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Contents

I *Acts whose publication is obligatory*

Commission Regulation (EEC) No 1243/93 of 24 May 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal	1
Commission Regulation (EEC) No 1244/93 of 24 May 1993 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EEC) No 1245/93 of 24 May 1993 suspending the standing invitation to tenders for the refund for export in the cereal sector	5
* Commission Regulation (EEC) No 1246/93 of 19 May 1993 re-establishing the levying of customs duties on products falling within CN code 8516 50 00, originating in China and Thailand, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply	6
* Commission Regulation (EEC) No 1247/93 of 19 May 1993 concerning the stopping of fishing for Atlantic redfish by vessels flying the flag of the United Kingdom	7
* Commission Regulation (EEC) No 1248/93 of 24 May 1993 amending Regulation (EEC) No 2252/92 laying down detailed rules for applying the special scheme for raspberries intended for processing	8
Commission Regulation (EEC) No 1249/93 of 24 May 1993 introducing a countervailing charge on cucumbers originating in Romania	10
Commission Regulation (EEC) No 1250/93 of 24 May 1993 amending Regulation (EEC) No 846/93 introducing a countervailing charge on apples originating in Chile	11
Commission Regulation (EEC) No 1251/93 of 24 May 1993 fixing the import levies on white sugar and raw sugar	12

Contents (continued)

Commission Regulation (EEC) No 1252/93 of 24 May 1993 correcting Commission Regulation (EEC) No 1223/93 fixing additional amounts for ovalbumin and lactalbumin	14
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II *Acts whose publication is not obligatory*

Commission

93/325/EEC :

* Commission Decision of 18 May 1993 terminating the anti-dumping proceeding concerning imports of paint, distemper, varnish and similar brushes originating in the People's Republic of China	15
--	----

Corrigenda

* Corrigendum to Commission Regulation (EEC) No 1144/93 of 10 May 1993 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar (OJ No L 116 of 12.5.1993)	19
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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 1243/93**of 24 May 1993****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 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 1738/92 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 762/93 ⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 21 May

1993, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 762/93 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 25 May 1993.

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

Done at Brussels, 24 May 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 79, 1. 4. 1993, p. 11.

ANNEX

to the Commission Regulation of 24 May 1993 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	137,38 ⁽²⁾ ⁽³⁾
0712 90 19	137,38 ⁽²⁾ ⁽³⁾
1001 10 00	179,66 ⁽¹⁾ ⁽³⁾
1001 90 91	140,48
1001 90 99	140,48 ⁽²⁾
1002 00 00	154,87 ⁽⁶⁾
1003 00 10	141,20
1003 00 20	141,20
1003 00 80	141,20 ⁽²⁾
1004 00 00	113,35
1005 10 90	137,38 ⁽²⁾ ⁽³⁾
1005 90 00	137,38 ⁽²⁾ ⁽³⁾
1007 00 90	144,59 ⁽²⁾
1008 10 00	53,74 ⁽²⁾
1008 20 00	102,82 ⁽⁴⁾
1008 30 00	58,08 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	58,08
1101 00 00	209,27 ⁽²⁾
1102 10 00	229,42
1103 11 30	290,51
1103 11 50	290,51
1103 11 90	224,37

⁽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.

⁽³⁾ Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP 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), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

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

⁽⁸⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽⁹⁾ Products falling within this code, imported from Poland, Czechoslovakia or Hungary under the Interim Agreements concluded between those countries and the Community, and in respect of which EUR.1 certificates issued in accordance with Regulation (EEC) No 585/92 have been presented, are subject to the levies set out in the Annex to that Regulation.

COMMISSION REGULATION (EEC) No 1244/93**of 24 May 1993****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 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 1738/92 ⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 3874/92 ⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 21 May

1993, as regards floating currencies, should be used to calculate the levies;

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

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 25 May 1993.

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

Done at Brussels, 24 May 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 390, 31. 12. 1992, p. 121.

ANNEX

to the Commission Regulation of 24 May 1993 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour*(ECU/tonne)*

CN code	Current 5	1st period 6	2nd period 7	3rd period 8
0709 90 60	0	0,69	0,69	0
0712 90 19	0	0,69	0,69	0
1001 10 00	0	0	0	0
1001 90 91	0	6,59	6,59	10,60
1001 90 99	0	6,59	6,59	10,60
1002 00 00	0	0	0	0
1003 00 10	0	0	0	1,37
1003 00 20	0	0	0	1,37
1003 00 80	0	0	0	1,37
1004 00 00	0	0	0	0
1005 10 90	0	0,69	0,69	0
1005 90 00	0	0,69	0,69	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	9,23	9,23	14,84

B. Malt*(ECU/tonne)*

CN code	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9
1107 10 11	0	11,73	11,73	18,87	18,87
1107 10 19	0	8,76	8,76	14,10	14,10
1107 10 91	0	0	0	2,44	2,44
1107 10 99	0	0	0	1,82	1,82
1107 20 00	0	0	0	2,12	2,12

COMMISSION REGULATION (EEC) No 1245/93**of 24 May 1993****suspending the standing invitation to tenders for the refund for export in the
cereal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European
Economic Community,*Article 1*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 1738/92 ⁽²⁾, and in particular Article 16 (6) thereof,The tenders under Regulations (EEC) No 1343/92, (EEC)
No 1344/92 and (EEC) No 1345/92 are hereby
suspended.Whereas it is convenient to suspend the tenders under
Commission Regulations (EEC) No 1343/92 ⁽³⁾, (EEC)
No 1344/92 ⁽⁴⁾ and (EEC) No 1345/92 ⁽⁵⁾;*Article 2*Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Management
Committee for Cereals,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, 24 May 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.⁽²⁾ OJ No L 180, 1. 7. 1992, p. 1.⁽³⁾ OJ No L 145, 27. 5. 1992, p. 22.⁽⁴⁾ OJ No L 145, 27. 5. 1992, p. 25.⁽⁵⁾ OJ No L 145, 27. 5. 1992, p. 28.

COMMISSION REGULATION (EEC) No 1246/93

of 19 May 1993

re-establishing the levying of customs duties on products falling within CN code 8516 50 00, originating in China and Thailand, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries ⁽¹⁾, extended for 1993 by Regulation (EEC) No 3917/92 ⁽²⁾, and in particular Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded for 1993 to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of products falling within CN code 8516 50 00, originating in China and Thailand, the individual ceiling was fixed at ECU 2 960 000; whereas on 24 March 1993, imports of these products into the Community originating in China and Thailand reached the ceiling in question after being charged thereagainst; whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against China and Thailand,

HAS ADOPTED THIS REGULATION:

Article 1

As from 28 May 1993, the levying of customs duties, suspended for 1993 pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the following products, originating in China and Thailand:

Order No	CN code	Description
10.1045	8516 50 00	Microwave ovens

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, 19 May 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 396, 31. 12. 1992, p. 1.

COMMISSION REGULATION (EEC) No 1247/93

of 19 May 1993

concerning the stopping of fishing for Atlantic redfish by vessels flying the flag of the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2241/87 of 23 July 1987 establishing certain control measures for fishing activities⁽¹⁾, as amended by Regulation (EEC) No 3483/88⁽²⁾, and in particular Article 11 (3) thereof,Whereas Council Regulation (EEC) No 3921/92 of 20 December 1992 allocating, for 1993, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen⁽³⁾, provides for Atlantic redfish quotas for 1993;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of Atlantic redfish in the waters of ICES divisions I, II a, b (Norwegian waters north of 62° N) by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quota allocated for 1993; whereas the United Kingdom has prohibited fishing for the stock as from 13 April

1993; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Atlantic redfish in the waters of ICES divisions I, II a, b (Norwegian waters north of 62° N) by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1993.

Fishing for Atlantic redfish in the waters of ICES divisions I, II a, b (Norwegian waters north of 62° N) by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 13 April 1993.

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

Done at Brussels, 19 May 1993.

For the Commission

Yannis PALEOKRASSAS

Member of the Commission

⁽¹⁾ OJ No L 207, 29. 7. 1987, p. 1.

⁽²⁾ OJ No L 306, 11. 11. 1988, p. 2.

⁽³⁾ OJ No L 397, 31. 12. 1992, p. 44.

COMMISSION REGULATION (EEC) No 1248/93

of 24 May 1993

amending Regulation (EEC) No 2252/92 laying down detailed rules for applying the special scheme for raspberries intended for processing

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1991/92 of 13 July 1992 establishing a special scheme for raspberries intended for processing ⁽¹⁾, and in particular Article 8 thereof,

Whereas Article 8 of Commission Regulation (EEC) No 2252/92 ⁽²⁾, as amended by Regulation (EEC) No 839/93 ⁽³⁾, lays down the conditions and procedures for approving the programmes submitted by recognized producers' organizations and which once approved cannot undergo revision; whereas it now appears appropriate to introduce such an option for those aspects of the programme linked to research and studies so that account may be taken of any new scientific and technical information;

Whereas under Article 11 (1) of the said Regulation the producers' organizations can submit only one aid application per year within the two months following the end of the marketing year for work carried out during the marketing year in question; whereas this time scale is lengthy when account is taken of the producers' organizations' precarious financial situation; whereas provision should therefore be made for aid applications to be submitted at the end of both halves of the marketing year;

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

Regulation (EEC) No 2252/92 is hereby amended as follows:

⁽¹⁾ OJ No L 199, 18. 7. 1992, p. 1.

⁽²⁾ OJ No L 219, 4. 8. 1992, p. 19.

⁽³⁾ OJ No L 88, 8. 4. 1993, p. 18.

1. The following point (d) is added to Article 8 (3):

'(d) At the end of a minimum period of two years from the date the programme is approved, the measures may be revised according to the same procedure as used for the initial approval.

The programme may be revised only twice at the most and in any event with account being taken of the outcome of the checks referred to in paragraph 5 below.'

2. Paragraphs 1, 2 and 3 of Article 11 are replaced by the following:

'1. To obtain Community aid for their programme to improve the competitiveness of the sector producing raspberries for processing, the producers' organizations qualifying therefor shall submit an aid application to the competent national authority at the end of each half of the marketing year.

2. Aid applications shall be submitted in accordance with Annex III within the two months following the end of each half of the marketing year, and must be accompanied by the invoices and all other equivalent documents relating to the work done.

3. Financing of expenditure incurred for measures implemented jointly by several producers' organizations shall be shared among those organizations and be equal to the expenditure incurred during each half year in question.'

3. Article 12 is replaced by the following:

'Article 12

The competent authorities of the Member States, having checked the aid applications and the documentary evidence produced in support thereof, shall pay, within the three months following the lodgment of the application for aid, the aid granted by the Member State and the Community in accordance with Article 6 (3) of Regulation (EEC) No 1991/92.'

Article 2

This Regulation shall enter into force on the seventh 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, 24 May 1993.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EEC) No 1249/93**of 24 May 1993****introducing a countervailing charge on cucumbers originating in Romania**

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

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 638/93⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1149/93⁽³⁾ introduced a countervailing charge on cucumbers originating in Romania;

Whereas for cucumbers originating in Romania there were no prices for six consecutive working days; whereas

the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of cucumbers originating in Romania can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1149/93 is hereby repealed.

Article 2

This Regulation shall enter into force on 25 May 1993.

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

Done at Brussels, 24 May 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 116, 12. 5. 1993, p. 18.

COMMISSION REGULATION (EEC) No 1250/93**of 24 May 1993****amending Regulation (EEC) No 846/93 introducing a countervailing charge on apples originating in Chile**

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

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 638/93⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 846/93⁽³⁾, as last amended by Regulation (EEC) No 1206/93⁽⁴⁾, introduced a countervailing charge on apples originating in Chile;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of apples originating in Chile, must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 846/93 'ECU 14,72' is hereby replaced by 'ECU 11,97'.

Article 2

This Regulation shall enter into force on 25 May 1993.

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

Done at Brussels, 24 May 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 88, 8. 4. 1993, p. 30.

⁽⁴⁾ OJ No L 122, 18. 5. 1993, p. 36.

COMMISSION REGULATION (EEC) No 1251/93
of 24 May 1993
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 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 3814/92 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 789/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 1241/93 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 789/93 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;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 19 May 1993, as regards floating currencies, should be used to calculate the levies,

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 25 May 1993.

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

Done at Brussels, 24 May 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 79, 1. 4. 1993, p. 66.

⁽⁵⁾ OJ No L 124, 20. 5. 1993, p. 48.

ANNEX

to the Commission Regulation of 24 May 1993 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	33,56 ⁽¹⁾
1701 11 90	33,56 ⁽¹⁾
1701 12 10	33,56 ⁽¹⁾
1701 12 90	33,56 ⁽¹⁾
1701 91 00	43,12
1701 99 10	43,12
1701 99 90	43,12 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68.

⁽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.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EEC) No 1252/93**of 24 May 1993****correcting Commission Regulation (EEC) No 1223/93 fixing additional amounts
for ovalbumin and lactalbumin**

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 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽¹⁾, as last amended by Regulation (EEC) No 4001/87 ⁽²⁾, and in particular Article 5 (5) thereof,Whereas Commission Regulation (EEC) No 1223/93 ⁽³⁾ fixes additional amounts for ovalbumin and lactalbumin; whereas, owing to a mistake in the Annex that Regulation is not in line with the measures submitted to the Management Committee for an opinion; whereas the Regulation in question should be corrected accordingly,*Article 1*

The Annex to Regulation (EEC) No 1223/93 is hereby replaced by the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 24 May 1993.

For the Commission

René STEICHEN

*Member of the Commission***ANNEX****to the Commission Regulation of 24 May 1993 fixing the additional amounts applicable to
ovalbumin and lactalbumin**

(ECU/100 kg)		
CN code	Description ⁽¹⁾	Additional amount
3502 10 91	01	70,00

⁽¹⁾ Origin:
01 Czech Republic.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 104.⁽²⁾ OJ No L 377, 31. 12. 1987, p. 44.⁽³⁾ OJ No L 123, 19. 5. 1993, p. 28.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 May 1993

terminating the anti-dumping proceeding concerning imports of paint, distemper, varnish and similar brushes originating in the People's Republic of China

(93/325/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 9 thereof,

After consultation within the advisory Committee as provided for by the above Regulation,

Whereas :

A. PROCEDURE

- (1) In April 1986 the Commission received a complaint lodged by the 'Fédération européenne de l'industrie de la broserie et de la pinceauterie' on behalf of Community producers of paint, distemper, varnish and similar brushes whose collective output constitutes practically all Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice in the *Official Journal of the European Communities*⁽²⁾, the initiation of an

anti-dumping proceeding concerning imports into the Community of paint, distemper, varnish and similar brushes falling within Common Customs Tariff subheading ex 96.01 B III and corresponding to NIMEXE code 96.01-49, originating in the People's Republic of China and commenced an investigation.

- (2) In the course of this proceeding the Chinese exporters offered an undertaking which was accepted. The Commission established that this undertaking was violated by the Chinese exporters and subsequently the Council imposed definitive anti-dumping duties by Regulation (EEC) No 725/89⁽³⁾.
- (3) Council Regulation (EEC) No 725/89 was ruled invalid by the Court of Justice in its judgment of 22 October 1991⁽⁴⁾.

Following the Decision of the Court of Justice, the Commission resumed the investigation and published to that effect a Notice in the *Official Journal of the European Communities*⁽⁵⁾.

- (4) The Commission officially advised the exporters and importers known to be concerned and the complainant. Parties directly concerned were given the opportunity to make their views known in writing and to request a hearing.

⁽¹⁾ OJ No L 79, 22. 3. 1989, p. 24.

⁽²⁾ Case C-16/90, Nölle v. *Hauptzollamt Bremen-Freihafen*, [1991] ECR I-5163.

⁽³⁾ OJ No C 24, 31. 1. 1992, p. 3.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 103, 30. 4. 1986, p. 2.

- (5) Representatives of the exporters, the complainant and several importers made their view known in writing. Some exporters requested and were granted a hearing.
- (6) The Commission sought and verified the information it deemed to be necessary for the purposes of the investigation and carried out investigations at the premises of the following:

(a) *Community producers:*

- Bechtloff KG, Burk, Germany,
- Führ & Söhne Pinselfabrik GmbH, Bechhofen, Germany,
- Gebr. Schabert GmbH, Dinkelsbühl, Germany,
- Hamilton Acorn Ltd, Attleborough, United Kingdom,
- Mosley-Stone Ltd, Leeds, United Kingdom,
- Franpin SA, La Capelle, France,
- Pennellificio Gava & C. SpA, San Vendemiano, Italy,
- Pennellificio Pol Gianfranco, San Vendemiano, Italy,
- V.E.S.P.A. SRL, San Pietro de Feletto, Italy;

(b) *Importers in the Community:*

- Charles Bentley & Son, Loughborough, United Kingdom,
- WMS Group Ltd, Brighouse, United Kingdom.

- (7) The period selected for the investigation of dumping and of the effects of the allegedly dumped imports in the Community market ran from 1 January to 31 December 1991. The establishment of a new investigation period, immediately prior to the date of publication of the Notice resuming the investigation, was require in order to update the information available and to collect new data concerning both dumping and injury. The previous investigation period used in the proceeding ran from 1 July 1987 to 31 August 1988.
- (8) This last stage of the investigation has exceeded the normal time period because of the large number of Community producers involved.

B. COMMUNITY INDUSTRY

- (9) As indicated in recital 1 above, the complainant represented nearly all Community output of the product in question and could therefore be considered as the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88. The Commission, in view of the large

number and the relatively small size of many of the producers involved, did not ask all Community producers to reply to a complete questionnaire and selected 25 firms to which full questionnaires were sent. This selection was done on the basis of size and geographical location and 25 firms of small, medium and large size located in eight Member States were chosen. The collective output of these firms exceeded 65 % of total Community production and were considered representative of the Community industry as a whole.

C. PRODUCT UNDER CONSIDERATION LIKE PRODUCT

- (10) The products under investigation are paint, distemper, varnish and similar brushes, falling within CN code 9603 40 10 (hereinafter referred to as 'paint brushes'). Paint brushes are marketed with a wide range of sizes, models, forms, qualities and prices. No clear distinction can be made, however, between the various models. All models concerned possess basic common physical and technical characteristics which place them within the same category of like product.
- (11) The imported paint brushes have the same physical characteristics and uses and are alike to or closely resembling in all respects to those produced by the Community industry.

D. INJURY

1. Volume of Community market and market shares of allegedly dumped imports

- (12) The total consumption of paint brushes in the Community market increased from 171 million units worth ECU 110 million in 1988 to 186 million units worth ECU 129 million in 1991.

Sales of paint brushes originating in the People's Republic of China decreased in the same period from 62 million units and ECU 9,4 million to 28 million units and ECU 4,1 million.

Thus, the market share of the imports originating in the People's Republic of China decreased from 36,2 % in 1988 to 15,3 % in 1991 in terms of volume and from 8,5 % in 1988 to 3,2 % in 1991 in terms of value.

2. Prices of imports

- (13) The prices of the paint brushes imported from the People's Republic of China were found to be consistently below the prices practised by the Community producers.

3. Situation of the Community industry

(a) *Production, capacity, utilization and stocks*

- (14) The production of the Community industry developed from 126 million units in 1988 to 155 million units in 1991 which represents an increase of over 23 % in a period in which the market, as explained in recital 12, grew by nearly 9 %. Due to the substantial increase in capacity in the period considered, capacity utilization decreased from 77 % in 1988 to 69 % in 1991.

As far as stocks are concerned, they were reduced from 17,3 million units in 1988 to 15,8 million units in 1991.

(b) *Sales and market share*

- (15) Sales of the Community industry in the Community market increased both in volume and value during the period considered, from 96 million units and ECU 96 million in 1988 to 127 million units and ECU 116 million in 1991.

As to the market share of the Community industry in the same period it also increased from 56,1 % to 68,4 % in terms of volume and from 87,6 % to 89,6 % in terms of value.

(c) *Prices*

- (16) Because of the very large number of models being sold, the information available concerning the evolution of prices is not conclusive. Indeed, although a comparison of total sales in volume and value terms shows a general price decrease of 9 % from 1988 to 1991, verified information concerning the best selling models of the Community industry showed a price increase of 8 % over the same period. Thus, the general decrease in prices appears to be due more to changes in the product mix than to a declining trend in prices. This would explain the limited impact of the general decrease in prices on the profitability of the Community industry.

(d) *Profitability*

- (17) The profits and the complainant industry, which had been declining before 1988, subsequently recovered. Although the profitability decreased slightly in 1991 with respect to the previous year, it can still be considered as satisfactory in view of the type of product and of the technology involved.

(e) *Investment and employment*

- (18) The Community industry carried out substantial investments in the period 1988 to 1991 resulting in increased capacity (see recital 14) and improved efficiency. As regards employment, there was a

moderate increase in the same period in contrast with a reduction in employment before 1988.

4. Conclusions on injury

- (19) The overall situation of the Community industry was positive during 1991. Since 1988 the Community producers have been able to increase their production considerably. Their sales both in terms of volume and value have increased by more than 20 % while they have maintained their profitability at a level which can be considered acceptable. As regards employment, investments and stocks, there are positive developments during the period considered.

The exports from the People's Republic of China to the Community have declined substantially since 1988. Thus, in 1991, the market share of the Chinese imports in the Community market accounted for 3,2 % in terms of value or 15,3 % in terms of volume by comparison to 8,5 % and 36,2 % respectively in 1988.

The Commission has noted that, during the period investigated, imports from other third countries, often at very low prices, have entered the Community market increasing considerably their market share and that, although no measures against imports from these countries were in force, this increase has not prevented the Community industry from maintaining a quite healthy situation. This shows that imports from China have been mainly replaced by cheap imports from other sources without harming the Community industry.

In the light of these findings, the Commission has concluded that the Community industry has not suffered material injury, within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88, as a consequence of imports of the product under consideration from the People's Republic of China.

E. THREAT OF INJURY

- (20) The Commission has considered the fact that, during most of the investigation period and in the preceding years anti-dumping measures were in force. Taking this fact into account, the Commission has examined whether a threat of injury to the Community industry exists and whether material injury to the Community industry would be likely to occur should no measures be taken.

The Commission has no indication that production capacity in China has increased. Evolution of export sales since 1988 has shown that some of the market share lost by Chinese exporters has been gained by a number of Asian exporting countries.

The tendency in the market seems to indicate that, should this market share revert to the Chinese exporters, it would be to the detriment of the other Asian exporting countries and that the market share of the Community producers would not be significantly affected. No other factors showing any threat of injury to the Community industry have been found.

- (21) For these reasons, the Commission considers that, in the present situation, injury is not imminent and clearly foreseeable, and that the adoption of anti-dumping measures is therefore not justified.

In reaching this conclusion, the Commission has taken into account the fact that the Community industry has achieved a sufficiently healthy situation to allow it to withstand the impact or any likely increase in Chinese imports. Furthermore, if dumping and injury were to recur in the near future the Community industry may again lodge a complaint and request the opening of a proceeding which the Commission would carry out expeditiously.

F. DUMPING

- (22) In view of the conclusions reached by the Commission concerning the lack of injury or threat of injury, the Commission did not consider it necessary to further consider any dumping issues.

G. TERMINATION OF THE PROCEEDING

- (23) Accordingly, the anti-dumping proceeding concerning imports of paint, distemper, varnish and similar brushes originating in the People's Republic of China should be terminated without protective measures being imposed.
- (24) No objections to this conclusion were raised in the Advisory Committee.
- (25) The complainant and the other parties concerned were informed of the essential facts and principal considerations on the basis of which the Commission intended to terminate the proceeding and did not object,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerns imports of paint, distemper, varnish and similar brushes originating in the People's Republic of China is hereby terminated.

Done at Brussels, 18 May 1993.

For the Commission

Leon BRITTAN

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 1144/93 of 10 May 1993 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar

(Official Journal of the European Communities No L 116 of 12 May 1993)

On page 5, in the first recital :

for: 'Article 14 of Regulation (EEC) No 3819/92',

read: 'Article 20 of Regulation (EEC) No 1068/93';

footnote (*) should read :

'(*) OJ No L 108, 1. 5. 1993, p. 106.';

in the fifth recital :

for: 'Article 8 (1) of Regulation (EEC) No 3819/92',

read: 'Article 13 (1) of Regulation (EEC) No 1068/93'.

On page 9 in Article 14 :

for: 'Article 8 (1) of Regulation (EEC) No 3819/92',

read: 'Article 13 (1) of Regulation (EEC) No 1068/93'.
