾;

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 177, 24. 6. 1989, p. 1.

⁽⁵⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁶⁾ OJ No L 201, 31. 7. 1990, p. 9.

⁽⁷⁾ OJ No L 264, 27. 9. 1990, p. 39.

⁽⁸⁾ OJ No L 276, 6. 10. 1990, p. 34.

⁽⁹⁾ OJ No L 182, 3. 7. 1987, p. 49.

⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

— 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 the other currencies, an exchange rate based on an average of the ecu rates published in the *Official Journal of the European Communities*, C series, over a period to be determined, multiplied by the coefficient referred to in the preceding indent;

Whereas these exchange rates being those recorded on 12 October 1990;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75 as fixed in the Annex to amended Regulation (EEC) No 2752/90 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 16 October 1990.

⁽¹¹⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽¹²⁾ OJ No L 202, 26. 7. 1978, p. 8.

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

Done at Brussels, 15 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 15 October 1990 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies		
	Portugal	ACP or OCT	Third countries (other than ACP or OCT)
1103 21 00	57,07	297,04	303,08
1104 19 10	57,07	297,04	303,08
1104 29 11	40,73	219,48	222,50
1104 29 31	48,38	264,03	267,05
1104 29 91	31,94	168,32	171,34
1104 30 10	27,30	123,77	129,81
1107 10 11	61,34	293,74	304,62
1107 10 19	48,59	219,48	230,36
1108 11 00	82,92	363,04	383,59
1109 00 00	294,74	660,08	841,42
2302 10 10	20,08	63,93	69,93
2302 10 90	36,18	137,00	143,00
2302 20 10	20,08	63,93	69,93
2302 20 90	36,18	137,00	143,00
2302 30 10	20,08	63,93	69,93
2302 30 90	36,18	137,00	143,00
2302 40 10	20,08	63,93	69,93
2302 40 90	36,18	137,00	143,00

COMMISSION REGULATION (EEC) No 2981/90
of 15 October 1990
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 2547/90⁽³⁾, as last amended by Regulation (EEC) No 2966/90⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2547/90 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies 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 16 October 1990.

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

Done at Brussels, 15 October 1990.

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 237, 1. 9. 1990, p. 102.

⁽⁴⁾ OJ No L 282, 13. 10. 1990, p. 62.

ANNEX

to the Commission Regulation of 15 October 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy
1701 11 10	38,78 ⁽¹⁾
1701 11 90	38,78 ⁽¹⁾
1701 12 10	38,78 ⁽¹⁾
1701 12 90	38,78 ⁽¹⁾
1701 91 00	44,69
1701 99 10	44,69
1701 99 90	44,69 ⁽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 2982/90**of 15 October 1990****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 2808/90 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2808/90 to the information 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 Regulation (EEC) No 2808/90 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 October 1990.

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

Done at Brussels, 15 October 1990.

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 268, 29. 9. 1990, p. 23.

ANNEX

to the Commission Regulation of 15 October 1990 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	0,4469	—
1702 20 90	0,4469	—
1702 30 10	—	53,38
1702 40 10	—	53,38
1702 60 10	—	53,38
1702 60 90	0,4469	—
1702 90 30	—	53,38
1702 90 60	0,4469	—
1702 90 71	0,4469	—
1702 90 90	0,4469	—
2106 90 30	—	53,38
2106 90 59	0,4469	—

COMMISSION REGULATION (EEC) No 2983/90**of 15 October 1990****concerning the allocation of the quantities of the import quota for meat of bovine animals, frozen opened by Regulation (EEC) No 3889/89 for which import licence applications have not been lodged**

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 3889/89 of 11 December 1989 opening, allocating and providing for the administration of a Community tariff quota for frozen meat of bovine animals falling within CN code 0202 and products falling within CN code 0206 29 91 ⁽¹⁾, and in particular Article 4 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽²⁾, as last amended by Regulation (EEC) No 571/89 ⁽³⁾, and in particular Article 15 (2) thereof,

Whereas Commission Regulation (EEC) No 4024/89 ⁽⁴⁾, as amended by Regulation (EEC) No 143/90 ⁽⁵⁾, lays down detailed rules for the application of the import arrangements provided for in the abovementioned Regulation (EEC) No 3889/89;

Whereas Regulation (EEC) No 3889/89 provides for the allocation of the quantities not covered by import licence applications at 31 August 1990 during the fourth quarter of that year; whereas, according to communications from the Member States the said quantities total 35 tonnes; whereas these quantities should be reserved for the operators referred to in Article 1 (1) of Regulation (EEC) No 4024/89;

Whereas, for reasons of administrative simplification and commercial practice, the quantity to be covered by the licence applications and the import licences should be laid down; whereas, if applications are lodged for a total quantity greater than that available, the Commission should allocate the quantity by drawing lots, by batches of five tonnes;

Whereas provision should be made for the Member States to forward the necessary information;

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

Article 1

1. Pursuant to Article 3 of Regulation (EEC) No 3889/89 the quantities of meat of bovine animals not covered by import licence applications at 31 August 1990, totalling 35 tonnes, shall be allocated to the operators referred to in Article 1 (1) and (2) of Regulation (EEC) No 4024/89 under the conditions laid down in this Regulation.

2. Regulation (EEC) No 4024/89 shall apply subject to the provisions of this Regulation.

Article 2

1. Operators shall present to the competent authorities the import licence application together with the proof referred to in Article 1 (3) of Regulation (EEC) No 4024/89 by 19 October 1990 at the latest. Import licence applications shall be for an overall product weight of five tonnes of frozen meat.

2. Applications shall be admissible only where the applicant declares in writing that he has not lodged and undertakes not to lodge any application in any Member State other than that in which application is lodged; if an applicant lodges applications in two or more Member States, none of these applications shall be admissible.

All applications from the same applicant shall be regarded as a single application.

Article 3

Member States shall send the numbered list of applicants to the Commission by 24 October 1990 at the latest.

Article 4

1. The Commission shall decide to what extent applications may be accepted. If the total quantity for which licences are applied for exceeds the quantity available, the allocation shall be made by drawing lots, by batches of five tonnes.

2. Subject to the Commission having decided that applications be accepted, import licences shall be issued on 31 October 1990.

⁽¹⁾ OJ No L 378, 27. 12. 1989, p. 16.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 61, 4. 3. 1989, p. 43.

⁽⁴⁾ OJ No L 382, 30. 12. 1989, p. 53.

⁽⁵⁾ OJ No L 16, 20. 1. 1990, p. 29.

Article 5

1. Commission Regulation (EEC) No 2377/80 ⁽¹⁾ shall apply.

2. However, notwithstanding Articles 3 and 6 of Regulation (EEC) No 2377/80, the security for import licences shall be ECU 10 per 100 kilograms net weight, and the term of validity of the licences shall expire on 31 December 1990.

3. The security referred to in paragraph 2 shall be lodged when the licences referred to in Article 4 (1), second subparagraph are issued.

Article 6

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, 15 October 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 241, 13. 9. 1980, p. 5.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 September 1990

terminating the review of the anti-dumping measures concerning dense sodium carbonate originating in the United States of America

(90/507/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

which offered acceptable price undertakings at the time the duty was imposed.

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 originating in countries not members of the European Economic Community⁽¹⁾, and in particular Article 14 thereof,

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

Whereas :

(2) In April 1984, in response to a request from the European Council of Chemical Manufacturers Federations (Cefic) and on the basis of evidence that renewed dumping was causing injury to the Community industry, the Commission reopened the proceeding concerning these imports⁽³⁾.

(3) Council Regulation (EEC) No 3337/84⁽⁴⁾ amended the scope of the original Regulation. However, the new anti-dumping duty did not apply to exports by Allied Chemical Corporation (now General Chemical Corporation) or Texas Gulf Chemicals Company, which again offered acceptable price undertakings⁽⁵⁾.

I. PROCEDURE

(1) On 8 March 1983 Council Regulation (EEC) No 550/83⁽²⁾ imposed an anti-dumping duty on imports of dense sodium carbonate originating in the United States of America. The duty did not apply to consignments of dense sodium carbonate exported by Allied Corporation (now General Chemical Corporation), FMC, Stauffer Chemical Company or Texas Gulf Chemicals Company,

(4) In 1988 the Commission received a request for a review of the measure referred to above from certain US producers and exporters and the Standing Committee of Glass industries of the EEC on behalf of the Community glass industry. They asserted that US exporters were no longer dumping the product and that there was consequently no longer any material injury to the Community industry from imports from this source. The measures adopted in 1984 should therefore be repealed or amended.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 64, 10. 3. 1983, p. 23.

⁽³⁾ OJ No C 101, 13. 4. 1984, p. 10.

⁽⁴⁾ OJ No L 311, 29. 11. 1984, p. 26.

⁽⁵⁾ OJ No L 206, 2. 8. 1984, p. 15.

(5) Having decided, after consultations, that there was sufficient evidence to justify a review, the Commission initiated an investigation in accordance with Article 14 of Council Regulation (EEC) No 2423/88. As the Commission had cause to believe, in addition, that the circumstances adduced by certain US exporters also applied to the other producers/exporters, the review would cover all of them ⁽¹⁾.

(6) The Commission officially informed the exporters, Community producers, importers and consumers known to be concerned, and gave the interested parties the opportunity to make known their views in writing and to request a hearing.

(7) The Community producers, the exporters and some importers made known their views in writing.

(8) Some of the exporters and several Community importers and consumers of sodium carbonate asked for an opportunity to make known their views orally, and their request was granted.

(9) Several exporters and Community producers asked to be informed of the main facts and considerations on the basis of which the Commission had made its proposal to the Council, and their request was granted.

(10) The Commission collected and verified all the information it deemed necessary to establish whether there was dumping, injury or the threat of injury, and carried out checks at the premises of the following companies:

— *Community producers*

- Solvay, Belgium,
- Solvay, France,
- Rhône-Poulenc, France,
- Solvay, Italy,
- Chemische Fabrik Kalk, Germany,
- Matthes & Weber, Germany,
- Deutsche Solvay, Germany,
- Akzo, Netherlands,
- ICI, United Kingdom,
- Solvay, Spain,
- Soda Povia, Portugal,

— *Community importers*

- General Chemical Ltd, United Kingdom,
- Saint-Gobain, France,
- BSN, France,
- Durand, France,

— *US producers/exporters*

- General Chemical Corporation, New Jersey,
- Texas Gulf Inc., North Carolina,
- Kerr McGee Corporation, Oklahoma,
- FMC Wyoming Corporation, Pennsylvania,
- Stauffer Chemical Company, Connecticut,
- Tenneco Minerals Company, Colorado.

(11) The investigation of dumping covered the period 1 December 1987 to 28 February 1989.

(12) The complexity of the case meant that the review could not be completed within the one year referred to in Article 7 (9) (a) of Regulation (EEC) No 2423/88; it was still in progress when the five-year period referred to in Article 15 (1) came to an end. The Commission published an opinion in accordance with Article 15 (4) ⁽²⁾.

II. PRODUCT

1. Description

(13) The product concerned is high-density sodium carbonate, in other words sodium carbonate with a specific gravity exceeding 0,700 kg/dm³, consisting of grains with a diameter of not less than 0,25 mm and no more than 0,60 mm, falling within CN code ex 2836 20 00.

2. Like product

(14) The Commission established that the sodium carbonate produced in the Community and that exported by the United States were like products in terms of all their essential physical and technical characteristics.

III. DUMPING

1. Normal value

(15) Normal value was, in general, established on a month-by-month basis, using the prices charged on the US domestic market by the US producers which exported to the Community and furnished sufficient evidence. The Commission based its calculations on the price paid or payable in the ordinary course of trade, disregarding all sales at prices below the cost of production. Although substantial quantities had been sold at a loss, the volume of sales of the like product on the exporters' domestic market was an average of 30 % of total sales and was well above the threshold adopted by the Commission in previous cases: 5 % of the volume of exports to the Community of that product.

⁽¹⁾ OJ No C 64, 14. 3. 1989, p. 6.

⁽²⁾ OJ No C 183, 20. 7. 1989, p. 10.

- (16) In order to identify sales made at a loss, the Commission calculated a cost of production for the export period concerned for each of the firms in question. The figure was based on all costs, both fixed and variable, in the country of origin, of materials and manufacture, plus an amount for selling, administrative and other general expenses. From this figure were deducted the costs (not the selling price) identifiably and directly relating to any by-product of the manufacture of dense sodium carbonate.

- (17) Domestic sales at prices below the cost of production so calculated were not taken into consideration in establishing normal value in accordance with Article 2 (4) of Regulation (EEC) No 2423/88.

2. Export price

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

In cases where consignments were sent to subsidiaries in the Community, export prices were calculated on the basis of the prices at which the imported product was first resold to an independent buyer, duly adjusted to take account of all costs, particularly storage costs, incurred between importation and resale and of a reasonable profit margin (3 %), calculated with reference to that of independent importers of the product.

- (19) From the export prices were deducted costs resulting from non-recoverable waste caused by successive loading and unloading of the export consignments. Where a producer had not furnished evidence of these costs, a percentage considered reasonable in the light of the financial data from those firms which did provide it and checked during the investigation was deducted from the selling price in order to obtain the net ex-works price of the exports.
- (20) The Commission considered it reasonable to adjust some of the figures provided by the US manufacturers whose exports had not been regular, particularly the data relating to the costs of transport, insurance, commission and interest rates, in the light of the verified figures for regular exports. Based on a single sale in the Community, these costs in fact appeared abnormally low.

3. Comparison

- (21) In making a transaction-by-transaction comparison of the normal value with the export price, the Commission took account, where necessary and where sufficient evidence had been provided, of differences affecting price comparability. The adjustments made related mainly to delivery and payment terms and to transport and insurance costs. All the comparisons were made ex works.

4. Margin

- (22) Comparison of the normal value and export prices for the period from December 1987 to February 1989 reveals that the four US producers who exported to the Community dumped their products and that the weighted average dumping margins on the basis of the free-at-Community frontier price were:

— General Chemical Corporation :	2,9 %,
— Texas Gulf Inc. :	12,8 %,
— FMC Wyoming Corporation :	9,8 %,
— Kerr McGee Corporation :	11,9 %.

IV. INJURY

- (23) The issue on which the Commission was being asked to decide was that of whether the expiry of the anti-dumping measures in force would lead to renewed injury.

1. Current situation

- (24) United States exports to the Community have remained limited since the imposition of anti-dumping duties. They had acquired a 3,2 % share of the Community market before 1983. Since then, this share has fallen to 1,4 % and remained at that level.
- (25) Between 1982 and 1989, Community consumption of dense sodium carbonate rose very slightly — from 3,55 million tonnes in 1982 to around 4 million tonnes in 1989.
- (26) The Commission has established that the prices of the imports were an average of 6 % lower than those of the Community industry during the period covered by the investigation. In the light of the limited volume of these imports, the undercutting observed had practically no effect on general price levels.

- (27) The financial situation of the Community industry has improved, and this has enabled it to achieve satisfactory results overall. The improvement is due partly to the restructuring measures which have made it possible to keep the utilization of capacity high, and partly to the effect of the anti-dumping duties on the imports in question, but the recovery of the market for glass has also played a part.

2. Threat of injury

- (28) Account was taken of the following considerations in determining if under these circumstances the expiry of the anti-dumping measures was likely to cause renewed material injury to Community producers.
- (29) The US exporters in question together possess 10 million tonnes of production capacity and thus account for a high proportion of world capacity. Their combined production is currently around nine million tonnes, while domestic consumption is approximately six million tonnes.
- (30) Since consumption is showing a tendency to stabilize, appreciable quantities are available for export. The fact that new production facilities are being set up throughout the world means that it will probably not be long before the United States loses some of its traditional markets, chiefly in the People's Republic of China and South Africa. It is therefore not unlikely that additional quantities of the US product will reach the Community, which is an attractive market because of its price levels.
- (31) However, in present circumstances, the conclusion is that the possible increase is unlikely to become a genuine threat. Firstly, the current volume of US exports is very low, and the manufacturers do not at the moment have the kind of sales structure needed to increase their sales significantly, mainly because their joint sales organization does not operate on the Community market. In addition, a feature of the Community market for dense sodium carbonate is the stability of relations between the suppliers and users: the latter attach importance to having their needs met in a constant and regular fashion by their traditional suppliers.
- (32) The investigation showed moreover that during the period concerned the US exporter whose exports were steadily maintained a moderate price policy. It can be presumed that all the US exporters would base their export prices for the Community on

their normal value in order to avoid dumping and thus a recurrence of complaints.

- (33) In the light of these considerations, it should be recognized that it has not been established that the expiry of the anti-dumping measures in force would threaten to cause serious injury to the Community industry.

V. TERMINATION OF THE INVESTIGATION

- (34) The Community producers and other interested parties were informed of the facts and main considerations on the basis of which the Commission intended to terminate the proceeding. Some made known their views, and the Commission studied these in detail.
- (35) The Community producers' comments included a comparison of production costs in the exporting countries and in the Community which revealed a more advantageous cost structure in the United States of America. It was observed, however, that this comparison was not relevant to the Commission's conclusions, since the existence of a comparative advantage on the part of the US producers, provided it was also reflected in prices on the domestic market, was not evidence of dumping.
- (36) With regard to the effect of possible increases in US exports to the Community, the Community producers claimed that the sensitivity of the product in question to market prices in the Community meant that even a small volume of low-priced imports was sufficient to cause material injury to the Community industry. Though allowing that in the case of a raw material such as sodium carbonate differences in price levels had a key influence on the competitiveness of the various operators, the Commission considered that in view of the circumstances seen in the investigation the argument could not apply in this case.

As the current volume of US exports is insignificant, only a large increase is liable to succeed in influencing general price levels in the Community. It is difficult to imagine such an increase in current circumstances, however (see recitals 31 and 32).

- (37) In view of these circumstances and the current situation of the market for dense sodium carbonate in the Community, the review concerning imports of dense sodium carbonate originating in the United States of America should be terminated without protective measures being imposed, it being understood that a recurrence of dumping and injury

could justify the immediate opening of a new investigation, and, in the light of previous dumping and injury, that definitive anti-dumping duties with retroactive effect could be imposed in accordance with the conditions laid down in Article 13 (4) of Regulation (EEC) No 2423/88,

HAS DECIDED AS FOLLOWS:

Article 1

The review of the anti-dumping measures concerning imports of dense sodium carbonate falling within CN code ex 2836 20 00 originating in the United States of America is hereby terminated.

Article 2

This Decision shall be published in the *Official Journal of the European Communities*.

It shall take effect on the day of its publication.

Done at Brussels, 7 September 1990.

For the Commission

Frans ANDRIESEN

Vice-President
