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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2036/90

of 16 July 1990

imposing a definitive anti-dumping duty on imports of ferroboron originating in Japan and definitively collecting the provisional anti-dumping duties imposed on such imports

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission submitted following consultation within the Advisory Committee as provided for under the above Regulation,

Whereas :

A. Provisional measures

- (1) By Regulation (EEC) No 665/90⁽²⁾ the Commission imposed a provisional anti-dumping duty of 23,3 % of the net free-at-Community-frontier price on imports of ferroboron originating in Japan, with the exception of the ferroboron manufactured and sold for export by Yahagi Iron Co. Ltd, Nagoya, for which a provisional anti-dumping duty of 11,4 % was imposed.

B. Subsequent procedure

- (2) Having been informed of the main conclusions of the preliminary investigation, the interested parties were given the opportunity to make known their views in writing and to request a hearing within one month of the entry into force of Regulation (EEC) No 665/90. Only one exporter made known his views concerning the provisional findings.

C. Dumping

- (3) The exporter made objections to the different dumping margins being equal to the provisional duties imposed by Regulation (EEC) No 665/90.

- (4) However, the Commission applied the same methodology when it established the normal value and the export price at the premises of the Japanese companies known to be exporters of ferroboron. Given the different prices of the companies concerned, the margins of dumping were found to be at a different level.

- (5) Furthermore, the same exporter insisted again on the fact that the Commission should take into account, for the purposes of price comparability, the various sizes of ferroboron (lumps, grain and powder).

As regards the effect of the different sizes of ferroboron available on price comparability, no new argument has been provided by the exporter in question which could justify a change in the approach indicated in the thirteenth recital of Regulation (EEC) No 665/90.

Nevertheless, it should be noted that even the approach suggested by the exporter in question would not lead to a determination of a margin of dumping lower than that determined in Regulation (EEC) No 665/90.

- (6) As no new evidence on dumping has been submitted to it since the imposition of the provisional duties in respect of imports originating in Japan, the Commission considers that the findings on dumping, as set out in Regulation (EEC) No 665/90, are definitive.

D. Injury

- (7) As no new evidence has been submitted by any interested parties in relation to the Commission's provisional findings on injury, the findings on injury, as set out in Regulation (EEC) No 665/90, are considered to be definitive.

E. Community interest

- (8) As no new evidence has been found, the Commission's conclusion that it is in the Community's interest that action be taken is confirmed.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 73, 20. 3. 1990, p. 6.

F. Rate of duty

- (9) The provisional anti-dumping duties corresponded to the dumping margins found, which were lower than the thresholds of injury established for the Japanese exporters assessed in isolation. The provisional findings of the Commission having been confirmed, the amounts of the definitive anti-dumping duties should be the same as the amounts of the provisional anti-dumping duties.

imposed on imports of ferroboration corresponding to CN code ex 7202 99 90 (Taric code 7202 99 90* 20) originating in Japan (Taric additional code 8441), with the exception of such ferroboration manufactured and sold for export by Yahagi Iron Co. Ltd, Nagoya (Taric additional code 8440), for which the rate of duty shall be 11,4 %.

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

G. Collection of provisional duty

- (10) In view of the importance of the dumping margins found and the seriousness of the injury caused to the Community's industry, it is considered necessary that amounts secured by way of provisional anti-dumping duties should be collected in full,

Article 2

The amounts received by way of provisional anti-dumping duty pursuant to Regulation (EEC) No 665/90 shall be definitively collected in full.

HAS ADOPTED THIS REGULATION :

*Article 3**Article 1*

1. A definitive anti-dumping duty of 23,3 % of the net free-at-Community frontier price before duty is hereby

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, 16 July 1990.

For the Council

The President

G. DE MICHELIS

COMMISSION REGULATION (EEC) No 2037/90

of 18 July 1990

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EEC) No 1340/90 ⁽²⁾, and in particular Article 13 (5) thereof,

Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EEC) No 1801/90 ⁽⁵⁾ and subsequent amending Regulations;

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

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

— for 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 17 July 1990;

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

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1801/90 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 July 1990.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 8.

ANNEX

to the Commission Regulation of 18 July 1990 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| CN code | Levies | |
|------------|----------------|--------------------------------------|
| | Portugal | Third country |
| 0709 90 60 | 36,66 | 138,56 ⁽²⁾ ⁽³⁾ |
| 0712 90 19 | 36,66 | 138,56 ⁽²⁾ ⁽³⁾ |
| 1001 10 10 | 11,90 | 162,19 ⁽¹⁾ ⁽³⁾ |
| 1001 10 90 | 11,90 | 162,19 ⁽¹⁾ ⁽³⁾ |
| 1001 90 91 | 20,22 | 146,22 |
| 1001 90 99 | 20,22 | 146,22 |
| 1002 00 00 | 45,72 | 119,30 ⁽⁶⁾ |
| 1003 00 10 | 36,95 | 120,82 |
| 1003 00 90 | 36,95 | 120,82 |
| 1004 00 10 | 28,59 | 106,60 |
| 1004 00 90 | 28,59 | 106,60 |
| 1005 10 90 | 36,66 | 138,56 ⁽²⁾ ⁽³⁾ |
| 1005 90 00 | 36,66 | 138,56 ⁽²⁾ ⁽³⁾ |
| 1007 00 90 | 53,63 | 144,00 ⁽⁴⁾ |
| 1008 10 00 | 36,95 | 37,87 |
| 1008 20 00 | 36,95 | 94,74 ⁽⁴⁾ |
| 1008 30 00 | 36,95 | 0,00 ⁽⁵⁾ |
| 1008 90 10 | ⁽⁷⁾ | ⁽⁷⁾ |
| 1008 90 90 | 36,95 | 0,00 |
| 1101 00 00 | 41,31 | 217,71 |
| 1102 10 00 | 77,01 | 179,20 |
| 1103 11 10 | 31,45 | 264,40 |
| 1103 11 90 | 44,61 | 235,12 |

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

⁽²⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

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

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

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

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

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

COMMISSION REGULATION (EEC) No 2038/90

of 18 July 1990

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1340/90⁽²⁾, and in particular Article 15 (6) thereof,Having regard to Council Regulation (EEC) No 1676/85 of 11 June 1985 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 1636/87⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1802/90⁽⁵⁾ and subsequent amending Regulations;

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

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

- for 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 17 July 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 19 July 1990.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁴⁾ OJ No L 153, 13. 6. 1987, p. 1.

⁽⁵⁾ OJ No L 167, 30. 6. 1990, p. 11.

ANNEX

to the Commission Regulation of 18 July 1990 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

| CN code | Current 7 | 1st period 8 | 2nd period 9 | 3rd period 10 |
|------------|--------------|-----------------|-----------------|------------------|
| 0709 90 60 | 0 | 0 | 0 | 0 |
| 0712 90 19 | 0 | 0 | 0 | 0 |
| 1001 10 10 | 0 | 0 | 0 | 7,04 |
| 1001 10 90 | 0 | 0 | 0 | 7,04 |
| 1001 90 91 | 0 | 0 | 0 | 0 |
| 1001 90 99 | 0 | 0 | 0 | 0 |
| 1002 00 00 | 0 | 0 | 0 | 0 |
| 1003 00 10 | 0 | 0 | 0 | 0 |
| 1003 00 90 | 0 | 0 | 0 | 0 |
| 1004 00 10 | 0 | 0,70 | 0,70 | 0,70 |
| 1004 00 90 | 0 | 0,70 | 0,70 | 0,70 |
| 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

(ECU/tonne)

| CN code | Current 7 | 1st period 8 | 2nd period 9 | 3rd period 10 | 4th period 11 |
|------------|--------------|-----------------|-----------------|------------------|------------------|
| 1107 10 11 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 19 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 91 | 0 | 0 | 0 | 0 | 0 |
| 1107 10 99 | 0 | 0 | 0 | 0 | 0 |
| 1107 20 00 | 0 | 0 | 0 | 0 | 0 |

COMMISSION REGULATION (EEC) No 2039/90
of 17 July 1990
establishing unit values for the determination of the customs value of certain
perishable goods

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

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

Having regard to Commission Regulation (EEC) No 1577/81 of 12 June 1981 establishing a system of simplified procedures for the determination of the customs value of certain perishable goods⁽¹⁾, as last amended by Regulation (EEC) No 3462/89⁽²⁾, and in particular Article 1 thereof,

Whereas Article 1 of Regulation (EEC) No 1577/81 provides that the Commission shall periodically establish unit values for the products referred to in the classification in the Annex;

Whereas the result of applying the rules and criteria laid down in that same Regulation to the elements communi-

cated to the Commission in accordance with Article 1 (2) of that Regulation is that the unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 1 (1) of Regulation (EEC) No 1577/81 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 July 1990.

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

Done at Brussels, 17 July 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 334, 18. 11. 1989, p. 21.

ANNEX

| Code | CN code | Taric-sub-heading | Description | Amount of unit values per 100 kg net | | | | | | | | | |
|---------|--------------------------|--|--|--------------------------------------|-----------|----------|----------|----------|---------|--------|-----------|----------|--------|
| | | | | ECU | Bfrs/Lfrs | Dkr | DM | FF | Dr | £ Irl | Lit | Fl | £ |
| 1.10 | 0701 90 51 0701 90 59 | | New potatoes | 31,50 | 1 335 | 247,29 | 65,01 | 218,27 | 6 355 | 24,24 | 47 697 | 73,19 | 22,32 |
| 1.20 | 0702 00 10 0702 00 90 | | Tomatoes | 34,15 | 1 454 | 268,81 | 70,65 | 237,18 | 6 914 | 26,34 | 51 752 | 79,63 | 23,76 |
| 1.30 | 0703 10 19 | | Onions (other than sets) | 17,39 | 741 | 136,94 | 35,99 | 120,82 | 3 522 | 13,42 | 26 364 | 40,56 | 12,10 |
| 1.40 | 0703 20 00 | | Garlic | 265,65 | 11 317 | 2 091,00 | 549,55 | 1 844,95 | 53 786 | 204,94 | 402 565 | 619,44 | 184,88 |
| 1.50 | 0703 90 00 | * 10 | Leeks | 26,19 | 1 107 | 204,09 | 53,42 | 180,07 | 5 121 | 20,01 | 39 341 | 60,10 | 19,52 |
| 1.60 | 0704 10 10 0704 10 90 | * 00 * 00 | Cauliflowers | 35,35 | 1 508 | 278,81 | 71,89 | 244,80 | 6 721 | 27,24 | 53 623 | 81,08 | 25,69 |
| 1.70 | 0704 20 00 | | Brussels sprouts | 207,82 | 8 812 | 1 631,21 | 428,86 | 1 439,77 | 41 921 | 159,93 | 314 617 | 482,80 | 147,23 |
| 1.80 | 0704 90 10 | | White cabbages and red cabbages | 43,46 | 1 853 | 342,72 | 88,37 | 300,92 | 8 262 | 33,48 | 65 914 | 99,66 | 31,58 |
| 1.90 | 0704 90 90 | * 10 | Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>) | 97,66 | 4 160 | 768,74 | 202,04 | 678,28 | 19 774 | 75,34 | 148 000 | 227,73 | 67,96 |
| 1.100 | 0704 90 90 | * 92 * 98 | Chinese cabbage | 15,08 | 639 | 118,36 | 31,11 | 104,47 | 3 041 | 11,60 | 22 829 | 35,03 | 10,68 |
| 1.110 | 0705 11 10 0705 11 90 | | Cabbage lettuce (head lettuce) | 44,18 | 1 871 | 346,39 | 90,98 | 306,20 | 8 893 | 33,93 | 66 796 | 102,46 | 31,51 |
| 1.120 | 0705 29 00 | * 10 | Endives | 42,02 | 1 778 | 328,71 | 85,98 | 288,98 | 8 292 | 32,08 | 63 198 | 96,79 | 30,93 |
| 1.130 | 0706 10 00 | * 21 * 22 * 23 * 25 | Carrots | 26,60 | 1 128 | 208,84 | 54,90 | 184,33 | 5 367 | 20,47 | 40 280 | 61,81 | 18,85 |
| 1.140 | 0706 90 90 | * 11 * 19 | Radishes | 90,10 | 3 814 | 704,37 | 184,56 | 621,90 | 18 223 | 68,81 | 135 687 | 207,48 | 66,06 |
| 1.150 | 0707 00 11 0707 00 19 | | Cucumbers | 34,43 | 1 467 | 271,05 | 71,24 | 239,16 | 6 972 | 26,56 | 52 184 | 80,29 | 23,96 |
| 1.160 | 0708 10 10 0708 10 90 | | Peas (<i>Pisum sativum</i>) | 254,46 | 10 840 | 2 002,88 | 526,40 | 1 767,20 | 51 520 | 196,30 | 385 601 | 593,34 | 177,09 |
| 1.170 | 0708 20 10 0708 20 90 | | Beans (<i>Vigna spp.</i> , <i>Phaseolus spp.</i>) | 94,33 | 4 000 | 740,42 | 194,66 | 653,52 | 19 028 | 72,59 | 142 807 | 219,15 | 66,82 |
| 1.180 | 0708 90 00 | * 11 * 12 * 29 | Broad beans | 34,64 | 1 464 | 269,51 | 70,99 | 238,22 | 6 965 | 26,45 | 52 014 | 79,82 | 25,64 |
| 1.190 | 0709 10 00 | | Globe artichokes | 72,65 | 3 070 | 565,14 | 148,86 | 499,53 | 14 605 | 55,46 | 109 068 | 167,38 | 53,77 |
| 1.200 | | | Asparagus: | | | | | | | | | | |
| 1.200.1 | 0709 20 00 | * 11 * 12 * 13 * 14 * 15 * 16 | — green | 414,77 | 17 670 | 3 264,74 | 858,04 | 2 880,58 | 83 979 | 319,98 | 628 538 | 967,16 | 288,65 |
| 1.200.2 | 0709 20 00 | * 91 * 92 * 93 * 94 * 95 * 96 | — other | 209,60 | 8 877 | 1 643,33 | 431,66 | 1 452,63 | 42 189 | 160,97 | 316 887 | 486,09 | 149,52 |
| 1.210 | 0709 30 00 | | Aubergines (egg-plants) | 82,10 | 3 498 | 646,29 | 169,85 | 570,24 | 16 624 | 63,34 | 124 426 | 191,46 | 57,14 |
| 1.220 | 0709 40 00 | * 13 * 14 * 15 | Ribbed celery (<i>Apium graveolens</i> , var. <i>dulce</i>) | 30,83 | 1 313 | 242,71 | 63,79 | 214,15 | 6 243 | 23,78 | 46 727 | 71,90 | 21,46 |
| 1.230 | 0709 51 30 | | Chantarelles | 854,40 | 36 400 | 6 725,13 | 1 767,50 | 5 933,78 | 172 990 | 659,14 | 1 294 741 | 1 992,28 | 594,61 |
| 1.240 | 0709 60 10 | | Sweet peppers | 72,40 | 3 084 | 569,92 | 149,78 | 502,85 | 14 660 | 55,85 | 109 722 | 168,83 | 50,39 |

| Code | CN code | Taric-sub-heading | Description | Amount of unit values per 100 kg net | | | | | | | | | |
|--------|--|--|--|--------------------------------------|-----------|----------|--------|----------|--------|--------|---------|--------|--------|
| | | | | ECU | Bfrs/Lfrs | Dkr | DM | FF | Dr | £ Irl | Lit | Fl | £ |
| 1.250 | 07099050 | | Fennel | 39,04 | 1 651 | 303,92 | 79,84 | 268,32 | 7790 | 29,79 | 58 659 | 89,85 | 28,91 |
| 1.260 | 07099070 | | Courgettes | 36,57 | 1 549 | 286,74 | 75,32 | 253,46 | 7 361 | 28,08 | 55 293 | 84,81 | 26,09 |
| 1.270 | 07142010 | * 00 | Sweet potatoes, whole, fresh (intended for human consumption) | 83,09 | 3 573 | 661,63 | 170,19 | 578,78 | 15 258 | 64,18 | 125 219 | 192,08 | 58,69 |
| 2.10 | 08024000 | * 10 | Chestnuts (<i>Castanea spp.</i>), fresh | 146,09 | 6 222 | 1 151,44 | 295,70 | 1 011,02 | 27 507 | 112,36 | 221 703 | 333,97 | 108,51 |
| 2.20 | 08030010 | * 90 | Bananas (other than plantains), fresh | 36,92 | 1 573 | 290,62 | 76,38 | 256,43 | 7 475 | 28,48 | 55 952 | 86,09 | 25,69 |
| 2.30 | 08043000 | * 90 | Pineapples, fresh | 32,22 | 1 373 | 253,67 | 66,67 | 223,82 | 6 525 | 24,86 | 48 837 | 75,14 | 22,42 |
| 2.40 | 08044010 | * 10 | Avocados, fresh | 134,04 | 5 710 | 1 055,05 | 277,29 | 930,90 | 27 139 | 103,40 | 203 122 | 312,55 | 93,28 |
| | 08044090 | * 10 | | | | | | | | | | | |
| 2.50 | 08045000 | * 21 * 91 | Guavas and mangoes, fresh | 124,28 | 5 294 | 978,26 | 257,10 | 863,14 | 25 163 | 95,88 | 188 337 | 289,80 | 86,49 |
| 2.60 | | | Sweet oranges, fresh : | | | | | | | | | | |
| 2.60.1 | 08051011 08051021 08051031 08051041 | | — Sanguines and semi-sanguines | 58,86 | 2 487 | 457,87 | 120,61 | 404,72 | 11 833 | 44,93 | 88 366 | 135,61 | 43,56 |
| 2.60.2 | 08051015 08051025 08051035 08051045 | | — Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins | 43,47 | 1 852 | 342,21 | 89,94 | 301,94 | 8 802 | 33,54 | 65 884 | 101,37 | 30,25 |
| 2.60.3 | 08051019 08051029 08051039 08051049 | | — Others | 30,83 | 1 313 | 242,70 | 63,78 | 214,14 | 6 243 | 23,78 | 46 726 | 71,90 | 21,45 |
| 2.70 | | | Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh : | | | | | | | | | | |
| 2.70.1 | 08052010 | * 11 * 21 | — Clementines | 76,06 | 3 225 | 597,01 | 156,96 | 526,94 | 15 343 | 58,53 | 115 147 | 176,70 | 53,88 |
| 2.70.2 | 08052030 | * 11 * 21 | — Monreales and Satsumas | 54,45 | 2 308 | 427,40 | 112,36 | 377,24 | 10 984 | 41,90 | 82 434 | 126,50 | 38,57 |
| 2.70.3 | 08052050 | * 12 * 13 * 22 * 23 | — Mandarins and Wilkings | 39,28 | 1 662 | 307,30 | 80,38 | 270,15 | 7 752 | 29,99 | 59 082 | 90,49 | 28,91 |
| 2.70.4 | 08052070 08052090 | * 11 * 21 * 11 * 12 * 13 * 14 * 31 * 32 * 33 * 34 | — Tangerines and others | 74,93 | 3 192 | 589,84 | 155,02 | 520,44 | 15 172 | 57,81 | 113 559 | 174,74 | 52,15 |
| 2.80 | 08053010 | * 11 * 12 | Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh | 47,01 | 2 002 | 370,05 | 97,25 | 326,51 | 9 518 | 36,27 | 71 244 | 109,62 | 32,71 |
| 2.85 | 08053090 | * 11 * 19 | Limes (<i>Citrus auranti-folia</i>), fresh | 70,95 | 3 022 | 558,47 | 146,77 | 492,75 | 14 365 | 54,73 | 107 518 | 165,44 | 49,37 |

| Code | CN code | Taric-sub-heading | Description | Amount of unit values per 100 kg net | | | | | | | | | |
|---------|--|--------------------------------------|---|--------------------------------------|-----------|----------|----------|----------|---------|--------|---------|----------|--------|
| | | | | ECU | Bfrs/Lfrs | Dkr | DM | FF | Dr | £ Irl | Lit | Fl | £ |
| 2.90 | | | Grapefruit, fresh : | | | | | | | | | | |
| 2.90.1 | 08054000 | * 11 * 12 | — white | 53,72 | 2 288 | 422,89 | 111,14 | 373,13 | 10 878 | 41,44 | 81 417 | 125,28 | 37,39 |
| 2.90.2 | 08054000 | * 21 * 22 | — pink | 66,18 | 2 819 | 520,91 | 136,90 | 459,61 | 13 399 | 51,05 | 100 287 | 154,31 | 46,05 |
| 2.100 | 08061011 08061015 08061019 | | Table grapes | 166,16 | 7 078 | 1 307,87 | 343,73 | 1 153,97 | 33 642 | 128,18 | 251 794 | 387,45 | 115,63 |
| 2.110 | 08071010 | | Water-melons | 18,43 | 785 | 145,11 | 38,14 | 128,04 | 3 732 | 14,22 | 27 938 | 42,99 | 12,83 |
| 2.120 | | | Melons (other than water-melons) | | | | | | | | | | |
| 2.120.1 | 08071090 | * 12 * 13 * 14 * 15 * 21 | — Amarillo, Cuper, Honey Dew, Onteniente, Piel de Sapo, Rochet, Tendral | 37,43 | 1 594 | 294,65 | 77,44 | 259,98 | 7 579 | 28,87 | 56 728 | 87,29 | 26,05 |
| 2.120.2 | 08071090 | * 16 * 17 * 18 * 19 * 29 | — Other | 69,23 | 2 949 | 544,93 | 143,22 | 480,81 | 14 017 | 53,41 | 104 912 | 161,43 | 48,18 |
| 2.130 | 08081091 08081093 08081099 | | Apples | 78,72 | 3 353 | 619,62 | 162,85 | 546,71 | 15 938 | 60,73 | 119 291 | 183,56 | 54,78 |
| 2.140 | 08082031 08082033 08082035 08082039 | * 91 * 98 * 90 * 90 * 90 | Pears (other than the Nashi variety (<i>Pyrus Pyrifolia</i>)) | 71,82 | 3 060 | 565,34 | 148,58 | 498,82 | 14 542 | 55,41 | 108 842 | 167,48 | 49,98 |
| 2.150 | 08091000 | | Apricots | 66,03 | 2 813 | 519,77 | 136,60 | 458,61 | 13 370 | 50,94 | 100 068 | 153,98 | 45,95 |
| 2.160 | 08092010 08092090 | | Cherries | 132,17 | 5 631 | 1 040,34 | 273,42 | 917,93 | 26 760 | 101,96 | 200 290 | 308,19 | 91,98 |
| 2.170 | 08093000 | * 91 * 92 * 93 * 97 | Peaches | 49,71 | 2 108 | 390,22 | 102,59 | 344,42 | 10 028 | 38,26 | 75 263 | 115,49 | 35,22 |
| 2.180 | 08093000 | * 11 * 12 * 13 * 17 | Nectarines | 106,68 | 4 544 | 839,70 | 220,69 | 740,89 | 21 599 | 82,30 | 161 661 | 248,75 | 74,24 |
| 2.190 | 08094011 08094019 | | Plums | 90,35 | 3 849 | 711,19 | 186,91 | 627,50 | 18 294 | 69,70 | 136 920 | 210,68 | 62,88 |
| 2.200 | 08101010 08101090 | | Strawberries | 77,98 | 3 302 | 611,40 | 160,60 | 540,45 | 15 696 | 59,89 | 117 898 | 180,85 | 55,63 |
| 2.205 | 08102010 | | Raspberries | 574,44 | 24 307 | 4 493,31 | 1 175,29 | 3 950,18 | 113 358 | 438,60 | 863 888 | 1 323,12 | 422,80 |
| 2.210 | 08104030 | | Fruit of the species <i>Vaccinium myrtillus</i> | 153,34 | 6 533 | 1 207,01 | 317,22 | 1 064,98 | 31 048 | 118,30 | 232 378 | 357,57 | 106,72 |
| 2.220 | 08109010 | | Kiwi fruit (<i>Actinidia chinensis</i> Planch.) | 139,28 | 5 934 | 1 096,35 | 288,14 | 967,34 | 28 201 | 107,45 | 211 073 | 324,78 | 96,93 |
| 2.230 | 08109080 | * 31 * 32 | Pomegranates | 72,77 | 3 105 | 573,24 | 148,25 | 504,48 | 13 979 | 55,95 | 110 349 | 167,24 | 52,51 |
| 2.240 | 08109080 | * 41 * 42 | Khakis | 153,23 | 6 478 | 1 200,12 | 314,59 | 1 061,82 | 30 836 | 117,45 | 231 647 | 354,32 | 110,54 |
| 2.250 | 08109030 | * 10 | Lychees | 182,80 | 7 728 | 1 431,64 | 375,27 | 1 266,66 | 36 785 | 140,11 | 276 334 | 422,68 | 131,86 |

* - The ninth digit is reserved for the Member States (statistical purposes).

COMMISSION REGULATION (EEC) No 2040/90

of 18 July 1990

fixing additional amounts for in the eggs sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by Regulation (EEC) No 1235/89⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 3116/89⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, however, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation No 54/65/EEC⁽⁵⁾, No 183/66/EEC⁽⁶⁾, No 765/67/EEC⁽⁷⁾, (EEC) No 59/70⁽⁸⁾, as amended by Regulation (EEC) No

4155/87⁽⁹⁾ and (EEC) No 2164/72⁽¹⁰⁾, as amended by Regulation (EEC) No 3987/87⁽¹¹⁾, the levies on imports of poultry eggs in shell originating in and coming from Poland, South Africa, Australia, Romania or Bulgaria are not increased by an additional amount, in so far as concerns products imported in accordance with Article 4 (a) of Regulation No 163/67/EEC;

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 990/69⁽¹²⁾, as amended by Regulation (CEE) No 4155/87, the levies on imports of eggs not in shell and egg yolks originating in and coming from Austria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for the products listed in Article 1 (1) (b) of Regulation (EEC) No 2771/75 indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2771/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 19 July 1990.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 300, 18. 10. 1989, p. 10.

⁽⁵⁾ OJ No 59, 8. 4. 1965, p. 848/65.

⁽⁶⁾ OJ No 211, 19. 11. 1966, p. 3602/66.

⁽⁷⁾ OJ No 260, 27. 10. 1967, p. 24.

⁽⁸⁾ OJ No L 11, 16. 1. 1970, p. 1.

⁽⁹⁾ OJ No L 392, 31. 12. 1987, p. 29.

⁽¹⁰⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹¹⁾ OJ No L 376, 31. 12. 1987, p. 20.

⁽¹²⁾ OJ No L 130, 31. 5. 1969, p. 4.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 18 July 1990 fixing additional amounts for products in the eggs sector

| CN code | Origin of imports ⁽¹⁾ | Additional amount |
|------------|----------------------------------|-------------------|
| | | ECU/100 kg |
| 0407 00 30 | 01 | 40,00 |
| 0408 19 11 | 02 | 5,00 |
| 0408 19 19 | 02 | 5,00 |
| 0408 91 10 | 03 | 100,00 |

⁽¹⁾ Origin :

01 USSR, Finland, Czechoslovakia, Sweden and the German Democratic Republic (with the exception of the German internal trade pursuant to the Protocol on German internal trade and connected problems).

02 Hungary and Czechoslovakia.

03 The Soviet Union.

COMMISSION REGULATION (EEC) No 2041/90

of 18 July 1990

fixing additional amounts for poultrymeat products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by the Regulation (EEC) No 1235/89⁽²⁾, and in particular Article 8 (4) thereof,

Whereas if, for a given product, the free-at-frontier offer price (hereinafter called the 'offer price') falls below the sluice-gate price, the levy applicable to that product must be increased by an additional amount equal to the difference between the sluice-gate price and the offer price determined in accordance with Article 1 of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽³⁾, as last amended by Regulation (EEC) No 3116/89⁽⁴⁾;

Whereas the offer price must be determined for all imports from all third countries; whereas, if exports from one or more third countries are effected at abnormally low prices, lower than prices ruling for other third countries, a second offer price must be determined for exports from these other countries;

Whereas, pursuant to Commission Regulation (EEC) No 565/68⁽⁵⁾, as last amended by Regulation (EEC) No 3986/87⁽⁶⁾, the import levies on slaughtered fowls, ducks and geese originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2261/69⁽⁷⁾, as last amended by Regulation (EEC) No

3986/87, the import levies on slaughtered ducks and geese originating in and coming from Romania are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2474/70⁽⁸⁾, as amended by Regulation (EEC) No 3986/87, the import levies on slaughtered turkeys originating in and coming from Poland are not increased by an additional amount;

Whereas, pursuant to Commission Regulation (EEC) No 2164/72⁽⁹⁾, as amended by Regulation (EEC) No 3987/87⁽¹⁰⁾, the import levies on slaughtered fowls and geese originating in and coming from Bulgaria are not increased by an additional amount;

Whereas the regular review of the information serving as a basis for the determination of average offer prices for poultrymeat products indicates that additional amounts corresponding to the figures shown in the Annex hereto should be fixed for the imports specified in that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 8 of Regulation (EEC) No 2777/75 shall be as set out in the Annex hereto for the products listed in Article 1 (1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 19 July 1990.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 128, 11. 5. 1989, p. 29.

⁽³⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁴⁾ OJ No L 300, 18. 10. 1989, p. 10.

⁽⁵⁾ OJ No L 107, 8. 5. 1968, p. 7.

⁽⁶⁾ OJ No L 376, 31. 12. 1987, p. 7.

⁽⁷⁾ OJ No L 286, 14. 11. 1969, p. 24.

⁽⁸⁾ OJ No L 265, 8. 12. 1970, p. 13.

⁽⁹⁾ OJ No L 232, 12. 10. 1972, p. 3.

⁽¹⁰⁾ OJ No L 376, 31. 12. 1987, p. 20.

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

Done at Brussels, 18 July 1990.

For the Commission
Ray MAC SHARRY
Member of the Commission

ANNEX

to the Commission Regulation of 18 July 1990 fixing additional amounts for poultrymeat products

(ECU/100 kg)

| CN code | Origin of imports (1) | Additional amount |
|------------|-----------------------|-------------------|
| 0207 39 53 | 01 | 20,00 |
| 0207 39 75 | 02 | 20,00 |
| 0207 43 11 | 01 | 20,00 |
| 0207 43 61 | 02 | 20,00 |

(1) Origin :

- 01 Bulgaria and Israel.
 - 02 Bulgaria.
-

COMMISSION REGULATION (EEC) No 2042/90

of 10 July 1990

on the application of Decision No 5/90 of the EEC-Iceland Joint Committee supplementing and amending Annex III to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to Council Regulation (EEC) No 2840/89 of 18 September 1989 on the implementation of Decision No 1/89 of the EEC-Iceland Joint Committee amending Protocol 3 concerning the definition of the concept of originating products and methods of administrative cooperation and establishing provisions for the implementation of the Joint Declaration annexed to Decision No 1/89 of the EEC-Iceland Joint Committee⁽¹⁾, and in particular Article 2 thereof,

Whereas the Agreement between the European Economic Community and the Republic of Iceland was signed on 22 July 1972 and entered into force on 1 April 1973⁽²⁾;

Whereas Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation⁽³⁾ (hereafter referred to as 'Protocol 3'), as last amended by Decision No 1/90 of the Joint Committee⁽⁴⁾ forms and integral part of the said Agreement;

Whereas, by virtue of Article 28 of Protocol 3, the Joint Committee has adopted Decision No 5/90 supplementing and amending Protocol 3;

Whereas it is necessary to apply this Decision in the Community;

Whereas the provisions of this Regulation are in accordance with the opinion of the Committee on Origin,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 5/90 of the EEC-Iceland Joint Committee shall apply in the Community.

The text of the Decision is attached 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*.

It shall with effect apply from 1 July 1990.

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

Done at Brussels, 10 July 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 278, 27. 9. 1989, p. 9.

⁽²⁾ OJ No L 301, 31. 12. 1972, p. 2.

⁽³⁾ OJ No L 180, 9. 7. 1988, p. 5.

⁽⁴⁾ OJ No L 176, 10. 7. 1990, p. 6.

DECISION No 5/90 OF THE EEC-ICELAND JOINT COMMITTEE**of 18 June 1980**

supplementing and amending, in the framework of the Joint Declaration concerning the review of the changes to the origin rules as a result of the introduction of the harmonized system, Annex III to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Republic of Iceland, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, hereinafter referred to as 'Protocol 3', and in particular Article 28 thereof,

Whereas the Joint Declaration annexed to Decision No 1/88 of the EEC-Iceland Joint Committee provides for a review of the changes made to the rules of origin as a result of the introduction of the harmonized system where the alterations result in a situation prejudicial to the interest of the sectors concerned; whereas it also provides for the substance of the rules of origin concerned to be restored as it was before Decision No 1/88;

Whereas the rule of origin applicable to fish, other than live fish, of HS headings 0302 to 0304 as established by Decision No 1/88 of the EEC-Iceland Joint Committee, should be amended to restore the substance of this rule as it was before the introduction of the harmonized system,

HAS DECIDED AS FOLLOWS:

Article 1

The headings and relevant rules in the list annexed to this Decision shall be inserted or shall replace the corresponding headings and rules in the list in Annex III to Protocol 3 to the EEC-Iceland Agreement.

Article 2

This Decision shall enter into force on 1 April 1990.

Done at Brussels, 18 June 1990.

For the Joint Committee

The President

R. COHEN

ANNEX

| HS heading No | Description of product | Working or processing carried out on non-originating materials that confers originating status |
|---------------|----------------------------|--|
| (1) | (2) | (3) |
| 0302 to 0304 | Fish, other than live fish | Manufacture in which all the materials of Chapter 3 used must already be originating |

COMMISSION REGULATION (EEC) No 2043/90

of 18 July 1990

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Having regard to the opinion of the Monetary Committee,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1489/76 ⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁶⁾, as last amended by Regulation (EEC) No 1714/88 ⁽⁷⁾; whereas the refund thus calculated for

sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

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

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 ⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87 ⁽⁹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 July 1990.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 18 July 1990 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

(ECU)

| Product code | Amount of refund | |
|----------------|----------------------|---|
| | per 100 kg | per percentage point of sucrose content and per 100 kg net of the product in question |
| 1701 11 90 100 | 32,38 ⁽¹⁾ | |
| 1701 11 90 910 | 31,07 ⁽¹⁾ | |
| 1701 11 90 950 | ⁽²⁾ | |
| 1701 12 90 100 | 32,38 ⁽¹⁾ | |
| 1701 12 90 910 | 31,07 ⁽¹⁾ | |
| 1701 12 90 950 | ⁽²⁾ | |
| 1701 91 00 000 | | 0,3520 |
| 1701 99 10 100 | 35,20 | |
| 1701 99 10 910 | 35,20 | |
| 1701 99 10 950 | 35,20 | |
| 1701 99 90 100 | | 0,3520 |

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

**COMMISSION REGULATION (EEC) No 2044/90
of 18 July 1990**

**amending Regulation (EEC) No 1303/90 and increasing to 700 000 tonnes the
amount of maize held by the French intervention agency for which a standing
invitation to tender for resale has been opened**

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

Having regard to Regulation (EEC) No 2727/75 of the
Council of 29 October 1975 on the common organization
of the market in cereals ⁽¹⁾, as last amended by Regulation
(EEC) No 1340/90 ⁽²⁾, and in particular Article 7 (6)
thereof,

Having regard to Commission Regulation (EEC) No
1836/82 of 7 July 1982 laying down the procedure and
conditions for the disposal of cereals held by intervention
agencies ⁽³⁾, as last amended by Regulation (EEC) No
2418/87 ⁽⁴⁾,

Whereas Commission Regulation (EEC) No 1303/90 ⁽⁵⁾,
as amended by Regulation (EEC) No 1703/90 ⁽⁶⁾, opened
a standing invitation to tender for the resale of 500 000
tonnes of maize held by the French intervention agency;

Whereas in the present situation on the market the quan-
tity of maize held by the French intervention agency put

up for sale on the internal market of the Community
should be increased to 700 000 tonnes;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1303/90 of 500 000
tonnes is replaced by 'of 700 000 tonnes'.

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, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 134, 28. 5. 1990, p. 1.

⁽³⁾ OJ No L 202, 9. 7. 1982, p. 23.

⁽⁴⁾ OJ No L 223, 11. 8. 1987, p. 5.

⁽⁵⁾ OJ No L 129, 19. 5. 1990, p. 9.

⁽⁶⁾ OJ No L 158, 23. 6. 1990, p. 29.

COMMISSION REGULATION (EEC) No 2045/90

of 18 July 1990

reimposing the levying of customs duties applicable to third countries on certain products originating in Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia ⁽¹⁾, and in particular Protocol 1 hereto,Having regard to Council Regulation (EEC) No 3606/89 of 20 November 1989 establishing ceilings and Community supervision for imports of certain products originating in Yugoslavia ⁽²⁾, and in particular Article 1 thereof,

Whereas the abovementioned Protocol 1 and Article 15 of the Cooperation Agreement provide that the products listed in the Annex are imported exempt of customs duty into the Community, subject to the ceilings shown, above which the customs duties applicable to third countries may be re-established;

Whereas imports into the Community of those products, originating in Yugoslavia, have reached those ceilings;

whereas the situation on the Community market requires that customs duties applicable to third countries on the products in question be reimposed,

HAS ADOPTED THIS REGULATION:

Article 1

From 22 July to 31 December 1990, the levying of customs duties applicable to third countries shall be reimposed on imports into the Community of the products listed in the Annex, originating in Yugoslavia.

*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, 18 July 1990.

For the Commission

Christiane SCRIVENER

Member of the Commission⁽¹⁾ OJ No L 41, 14. 2. 1983, p. 2.⁽²⁾ OJ No L 352, 4. 12. 1989, p. 1.

ANNEX

| Order No | CN code | Description of goods | Ceiling |
|--------------------|------------|---|--|
| 01.0140 | 7004 | Drawn glass and blown glass, in sheets, whether or not having an absorbent or reflecting layer, but not otherwise worked | 7 498 tonnes |
| | 7004 10 | — Glass, coloured throughout the mass (body tinted), opacified, flashed or having an absorbent or reflecting layer : | |
| | 7004 10 30 | — — Antique glass | |
| | 7004 10 50 | — — Horticultural sheet glass | |
| | 7004 10 90 | — — Other | |
| | 7004 90 | — Other glass : | |
| | 7004 90 50 | — — Antique glass | |
| | 7004 90 70 | — — Horticultural sheet glass | |
| | | — — Other, of a thickness : | |
| | 7004 90 91 | — — — Not exceeding 2,5 mm | |
| | 7004 90 93 | — — — Exceeding 2,5 mm but not exceeding 3,5 mm | |
| | 7004 90 95 | — — — Exceeding 3,5 mm but not exceeding 4,5 mm | |
| | 7004 90 99 | — — — Exceeding 4,5 mm | |
| | | | Ceiling : (b) for products covered by Article 1 (1) |
| (b) 02.0075 (7) | 6106 10 00 | Women's or girls' blouses, shirts and shirt-blouses, whether or not knitted or crocheted of wool, cotton or man-made fibres | (b) 528 000 pieces |
| | 6106 20 00 | | |
| | 6106 90 10 | | |
| | 6206 20 00 | | |
| | 6206 30 00 | | |
| | 6206 40 00 | | |

COMMISSION REGULATION (EEC) No 2046/90

of 18 July 1990

determining, for tobacco from the 1989 harvest, the quantity actually produced and the prices and premiums payable under the system of maximum guaranteed quantities

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Regulation (EEC) No 727/70 of the Council of 21 April 1970 on the common organization of the market in raw tobacco⁽¹⁾, as last amended by Regulation (EEC) No 1329/90⁽²⁾, and in particular Article 4 (5) thereof,

Having regard to Commission Regulation (EEC) No 2824/88 of 13 September 1988 laying down certain detailed rules for the application of the system of maximum guaranteed quantities in the tobacco sector and amending Regulations (EEC) No 1076/78 and (EEC) No 1726/70⁽³⁾, and in particular Articles 1 and 2 (4) thereof,

Whereas Regulation (EEC) No 727/70 provides for a system of maximum guaranteed quantities; whereas that system provides in particular that where the quantities fixed for a variety or a group of varieties are exceeded, the prices and premiums concerned must be reduced in accordance with Article 4 (5) of that Regulation;

Whereas Regulation (EEC) No 2824/88 lays down that, before 31 July of the year following that of harvest, the Commission must, for each of the varieties or groups of varieties of tobacco for which a maximum guaranteed quantity has been fixed, determine in particular on the basis of the figures notified by the Member States, the quantity actually produced which, if exceeded, causes the prices and premiums for the variety or group of varieties concerned to be reduced by 1 % for each 1 % by which the maximum guaranteed quantity is exceeded; whereas when that occurs the norm price is reduced by an amount equal to the reduction in the premium; whereas in the case of the 1989 harvest the maximum reduction allowed is 15 %;

Whereas Council Regulation (EEC) No 1252/89⁽⁴⁾, as amended by Regulation (EEC) No 1331/90⁽⁵⁾, fixes *inter alia* the maximum guaranteed quantities of leaf tobacco and the prices and premiums for the 1989 harvest;

Whereas on the basis of the figures available the quantities actually produced in respect of the 1989 harvest are those set out below; whereas the prices and premiums for that harvest should accordingly be adjusted as shown below;

Whereas, as a consequence of Commission Regulation (EEC) No 1665/90 of 20 June 1990 determining the prices and amounts fixed in ecus by the Council in the raw tobacco sector and reduced as a result of the monetary realignment of 5 January 1990⁽⁶⁾, the prices and amounts fixed in ecus must be divided by 1,001712 for operations where the operative event for the agricultural conversion rate occurs from 14 May 1990;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1989 harvest the actual production of each variety or group of varieties of tobacco and the overrun of the maximum guaranteed quantities fixed by Regulation (EEC) No 1252/89 shall be those set out in Annex I to this Regulation.

2. Subject to the application of Commission Regulation (EEC) No 1665/90 for the 1989 harvest the norm and intervention prices and the amounts of the premium granted to purchasers of leaf tobacco, as referred to in Articles 2 and 3 of Regulation (EEC) No 727/70, and the derived intervention prices for baled tobacco, as referred to in Article 6 of the said Regulation, which are payable under the system of maximum guaranteed quantities, shall be as set out in Annex II to this Regulation.

Article 2

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

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 132, 23. 5. 1990, p. 25.

⁽³⁾ OJ No L 254, 14. 9. 1988, p. 9.

⁽⁴⁾ OJ No L 129, 11. 5. 1989, p. 17.

⁽⁵⁾ OJ No L 132, 23. 5. 1990, p. 28.

⁽⁶⁾ OJ No L 155, 21. 6. 1990, p. 26.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX I

Tobacco from the 1989 harvest : maximum guaranteed quantities by variety and group of varieties, quantities actually produced, and overrun of the maximum guaranteed quantities

| Group and varieties (serial number) | Maximum guaranteed quantity (tonnes) | Quantity actually produced (tonnes) | Overrun of the maximum guaranteed quantity (%) |
|--|---|---|---|
| GROUP I | | | |
| 3 Virgin D | 10 500 | 6 711 | — |
| 7 Bright | 44 250 | 36 685 | — |
| 31 Virginia E | 14 500 | 21 171 | 46,0 |
| 33 Virginia P | 3 500 | 3 589 | 2,5 |
| 17 Basmas | 30 000 | 23 975 | — |
| 18 Katerini | 23 000 | 19 256 | — |
| 26 Virginia EL | 9 500 | 9 480 | — |
| Total | 135 250 | 120 867 | |
| GROUP II | | | |
| 2 Badischer Burley : | | | |
| — for area A | 7 000 | 6 025 | — |
| — for area B | 4 300 | 3 890 | — |
| 8 Burley I | 42 500 | 34 315 | — |
| 9 Maryland | 3 500 | 2 369 | — |
| 25 Burley EL | 11 000 | 4 062 | — |
| 28 Burley Ferm. | 27 000 | 14 060 | — |
| 32 Burley E | 2 000 | 8 900 | — |
| 34 Burley P | 2 000 | 1 174 | — |
| Total | 97 300 | 74 795 | |
| GROUP III | | | |
| 1 Badischer Geudertheimer : | | | |
| — for area A | 4 300 | 3 334 | — |
| — for area B | 7 700 | 85 321 | 1 008,1 |
| 4 Paraguay : | | | |
| — for area A | 20 000 | 20 107 | 0,4 |
| — for area B | 2 700 | 2 064 | — |
| — for area C | 2 000 | 1 805 | — |
| 5 Nijkerk | | 126 | — |
| 6 Misionero | | 101 | — |
| 27 Santa Fé | 1 500 | — | — |
| 29 Havanna E | | 722 | — |
| 10 Kentucky | 10 000 | 5 866 | — |
| 16 Round Tip | 250 | 90 | — |
| 30 Round Scafati | | 219 | 23,6 |
| Total | 48 450 | 119 755 | |
| GROUP IV | | | |
| 13 Xanti-Yaka | 20 000 | 10 368 | 9,2 |
| 14 Perustitza | | 9 263 | — |
| 15 Erzegovina | | 2 216 | — |
| 19 Kaba Koulak classic | | 17 373 | — |
| 20 Kaba Koulak non classic | 36 000 | 2 500 | — |
| 21 Myrodata | | 6 055 | — |
| 22 Zychnomyrodata | | 625 | — |
| Total | 56 000 | 48 400 | |
| GROUP V | | | |
| 11 Forchheimer Havanna | 18 000 | 3 954 | — |
| 12 Beneventano | | 10 | — |
| 23 Tsebelia | 30 000 | 30 060 | 44,1 |
| 24 Mavra | | 13 176 | — |
| Total | 48 000 | 47 200 | |

ANNEX II

Norm prices, intervention prices, premiums and derived intervention prices for tobacco from the 1989 harvest, in accordance with the system of maximum guaranteed quantities

(ECU/kg)

| Serial No | Variety | | Norm price | Intervention price | Premium | Derived intervention price |
|-----------|---|---|----------------|------------------------|----------------|----------------------------|
| 1 | Badischer Geudertheimer and its hybrids — for area A — for area B | | 3,643 3,263 | 2,732 (!) 2,322 (!) | 2,534 2,154 | 4,199 (!) 3,699 (!) |
| 2 | Badischer Burley E and its hybrids | | 4,512 | 3,835 | 2,961 | 5,426 |
| 3 | Virgin D | | 4,626 | 3,932 | 2,927 | 5,179 |
| 4 | (a) Paraguay and its hybrids (b) Dragon vert and its hybrids, Philippin, Petit Grammont (Flobecq), Semois, Appelsterre | } | 3,400 | 2,890 | 2,352 | — |
| 5 | Nijkerk | | 3,357 | 2,853 | 2,132 | — |
| 6 | (a) Misionero and its hybrids (b) Rio Grande and its hybrids | } | 3,128 | 2,659 | 2,159 | — |
| 7 | Bright | | 4,070 | 3,459 | 2,461 | 4,764 |
| 8 | Burley I | | 2,848 | 2,421 | 1,653 | 3,565 |
| 9 | Maryland | | 3,313 | 2,816 | 1,875 | 4,014 |
| 10 | (a) Kentucky and its hybrids (b) Moro di Cori (c) Salento | } | 2,796 | 2,376 | 1,765 | 3,347 |
| 11 | (a) Forchheimer Havana II c (b) Nostrano del Brenta (c) Resistente 142 (d) Gojano | } | 2,707 | 2,030 (!) | 1,909 | 3,284 (!) |
| 12 | (a) Beneventano (b) Brasile Selvaggio and similar varieties | } | 1,462 | 1,243 | 1,077 | 2,012 |
| 13 | Xanti-Yakà | | 3,041 | 2,519 | 2,183 | 4,235 |
| 14 | (a) Perustitza (b) Samsun | | 2,878 2,883 | 2,385 2,385 | 2,078 2,022 | 3,653 3,677 |
| 15 | Erzegovina and similar varieties | | 2,585 | 2,143 | 1,872 | 3,296 |
| 16 | (a) Round Tip (b) Scafati (c) Sumatra I | } | 14,467 | 11,494 | 8,167 | 18,453 |
| 17 | Basmas | | 6,090 | 5,177 | 3,072 | 6,914 |
| 18 | Katerini and similar varieties | | 5,073 | 4,312 | 2,734 | 6,196 |
| 19 | (a) Kaba Koulak classic (b) Ellassona | } | 4,022 | 3,419 | 2,078 | 4,925 |
| 20 | (a) Kaba Koulak non-classic (b) Myrodata Smyrne, Trapezous and Phi I | } | 3,030 | 2,576 | 1,423 | 3,979 |
| 21 | Myrodata Agrinion | | 3,998 | 3,398 | 2,099 | 4,840 |

(ECU/kg)

| Serial No | Variety | Norm price | Intervention price | Premium | Derived intervention price |
|-----------|----------------|------------|--------------------|-----------|----------------------------|
| 22 | Zichnomyrodata | 4,154 | 3,531 | 2,214 | 5,051 |
| 23 | Tsebelia | 2,806 | 2,037 (¹) | 2,204 | 3,375 (¹) |
| 24 | Mavra | 2,802 | 1,989 (¹) | 1,802 | 3,321 (¹) |
| 25 | Burley EL | 2,251 | 1,688 (¹) | 1,219 (¹) | 2,748 (¹) |
| 26 | Virginia EL | 3,806 | 3,235 | 3,145 | 4,465 |
| 27 | Santa Fé | 1,383 | 1,176 | 0,301 | 2,034 |
| 28 | Burley Ferm. | 2,240 | 1,904 | 0,931 | 2,923 |
| 29 | Havana E | 2,878 | 2,447 | 1,952 | 3,634 |
| 30 | Round Scafati | 7,782 | 6,264 | 5,024 | 11,245 |
| 31 | Virginia E | 4,178 | 3,273 | 2,001 | 4,640 |
| 32 | Burley E | 2,965 | 2,520 | 1,398 | 3,789 |
| 33 | Virginia P | 4,216 | 3,552 | 2,307 | 4,872 |
| 34 | Burley P | 3,072 | 2,611 | 1,398 | 3,896 |

(¹) Account being taken of the application of Article 13 of Regulation (EEC) No 727/70.

COMMISSION REGULATION (EEC) No 2047/90
of 18 July 1990
amending Regulation (EEC) No 1823/89 adopting for 1989 the measures to
improve the quality of olive oil production

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

Having regard to Council Regulation No 136/66/EEC of
22 September 1966 on the establishment of a common
organization of the market in oils and fats ⁽¹⁾, as last
amended by Regulation (EEC) No 2902/89 ⁽²⁾, and in
particular Article 5 ⁽⁵⁾ thereof,

Whereas Commission Regulation (EEC) No 1823/89 ⁽³⁾
adopts for 1989 measures to improve the quality of olive
oil production; whereas the programmes of measures
submitted to that end by the Member States are being
executed; whereas, in order to permit those programmes
to be finalised, provision should be made for an extension
of the time limits laid down in Regulation (EEC) No
1823/89;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 (1) of Regulation (EEC) No 1823/89, '31 July
1990' is hereby replaced by '31 December 1990'.

Article 2

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

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

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

⁽²⁾ OJ No L 280, 29. 9. 1989, p. 2.

⁽³⁾ OJ No L 177, 24. 6. 1989, p. 41.

COMMISSION REGULATION (EEC) No 2048/90

of 18 July 1990

laying down detailed rules for the application of the system of aid in favour of
small cotton producers

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,Having regard to Council Regulation (EEC) No 1152/90
of 27 April 1990 instituting a system of aid in favour of
small cotton producers ⁽¹⁾, and in particular Articles 3 (2)
and 7 (1) thereof,Whereas Article 3 (2) of Regulation (EEC) No 1152/90
provides for the Community maximum guaranteed area
to be determined for the three marketing years concerned
by that Regulation; whereas that area is equal to the
average area given over to cotton by small producers in
1987 and 1988; whereas, in view of the information
received from the Member States, the area in question
should be determined;Whereas Article 3 (1) of Regulation (EEC) No 1152/90
provides for the aid to be granted in respect of areas sown
and harvested; whereas, to ensure that the scheme func-
tions correctly, some form of check on areas eligible for
aid is required; whereas provision should be made for
each small producer to submit an application for aid
containing the information needed for verification that
the areas in respect of which an application has been
lodged have actually been harvested; whereas the check
should take the form of random, on-the-spot inspections
covering a sufficiently representative number of aid appli-
cations; whereas, however, in the case of applications
lodged in respect of the 1989/90 marketing year, instead
of making on-the-spot inspections, Member States should
verify the extent to which the areas in respect of which
applications have been lodged tally with the quantities of
unginned cotton placed under supervised storage in
ginning plants;Whereas in order to ensure that the system of aid is
applied correctly, it is necessary to provide for a penalty
in cases where applications for aid are submitted by
producers who are not eligible because the area they have
given over to cotton exceeds the 2,5 hectare limit;Whereas under Article 7 (2) of Regulation (EEC) No
1152/90 the Commission must record any overrun in the
maximum guaranteed area and determine the resulting
reduction in the aid; whereas, to facilitate such recording
and determination, Member States should notify to the
Commission after the check has been made the areas in
respect of which aid is to be granted;Whereas, to reduce the disadvantages to interested parties
of late payment of the aid, time limits should be laid
down for the recording of overruns in the maximum
guaranteed area, the determination of any reduction in
the aid and payment of the aid;Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Management
Committee for Flax and Hemp,

HAS ADOPTED THIS REGULATION:

*Article 1*The Community maximum guaranteed area under cotton
referred to in Article 3 (1) of Regulation (EEC) No
1152/90 shall be 73 093 hectares.*Article 2*1. The aid shall be granted only in respect of areas
which:(a) have been fully sown and harvested and tended in the
normal way;

(b) are the subject of

— a declaration of areas sown in accordance with
Article 8 (1) of Commission Regulation (EEC) No
1201/89 ⁽²⁾,— an application for aid in accordance with Article 3
of this Regulation.2. Member States shall grant aid only in respect of
harvested areas in their territory.*Article 3*1. Small producers within the meaning of Article 4 of
Regulation (EEC) No 1152/90 shall lodge an aid applica-
tion each year after harvest but not later than 15 days after
their entire crop is placed under supervised storage as
referred to in Article 9 (1) of Regulation (EEC) No
1201/89.However, all applications must be lodged not later than
30 April of the marketing year in question.⁽¹⁾ OJ No L 116, 8. 5. 1990, p. 1.⁽²⁾ OJ No L 123, 4. 5. 1989, p. 23.

2. For the 1989/90 marketing year, submission of the declaration of areas sown referred to in Article 8 (1) of Regulation (EEC) No 1201/89, adjusted where applicable in accordance with Article 8 (2) of the said Regulation, shall be considered to be an aid application.

3. Except in cases of *force majeure* and without prejudice to the second subparagraph of paragraph 1, where the aid application is lodged :

- after the 15th but not later than the 30th day after the entire crop is placed under supervised storage, 66 % of the aid shall be granted,
- after the 30th but not later than the 60th day after the entire crop is placed under supervised storage, 33 % of the aid shall be granted.

4. The aid application referred to in the first subparagraph of paragraph 1 shall contain at least the following information :

- the name, forenames and address of the applicant,
- the area harvested, in hectares and ares,
- reference to the declaration of areas sown referred to in Article 8 (1) of Regulation (EEC) No 1201/89,
- the cadastral reference of the areas sown or a description recognized as equivalent by the body responsible for checking the areas,
- the place where the harvested product is stored or, if it has been delivered, the name, forenames and address of the consignee.

Article 4

1. The agency appointed by the Member State shall carry out random inspections to verify that the area which is the subject of the aid application has been harvested.

2. The inspections provided for in paragraph 1 shall relate to not less than 5 % of the applications and take account of the geographical distribution of the areas in question.

Where significant irregularities arise relating to 6 % or more of the checks carried out, the Member State shall notify the Commission forthwith and shall increase the percentage given in the first subparagraph to 15.

Article 5

1. For the purposes of checking the aid applications for the 1989/90 marketing year, the control agency shall verify that the quantities placed into supervised storage in accordance with Article 9 of Regulation (EEC) No 1201/89 coincide with the quantities obtained by applying the yield recorded for the marketing year in question in the region concerned for unginned cotton of sound and fair merchantable quality to the areas which are the subject of aid applications. If necessary the yield

shall be differentiated to take account of growing methods.

2. If the quantity placed into supervised storage in a ginning plant :

- (a) is 70 % or more of the quantity obtained by applying the yields referred to in paragraph 1, the competent agency shall grant the aid in respect of the area indicated in the declaration of areas sown, adjusted where necessary ;
- (b) is less than 70 % of the quantity obtained by applying the yields referred to in paragraph 1, the competent agency shall grant the aid in respect of the area indicated in the declaration of areas sown, adjusted where necessary and multiplied by a coefficient obtained by dividing the quantities placed into supervised storage by the quantities obtained by applying the yield referred to in paragraph 1 reduced by 30 % ; however, the aid shall be granted in respect of the area indicated in the declaration of areas sown, adjusted where necessary, if proof of harvest has been supplied to the satisfaction of the Member State on the basis of other information.

Article 6

1. Aid applications for the 1990/91 and 1991/92 marketing years shall be checked by means of random inspection on the spot. Inspections shall be carried out not later than six weeks after the aid application is lodged.

2. The inspection shall consist in the measuring of harvested areas. Without prejudice to Article 7, an additional check in accordance with Article 5 may be carried out, particularly where there is some doubt as to the harvested area.

3. Each inspection must be the subject of a written report indicating the area measured and the instruments used or that the inspection could not be carried out for reasons attributable to the applicant.

4. Except in cases of *force majeure*, where the control cannot be carried out for reasons attributable to the applicant, the aid application shall be rejected.

Article 7

1. If an inspection as provided for in Article 6 shows that the area in respect of which the aid is applied for is :

- (a) less than that ascertained during the inspection, the area ascertained shall be used ; however, if the area ascertained is greater than 2,5 hectares, the application shall be rejected and the applicant shall be required to pay an amount equal to 50 % of the amount of the aid for the marketing year in question multiplied by the area ascertained, except where the difference is considered justified by the Member State concerned ;

- (b) greater than that ascertained during the inspection, without prejudice to any penalties provided for under national law, the area used shall be the ascertained area minus the difference between the area initially declared and that ascertained.

However, where the difference is considered justified by the Member State concerned, the area ascertained shall be used.

2. Member States shall notify the Commission of the measures taken in compliance with paragraph 1, and in particular of the decisions taken pursuant to the second subparagraph of (b).

Article 8

Producer Member States shall inform the Commission not later than 15 July of each year of the number of small producers, the yield or yields referred to in Article 5 and the hectares in respect of which aid is to be granted for the marketing year in question.

However, for the 1989/90 marketing year, Member States shall inform the Commission not later than 15 August 1990.

Article 9

1. Where the Community maximum guaranteed area is exceeded, the recording and determination of the overrun

referred to in Article 7 (2) of Regulation (EEC) No 1152/90 shall be carried out before the end of each marketing year.

2. The reduction in the amount of the aid shall be determined using the following formula:

$$A1 \times \frac{SMG}{SCE} = A2$$

Where:

A1 is the amount of the aid referred to in Article 3 (1) of Regulation (EEC) No 1152/90,

SMG is the Community maximum guaranteed quantity,

SCE is the area sown and harvested by small producers in the Community in the marketing year in question,

A2 is the aid to be paid.

Article 10

Member States shall pay the aid, reduced where applicable pursuant to Article 9, not later than 31 October following the end of the marketing year.

Article 11

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

It shall apply from the 1989/90 marketing year.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

COMMISSION REGULATION (EEC) No 2049/90

of 18 July 1990

fixing for Great Britain the level of the variable slaughter premium for sheep
and the amounts to be charged on products leaving region 1

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 1633/84 of 8 June 1984 laying down detailed rules for applying the variable slaughter premium for sheep and repealing Regulation (EEC) No 2661/80 ⁽²⁾, as last amended by Regulation (EEC) No 1075/89 ⁽³⁾, and in particular Articles 3 (1) and 4 (1) thereof,

Whereas the United Kingdom is the only country which grants the variable slaughter premium, in region 5, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89 whereas it is necessary therefore for the Commission to fix, for the week beginning 25 June 1990, the level of the premium and the amount to be charged on products leaving that region;

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

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

Whereas in the Annex to Commission Regulation (EEC) No 3618/89 of 1 December 1989 on the application of the guarantee limitation arrangements for sheepmeat and goatmeat ⁽⁴⁾ the weekly amounts of the guide level are set out pursuant to Article 25 of Regulation (EEC) No 3013/89;

Whereas, pursuant to the provisions of Article 24 (2) and (3) of Regulation (EEC) No 3013/89, for the week beginning 25 June 1990, the variable slaughter premium for

sheep certified as eligible in the United Kingdom is to be in accordance with the amounts fixed in the Annexes hereto; whereas, for that week, in the light of the Judgment of the Court of Justice of 9 February 1988 in Case 61/86, the provisions of Article 9 (5) of Regulation (EEC) No 3013/89 and of Article 4 of Regulation (EEC) No 1633/84 lead to the amounts to be charged on products, leaving region 12, being fixed in accordance with those Annexes;

Whereas, as regards the controls necessary for the application of the provisions relating to the said amounts, the system of controls provided for by Regulation (EEC) No 1633/84 should be maintained without prejudice to the preparation of any more specific provisions;

HAS ADOPTED THIS REGULATION:

Article 1

For sheep or sheepmeat certified as eligible in the United Kingdom in region 1, within the meaning of Article 22 (2) of Regulation (EEC) No 3013/89, for the variable slaughter premium during the week beginning 25 June 1990, the level of the premium is fixed at ECU 72,113 per 100 kilograms of estimated or actual dressed carcase weight within the limits laid down by Article 1 (1) (b) of Regulation (EEC) No 1633/84.

Article 2

For products referred to in Article 1 (a) and (c) of Regulation (EEC) No 3013/89 which left the territory of region 1 during the week beginning 25 June 1990, the amounts to be charged shall be equivalent to those fixed in the Annexes hereto.

Article 3

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

It shall apply with effect from 25 June 1990.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 154, 9. 6. 1984, p. 27.

⁽³⁾ OJ No L 114, 27. 4. 1989, p. 13.

⁽⁴⁾ OJ No L 351, 2. 12. 1989, p. 18.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

ANNEX

to the Commission Regulation of 18 July 1990 fixing for Great Britain the level of the variable slaughter premium for sheep and the amounts to be charged on products leaving region 1

(ECU/100 kg)

| CN code | Amounts | |
|---------------------|---|--|
| | A. Products qualifying for the premium specified in Article 24 of Regulation (EEC) No 3013/89 | B. Products specified in Article 4 (4) of Regulation (EEC) No 1633/84 ⁽¹⁾ |
| | Live weight | Live weight |
| 0104 10 90 | 33,893 | 0 |
| 0104 20 90 | | 0 |
| | Net weight | Net weight |
| 0204 10 00 | 72,113 | 0 |
| 0204 21 00 | 72,113 | 0 |
| 0204 50 11 | | 0 |
| 0204 22 10 | 50,479 | |
| 0204 22 30 | 79,324 | |
| 0204 22 50 | 93,747 | |
| 0204 22 90 | 93,747 | |
| 0204 23 00 | 131,246 | |
| 0204 30 00 | 54,085 | |
| 0204 41 00 | 54,085 | |
| 0204 42 10 | 37,860 | |
| 0204 42 30 | 59,494 | |
| 0204 42 50 | 70,311 | |
| 0204 42 90 | 70,311 | |
| 0204 43 00 | 98,435 | |
| 0204 50 13 | | 0 |
| 0204 50 15 | | 0 |
| 0204 50 19 | | 0 |
| 0204 50 31 | | 0 |
| 0204 50 39 | | 0 |
| 0204 50 51 | | 0 |
| 0204 50 53 | | 0 |
| 0204 50 55 | | 0 |
| 0204 50 59 | | 0 |
| 0204 50 71 | | 0 |
| 0204 50 79 | | 0 |
| 0210 90 11 | 93,747 | |
| 0210 90 19 | 131,246 | |
| 1602 90 71 : | | |
| — unboned (bone-in) | 93,747 | |
| — boned or boneless | 131,246 | |

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

COMMISSION REGULATION (EEC) No 2050/90

of 18 July 1990

fixing the import levy on molasses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1854/90 ⁽³⁾, as last amended by Regulation (EEC) No 1977/90 ⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1854/90 to

the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation,

HAS ADOPTED THIS REGULATION:—

Article 1

The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, ECU 0,15 per 100 kilograms.

Article 2

This Regulation shall enter into force on 19 July 1990.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 168, 30. 6. 1990, p. 45.

⁽⁴⁾ OJ No L 179, 12. 7. 1990, p. 10.

COMMISSION REGULATION (EEC) No 2051/90

of 17 July 1990

imposing a temporary anti-dumping duty on imports of woven polyolefin sacks
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 1 July 1988 on protection against dumped or subsid-
ized imports from countries not members of the Euro-
pean Economic Community⁽¹⁾, and in particular Article
11 thereof,Following consultations within the advisory committee, as
provided for in Regulation (EEC) No 2423/88,

Whereas :

A. PROCEDURE

- (1) In September 1988 the Commission received a
complaint from the European Association for
Textiles Polyolefin (EATP) (hereinafter referred to
as 'the complainant') on behalf of 11 of the
Community's largest producers, whose combined
production comprised a major part of total
Community production of polyolefin sacks
(hereafter referred to as 'sacks'), in respect of
imports of this product originating in the People's
Republic of China.
- (2) The complaint included sufficient evidence of
dumping and consequent major injury to justify
initiating an investigation. The Commission there-
fore announced in a notice published in the *Offi-
cial Journal of the European Communities*⁽²⁾, the
initiation of an anti-dumping proceeding in respect
of the product in question, which falls within CN
code 6305 31 91.
- (3) The Commission officially notified the principal
exporters and importers concerned, and the
complainant, giving all concerned the opportunity
to submit their views in writing and request a
hearing.
- (4) The main organization responsible for the export of
sacks from China wrote giving the views of the

Chinese exporters. This organization, the China
Chamber of Commerce of Importers and Exporters
of Foodstuffs, Native Produce and Animal
By-products, also passed on the comments of the
following nine exporters :

- Shandong Native Produce Import and Export
Corporation,
- Shanghai Native Produce Import and Export
Corporation,
- Jiangsu Native Produce Import and Export
Corporation,
- Tianjin Native Produce Import and Export
Corporation,
- Hubei Native Produce Import and Export
Corporation,
- Zhejiang Native Produce and Animal Bypro-
ducts Import and Export Corporation,
- Shanghai Stationery and Sporting Goods Import
and Export Corporation,
- Zhejiang Light Industrial Products Import and
Export Corporation,
- Wuhan Light Industrial Products Import and
Export Corporation.

These nine exporters were said to account for about
90 % of sacks exported from China to the
Community and details of sack exports by other
Chinese exporters were not available.Since China is not a market economy country
within the meaning of Article 2 (5) of Regulation
(EEC) No 2423/88 and the Chinese exporters'
comments were presented in a single document,
and also since not all Chinese exporters were
identified, the Commission felt that all Chinese
exports should be regarded as a whole for the
purposes of the proceeding.

- (5) The Commission also had to take into account
when beginning the investigation the fact that
China does not have a market economy, and find a
reference country for calculating normal value. The
complainant had proposed taking the domestic
market price of sacks in Morocco as a reference.
Some of the importers who had submitted views
and the Chinese organization criticized this choice

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.⁽²⁾ OJ No C 21, 27. 1. 1989, p. 2.

and proposed Turkey or the Philippines as a reference country. The Moroccan producer refused to cooperate in the investigation. The Commission therefore had to find another suitable market economy country for reference. In addition to Turkey and the Philippines, producers were contacted in India, Yugoslavia and Thailand. Three Indian firms finally agreed to cooperate with the investigation. The Commission considered India a suitable reference country in view of the type of product, production conditions and the country's level of development.

- (6) The majority of the producers backing the complaint and several importers made written submissions. Other importers also commented.
- (7) The Commission gathered and verified all the data it deemed necessary to determine whether dumping had occurred and assess the injury caused. It visited the following firms to check the data they had submitted:

(a) *Community producers:*

- Cotesi, Carvalhos, Portugal,
- Quimigal, Lisbon, Portugal,
- Keler, L'Ametila del Vallés, Spain,
- Commercial Saquera, Pego, Spain,
- Condepols, Alcalá la Real, Spain,
- Sintéticas del Sur, Úbeda, Spain,
- Saint-Frères, Beauval, France;

(b) *Producers in the reference country*

- Auroplast India, Bombay, India,
- Paharpur Plastics, Ghaziabad (Uttar Pradesh), India,
- Kanpur Plastipack, Kanpur, India;

(c) *Community importers*

- De Swann Bonnist, Amsterdam, Netherlands,
- Block, Arendonk, Belgium.

The period chosen by the Commission for the dumping investigation ran from 1 January to 31 December 1988.

- (8) Since it was not possible to use Morocco as a reference country, more time was required to find firms willing to cooperate in the Commission investigation. It was not therefore possible to complete the investigation within the usual period of one year after initiation of the proceeding.

B. PRODUCT CONCERNED, LIKE PRODUCT AND COMMUNITY INDUSTRY

(a) Product concerned

- (9) The products covered by the notice of initiation of the proceeding are sacks woven from polyolefin strips and weighing less than 120 g per m².
- (10) Polyolefin strips are manufactured from either polypropylene or high-density polyethylene; the thousands of different types of sack manufactured from either raw material have similar physical and chemical characteristics. The sacks are used for packing industrial or agricultural products such as fertilizers or cereals. Since the sacks' basic characteristics, whether physical, chemical or technical, and their purpose, are similar, the Commission considered this Regulation to concern all sacks, regardless of their raw material (polypropylene or polyethylene) and use.
- (11) All the sacks concerned fall within CN code 6305 31 91.

(b) Like product

- (12) When defining the like product, the Commission found that there were no physical or chemical differences between the sacks exported to the Community by the Chinese and the corresponding sacks sold by Community producers. During the period of the investigation all sacks were manufactured from the same raw material, polypropylene.

Although the Community industry produced a broader range of sacks than that exported from China to the Community, the basic physical and technical characteristics and principal uses of both Community and Chinese sacks are identical. The differences between the sacks imported from China and those produced in the Community are that the former comprise plain and lined sacks while the latter also include other types, e. g. coated sacks and sacks lined with paper or gauze. Since, however, the sacks' similarities in respect of both characteristics and use outweigh their differences, the Commission deemed Community-produced sacks and Chinese sacks to be like products.

(c) Community industry

- (13) The Commission observed that the producers on whose behalf the complaint had been made, who had cooperated with the Commission and produced the sacks in question during the investigation period, manufactured a major share of the Community's total output of like products during this period.

The Commission therefore held them to be the Community industry within the meaning of Article 4 (5) of Regulation (EEC) No 2423/88.

C. DUMPING

(a) Normal value

- (14) The Commission checked that the three Indian firms cooperating in the investigation manufactured a range of products which allowed their production to be satisfactorily compared with the Chinese exports. The Commission found India to be a suitable reference country in this respect.
- (15) The Commission found that normal value could not be calculated accurately and fairly on the basis of the price of the product on the Indian market or of the Indian like product sold abroad. The sacks were sold to the Indian consumer at less than cost price. Similarly, the prices at which the three cooperating firms actually sold the sacks outside India proved to be of little significance. It was therefore necessary to calculate normal value on the basis of the constructed value of the like product in India.
- (16) Amongst the great number of sacks produced, it was possible to identify several types by characteristics and specifications such as a polyethylene or paper lining and whether or not they were coated. The investigation revealed the cost per kilogram of producing the sacks to be almost identical, regardless of the type. Furthermore, during the investigation period the Chinese exported only plain and polyethylene-lined sacks. The Commission therefore thought it fair to calculate normal value on the basis of the cost per kilogram of producing, on the one hand, plain, and on the other, polyethylene-lined sacks.
- (17) When calculating production costs, the Commission took account of the cost of raw materials and manufacturing, and the general, administrative and sales expenses of the three Indian producers, arriving at a weighted average for the respective costs of plain and lined sacks. To obtain the constructed value for each type, a profit margin was added to production costs. The Commission calcu-

lated the profit margin on a reasonable basis. It considered the minimum margin necessary to ensure a rate of return on capital investment comparable to, though higher than, that offered by long-term interest rates in India. This margin was also sufficient to ensure a small though adequate rate of return for sales at different levels of the market, including those to wholesalers. The profit margin established on these terms was 5 %.

(b) Export prices

- (18) The Commission considered plain and lined sacks separately when determining the export price. The export price of lined sacks was calculated on the basis of the prices actually paid or payable on export to the Community by the importers cooperating with the investigation. The volume of lined sacks whose prices were studied represented 60 % of total imports of this type of sack.

However, the price actually paid or payable when plain sacks were exported to the Community, as checked at the premises of the two importers cooperating with the investigation, could not be regarded as significant in itself because of the small quantities involved. The Commission therefore judged it appropriate, when determining the export price of plain sacks, to calculate a weighted average from the prices quoted by the Chinese exporters and the prices seen to have been paid by the cooperating importers. The volume of plain sacks whose prices were checked at the importers represented 11 % of total imports of this type of sack.

D. COMPARISON

- (19) The normal value and the export price were compared throughout at the same stage of marketing. Account was taken of differences affecting the comparability of prices, in accordance with Article 2 (9) and (10) of Regulation (EEC) No 2423/88.
- (20) No physical difference affecting the comparability of the prices of equivalent Indian and Chinese sacks could be discerned.
- (21) The Commission compared lined sacks, on the one hand, and plain sacks on the other. The normal value and export price of lined sacks were compared on a transaction-by-transaction basis.

The normal value of plain sacks was compared with an export price based on weighted averages. The application of weighted averages was not deemed likely to affect the outcome of the investigation in view of the special circumstances observed during the proceeding.

E. DUMPING MARGIN

- (22) Preliminary examination of the evidence shows that Chinese exporters are dumping woven light-polyolefin sacks. The dumping margin equals the difference between the calculated normal value and the export price in the Community and amounts, on a weighted average basis, to 80,8 % of the total cif value at the Community frontier of imports of all the product in question, regardless of the Chinese exporter concerned.

F. INJURY

(a) Volume and market share of dumped imports

- (23) There was an 8,2 % increase between 1985 and 1988 in the Community's consumption of sacks, which rose from 36 215 tonnes to 39 191 tonnes.

Imports of Chinese sacks stood at 8 094 tonnes in 1985, 14 190 tonnes in 1986, 15 192 tonnes in 1987 and 13 796 tonnes in 1988. The market share of these imports was 22,3 % in 1985, 36,9 % in 1986, 38,6 % in 1987 and 35,2 % in 1988.

The Community industry's sales on the Community market were 9 197 tonnes in 1986, 10 586 tonnes in 1987 and 10 430 tonnes in 1988. The market share of the Community industry showed little growth, rising from 23,9 % in 1986 to 26,9 % in 1987 and 26,6 % in 1988.

(b) Prices

- (24) Overall, the Community industry dropped its prices by 6,9 % between 1986 and 1988. Prices dropped by as much as 12,4 % in 1987, subsequently rising by 6,3 % in 1988.

- (25) When investigating undercutting, the Commission found that Chinese exporters generally sold sacks to wholesalers in the Community. These importers

then resold them to the end-users. Community producers, by contrast, generally sold direct to the end-user. In order to compare the prices of Chinese sacks and those produced in the Community at a similar marketing stage, the Commission compared the ex-factory price of Community sacks with the importers' ex-warehouse price for Chinese sacks.

The Commission took as its base for calculating importers' ex-warehouse price the post-clearance cif price, adjusting it by 21 % to cover the importers' general, administrative and sales expenses. A profit margin of 5 % was also added.

Importers' general, administrative and sales overheads were held to represent the difference between different stages of marketing.

Weighted averages were thereby reached for the selling prices of different types of sack. Comparison of these averages showed that Chinese producers' prices were 22,5 % lower than those of Community producers.

(c) Other economic factors to be considered

- (26) The Commission found that the Community industry's production capacity had gone from 14 409 tonnes in 1985 to 14 947 tonnes in 1988. This was paralleled by a drop in output of sacks from 11 455 tonnes to 11 005 tonnes. Capacity use fell therefore from 79,5 % in 1985 to 73,6 % in 1988.

The Community industry's income from sack sales rose by 5,6 % between 1986 and 1988, while the quantity of sacks sold increased by 13,4 % in the same period.

The profitability of Community producers declined considerably between 1985 and 1988. In 1985 the Community industry showed a profit of 9,4 %; in 1986 profitability was still at 5 %. By contrast, after a market increase in imports of Chinese sacks, losses stood at 10 % in 1987 and were still at about 0,6 % in 1988.

Jobs declined from 1 475 in 1985 to 1 321 in 1988.

It should be borne in mind that three of the 11 firms on whose behalf the complaint was made, reduced or stopped sack production between 1987 and 1988.

(d) Conclusion

- (27) Although the Community industry's market share has increased slightly, firms' profitability has declined considerably. Chinese sacks have proved cheaper than those produced by the Community industry. The latter has been prevented from raising prices and maintaining financial viability. Although it has chosen to defend its market position by investing in new plant, the Community industry has sustained considerable losses and is therefore suffering major injury.

G. CAUSAL LINK BETWEEN THE INJURY AND DUMPED IMPORTS

- (28) The Commission has examined the extent to which dumping has injured the Community industry. The Commission found that limited growth in the Community industry's market share and reduced profit margins coincide with increases in the volume of imports of Chinese sacks. The prices of Community-produced sacks have to a great extent followed those of the Chinese exporters. At least two Community producers have had to stop producing sacks because of the prices charged by Chinese exporters. A third producer has had to cut production and withdraw from most of the Community market for the same reasons.
- (29) Because of their large market share, Chinese exports have greatly influenced the price of sacks in the Community. The prices of Chinese sacks have thus become the reference prices on the Community market. Chinese exporters' prices, which are lower than those of the Community industry, have prevented the Community industry from keeping its prices at a suitable level, thereby bringing it into financial difficulties.
- (30) Increasing Community consumption between 1985 and 1988 benefited Chinese exporters because of the prices at which they were offering sacks. At the same time Community producers were prevented from increasing their sales proportionately.
- (31) Imports of sacks originating in other countries cannot be held to have injured the Community industry. These imports took only 26,9 % of the Community market in 1988, less than the Chinese market share. These imports originated moreover in many different countries, about 30 in all, not one of which held a market share large enough to exercise an influence on the Community market comparable to that of Chinese imports. It is the volume of the latter which enables them, when dumped by exporters, to force down the price of sacks in the Community.
- (32) The Chinese exporters and the importers attributed Community producers' difficulties to obsolete plant. This statement proved inaccurate: most of the factories and their plant are perfectly competitive and the Community producers have maintained a considerable level of investment.
- (33) The investigation showed that, besides the sacks released for free circulation in the Community, some Chinese sacks had been imported under temporary import arrangements. However, the impact of such imports could not be assessed since so few importers would cooperate. It was nevertheless noted that imports temporarily admitted were by definition intended for re-export. The bulk of the Community industry's sales, 95 % in 1988, is consumed within the Community.
- (34) Dumped imports were found to be the only probable cause of injury.
- (35) The Commission therefore finds the major injury sustained by the Community industry to have been caused by dumping of sacks by Chinese exporters.

H. COMMUNITY INTEREST

- (36) When deciding whether it is in the Community interest to take measures against dumping of Chinese sacks, the Commission's first consideration was the importance of these sacks to the packaging industry. This type of packaging is widely used for transporting, and in particular exporting, the Community's agricultural and industrial production. The woven polyolefin sack promises moreover to develop into a technically more complex and more efficient product than today's sack.

This is why any appreciable reduction in the Community industry's output, or even disappearance of Community producers, quite conceivable if the present situation persists, would damage the packaging industry. Furthermore, the woven polyolefin sack's technical development will be impeded or even stopped if manufacturers find themselves vulnerable or in difficulties. Lastly, a Community industry lagging behind such technical development would shed jobs and be commercially weakened.

- (37) When assessing Community interest, the Commission also took account of the fact that the sacks belong to textile category No 33, in which imports originating in China are subject to regional quantitative limits. Limits for 1984 to 1988 were set by Council Regulation (EEC) No 2072/84⁽¹⁾ and those for 1989 to 1992 by Council Regulation (EEC) No 2135/89⁽²⁾ in accordance with the Agreement between the European Economic Community and the People's Republic of China on trade in textile products⁽³⁾. The Commission considered that neither Community law nor international rules prohibited imposing anti-dumping duties where regional quantitative limits exist, provided that injury can be proven despite these restrictions.

Furthermore, as the agreed minute annexed to the Agreement shows⁽⁴⁾, the Community had during negotiations drawn the attention of the Chinese delegation to the particular problems caused in the Community by imports from China of products of this category and had requested the introduction of a Community quantitative limit. The Chinese delegation was unable to accept the introduction of such a quantitative limit.

The parties compromised by continuing as before to apply regional quantitative limits to imports into France, the Benelux countries and the United Kingdom and adding a new regional quantitative limit for Ireland.

However, dumped imports concern all Member States, and Chinese undercutting of sack prices has repercussions throughout the Community market. There is a Community sack market. Prices are not affected by the existence or otherwise of regional quantitative limits in respect of imports into the

Member States. These limits apply moreover to the whole of category No 33 and not only sacks.

Regional quantitative limits therefore provide inadequate protection against Chinese exporters' unfair trading practices and are not such that they can redress the injury to the whole Community industry.

- (38) It has been suggested that imposing an anti-dumping duty would result in Community importers losing business and some of their employees losing their jobs.

When considering these arguments, the Commission weighed the interests of the importers against the numerous consequences for a viable Community industry were fair competition not restored.

This assessment shows the Community interest to lie in ensuring the survival of sack manufacture, both for the sake of jobs and the Community packaging industry, rather than encouraging Community firms profiting from dumping by Chinese exporters.

- (39) The Commission was also aware that the disappearance of the Community industry could pose a threat to the security of supplies of sacks to the end-users and that the price of Chinese exports might, following this line of argument, then rise. Any inconvenience caused by an immediate increase in the price of Chinese sacks owing to the imposition of an anti-dumping duty will be offset by the interest of preserving a viable Community industry. Imposing an anti-dumping duty will therefore permit the injury sustained by the Community industry to be redressed without any really harmful consequences.

- (40) Examination of the interests involved has brought the Commission to the conclusion that the Community's reasonable interest requires the Community industry to be protected against the unfair trading practices of Chinese exporters. The Commission therefore deems it necessary to impose a provisional anti-dumping duty on imports of sacks originating in China in order to redress the major injury sustained.

1. DUTY

- (41) Redressing the injury sustained by the Community industry requires measures to prevent undercutting and allow the Community industry to restore its profitability and so maintain or increase its market

⁽¹⁾ OJ No L 198, 27. 7. 1984, p. 1.

⁽²⁾ OJ No L 212, 22. 7. 1989, p. 1.

⁽³⁾ OJ No L 380, 31. 12. 1988, p. 2.

⁽⁴⁾ OJ No L 380, 31. 12. 1988, p. 71.

share. The price of Chinese sacks must therefore be raised.

The Commission has therefore calculated the margin of injury sustained by the Community industry on the dual basis of undercutting by Chinese sacks and a target price for Community sacks. Eliminating the undercutting, which amounts to 22,5 %, did not seem sufficient to fully redress the injury. Since the sacks are equivalent in quality, the price of Chinese sacks must not be lower than that of those produced in the Community if the latter is to retain its customers. The Commission therefore felt that the target price should include a profit margin calculated on a reasonable basis. The Community industry's profitability stood at about 9,4 % in 1985 and the rate of return on capital at 7,5 % before it collapsed in the face of increasing Chinese imports. The Commission considered this to be a reasonable base and therefore set the target profit margin at 9,4 %.

- (42) Achieving such a profit and thereby redressing the injury to the Community industry requires a 43,4 % increase in the free-at-Community-frontier price of Chinese sacks. The dumping margin represented by Chinese production imported into the Community exceeds the margin of injury thus established. The amount of the provisional duty imposed must therefore equal the margin of injury established.
- (43) Those concerned will have the opportunity to make known their views and request a hearing. It should moreover be remembered that the conclusions drawn for this Regulation are provisional and may

be reconsidered in the event of any Commission proposal in respect of imposing a definitive duty,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty shall be imposed on imports of woven polyolefin (polyethylene or polypropylene) sacks originating in the People's Republic of China and falling within CN code 6305 31 91.
2. The rate of the duty, applicable to the pre-clearance free-at-Community-frontier net price, shall be 43,4 %.
3. Existing provisions in respect of customs duties shall continue to apply.
4. The release for free circulation in the Community of the goods mentioned in paragraph 1 shall be conditional on the deposit 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, parties concerned may make known their point of view in writing and request a hearing from the Commission within one month of the entry into force of this Regulation.

Article 3

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*. Subject to the provisions of Articles 11, 12 and 13 of Regulation (EEC) No 2423/88, Article 1 of this Regulation shall apply for four months unless the Council adopts definitive measures before the expiry of this period.

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

Done at Brussels, 17 July 1990.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2052/90

of 18 July 1990

altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

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

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

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

Whereas the rates of the refunds applicable from 1 July 1990 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EEC) No 1833/90 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EEC) No 1833/90 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EEC) No 1833/90 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 July 1990.

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

Done at Brussels, 18 July 1990.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 167, 30. 6. 1990, p. 91.

ANNEX

to the Commission Regulation of 18 July 1990 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Rate of refund in ECU/100 kg:

White sugar : 35,20

Raw sugar : 31,07

Syrups of beet sugar or cane sugar containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose)

$$35,20 \times \frac{S^{(1)}}{100} \quad \text{or}$$

If those syrups are obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :

The rate fixed above for 100 kg of white or raw sugar used for the dissolution

Molasses :

—

Isoglucose ⁽²⁾ :

35,20 ⁽²⁾

⁽¹⁾ 'S' represents per 100 kilograms of syrup :

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

⁽²⁾ Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

⁽³⁾ Amount of refund per 100 kilograms of dry matter.

COMMISSION REGULATION (EEC) No 2053/90
of 18 July 1990
fixing the aid for cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EEC) No 1479/90 ⁽⁴⁾, as last amended by Regulation (EEC) No 2003/90 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1479/90 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation;

Whereas the abatement of the subsidy which arises, where appropriate, from the system of maximum guaranteed quantities for the 1990/91 year, has not, to date, been fixed; whereas the amount of the subsidy for the 1990/91 year has been provisionally calculated on the basis of an abatement of ECU 24,00 per 100 kilograms,

HAS ADOPTED THIS REGULATION:

Article 1

1. The aid for unginced cotton referred to in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 41,660 per 100 kilograms.
2. However, the amount of the aid will be confirmed or replaced with effect from 19 July 1990 to take account of the application of maximum guaranteed quantities.

Article 2

This Regulation shall enter into force on 19 July 1990.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 85, 30. 3. 1989, p. 7.

⁽⁴⁾ OJ No L 140, 1. 6. 1990, p. 75.

⁽⁵⁾ OJ No L 180, 13. 7. 1990, p. 14.

COMMISSION REGULATION (EEC) No 2054/90

of 18 July 1990

amending Regulation (EEC) No 1788/90 introducing a countervailing charge on fresh lemons originating in Argentina

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

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1193/90⁽²⁾, and in particular the first subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1788/90⁽³⁾, as last amended by Regulation (EEC) No 1992/90⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Argentina;

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 Argentina must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of amended Regulation (EEC) No 1788/90 '17,14' ECU is hereby replaced by '13,04' ECU.

Article 2

This Regulation shall enter into force on 19 July 1990.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 199, 11. 5. 1990, p. 43.

⁽³⁾ OJ No L 163, 29. 6. 1990, p. 56.

⁽⁴⁾ OJ No L 179, 12. 7. 1990, p. 35.

COMMISSION REGULATION (EEC) No 2055/90

of 18 July 1990

fixing the maximum export refund for white sugar for the 12th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 983/90

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

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

Whereas Commission Regulation (EEC) No 983/90 of 19 April 1990 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾ requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 983/90, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 12th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 12th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 983/90 the maximum amount of the export refund is fixed at ECU 37,822 per 100 kilograms.

Article 2

This Regulation shall enter into force on 19 July 1990.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 100, 20. 4. 1990, p. 9.

COMMISSION REGULATION (EEC) No 2056/90

of 18 July 1990

altering the export refunds on syrups and certain other sugar sector products
exported in the natural state

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

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

Having regard to Council Regulation (EEC) No 1785/81
of 18 June 1981 on the common organization of the
markets in the sugar sector ⁽¹⁾, as last amended by Regula-
tion (EEC) No 1069/89 ⁽²⁾, and in particular Article 19 (4)
thereof,

Whereas the refunds on syrups and certain other sugar
products were fixed by Regulation (EEC) No 1816/90 ⁽³⁾;

Whereas it follows from applying the rules, criteria and
other provisions contained in Regulation (EEC) No
1816/90 to the information at present available to the

Commission that the export refunds at present in force
should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in
Article 1 (1) (d), (f) and (g) of Regulation (EEC) No
1785/81, exported in the natural state, as fixed in the
Annex to Regulation (EEC) No 1816/90 are hereby
altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 July 1990.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 167, 30. 6. 1990, p. 49.

ANNEX

to the Commission Regulation of 18 July 1990 altering the export refunds on syrups and certain other sugar products exported in the natural state

(ECU)

| Product code | Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾ | Amount of refund per 100 kg of dry matter ⁽²⁾ |
|----------------|---|--|
| 1702 40 10 100 | | 35,20 |
| 1702 60 10 000 | | 35,20 |
| 1702 60 90 000 | 0,3520 | |
| 1702 90 30 000 | | 35,20 |
| 1702 90 60 000 | 0,3520 | |
| 1702 90 71 000 | 0,3520 | |
| 1702 90 90 900 | 0,3520 | |
| 2106 90 30 000 | | 35,20 |
| 2106 90 59 000 | 0,3520 | |

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

COMMISSION REGULATION (EEC) No 2057/90**of 18 July 1990****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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

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

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

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EEC) No 1811/90 ⁽³⁾, as last amended by Regulation (EEC) No 1972/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1811/90 to the infor-

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

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EEC) No 1811/90 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 July 1990.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.

⁽³⁾ OJ No L 167, 30. 6. 1990, p. 39.

⁽⁴⁾ OJ No L 178, 11. 7. 1990, p. 19.

ANNEX

to the Commission Regulation of 18 July 1990 altering the basic amount of the import levies on syrups and certain other products in the sugar sector

(ECU)

| CN code | Basic amount per percentage point of sucrose content and per 100 kg net of the product in question | Amount of levy per 100 kg of dry matter |
|------------|--|---|
| 1702 20 10 | 0,3884 | — |
| 1702 20 90 | 0,3884 | — |
| 1702 30 10 | — | 45,61 |
| 1702 40 10 | — | 45,61 |
| 1702 60 10 | — | 45,61 |
| 1702 60 90 | 0,3884 | — |
| 1702 90 30 | — | 45,61 |
| 1702 90 60 | 0,3884 | — |
| 1702 90 71 | 0,3884 | — |
| 1702 90 90 | 0,3884 | — |
| 2106 90 30 | — | 45,61 |
| 2106 90 59 | 0,3884 | — |

COMMISSION REGULATION (EEC) No 2058/90

of 18 July 1990

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EEC) No 1069/89 ⁽²⁾, and in particular Article 16 (8) thereof,Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1812/90 ⁽³⁾, as last amended by Regulation (EEC) No 2034/90 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 1812/90 to the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 July 1990.

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

Done at Brussels, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.⁽²⁾ OJ No L 114, 27. 4. 1989, p. 1.⁽³⁾ OJ No L 167, 30. 6. 1990, p. 41.⁽⁴⁾ OJ No L 186, 18. 7. 1990, p. 18.

ANNEX

to the Commission Regulation of 18 July 1990 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code | Levy |
|------------|----------------------|
| 1701 11 10 | 35,44 ⁽¹⁾ |
| 1701 11 90 | 35,44 ⁽¹⁾ |
| 1701 12 10 | 35,44 ⁽¹⁾ |
| 1701 12 90 | 35,44 ⁽¹⁾ |
| 1701 91 00 | 38,84 |
| 1701 99 10 | 38,84 |
| 1701 99 90 | 38,84 ⁽²⁾ |

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

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

COMMISSION REGULATION (EEC) No 2059/90**of 18 July 1990****amending Regulation (EEC) No 1983/90 opening invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb**

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No 1983/90⁽²⁾ opens invitations to tender for the fixing of aid for the private storage of carcasses and half-carcasses of lamb;

Whereas the measures laid down by Regulation (EEC) No 1983/90 are not in line with those submitted for the opinion of the Management Committee; whereas therefore, the said Regulation should be corrected,

Article 1

The first subparagraph of Article 1 of Regulation (EEC) No 1983/90 is hereby replaced by the following:

'Separate invitations Great Britain to tender are opened in Denmark, France, Ireland, Northern Ireland, Germany, the Netherlands and Portugal for aid to private storage for carcasses and half-carcasses of lamb.'

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, 18 July 1990.

For the Commission

Ray MAC SHARRY

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 179, 12. 7. 1990, p. 20.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 13 July 1990

concerning the updating of Annex I to Council Directive 89/440/EEC

(90/380/EEC)

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

Having regard to Articles 1 (b) and 30b of Council Directive 71/305/EEC of 26 July 1971 concerning coordination of procedures for the award of public works contracts ⁽¹⁾, as amended by Directive 89/440/EEC ⁽²⁾,

Following consultation of the Advisory Committee for Public Contracts,

Whereas Annex I to Directive 89/440/EEC contains lists of bodies or categories of such bodies governed by public law which fulfill certain criteria;

Whereas these lists should be as exhaustive as possible;

Whereas Annex I to Directive 89/440/EEC shall be amended by the Commission as appropriate, based on periodic notifications by the Member States of any changes of their lists;

Whereas it is desirable to amend Annex I to Directive 89/440/EEC, based on notifications received from the Member States, to give effect to the amendment on the date by which Member States are required to bring into

force the measures necessary to comply with Directive 89/440/EEC,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Directive 89/440/EEC is hereby replaced by the Annex to this Decision.

Article 2

This Decision shall apply from 19 July 1990.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 July 1990.

For the Commission

Martin BANGEMANN

Vice-President

⁽¹⁾ OJ No L 185, 16. 8. 1971, p. 5.

⁽²⁾ OJ No L 210, 21. 7. 1989, p. 1.

ANNEX

ANNEX I

LISTS OF BODIES AND CATEGORIES OF BODIES GOVERNED BY PUBLIC LAW
REFERRED TO IN ARTICLE 1 (b)

I. In BELGIUM:

Bodies

- le Fonds des routes 1955-1969 — het Wegenfonds 1955-1969
- la régie des voies aériennes — de Regie de Luchtwezen
- l'office régulateur de la navigation intérieure — de Dienst voor Regeling van de Binnenvaart
- la régie des services frigorifiques de l'État belge — de Regie der Belgische Rijskoel- en Vriesdiensten

Categories

- les centres publics d'aide sociale (public social assistance centres)
- les fabriques d'église (church councils)

II. DENMARK

Bodies

- Københavns Havn
- Danmarks Radio
- Det Landsdækkende Fjernsyn TV 2
- Danmarks Nationalbank
- Storebæltsforbindelsen A/S
- Københavns Telefon Aktieselskab
- Jydsk Telefon-Aktieselskab
- Fyns Telefon
- Kommunedata
- Datacentralen I/S
- Kommunekemi

Categories

- De Kommunale Havne (municipal ports)
- Andre Forvaltningssubjekter (other public administrative bodies)

III. In GERMANY:

Categories

Authorities, establishments and foundations governed by public law and created by federal, State or local authorities and non-commercial establishments subject to state control and operating in the general interest.

IV. In GREECE:

Categories

Other legal persons governed by public law whose public works contracts are subject to State control.

V. In SPAIN:

Categories

- Entidades Gestoras y Servicios Comunes de la Seguridad Social (administrative entities and common services of the health and social services)
- Organismos Autónomos de la Administración del Estado (independent bodies of the national administration)
- Organismos Autónomos de las Comunidades Autónomas (independent bodies of the autonomous communities)
- Organismos Autónomos de las Entidades Locales (independent bodies of local authorities)
- Otras entidades sometidas a la legislación de contratos del Estado español (other entities subject to Spanish State legislation on procurement)

VI. In FRANCE :

Bodies

1. National public bodies :

1.1. With scientific, cultural and professional character :

- Collège de France
- Conservatoire national des arts et métiers
- Observatoire de Paris

1.2. Scientific and technological :

- Centre national de la recherche scientifique — CNRS
- Institut national de la recherche agronomique
- Institut national de la santé et de la recherche médicale
- ORSTOM — Institut français de recherche scientifique pour le développement en coopération

1.3. With an administrative character :

- Agence nationale pour l'emploi
- Caisse nationale des allocations familiales
- Caisse nationale d'assurance maladie des travailleurs salariés
- Caisse nationale d'assurance vieillesse des travailleurs salariés
- Office national des anciens combattants et victimes de la guerre
- Agences financières de bassins

Categories

1. National public bodies :

- Universités (universities)
- écoles normales d'instituteurs (teacher training colleges)

2. Administrative public bodies at regional, departmental and local level :

- collèges (secondary schools)
- lycées (secondary schools)
- établissements publics hospitaliers (public hospitals)
- offices publics d'habitation à loyer modéré (OPHLM) (public offices for low-cost housing)

3. Groupings of territorial authorities :

- syndicats de communes (associations of local authorities)
- districts (districts)
- communautés urbaines (municipalities)
- institutions interdépartementales et interrégionales (Institutions common to more than one department and interregional institutions)

VII. In IRELAND

Bodies

- Shannon Free Airport Development Company Ltd
- Local Government Computer Services Board
- Local Government Staff Negotiations Board
- Coras Trachtála (Irish Export Board)
- Industrial Development Authority
- Irish Goods Council (Promotion of Irish Goods)
- Coras Beostoic agus Feola (CBF) (Irish Meat Board)
- Bord Fáilte Éireann (Irish Tourism Board)
- Údarás na Gaeltachta (Development Authority for Gaeltacht Regions)
- An Bord Pleanála (Irish Planning Board)

Categories

- Third-level educational bodies of a public character
- National training, cultural or research Agencies
- Hospital boards of a public character
- National health and social agencies of a public character
- Central and regional fishery boards

VIII. In ITALY :

Bodies

- agenzia per la promozione dello sviluppo nel mezzogiorno

Categories

- enti portuali e aeroportuali (port and airport authorities)
- consorzi per le opere idrauliche (consortia for water engineering works)
- le università statali, gli istituti universitari statali, i consorzi per i lavori interessanti le università (State universities, State university institutes, consortia for university development work)
- gli istituti superiori scientifici e culturali, gli osservatori astronomici, astrofisici, geofisici o vulcanologici (higher scientific and cultural institutes, astronomical, astrophysical, geophysical or vulcanological observatories)
- enti di ricerca e sperimentazione (organizations conducting research and experimental work)
- le istituzioni pubbliche di assistenza e di beneficenza (public welfare and benevolent institutions)
- enti che gestiscono forme obbligatorie di previdenza ed assistenza (agencies administering compulsory social security and welfare schemes)
- consorzi di bonifica (land reclamation consortia)
- enti di sviluppo o di irrigazione (development or irrigation agencies)
- consorzi per le aree industriali (associations for industrial areas)
- comunità montane (groupings of municipalities in mountain areas)
- enti preposti a servizi di pubblico interesse (organizations providing services in the public interest)
- enti pubblici proposti ad attività di spettacolo, sportivo, turistiche e del tempo libero (public bodies engaged in entertainment, sport, tourism and leisure activities)
- enti culturali e di promozione artistica (organizations promoting culture and artistic activities)

IX. In LUXEMBOURG

Categories

- Les établissements publics de l'État placés sous la surveillance d'un membre du Gouvernement (public establishments of the State placed under the supervision of a member of the Government)
- Les établissements publics placés sous la surveillance des communes (public establishments placed under the supervision of the communes)
- Les syndicats de communes créés en vertu de la loi du 14 février 1990 telle qu'elle a été modifiée à la suite (associations of communes created under the law of 14 February 1990 as subsequently modified)

X. In NETHERLANDS :

Bodies

- de Nederlandse Centrale Organisatie voor Toegepast Natuurwetenschappelijk Onderzoek (TNO) en de daaronder ressorterende organisaties

Categories

- de waterschappen (administration of water engineering works)
- de instellingen van wetenschappelijk onderwijs vermeld in artikel 8 van de Wet op het Wetenschappelijk Onderwijs (1985), de academische ziekenhuizen (institutions for scientific education, as listed in Article 8 of the Scientific Education Act (1985) (Wet op het Wetenschappelijk Onderwijs (1985)), teaching hospitals)

XI. In PORTUGAL :

Categories

- Estabelecimentos Públicos de Ensino, investigação Científica e Saúde (public establishments for education, scientific research and health)
- Institutos Públicos sem carácter comercial ou industrial (public institutions without commercial or industrial character)
- Fundações Públicas (public foundations)
- Administrações Gerais e Juntas Autónomas (general administration bodies and independent councils)

XII. In the UNITED KINGDOM :**Bodies**

- National Rivers Authority
- National Research Development Corporation
- Universities Funding Council
- Polytechnics and Colleges Funding Council
- Central Blood Laboratory Service
- Health And Safety Executive
- Northern Ireland Housing Executive
- Public Health Laboratory Service
- Scottish Homes
- Commission for the New Towns
- Design Council
- Arbitration, Conciliation and Advisory Service
- Cardiff Bay Development Corporation
- Development Board for Rural Wales
- London Docklands Development Corporation
- Merseyside Development Corporation
- English industrial Estates Corporation
- Scottish Development Agency
- Urban Development Corporation
- Welsh Development Agency

Categories

- Education authorities
 - Research councils
 - National health service authorities
 - New town corporations
 - Fire authorities
 - Police authorities'
-