

# Official Journal

## of the European Communities

ISSN 0378-6978

L 80

Volume 33

27 March 1990

English edition

## Legislation

### Contents

#### I Acts whose publication is obligatory

- \* **Council Regulation (EEC) No 716/90 of 22 March 1990 temporarily suspending the autonomous Common Customs Tariff duties on a number of agricultural products** ..... 1
- \* **Council Regulation (EEC) No 717/90 of 22 March 1990 temporarily suspending the autonomous Common Customs Tariff duties on a chemical product** ..... 4
- Commission Regulation (EEC) No 718/90 of 26 March 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal ..... 5
- Commission Regulation (EEC) No 719/90 of 26 March 1990 fixing the premiums to be added to the import levies on cereals, flour and malt ..... 7
- \* **Commission Regulation (EEC) No 720/90 of 22 March 1990 imposing a provisional anti-dumping duty on imports of silicon metal originating in the People's Republic of China** ..... 9
- Commission Regulation (EEC) No 721/90 of 26 March 1990 on the supply of various lots of skimmed-milk powder as food aid ..... 14
- Commission Regulation (EEC) No 722/90 of 26 March 1990 on the supply of various lots of white sugar as food aid ..... 17
- \* **Commission Regulation (EEC) No 723/90 of 26 March 1990 fixing for the 1990 marketing year the Community offer prices for cherries applicable with regard to Spain** ..... 21
- \* **Commission Regulation (EEC) No 724/90 of 26 March 1990 fixing for the 1990 marketing year the reference prices for cherries** ..... 23
- Commission Regulation (EEC) No 725/90 of 26 March 1990 amending Regulation (EEC) No 440/90 introducing a countervailing charge on fresh lemons originating in Cyprus ..... 25

II *Acts whose publication is not obligatory*

**Commission**

90/143/Euratom :

- \* **Commission Recommendation of 21 February 1990 on the protection of the public against indoor exposure to radon** ..... 26

90/144/EEC :

Commission Decision of 16 March 1990 to take no action on the tenders received in response to the invitation to tender for the private storage aid of carcasses and half carcasses of lamb, issued pursuant to Regulation (EEC) No 466/90 ..... 29

90/145/EEC :

- \* **Commission Decision of 19 March 1990 on the establishment of overall quantities of food aid for 1990 and a list of products to be supplied as food aid** ..... 30

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EEC) No 716/90**

of 22 March 1990

**temporarily suspending the autonomous Common Customs Tariff duties on a number of agricultural products**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of the products specified in this Regulation is currently inadequate or non-existent; whereas producers thus cannot meet the needs of user industries in the Community;

Whereas in certain cases it is in the interest of the Community to suspend the autonomous Common Customs Tariff duties only partially, particularly since the goods in question are produced in the Community, and in the other cases to suspend them totally;

Whereas, in view of the difficulty of assessing accurately short-term trends in the economic situation in the relevant sectors, suspension measures should be taken only temporarily by fixing their period of validity by reference to the interests of Community production,

HAS ADOPTED THIS REGULATION:

*Article 1*

The autonomous Common Customs Tariff duties for the products listed in the Annex hereto shall be suspended at the level indicated against each of them.

These suspensions shall be valid

- from 1 April to 31 December 1990 for the product mentioned in Table I,
- from 1 July to 31 December 1990 for the products mentioned in Table II,
- from 1 July 1990 to 30 June 1991 for the products mentioned in Table III.

*Article 2*

This Regulation shall enter into force on 1 April 1990.

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

Done at Brussels, 22 March 1990.

*For the Council*

*The President*

P. FLYNN

## ANNEX

Notes for the purpose of the following tables:

- (a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.
- (b) The suspension shall apply to fish intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations:
- cleaning, gutting, tailing, heading,
  - cutting (excluding filleting or cutting of frozen blocks),
  - sampling, sorting,
  - labelling,
  - packing,
  - chilling,
  - freezing,
  - deep freezing,
  - thawing, separation,
- The suspension is not allowed for products intended, in addition, to undergo treatment (or operations) qualifying for suspension where such treatment (or operations) is (are) carried out at retail or catering level. The suspension of customs duties shall apply only to fish intended for human consumption.
- (c) However, the suspension is not allowed where processing is carried out by retail or catering undertakings.

TABLE I

CN code	Description	Rate of autonomous duty (%)
ex 0710 21 00	Peas in pods, of the species <i>Pisum sativum</i> of the variety <i>Hortense axiphium</i> , frozen, of a thickness not exceeding 6 mm, to be used, in their pods, in the manufacture of prepared meals (a) (c)	0

TABLE II

CN code	Description	Rate of autonomous duty (%)
ex 0302 69 95	Lump fish ( <i>Cyclopterus lumpus</i> ) with roe, fresh or chilled, for processing (a)	0
ex 0302 70 00	Hard fish roes, fresh, chilled or frozen	0
ex 0303 80 00		
ex 0305 20 00	Hard fish roes, salted or in brine	0
ex 0711 90 50	Mushrooms, excluding cultivated mushrooms within the meaning of CN code 0709 51 10, in salted or sulphur water, or to which other substances ensuring their temporary preservation have been added, but not specially prepared for immediate consumption	3
ex 0713 33 90	Beans, white, dried, of the species <i>Phaseolus vulgaris</i> , of which not more than 2 % by weight are retained by a screen with apertures of 8 mm in diameter, for use in the food-canning industry (a)	0
ex 0804 10 00	Dates, fresh or dried, for packing for retail sale into immediate packing or a net capacity not exceeding 11 kg	0
ex 1604 30 90	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine	0
2309 90 10	Fish or marine mammal solubles	0

TABLE III

CN code	Description	Rate of autonomous duty (%)
0302 65 20 0303 75 20 ex 0304 10 98 ex 0304 90 98	Dogfish of the species <i>Squalus acanthias</i> , fresh, chilled or frozen.	6
ex 0302 65 95 ex 0303 79 99	Red snapper ( <i>Lutjanus purpureus</i> ), fresh, chilled or frozen, for processing (a) (c)	0
ex 0302 69 95 ex 0303 79 99	Sturgeons, fresh, chilled or frozen, for processing (a) (b)	0
ex 0303 10 00	Pacific salmon ( <i>Oncorhynchus</i> spp.), frozen and headless, for the processing industry for manufacture into pastes or spreads (a)	0
ex 0303 80 00	Fish milk, frozen, for the manufacture of deoxyribonucleic acid (dna) or protamine sulphate (a)	0
ex 0306 19 90 ex 0306 29 90	Krill for processing (a)	0
ex 0712 30 00	Mushrooms, excluding cultivated mushrooms within the meaning of CN code 0709 51 10, dried, whole or in identifiable slices or pieces, for treatment other than simple repacking for retail sale	3
ex 0804 10 00	Dates, fresh or dried, for the processing industry, other than for the production of alcohol (a)	0
ex 0810 40 50	Fruit of the species <i>Vaccinium macrocarpon</i> , fresh	0
ex 0810 90 80	Rose-hips, fresh	0
0811 90 50 0811 90 70 ex 0811 90 90	Fruit of the genus <i>Vaccinium</i> , whether or not cooked, frozen, not containing added sugar or other sweetening matter	0
ex 0811 90 90	Rose-hips, whether or not cooked, frozen, not containing added sugar or other sweetening matter	0
ex 1212 20 00	Seaweeds and other algae, for the processing industry, other than for the production of animal fodder (a)	0
ex 1507 90 10	Purified soya-bean oil in glass bottles. Each bottle holds 10 litres of purified soya-bean oil containing by weight : — a minimum of 8,5 % and a maximum of 12 % of palmitic acid esters, — a minimum of 2,5 % and a maximum of 4,7 % of stearic acid esters, — a minimum of 22,4 % and a maximum of 29 % of oleic acid esters, — a minimum of 46,6 % and a maximum of 53,7 % of linoleic acid esters, — a minimum of 7,4 % and a maximum of 11 % of linolenic acid esters, and containing : — not more than 5 millimoles of free fatty acid per kilogram of oil, — phospholipids corresponding to a nitrogen content not exceeding 0,04 mg per gram of oil. The soya-bean oil covered by this description is destined for the preparation of emulsions for injections (a)	8 maximum ECU 125/100 kg net plus a compensatory amount in certain conditions
ex 1604 11 00 ex 1604 20 10	Pacific salmon ( <i>Oncorhynchus</i> spp.), for the processing industry for manufacture into pastes or spreads (a)	0
ex 1605 10 00	Crabs of the species 'King' ( <i>Paralithodes camchaticus</i> ), 'Hanasaki' ( <i>Paralithodes brevipes</i> ), 'Kegani' ( <i>Erimacrus isenbecki</i> ), 'Queen' and 'Snow' ( <i>Chionoecetes</i> spp.), 'Red' ( <i>Geryon quinquedens</i> ), 'Rough stone' ( <i>Neolithodes asperrimus</i> ), <i>Lithodes antartica</i> , 'Mud' ( <i>Scylla serrata</i> ), 'Blue' ( <i>Portunus</i> spp.), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net content of 2 kg or more	0
ex 1605 30 00	Lobster flesh, cooked, for the processing industry for the manufacture of butters based on lobster, or of pastes, pâtes, soups or sauces (a) (c)	10

**COUNCIL REGULATION (EEC) No 717/90  
of 22 March 1990**

**temporarily suspending the autonomous Common Customs Tariff duties on a  
chemical product**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas the product referred to in this Regulation is benefiting until 31 March 1990 from a suspension of Common Customs Tariff duties, notably for the reason that no equivalent product is produced in the Community; whereas an enquiry conducted on the Community market has shown that there will be such production available in the coming months; whereas, under these circumstances, it is in the Community's interest to extend

the suspension for the product in question for a limited period,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the period 1 April to 30 June 1990, the autonomous Common Customs Tariff duty for the product mentioned in the Annex shall be suspended at zero.

*Article 2*

This Regulation shall enter into force on 1 April 1990.

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

Done at Brussels, 22 March 1990.

*For the Council*

*The President*

P. FLYNN

ANNEX

CN code	Description	Rate of autonomous duty (%)
ex 3903 90 00	Copolymer, entirely of maleic anhydride with styrene, or entirely of maleic anhydride with styrene and an acrylic monomer, whether or not containing a styrene-butadiene block copolymer, in one of the forms mentioned in note 6 (b) to Chapter 39	0

## COMMISSION REGULATION (EEC) No 718/90

of 26 March 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 201/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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 1915/89<sup>(5)</sup> and subsequent amending Regulations;

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

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

tion to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 23 March 1990;

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

Whereas Council Regulation (EEC) No 486/85<sup>(6)</sup>, as last amended by Regulation (EEC) No 3530/89<sup>(7)</sup>, lays down the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories; whereas the Regulation intended to replace Regulation (EEC) No 486/85 was adopted by the Council on 5 March 1990 but has not yet been published; whereas, in order to avoid discontinuity in the arrangements applying, the application of the arrangements laid down in Regulation (EEC) No 486/85 should continue to apply as a precaution and without prejudice to the definitive arrangements;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1915/89 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 27 March 1990.

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

Done at Brussels, 26 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 22, 27. 1. 1990, p. 7.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 187, 1. 7. 1989, p. 1.

<sup>(6)</sup> OJ No L 61, 1. 3. 1985, p. 4.

<sup>(7)</sup> OJ No L 347, 28. 11. 1989, p. 3.

## ANNEX

to the Commission Regulation of 26 March 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Levies	
	Portugal	Third country
0709 90 60	37,12	132,38 <sup>(2)</sup> <sup>(3)</sup>
0712 90 19	37,12	132,38 <sup>(2)</sup> <sup>(3)</sup>
1001 10 10	46,15	184,87 <sup>(1)</sup> <sup>(2)</sup>
1001 10 90	46,15	184,87 <sup>(1)</sup> <sup>(2)</sup>
1001 90 91	38,10	135,62
1001 90 99	38,10	135,62
1002 00 00	62,78	131,54 <sup>(4)</sup>
1003 00 10	54,03	117,68
1003 00 90	54,03	117,68
1004 00 10	45,43	122,94
1004 00 90	45,43	122,94
1005 10 90	37,12	132,38 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	37,12	132,38 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	54,03	140,11 <sup>(4)</sup>
1008 10 00	54,03	28,78
1008 20 00	54,03	94,35 <sup>(4)</sup>
1008 30 00	54,03	0,00 <sup>(2)</sup>
1008 90 10	(7)	(7)
1008 90 90	54,03	0,00
1101 00 00	67,51	204,04
1102 10 00	102,06	198,33
1103 11 10	86,26	302,38
1103 11 90	71,65	219,10

(1) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

(2) In accordance with Regulation (EEC) No 486/85 the levies are not applied to 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 reduced by 50 %.

(5) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

(6) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10) and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22).

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



**COMMISSION REGULATION (EEC) No 719/90**  
**of 26 March 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<sup>(1)</sup>, as last amended by Regulation (EEC) No 201/90<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(4)</sup>, 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 1916/89<sup>(5)</sup> and subsequent amending Regulations;

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

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

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

Whereas these exchange rates being those recorded on 23 March 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 27 March 1990.

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

Done at Brussels, 26 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 22, 27. 1. 1990, p. 7.

<sup>(3)</sup> OJ No L 164, 24. 6. 1985, p. 1.

<sup>(4)</sup> OJ No L 153, 13. 6. 1987, p. 1.

<sup>(5)</sup> OJ No L 187, 1. 7. 1989, p. 4.

## ANNEX

to the Commission Regulation of 26 March 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

CN code	<i>(ECU/tonne)</i>			
	Current 3	1st period 4	2nd period 5	3rd period 6
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 10	0	0	0	0
1001 10 90	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	5,87
1003 00 90	0	0	0	5,87
1004 00 10	0	0	0	0
1004 00 90	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0

## B. Malt

CN code	<i>(ECU/tonne)</i>				
	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	10,45	10,45
1107 10 99	0	0	0	7,81	7,81
1107 20 00	0	0	0	9,10	9,10

**COMMISSION REGULATION (EEC) No 720/90**  
of 22 March 1990

**imposing a provisional anti-dumping duty on imports of silicon metal  
originating in the People's Republic of China**

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<sup>(1)</sup>, and in particular Article 11 thereof,

After consultation with the Advisory Committee as provided for in Regulation (EEC) No 2423/88,

Whereas :

**A. PROCEDURE**

- (1) In December 1988 the Commission received a complaint lodged by the Liaison Committee of Ferroalloy Industries in the European Economic Community on behalf of producers representing all Community production of silicon metal and concerning imports of that product originating in China and imported from that country or from Hong Kong.
- (2) The complaint contained evidence of dumping and consequent material injury which was judged sufficient to justify the initiation of a proceeding. In a notice published in the *Official Journal of the European Communities*<sup>(2)</sup> the Commission accordingly announced the initiation of an anti-dumping proceeding concerning silicon metal falling within CN code 2804 69 00.
- (3) The Commission officially advised the exporters and importers known to be concerned and the complainant and gave the parties concerned the opportunity to make their views known in writing.
- (4) Only two exporters and a small number of importers made their views known in writing.
- (5) Only one processor made comments regarding the possible imposition of an anti-dumping duty.
- (6) The Commission sought and verified all the information it deemed necessary for the purposes of making a preliminary determination of dumping and consequent injury. It carried out inspections at the premises of :

(a) *all the Community producers :*

- Pechiney Electrometallurgie, Paris, France,
- VAW — Vereinigte Aluminium-Werke AG, Bonn, Federal Republic of Germany,
- Carbuos Metálicos, Barcelona, Spain,
- Siderleghe Srl, Milan, Italy,
- OET Calusco SpA, Milan, ;

(b) *the importer :*

- R. Hostombe Ltd, Sheffield, United Kingdom.

- (7) The dumping investigation covered the period 1 January to 31 December 1988. The proceeding was extended owing to the difficulty in finding a reference market.

**B. THE PRODUCT**

(i) *Definition*

- (8) The product is silicon metal produced in an electric arc furnace by reducing silicon quartz with the help of various carbonaceous products.

It is marketed in the form of lumps, grains or powder. There are internationally accepted specifications regarding differences in quality resulting from impurities — iron, aluminium and calcium.

The product covered by this proceeding comes exclusively from China, since silicon metal is not produced in Hong Kong.

(ii) *Like product*

- (9) The same international technical specifications apply both to the imported product referred to in the complaint and to silicon metal produced in the Community. Despite some difference in purity and dimensions between the Chinese product and the Community product, the physical characteristics of the products and their applications are essentially the same. The Community product and the imported product are therefore like products. The parties concerned have not put forward any arguments on this point.

**C. NORMAL VALUE**

- (10) Since China does not have a market economy and since the product in question is not manufactured in Hong Kong, the complainant suggested comparing export prices with prices or costs in a similar country, particularly the United States. However,

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No C 26, 1. 2. 1989, p. 8.

the American producers either refused to cooperate with the Commission or failed to provide sufficient information. The Commission therefore contacted producers in three other similar countries, viz. Norway, Canada and Yugoslavia. These producers too either refused to cooperate with the Commission or failed to provide sufficient information. Given these circumstances, the Commission came to the provisional conclusion that it had no choice but to establish the normal value in accordance with Article 2 (5) (c) of Regulation (EEC) No 2423/88, i.e. on the basis of the price payable in the Community for the like product, duly adjusted to include a reasonable profit margin.

#### D. EXPORT PRICE

- (11) Since the Chinese exporters and the importers of the product into the Community failed to provide satisfactory and representative replies, the export price was established provisionally, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88 on the basis of the information available, i.e. the import prices published by Eurostat. The Commission found that this information was very similar to the information supplied by the exporters, which had given partial replies to the Commission's questionnaire.
- (12) Since the Hong Kong export prices and those in the Eurostat statistics actually refer to the Chinese product, account was taken, when establishing the export price, of quantities and prices of exports from both China and Hong Kong.

#### E. COMPARISON

- (13) In comparing normal value with export prices, the Commission took account of differences affecting the comparability of prices, and in particular differences in the physical characteristics of the products and in the costs of transport from China to the Community.

The chief differences in the physical characteristics of the products consisted in the grain sizes of the delivered product, its purity and the lower quality packaging. The adjustment took account of costs incurred by the importer as a result of checks on differences in volume, quality and packaging.

- (14) All comparisons were made at the fob stage.
- (15) The margin was established by comparing the monthly normal value with the corresponding monthly export prices.

#### F. DUMPING MARGIN

- (16) The preliminary examination of the facts showed that imports were being dumped, the dumping margin being equal to the difference between the established normal value and the export price to the Community.

The weighted average dumping margin for the investigation period was 38,73 %.

- (17) Since the Hong Kong export prices actually refer to the Chinese product and since the product concerned is not manufactured in Hong Kong, a separate dumping margin was not calculated for Hong Kong.

#### G. INJURY

##### 1. Imports and market share

- (18) Imports into the Community of the product originating in China began in 1987, totalling 7 876 tonnes that year. During 1988 imports rose to 20 214 tonnes, i.e. an increase of 157 % between 1987 and 1988.

The market share of the import product, measured in relation to total consumption in the Community, rose from 0 % in 1986 to 3,6 % in 1987 and 9,3 % in 1988. The market share of the Community industry fell from 44,7 % in 1986 to 37,10 % in 1987, rising only slightly in 1988 to reach 38 %.

##### 2. Price trends

- (19) The weighted average prices of imports originating in China charged to their first independent purchasers in the Community were 5,4 % lower than the prices charged by the Community producers to their first purchasers during the reference period. The price was not sufficient to cover the costs of the Community producers.

The comparison takes into account the differences in the physical characteristics of the imported products (see recital 13).

- (20) Weighted average prices in the Community fluctuated during 1985 around ECU 1 550 per tonne; they fell in 1986 to ECU 1 364 per tonne. In 1987, weighted average prices reached a low of ECU 1 288 per tonne and remained at that level during 1988, as a result of the Chinese imports.

These dumping prices prevented the Community producers from charging prices which would have covered their production costs and allowed a reasonable profit margin.

This margin is lower than the margins attained before the imports from China started.

### 3. Impact of the imports on the situation of the Community producers

#### (a) *Consumption, production capacity, production, capacity utilization and sales in the Community*

- (21) Community consumption of the product rose in 1987 by 11,2 % and remained at the same level in 1988.

Over the same period, Community production fell by 5,2 % from 111 321 tonnes in 1987 to 105 522 tonnes in 1988.

- (22) In order to improve profitability, the Community producers reduced their production capacity from 146 061 tonnes in 1987 to 134 354 tonnes in 1988, a reduction of 8 %.
- (23) Between 1986, the year preceding the penetration of the Community market by the Chinese product, and 1987, utilization of production capacity in the Community fell from 82,5 to 76,2 %, subsequently rising to 78,5 % following the capacity reduction.
- (24) Despite restructuring by the Community producers and the increase in consumption referred to above, the Community industry's sales fell by 7,7 % in 1987 and rose by a mere 2 % or so in 1988.

#### (b) *Jobs, profitability*

- (25) The workforce of the Community industry shrank by 5,4 % in 1987 and by 8,6 % in 1988.
- (26) General price trends forced the Community producers to align their prices via a 4,9 % reduction in 1987 and a 1,5 % reduction in 1988.
- (27) Except for the Spanish producer, which remains protected during the transitional period by a special customs duty higher than that applicable at the external frontier of the old Community in its composition on 30 December 1985, the Community producers either suffered considerable losses during this period or barely managed to cover their production costs, despite the increased consumption of silicon metal.

Losses sustained by the Community producers ranged from 1 to 13 % during the investigation period.

The Commission found that the Community industry sustained material injury through a substantial loss in profitability.

### 4. Cause and effect

- (28) Since 1987 there has been considerable penetration by silicon metal originating in China at prices significantly lower than Community production costs.
- (29) The trend in Community consumption does not explain the growth in imports from China, as may be seen from the figures for 1987 and 1988. The market share of the imported Chinese product more than doubled during those two years while Community consumption grew much more slowly in 1987 and remained constant in 1988.
- (30) Moreover, imports from all other non-member countries fell from 59,3 % in 1987 to 52,7 % in 1988.

Imports in the three main non-member importing countries (Norway, South Africa and Brazil) remained stable.

The Commission found that import prices in all the non-member countries were higher than the Chinese prices.

- (31) All this evidence led the Commission to conclude that the effects of imports of silicon metal originating in China, considered separately, must be considered to have caused material injury to the Community industry.

### I. COMMUNITY INTEREST

- (32) Given the material injury sustained by the Community silicon metal industry in terms of profitability and market share, the Commission considers that without measures to deal with the dumped imports, which have been shown to have caused injury, the Community industry is likely to have to cease production. Since silicon metal is a basic product for a number of high-technology industrial sectors and since total dependence on extra-Community supplies must be avoided, the Commission considers that the loss of Community production would have unwelcome consequences for a large section of the Community industry.
- (33) Most of the non-member countries which produce silicon metal are far away from the Community market. In addition, account must be taken of the sizeable differences in the quality of the imported product and differences of technology in the non-member countries.

The Commission also took into consideration the comments of a consumer-processor, which argued that it could sell its final product at competitive prices only by purchasing dumped imports.

The Commission found, however, that during the investigation period this consumer had purchased only 2,7 % of all its requirements of silicon metal from Chinese suppliers. Moreover, it should be recalled that the price advantages enjoyed by purchasers resulted from unfair practices and that there are no grounds for allowing the continued existence of unfair prices.

- (34) The Commission therefore considers that it is in the Community's interest that fair competition be re-established on the Community market and that the Community producers' interests take priority over those of the consumer-processors purchasing the dumped product.

#### J. PROVISIONAL ANTI-DUMPING DUTY

- (35) To determine the rate of the provisional duty necessary to eliminate the injury, the Commission compared the average import price of the Chinese product with a theoretical selling price at which the Community producers could realize a profit; the average price differential was 14,7 %, i.e. 18,7 % on a cif basis.

In order to determine the theoretical selling price, the production costs of the Community producer considered to be most representative were adjusted by a profit margin of 6,5 %, considered to be the minimum margin guaranteeing the Community producers a reasonable return on investments.

The free-at-Community-frontier price must therefore be raised by this margin in order to eliminate the injury.

- (36) In view of the above, the Commission considers that the provisional duty to be imposed should not be equal to the established dumping margin, since a rate of duty lower than the 38,7 % dumping margin would be sufficient to stop the injury attributable to the imports in question.
- (37) In this respect the Commission took into account both the level of the import prices concerned, including the importer's margin and customs duties, and a minimum selling price which would allow the Community producers to cover production costs and make a reasonable profit.

- (38) Since the investigation showed that the imports recorded in Community statistics as originating in Hong Kong in fact originated in China, a specific anti-dumping duty should not be imposed on the product from Hong Kong and the proceeding against Hong Kong should be terminated.

- (39) A time limit should be set for the parties concerned to make known their views in writing and to request a hearing by the Commission.

HAS ADOPTED THIS REGULATION :

#### Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of silicon metal falling within CN code 2804 69 00 originating in the People's Republic of China.

2. The duty shall be 18,7 % of the net free-at-Community-frontier price before duty.

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

4. The release for free circulation in the Community of the product referred to in paragraph 1 originating in the People's Republic of China shall be subject to the provision of a security equivalent to the amount of the provisional duty.

#### Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing and apply to be heard by the Commission within one month of the entry into force of this Regulation.

#### Article 3

The proceeding relating to the products imported from Hong Kong is hereby terminated without the imposition of an anti-dumping duty.

#### Article 4

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2423/88, it shall apply for a period of four months, unless the Council adopts definitive measures before that period has elapsed.

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

Done at Brussels, 22 March 1990.

*For the Commission*

Frans ANDRIESEN

*Vice-President*

---

**COMMISSION REGULATION (EEC) No 721/90**  
**of 26 March 1990**  
**on the supply of various lots of skimmed-milk powder 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1750/89 <sup>(2)</sup>, 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 <sup>(3)</sup> 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 decision on the allocation of food aid, the Commission has allocated to Sierra Leone 400 tonnes of skimmed-milk powder;

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 <sup>(4)</sup>; 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*

Milk products 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 Annex. Supplies shall be awarded by the tendering procedure.

*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, 26 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 172, 21. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.



## ANNEX

## LOT A

1. **Operation No** (1): 167/90 — Commission Decision of 20. 7. 1989
2. **Programme**: 1989
3. **Recipient**: National Authorizing Officer, Office of the President, Sierra Leone
4. **Representative of the recipient** (2): Dr F. Macbailey, National Authorizing Officer, Office of the President, PO Box 1402, Freetown, Sierra Leone
5. **Place or country of destination**: Sierra Leone
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** (3): (see OJ No C 216, 14. 8. 1987, p. 4 (under I.1.B.1 to I.1.B.3))
8. **Total quantity**: 400 tonnes
9. **Number of lots**: one
10. **Packaging and marking**: 25 kilograms  
and OJ No C 216, 14. 8. 1987, p. 4 and 6 (under I.1.B.4 and I.1.B.4.3)  
Supplementary markings on packaging:  
'OPERATION No 167/90 / VITAMINIZED SKIMMED-MILK POWDER / GIFT OF THE EUROPEAN ECONOMIC COMMUNITY TO SIERRA LEONE / FOR FREE DISTRIBUTION'  
and OJ No C 216, 14. 8. 1987, p. 6 (under I.1.B.5)
11. **Method of mobilization**: the Community market  
The manufacture of the skimmed-milk powder and the incorporation of vitamins must be carried out after the award of the tender
12. **Stage of supply**: free-at-port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Freetown, Sierra Leone
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 1 — 10. 5. 1990
18. **Deadline for the supply**: 21. 6. 1990
19. **Procedure for determining the costs of supply**: invitation to tender
20. **In the case of a second invitation to tender, date of expiry of the period allowed for submission of tenders** (4): 23. 4. 1990, at 12 noon
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 7. 5. 1990 at 12 noon
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15 — 25. 5. 1990
  - (c) deadline for the supply: 6. 7. 1990
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders**:  
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 application by the successful tenderer** (5): refund applicable on 15. 2. 1990, fixed by Commission Regulation (EEC) No 394/90 (OJ No L 42, 15. 2. 1990, p. 26)

*Notes :*

- (<sup>1</sup>) The operation number is to be quoted in all correspondence.
  - (<sup>2</sup>) At the request of the beneficiary the successful tenderer is to deliver 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.
  - (<sup>3</sup>) Commission delegate to be contacted by the successful tenderer : Mr J. Trestour, Wesley House, 4 George Street, PO Box 1399, Freetown, Sierra Leone ; tel. 255 43, telex 3203 Delfed, fax 25212.
  - (<sup>4</sup>) 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 :
    - 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.
  - (<sup>5</sup>) 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 regard 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 this Annex.
-

**COMMISSION REGULATION (EEC) No 722/90**  
**of 26 March 1990**  
**on the supply of various lots of white sugar 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 <sup>(1)</sup>, as last amended by Regulation (EEC) No 1750/89 <sup>(2)</sup>, 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 <sup>(3)</sup> 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 220 tonnes of sugar;

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 <sup>(4)</sup>; 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*

Sugar 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 Annex. Supplies shall be awarded by the tendering procedure.

*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, 26 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 172, 21. 6. 1989, p. 1.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.

## ANNEX

## LOT A

1. **Operation No** (1): 34/90
2. **Programme** : 1989
3. **Recipient** : World Food Programme, Via Cristoforo Colombo 426, I-00145 Rome ; telex 626675 WFP I
4. **Representative of the recipient** (2) : see OJ No C 103, 16. 4. 1987
5. **Place or country of destination** : Mozambique
6. **Product to be mobilized** : white sugar
7. **Characteristics and quality of the goods** (3) (4) (5) (6) (7) : white sugar of category 2 standard quality (Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1)) meeting the requirements set out in Article 3 (3) of Commission Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12)
8. **Total quantity** : 20 tonnes
9. **Number of lots** : one
10. **Packaging and marking** (8) : new jute bags, with inner polythene bag at least 0,05 mm thick, minimum weight of jute and polythene 420 g, net capacity 50 kilograms  
Marking on bags (at least 5 cm high):  
'ACÇÃO N.º 34/90 / MOÇAMBIQUE 0410201 / AÇÚCAR / DONATIVO DA COMUNIDADE ECONÓMICA EUROPEIA / ACÇÃO DO PROGRAMA ALIMENTAR MUNDIAL / MAPUTO'
11. **Method of mobilization** (9) : sugar produced in the Community as defined at (a) and (b) in the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 (OJ No L 177, 1. 7. 1981, p. 4)
12. **Stage of supply** : free at port of shipment
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** : 15 — 31. 5. 1990
18. **Deadline for the supply** : —
19. **Procedure for determining the costs of supply** : invitation to tender
20. **Date of expiry of the period allowed for submission of tenders** : 17. 4. 1990, at 12 noon
21. **In the case of a second invitation to tender** :
  - (a) deadline for the submission of tenders : 24. 4. 1990, at 12 noon
  - (b) period for making the goods available at the port of shipment : 15 — 31. 5. 1990
  - (c) deadline for the supply : —
22. **Amount of the tendering security** : ECU 15 per tonne
23. **Amount of the delivery security** : 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** (10) : 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** (11) : periodic refund applicable to white sugar on 1. 3. 1990, fixed by Commission Regulation (EEC) No 498/90 (OJ No L 53, 1. 3. 1990, p. 20)

## LOT B

1. **Operation No** <sup>(1)</sup>: 15/90
2. **Programme**: 1989
3. **Recipient**: Ligue des sociétés de la Croix-Rouge et du Croissant-Rouge, service logistique, BP 372, CH-1211 Genève 19; tel. 734 55 80, telex 22555 LRCS CH, telefax 733 03 95
4. **Representative of the recipient** <sup>(2)</sup>: Croissant-Rouge Tunisien, 19, rue d'Angleterre, Tunis 1000; tel. 24 06 30/24 55 72, telex 14524 HILAL TN
5. **Place or country of destination**: Tunisia
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(4)</sup> <sup>(5)</sup> <sup>(7)</sup>: white sugar of category 2 standard quality (Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1)) meeting the requirements set out in Article 3 (3) of Commission Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12)
8. **Total quantity**: 200 tonnes
9. **Number of lots**: one
10. **Packaging and marking** <sup>(10)</sup>: new jute bags, with inner polythene bag at least 0,05 mm thick, minimum weight of jute and polythene 420 g, net capacity 50 kilograms  
Marking on bags (at least 5 cm high):  
'ACTION N° 15/90 / A red crescent with the points towards the left / SUCRE / DON DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE / ACTION DE LA LIGUE DES SOCIÉTÉS DE LA CROIX-ROUGE ET DU CROISSANT-ROUGE (LICROSS) / POUR DISTRIBUTION GRATUITE / TUNIS'
11. **Method of mobilization** <sup>(8)</sup>: sugar produced in the Community as defined at (a) and (b) in the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 (OJ No L 177, 1. 7. 1981, p. 4)
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Tunis — Radès
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 15 — 31. 5. 1990
18. **Deadline for the supply**: 30. 6. 1990
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 17. 4. 1990, at 12 noon
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 24. 4. 1990, at 12 noon
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 15 — 31. 5. 1990
  - (c) deadline for the supply: 30. 6. 1990
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders** <sup>(9)</sup>:  
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** <sup>(6)</sup>: periodic refund applicable to white sugar on 1. 3. 1990, fixed by Commission Regulation (EEC) No 498/90 (OJ No L 53, 1. 3. 1990, p. 20)

*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 *Official Journal of the European Communities* of 7 September 1985, page 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) The rule provided at the second indent in point (a) of Article 18 (2) of Regulation (EEC) No 2103/77 is binding for determination of the sugar category.
- (10) 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'.
-

## COMMISSION REGULATION (EEC) No 723/90

of 26 March 1990

fixing for the 1990 marketing year the Community offer prices for cherries applicable with regard to Spain

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 3709/89 of 4 December 1989 laying down general rules for implementing the Act of Accession of Spain and Portugal as regards the compensation mechanism on exports of fruit and vegetables originating in Spain<sup>(1)</sup>, and in particular Article 4 (1) thereof,

Whereas Commission Regulation (EEC) No 3815/89<sup>(2)</sup> lays down detailed rules for the application of the compensation mechanism to imports of fruit and vegetables from Spain;

Whereas, pursuant to Article 152 of the Act of Accession, a compensation mechanism is to be introduced on imports into the Community as constituted at 31 December 1985, hereinafter referred to as the 'Community of Ten', from 1 January 1990, of fruit and vegetables from Spain for which a reference price is fixed with regard to third countries; whereas, Community offer prices for cherries coming from Spain should be fixed only during the period where reference prices are fixed with regard to third countries, this means from 21 May up to and including 10 August;

Whereas, in accordance with Article 152 (2) (a) of the Act of Accession, a Community offer price is to be calculated annually on the basis of the arithmetic mean of the producer prices in each Member State of the Community of Ten, plus transport and packaging costs incurred by the products from the production regions to the representative consumption centres of the Community and bearing in mind developments in the cost of production in the fruit and vegetable sector; whereas the abovementioned producer prices correspond to the average prices recorded during the three years preceding the date of fixing of the Community offer price; whereas, however, the annual Community offer price cannot exceed the reference price applied for third countries;

Whereas, in order to take account of seasonal variations in prices, the marketing year should be divided into one or

more periods and a Community offer price should be fixed for each of them;

Whereas, in accordance with Article 1 of Regulation (EEC) No 3709/89, the producer prices to be used for the determination of the Community offer price are to be those of a domestic product defined by its commercial characteristics recorded on the representative market or markets located in the production areas where prices are lowest for products or varieties representing a considerable proportion of production marketed throughout the year or during a part of the latter and which meet quality class I requirements and conditions laid down as regards packaging; whereas the average price for each representative market must be established after disregarding prices which may be considered excessively high or excessively low compared with the normal fluctuations recorded on the market; whereas, moreover, if the average price for a Member State shows excessive variations with respect of normal price fluctuations, it shall not be taken into account;

Whereas the application of the abovementioned criteria results in Community offer prices being fixed for cherries for the period 21 May to 10 August 1990 at the levels set out hereinafter;

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*

For the 1990 marketing year, the Community offer prices for cherries (CN code 0809 20) applicable with regard to Spain, expressed in ecus per 100 kilograms net of packed products of class I, of all sizes, shall be as follows:

— May (21 to 31):	140,95
— June:	125,92
— July:	115,69
— August (1 to 10):	88,73

*Article 2*

This Regulation shall enter into force on 21 May 1990.

<sup>(1)</sup> OJ No L 363, 13. 12. 1989, p. 3.

<sup>(2)</sup> OJ No L 371, 20. 12. 1989, p. 28.

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

Done at Brussels, 26 March 1990.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

---



## COMMISSION REGULATION (EEC) No 724/90

of 26 March 1990

fixing for the 1990 marketing year the reference prices for cherries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EEC) No 1119/89<sup>(2)</sup>, and in particular Article 27 (1) thereof,

Whereas, pursuant to Article 23 (1) of Regulation (EEC) No 1035/72, reference prices valid for the whole Community are to be fixed at the beginning of the marketing year;

Whereas cherries are produced in such quantities in the Community that reference prices should be fixed for them;

Whereas cherries harvested during a given crop year are marketed from April to September; whereas the quantities harvested in April, during the first 20 days of May and from 11 August to 30 September are so small that there is no need to fix reference prices for these periods; whereas reference prices should be fixed only for the period 21 May to 10 August inclusive;

Whereas Article 23 (2) (b) of Regulation (EEC) No 1035/72 stipulates that reference prices are to be fixed at the same level as for the preceding marketing year, adjusted, after deducting the standard cost of transporting Community products between production areas and Community consumption centres in the preceding year, by:

- the increase in production costs for fruit and vegetables, less productivity growth, and
- the standard rate of transport costs in the current marketing year;

Whereas the resulting figure may nevertheless not exceed the arithmetic mean of producer prices in each Member State plus transport costs for the current year, after this amount has been increased by the rise in production costs less productivity growth; whereas the reference price may,

however, not be lower than in the preceding marketing year;

Whereas to take seasonal variations into account, the year should be divided into several periods and a reference price fixed for each of these periods;

Whereas producer prices are to correspond to the average of the prices recorded on the representative market or markets situated in the production areas where prices are lowest, during the three years prior to the date on which the reference price is fixed, for a home-grown product with defined commercial characteristics, being a product or variety representing a substantial proportion of the production marketed over the year or over part thereof and satisfying specified requirements as regards market preparation; whereas, when the average of prices recorded on each representative market is being calculated, prices which could be considered excessively high or excessively low in relation to normal price fluctuations on that market are to be disregarded;

Whereas, in accordance with Articles 272 (3) of the Act of Accession, the prices of Portuguese products will not be used for the purpose of calculating reference prices, during the first stage of accession;

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*

For the 1990 marketing year, the reference prices for cherries falling within CN code 0809 20, expressed in ecus per 100 kilograms net, of packed products of class I, of all sizes, shall be as follows:

May (21 to 31):	140,95
June:	125,92
July:	115,69
August (1 to 10):	88,73

*Article 2*

This Regulation shall enter into force on 21 May 1990.

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 118, 29. 4. 1989, p. 12.

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

Done at Brussels, 26 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

---

**COMMISSION REGULATION (EEC) No 725/90**  
**of 26 March 1990**  
**amending Regulation (EEC) No 440/90 introducing a countervailing charge on**  
**fresh lemons originating in Cyprus**

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

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EEC) No 1119/89 <sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 440/90 <sup>(3)</sup>, as last amended by Regulation (EEC) No 672/90 <sup>(4)</sup>, introduced a countervailing charge on fresh lemons originating in Cyprus;

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 fresh lemons originating in Cyprus must be altered,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Article 1 of Regulation (EEC) No 440/90, 'ECU 15,96' is hereby replaced by 'ECU 25,21'.

*Article 2*

This Regulation shall enter into force on 27 March 1990.

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

Done at Brussels, 26 March 1990.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

---

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 209, 31. 7. 1987, p. 4.

<sup>(3)</sup> OJ No L 118, 29. 4. 1989, p. 12.

<sup>(4)</sup> OJ No L 73, 20. 3. 1990, p. 28.

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION RECOMMENDATION

of 21 February 1990

on the protection of the public against indoor exposure to radon

(90/143/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 33, second paragraph, thereof,

Having consulted the group of experts appointed by the Scientific and Technical Committee pursuant to Article 31 of the Treaty,

Whereas :

I

In many Member States there is increasing awareness of the significance of indoor exposure of the population to radon. Several countries already have or are drawing up dose-control policies ;

It is the task of the Commission to harmonize Member States' provisions for the application of the basic safety standard for the health protection of the general public against the dangers arising from ionizing radiation ;

The Commission, therefore, asked the group of experts, set up under the terms of Article 31 of the Treaty, to examine the problem and to draw up proposals for any appropriate action ;

The group has now reported to the Commission and the present recommendation is based on its report ;

This is without prejudice to the Commission's ongoing work of developing a global approach to the problems of indoor pollution ;

Radon is a naturally occurring radioactive gas, the most significant isotope of which is radon-222 with a half life of 3,82 days. This is a member of the uranium-238 decay series and its presence in the environment is associated mainly with the trace amounts of its immediate parent, radium-226, in rocks and soils. The major contributor to radon concentration in dwellings is soil gas which may enter indoor air spaces through floors by pressure-driven or concentration-driven flow ; in most countries, the contribution from building materials, except in special cases, is usually minor by comparison ;

Recent surveys in Member States have shown average concentrations indoors of some 20 to 50 Bq/m<sup>3</sup>, with typical outdoor values an order of magnitude lower. Compared to other forms of natural radiation the chief characteristic of indoor radon levels is their variability ; in many countries some dwellings exhibit radon levels more than an order of magnitude above the average ;

The dose from inhaled radon gas is low in comparison to that from its short-lived radioactive daughters, which are isotopes of polonium, lead and bismuth. When inhaled, these deposit on surfaces of the human respiratory tract and the most significant doses arise from alpha irradiation of the bronchial epithelium. A task group of the International Commission on Radiological Protection (ICRP), set up to study the lung cancer risk from indoor exposure

to radon daughters, reported on these doses in 1987<sup>(1)</sup>. On the basis of current exposure models it implied a conversion coefficient around 20 Bq/m<sup>3</sup> per mSv/year between the time-averaged activity concentration of radon gas and the annual effective dose equivalent for indoor exposure of members of the public. Consequently, typical annual doses in dwellings in the Community lie in the range 1 to 2,5 mSv with a small percentage of the population in some countries receiving more than 20 mSv per year. For comparison, the current annual dose limit for exposure of members of the public to man-made radiation, as laid down in the Community basic safety standards<sup>(2)</sup>, is 5 mSv;

Exposure to radon is not a new phenomenon and epidemiological studies of various groups of minors exposed to elevated concentrations at work have revealed an excess of lung cancer deaths. While at present there is no firm evidence of the effect of indoor radon exposure on the general public, on the available evidence it appears prudent for the Commission to make recommendations for limiting such exposure, as indeed the ICRP has already done<sup>(3)</sup>;

It must be noted that indoor radon is controllable in the physical or engineering sense. Therefore, criteria of radiological safety would allow the development of practical guidelines for remedial action in existing buildings. For future buildings preventive measures are required based upon appropriate design and construction specifications. Such a preventive approach justifies the adoption of a design level which is lower than the reference level for remedial action in existing buildings;

Simple metrological procedures should be established to ensure that measurements of indoor radon yield data of the appropriate quality and reliability;

To promote the control of exposure to indoor radon in the Community, the Article 31 group of experts drew up detailed guidance which has been incorporated in the present recommendation and is consistent with the guidance provided by ICRP. It is achievable in a practical sense;

Finally, it must also be mentioned that due to the special characteristics of the problem adequate public informa-

tion is an important element both in improving the controllability of exposure and on assuring a positive public response,

#### HEREBY RECOMMENDS:

1. An appropriate system be established for reducing any exposure to indoor radon concentrations. Within this system adequate public information and response to public concern deserve particular attention.
2. For existing buildings :
  - (a) a reference level for consideration of remedial action be used : where exceeded, it should be cause for consideration of simple but effective measures aimed at reducing the radon level;
  - (b) the reference level be an effective dose equivalent of 20 mSv per annum, which for practical purposes, may be taken as equivalent to an annual average radon gas concentration of 400 Bq/m<sup>3</sup>;
  - (c) the urgency of the remedial action take account of the extent to which this reference level is exceeded;
  - (d) where remedial actions are considered necessary, the public concerned be informed on the radon levels it is exposed to and on the remedies available to reduce such levels.
3. For future constructions :
  - (a) a design level be used to aid the relevant authorities in establishing regulations, standards, or codes of construction practices for circumstances under which the design level might otherwise be exceeded;
  - (b) the design level be an effective dose equivalent of 10 mSv per annum, which for practical purposes, may be taken as equivalent to an annual average radon gas concentration of 200 Bq/m<sup>3</sup>;
  - (c) information be provided to those involved in the construction of new buildings, as relevant, on possible radon exposure levels, and on preventive measures which could be taken.
4. When remedial or preventative measures are being determined, the principles of optimization be applied in accordance with the Community basic safety standards<sup>(4)</sup>.

<sup>(1)</sup> Lung cancer risks from indoor exposures to radon daughters. *Annals of the ICRP*, Vol. 17, No 1, 1987, Publication 50, Pergamon Press.

<sup>(2)</sup> Council Directive 80/836/Euratom of 15 July 1980 amending the Directive laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation, OJ No L 246, 17. 9. 1980, p. 1.

<sup>(3)</sup> Principles for limiting exposure of the public to natural sources of radiation. *Annals of the ICRP*, Vol. 14, No 1, 1984, Publication 39, Pergamon Press.

<sup>(4)</sup> Commission communication concerning the implementation of Council Directives 80/836/Euratom of 15 July 1980 amending the Directives laying down the basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation and 84/467/Euratom of 3 September 1984 amending Directive 80/836/Euratom, OJ No C 347, 31. 12. 1985, p. 9.

5. Because of diurnal and seasonal variations of indoor radon levels, radiation protection decisions should in general be based on the annually-averaged measurements of radon gas or daughters in affected buildings using integrating techniques. The competent authorities should ensure that the quality and reliability of measurements are adequate.
6. Criteria be developed for identifying regions, sites and building characteristics likely to be associated with high indoor radon levels. Investigation levels for the underlying parameters (i.e. activity in soil and building materials, permeability of ground, etc.) could be used to identify such exposure circumstances.

This recommendation is addressed to the Member States.

Done at Brussels, 21 February 1990.

*For the Commission*

Carlo RIPA DI MEANA

*Member of the Commission*

**COMMISSION DECISION**

of 16 March 1990

**to take no action on the tenders received in response to the invitation to tender for the private storage aid of carcasses and half carcasses of lamb, issued pursuant to Regulation (EEC) No 466/90**

(90/144/EEC)

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup>, and in particular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No 2659/80 of 17 October 1980 laying down the detailed rules for granting private storage aid for sheepmeat and goatmeat products<sup>(2)</sup>, as amended by Regulation (EEC) No 3496/88<sup>(3)</sup>, and in particular Article 11 (1) (f) thereof,

Whereas Commission Regulation (EEC) No 287/90 of 1 February 1990 laying down some detailed rules for private storage aid for lamb in the period 1 January to 30 April 1990<sup>(4)</sup> completes the provisions of Regulation (EEC) No 2659/80 and provides in particular for detailed rules on the tendering procedure;

Whereas Commission Regulation (EEC) No 466/90<sup>(5)</sup> invites tenders for aid for the private storage of lamb;

Done at Brussels, 16 March 1990.

Whereas, according to Article 11 (1) (f) of Regulation (EEC) No 2659/80, on the basis of the tenders received it is necessary to fix a maximum amount for private storage aid or make no award;

Whereas the level of the offers received leads to no award of aid;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Sheepmeat and Goatmeat,

HAS ADOPTED THIS DECISION:

*Article 1*

For the invitation to tender opened by Regulation (EEC) No 466/90, no award of aid is made.

*Article 2*

This Decision is addressed to the Member States.

*For the Commission*

Ray MAC SHARRY

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 276, 20. 10. 1980, p. 12.

<sup>(3)</sup> OJ No L 306, 11. 11. 1988, p. 28.

<sup>(4)</sup> OJ No L 31, 2. 2. 1990, p. 11.

<sup>(5)</sup> OJ No L 48, 24. 2. 1990, p. 28.

**COMMISSION DECISION**

of 19 March 1990

**on the establishment of overall quantities of food aid for 1990 and a list of products to be supplied as food aid**

(90/145/EEC)

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 <sup>(1)</sup>, as last extended by Regulation (EEC) No 1750/89 <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas, in order to implement Regulation (EEC) No 3972/86, it is necessary to lay down the total quantities of each product to be supplied under the food aid operations for 1990 and to specify the products involved;

Whereas the overall quantities of food aid for 1990 should be decided and food aid operations implemented on the basis of the budgetary resources available;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Food Aid Committee,

HAS DECIDED AS FOLLOWS:

*Sole Article*

1. The total quantities of each product to be supplied under the 1990 food-aid programme to certain developing countries and certain organizations are set out in Annex I.
2. The products which may be supplied as food aid are listed in Annex II.

Done at Brussels, 19 March 1990.

*For the Commission*

Manuel MARÍN

*Vice-President*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1, corrigendum OJ No L 42, 12. 2. 1987, p. 54.

<sup>(2)</sup> OJ No L 172, 21. 6. 1989, p. 1.



*ANNEX I***Quantities of food aid to be made available in 1990 :**

- Cereals :
    - (a) an initial instalment of 927 700 tonnes ;
    - (b) a second instalment of up to 432 300,
  - Milk powder and equivalent products : maximum 94 100,
  - Butteroil : maximum 18 000 tonnes<sup>(1)</sup>,
  - Sugar : maximum 18 000 tonnes,
  - Vegetable oil (seed oil and olive oil)<sup>(1)</sup> : 50 000 tonnes,
  - Other products : maximum of ECU 40 million.
- 

<sup>(1)</sup> Any quantities of butteroil not required could, if necessary, be delivered as vegetable oil, one tonne of butteroil being equivalent to two tonnes of vegetable oil.

## ANNEX II

CN code (indicative)	Description
0202	Meat of bovine animals, frozen
ex 0203	Meat of swine, frozen
0210 20	Meat of bovine animals, salted, in brine, dried or smoked
0305	Fish, dried, salted or in brine ; smoked fish, whether or not cooked before or during the smoking process ; fish meal fit for human consumption
ex 0402	Milk and cream, in powder, granules or other solid forms, or milk substitutes
ex 0405 00	Butteroil
0406	Cheese and curd
0713	Dried leguminous vegetables, shelled, whether or not skinned or split
0806 20	Dried grapes
ex Chapter 10	Cereals
1101 } 1102 }	Cereal flours
1103	Cereal groats, meal and pellets
1104	Cereal grains otherwise worked, except rice of CN code 1006 ; germ of cereals, whole, rolled, flaked or ground
1106 10 00	Flour and meal of the dried leguminous vegetables of CN code 0713
ex 1202	Groundnuts
1509	Olive oil
ex 1507 } ex 1508 } ex 1511 } ex 1512 } ex 1513 } ex 1514 } ex 1515 }	Vegetable oils and their fractions, whether or not refined, but not chemically modified, for human consumption
1602 50	Other prepared or preserved meat, meat offal or blood of bovine animals
ex 1604 13 1604 19	Prepared or preserved fish : sardines, sardinella and brisling or sprats ; tunas ; skipjack and Atlantic bonito ( <i>Sarda</i> spp.) ; mackerel ; anchovies ; other
1701	Cane or beet sugar and chemically pure sucrose, in solid form
ex 1901	Food preparations of flour, meal, etc., not elsewhere specified or included
ex 1902	Uncooked pasta, not stuffed or otherwise prepared
ex 1905	Sweet biscuits ; waffles and wafers
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid
ex 2106	Food preparations not elsewhere specified or included : protein concentrates and textured protein substances derived from milk
—	Fresh products to be bought locally in developing countries ; such as locally produced fruit and vegetables (!)

(!) Non-governmental organizations and international bodies only, priority to be given to refugees.