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Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EEC) No 2474/93 of 8 September 1993 imposing a definitive anti-dumping duty on imports into the Community of bicycles originating in the People's Republic of China and collecting definitively the provisional anti-dumping duty** 1
- Commission Regulation (EEC) No 2475/93 of 8 September 1993 altering the export refunds on white sugar and raw sugar exported in the natural state 10
- ★ **Commission Regulation (EEC) No 2476/93 of 7 September 1993 establishing unit values for the determination of the customs value of certain perishable goods** 12
- ★ **Commission Regulation (EEC) No 2477/93 of 6 September 1993 imposing a provisional anti-dumping duty on imports of certain photo albums originating in the People's Republic of China** 16
- ★ **Commission Regulation (EEC) No 2478/93 of 7 September 1993 re-establishing the levying of customs duties on products of category No 35 (order No 40.0350), originating in Thailand, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply** 24
- ★ **Commission Regulation (EEC) No 2479/93 of 7 September 1993 re-establishing the levying of customs duties on products of category Nos 14, 20 and 26 (order Nos 40.0140, 40.0200 and 40.0260), originating in Malaysia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply** 26
- ★ **Commission Regulation (EEC) No 2480/93 of 7 September 1993 re-establishing the levying of customs duties on products of category No 16 (order No 40.0160), originating in Pakistan, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply** 28

* Commission Regulation (EEC) No 2481/93 of 7 September 1993 re-establishing the levying of customs duties on products of category No 20 (order No 40.0200), originating in Iran, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply	30
* Commission Regulation (EEC) No 2482/93 of 7 September 1993 re-establishing the levying of customs duties on products of category No 31 (order No 40.0310), originating in Indonesia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply	31
Commission Regulation (EEC) No 2483/93 of 8 September 1993 amending Regulation (EEC) No 1198/93 increasing to 3 500 000 tonnes the quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened	32
Commission Regulation (EEC) No 2484/93 of 8 September 1993 fixing the import levy on molasses	34
Commission Regulation (EEC) No 2485/93 of 8 September 1993 introducing a countervailing charge on certain varieties of plum originating in Hungary	35
Commission Regulation (EEC) No 2486/93 of 8 September 1993 fixing the maximum export refund for white sugar for the 15th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93	36
Commission Regulation (EEC) No 2487/93 of 8 September 1993 on the issuing of a standing invitation to tender for the resale on the internal market of 200 000 tonnes of bread-making rye held by the German intervention agency	37
Commission Regulation (EEC) No 2488/93 of 8 September 1993 on the issue of import licences for high-quality fresh, chilled or frozen beef and veal	38

II *Acts whose publication is not obligatory*

Commission

93/486/Euratom, ECSC, EEC :

- | | |
|---|----|
| * Commission Decision of 4 August 1993 adjusting the weightings applicable from 1 August 1992 to the remuneration of officials of the European Communities serving in countries outside the Community | 39 |
|---|----|

93/487/Euratom, ECSC, EEC :

- | | |
|--|----|
| * Commission Decision of 4 August 1993 adjusting the weightings applicable from 1 September 1992 to the remuneration of officials of the European Communities serving in countries outside the Community | 41 |
|--|----|

93/488/Euratom, ECSC, EEC :

- | | |
|--|----|
| * Commission Decision of 4 August 1993 adjusting the weightings applicable from 1 October 1992 to the remuneration of officials of the European Communities serving in countries outside the Community | 43 |
|--|----|

93/489/Euratom, ECSC, EEC :

- | | |
|---|----|
| * Commission Decision of 4 August 1993 adjusting the weightings applicable from 1 November 1992 to the remuneration of officials of the European Communities serving in countries outside the Community | 45 |
|---|----|

93/490/Euratom, ECSC, EEC :

- | | |
|---|----|
| * Commission Decision of 4 August 1993 adjusting the weightings applicable from 1 December 1992 to the remuneration of officials of the European Communities serving in countries outside the Community | 47 |
|---|----|

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2474/93

of 8 September 1993

imposing a definitive anti-dumping duty on imports into the Community of bicycles originating in the People's Republic of China and collecting definitively the provisional anti-dumping duty

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 submitted by the Commission after consultation within the Advisory Committee as provided for by the above Regulation,

Whereas :

A. Provisional measures

- (1) By Regulation (EEC) No 550/93⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports into the Community of bicycles originating in the People's Republic of China and falling within CN code 8712 00. By Regulation (EEC) No 1607/93⁽³⁾, the Council extended the validity of this duty for a period not exceeding two months.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duty the following parties submitted comments in writing :

Exporters in the People's Republic of China :

- Guangzhou Five Rams Bicycle Industry Corporation,
- Shanghai Bicycle Group,
- Qingdao Bicycle Industrial Corporation,
- Ghangzhou Golden Lion Bicycle Manufacturing & Trading Corp.,

- Xiamen Bicycle Company,
- Anyang Bicycle Industry Company,
- China Henan Light Industrial Products Imp., Exp., Corp.,
- Tianjin Bicycle Imp., & Exp., Corporation,
- Hubei Provincial International Trade Corporation,
- China Bicycles Company (Holdings) Limited,
- Asia Bicycles Co., Ltd,
- Catic Bicycle Co., Ltd,
- Sino-Danish Enterprises Co., Ltd,
- Hanji Town Waimanly Manufactory.

Community Producers :

- Hawk Cycles Ltd,
- Derby Cycle Werke GmbH,
- Cycleurope,
- Raleigh Industries Limited,
- Bicicletas de Alava SA,
- Gazelle BV.

Independent importers and traders :

- Scott (Europe) SA, Switzerland,
- Chung Wai Manufactory Limited, Hong Kong,
- Halfords Ltd, UK.

Parties who so requested were granted an opportunity to be heard by the Commission.

- (3) The parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping measures and the definitive collection of amounts secured by way of provisional duty. There were also granted a period within which to make representations subsequent to the disclosure.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 58, 11. 3. 1993, p. 12.

⁽³⁾ OJ No L 155, 26. 6. 1993, p. 1.

- (4) The parties' comments were considered, and the Commission altered its conclusions where it was deemed to be justified.
- (5) The investigation overran the normal duration of one year provided for in Article 7 (9) (a) of Regulation (EEC) No 2423/88 due to the complexity of the investigation, in particular, in the light of the numerous models of bicycles, and the variety of technical specifications.

C. Product under investigation and like product

- (6) As set out in Regulation (EEC) No 550/93 (see recitals 9 to 11) the Commission established that all types of bicycle were to be considered as one product within the meaning of Article 2 of Regulation (EEC) No 2423/88.
- (7) Some exporters continued to argue that various categories of bicycle should be considered as separate products on the grounds that the specific applications and the use of the bicycles in the various categories are perceived by the market as being different. More particularly they argued that the mountain bicycle was clearly a separate product in terms of components used, price and the perception of the average buyer.
- (8) In Recitals 9 to 11 of Regulation (EEC) No 550/93, the Commission has already replied to most of the arguments made by the exporters and concluded that all bicycles constituted one single product.

Regarding the specific application, use and consumer perception of the bicycles under consideration, it is noted first that all bicycles have the same basic application and perform essentially the same function. In this respect, and as far as the consumers' perception of the bicycles is concerned, it is true that the different categories are, in principle, intended to meet different end-user requirements. However, end users will regularly put a bicycle in a particular category to a variety of uses and applications. A mountain bicycle used for off-road cycling can easily be used by consumers as a normal touring bike. Mountain bikes are sometimes equipped with accessories which are designed for use on the road. Moreover, there is the trend of using bicycles which are designed for more than one specific application. The hybrid bicycle, which can be a cross between a mountain bicycle and a racing bicycle or between a mountain bicycle and a touring bicycle, is an example of this. This trend even increases the interchangeability between various categories of bicycles and thus increases the competition between the overlapping areas.

There is consequently no clear dividing line based on end-users' application and consumers' perception of different categories.

The Commission has also found that the producers themselves often make no distinction between their bicycles, classified in different categories, with regard to production, distribution or accounting. Both Community and Chinese producers have, for all their different categories of bicycles, a similar manufacturing process. Further, almost always the same distribution channels are used for all categories of bicycle,

The Council therefore considers that the similarities of all categories of bicycle, as far as their technical and physical characteristics as well as their application and end use are concerned, outweigh, for the purposes of these proceedings, any differences.

D. Community industry

- (9) The investigation showed that the Community producers which fully cooperated in the investigation accounted for 54,3 % of total Community production of bicycles. Producers representing a further 10 % of Community output supplied some basic information on their production and expressed support for the complaint.
- (10) One exporter requested, in view of the existence of business links between certain Community producers and the Chinese exporters for the purchase of components, that the Community industry should only consist of producers which did not have such links.
- (11) It was found, with very few exceptions, that the bicycles sold by the Community producers were actually produced in the Community from parts which were sourced mainly in the Community, though certain parts were imported from Japan, Singapore, Taiwan and the People's Republic of China. Moreover, Article 4 (5) of Regulation (EEC) No 2423/88 only provides for a possible exclusion of Community producers in cases where they are themselves importers of the products subject to the investigation and not, as suggested by this exporter, when they are merely importing certain components from a country which also exports the finished product under consideration.
- (12) With regard to the Community producers which had imported bicycles from Taiwan and the People's Republic of China, no new evidence was submitted and consequently the Council confirms the conclusion in recital 13 of Regulation (EEC) No 550/93.

- (13) One exporter argued that the Community producers which fully cooperated by replying to the questionnaires sent by the Commission were not representative and that the producers which were sent questionnaires at a later stage of the proceedings should have been excluded from the scope of the Community industry.
- (14) Firstly it should be noted that the Commission initially only sent questionnaires to the Community producers which were listed as complainants in the anti-dumping complaint. Only upon receipt of the replies to the original questionnaires was it found that the Community industry which replied to the questionnaires, represented an estimated 40 % of total Community production of bicycles. The Commission sent out further questionnaires to widen the basis of the injury investigation. This exercise allowed the Commission, without unduly delaying the investigation, to base its findings on a proportion of Community industry which then represented the majority of the Community industry. There was no reason to exclude the producers who had been asked to supply information at a later stage.
- (18) Secondly, in the case of those countries referred to in Article 2 (5) of Regulation (EEC) No 2423/88 (which includes the People's Republic of China), it is not possible to take account of the efficiency or comparative advantage of individual exporters in the establishment of normal value since this must obligatorily be established on the basis of prices or costs in market economy countries. The only way individual treatment could be given to exporters in these countries is by taking account of their individual export prices. In general, this would tend to give rise to distorted, and therefore inappropriate, individual results since it would not take account of the eventual, however impossible to determine efficiency, comparative advantage or characteristics of the products of individual exporters.
- (19) Thirdly, it is in practice extremely difficult to establish in the case of a country such as the People's Republic of China whether a company really enjoys, both in law and in fact, independence from the State and in particular whether a company has permanent independence where it appears to enjoy independence at a certain point in time. The economy of the People's Republic of China is in transition from a fully State controlled economy to a partially market orientated economy. State control subsists in very many aspects of economic life and the law and institutions necessary for the functioning of a market economy are not sufficiently developed and familiar to the economic operators and officials. It is not therefore possible to be certain that contracts and apparent legal guarantees will be effective and the actions of exporters free from governmental interference. Indeed it is clear that the influence of the State on all economic activity in China is still dominant. The State can at any time change the rules applicable to the employment and payment of workers, it controls the supply of energy and can impose limitations on the convertibility and transfer of currency.

E. Methodology

1. Individual treatment

- (15) In Recitals 34 to 36 of Regulation (EEC) No 550/93, the Commission stated that it would continue to examine the question of individual treatment for Chinese exporters in this case.
- (16) Although individual treatment has been given to certain exporters in the People's Republic of China in some previous anti-dumping cases, in particular where they have demonstrated their independence from the State in the conduct of their export policy and in establishing their export prices, the Commission has in the course of this proceeding come to the conclusion, which the Council shares, that for the reasons set out below the utmost prudence is required in this matter.
- (17) Firstly, it must be borne in mind that Regulation (EEC) No 2423/88 merely requires that anti-dumping regulations specify the country and the product on which the duty is imposed. Individual treatment is therefore not a requirement of that Regulation and is appropriate only where this gives a more proportionate and effective remedy against injurious dumping than a single country-wide duty.
- (20) Fourthly, the Commission is, at present, not in a position to verify the declarations of exporters on-the-spot in China due, in the main part, to difficulties inherent to non-market economy countries in establishing facts beyond reasonable doubt. In particular, it is extremely difficult for the Commission to verify whether certain arrangements which ostensibly guarantee a certain independence from the State in export policy matters are genuine or a mere pretence, especially where such arrangements have been made in the knowledge that anti-dumping action might be taken.

- (21) Since the granting of individual treatment may cause inappropriate levels of duty to be imposed and gives rise to an opportunity for the State to circumvent anti-dumping measures by channelling exports through, or concentrating exports on, the exporter with the lowest duty, the Commission and the Council have come to the conclusion that departures from the general rule whereby a single anti-dumping duty is established for State trading countries should only be made where they are completely satisfied that the difficulties outlined above do not arise.
- (22) In the present case most of the known exporters were fully or majority owned by the State.
- (23) Two exporters claimed that they should be given individual treatment which should be denied to the State owned exporters.
- (24) One of these exporters, a Hong Kong company, asked for individual treatment on behalf of a wholly publicly-owned Chinese bicycle manufacturer, whose bicycles it exported from China. This exporter purported to withdraw its application for individual treatment. The Commission considered that individual treatment was in any case inappropriate for such a situation since the Hong Kong company could change its source of supply.
- (25) Another exporter, which was a Chinese manufacturer, claimed to have recently become a joint stock company and that the proportion of its shares still owned by a State body, following a series of complicated and unclear transactions, had now fallen to only a minority shareholding by the State. The Commission was not satisfied that this company was now free from State control. Even a minority shareholding confers to the State a significant influence on the management of a company especially when combined with all other means of influence at the disposal of the State in China. In any case the new structure of the company could not be described as stable or established.
- (26) Further, a representative of the Chinese Government, who claimed that he represented all bicycle manufacturers with a shareholding of the Chinese State, also declared to the Commission that the Chinese State coordinated the activities of all bicycle manufacturers in China.
- (27) For these and other reasons stated in Recitals 15 to 21 above, the Council concludes that individual treatment is not appropriate in this case at the present time.

2. Sampling

- (28) In view of the large number of models and exporters, the Commission had to base its findings on dumping on a representative sample. For this purpose the Commission took the models manufactured by a representative selection of manufacturers. This selection included two state owned organizations, two joint venture companies and one company which sold via a company in Hong Kong. In order to increase the representativity of its sample for its definitive conclusion, the Commission has included in the sample the fully foreign owned company which is the most important in terms of volume of exports. The six companies which are now included in the sample represent 88 % of all exports to the Community by the companies which replied to the questionnaire.

The Council confirms the methodology.

F. Dumping

1. Normal value

- (29) In the provisional duty determination the Commission concluded that Taiwan was an appropriate analogue country for the determination of the normal value of Chinese exports to the Community and normal value was consequently established on the basis of Article 2 (5) (a) (i) of Regulation (EEC) No 2423/88 i.e., prices of bicycles sold by the Taiwanese producers on their domestic market.
- (30) One exporter argued that the People's Republic of China was a market economy country given the extent of economic reform which had taken place in that country. The company claimed that, as far as the bicycle sector was concerned, market economy rules applied. It requested, therefore, that normal value should be based on a constructed value in the People's Republic of China.
- (31) The Commission rejected this argument, for which no evidence was submitted. The People's Republic of China is considered a non-market economy country, in accordance with Article 2 (5) of the Regulation (EEC) No 2423/88 and Regulation (EEC) No 1766/82⁽¹⁾.
- (32) One exporter requested the Commission to reassess its choice of Taiwan as the analogue country on the grounds that the gross national product per capita and the national distribution of labour had not been taken into account.

⁽¹⁾ OJ No L 195, 5. 7. 1982, p. 21.

(33) In Recital 20 of Regulation (EEC) No 550/93, the Commission concluded that, given the level of competition on the Taiwanese market and the comparability of the models and the scale of the production in Taiwan, its choice as analogue country was appropriate and not unreasonable. The fact that the gross national product per capita and the national distribution of labour were not included in the Commission's criteria, does not render the selection of Taiwan invalid. These criteria are not relevant because there is no direct relationship between them and the cost of production. Secondly, figures for the gross national product of a State trading country and a market economy are not comparable. In any case, the Commission examined exhaustively all proposals made by the exporters and contacted the major producers in the four countries proposed but did not obtain their cooperation. Moreover the Commission has not received any other proposal which, even if it took account of the additional criteria proposed by the exporter, would have been more suitable than Taiwan.

(34) The normal value for the People's Republic of China has been established, for the purpose of the preliminary determination, on the basis of Article 2 (5) (a) (i) of Regulation (EEC) No 2423/88 i.e., on the basis of domestic prices in Taiwan. As explained in recital 20 of Regulation (EEC) No 550/93 the Commission found that the bicycles sold on the Taiwanese market were largely comparable to the Chinese models included in the sample. Prices in Taiwan, which were actually paid or payable in the ordinary course of trade, consequently constituted an adequate basis for normal value with regard to the People's Republic of China. However, in order to increase the representativeness of its dumping calculation, the Commission decided to complete its original dumping calculation by adding certain Chinese models, for which constructed values of comparable models of bicycles exported by Taiwanese producers to the Community were available.

(35) One exporter claimed that the Taiwanese exporters received more favourable treatment than the Chinese exporters on the grounds that the normal value for Taiwan was based on a constructed value while normal value for the People's Republic of China, for the purpose of Regulation (EEC) No 550/93, was based on prices in Taiwan.

(36) The Commission rejects this argument. As regards the bicycles models exported to the Community by the Taiwanese exporters, the Commission found that there were substantial differences between

these models and the models which were sold on the Taiwanese domestic market. As explained in recital 16 of Regulation (EEC) No 550/93 domestic prices should therefore not be used in view of the fact that the adjustments to be made in such a case to the price would be of such significance that it would effectively become meaningless. In the case of the People's Republic of China, the same methodology could not be applied because reliable data on production costs is not available. However, the use of actual Taiwanese prices is not discriminatory against the People's Republic of China. The claim made by the exporter would suggest that normal values calculated in relation with constructed value were lower than actual prices in Taiwan but this was not the case, since the elements of the constructed value were based on actual prices. In fact, the Chinese exporter has most likely benefitted from the use of prices on the Taiwanese market since, as explained in recital 29 of the Regulation (EEC) No 550/93, the Commission endeavoured to use Taiwanese models which were less well equipped than the comparable Chinese model.

The Council confirms the conclusion on normal value.

2. Export price

(37) One exporter claimed that the export sales used by the Commission in its dumping calculation were insufficient and not representative.

(38) In its preliminary determination, the Commission's dumping calculation was based on those Chinese models for which there were comparable models sold in Taiwan, in the ordinary course of trade and in sufficient quantities. It was not possible to extend the number of bicycles included in the dumping calculation since all comparable models sold in Taiwan had been used. As explained in Recital 34, the Commission, having exhausted all possibilities for normal value based on prices in Taiwan, decided to complete its original dumping calculation by adding more Chinese models, for which constructed values of comparable models of bicycles exported by Taiwanese producers to the Community were available. This method was applied for all companies included in the sample and resulted in a ratio of 63 of the number of bicycles included in the dumping calculation in comparison to total exports, which, in the Commission's view, is more than sufficient in terms of representativeness requirements.

(39) Export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.

- (40) For its preliminary determination, the Commission, for one exporter which sold to the Community via a related company in Hong Kong, calculated the export price in accordance with Article 2 (8) (a) of Regulation (EEC) No 2423/88. The Commission has now re-examined this matter and decided that, in the absence of any export price from the People's Republic of China, the Chinese export price could only be established by way of construction on the basis of the price at which the product concerned was resold by the Hong Kong exporter to independent Community customers, in accordance with Article 2 (8) (b) of that Regulation. Allowance was made for an estimated margin of 5 % to take account of the fact that the sales were made via Hong Kong. This method appeared to be reasonable and the only appropriate treatment for the specific situation.

The Council confirms this approach.

3. Comparison

- (41) One exporter requested that adjustments be made, where applicable, for differences in costs for freight, duty drawback, commissions and salesmen's salaries. The Commission accepted this argument and has, in addition to the adjustments mentioned in Recital 28 of Regulation (EEC) No 550/93 also made adjustments for differences in costs for freight, duty drawback, commissions and salesmen's salaries.
- (42) Several exporters continued to argue that the Commission had taken insufficient account of the quality of Chinese bicycles in comparison to those from Taiwan in restricting the criteria of the differences in the category of the bicycle, the material of the frame and the number of gears. They alleged that there were other factors which required adjustments, which one exporter estimated would represent a further reduction of 5 % on the normal value. On the other hand, one importer claimed that the bicycles he imported from the People's Republic of China were of such a high quality that they did not compete with the bicycles produced by the Community industry.
- (43) Although the arguments by the various parties were contradictory as far as the quality of the exported products is concerned, the Commission has now extended the criteria used for determining which models were comparable to include the make and type of the derailleur, the chainwheel, the gear levers, the brake sets and hubs, since the quality of a bicycle is also determined by these components. Furthermore, some of the quality differences were already accounted for to some degree by the selection of a less well equipped Taiwanese bicycle for comparison as explained in Recital 29 of Regulation (EEC) No 550/93. The Commission has consequently taken account of the major criteria which determine the quality of a bicycle.
- (44) Some exporters argued that some of the model comparisons made by the Commission between the models exported from the People's Republic of China and the comparable model sold in Taiwan were inaccurate and that the Taiwanese models selected by the Commission were not always less well equipped as indicated in Recital 29 of Regulation (EEC) No 550/93. The Community industry, however, argued that the Commission, in many cases, had discriminated in favour of Chinese exporters in its selection of Taiwanese models for normal value. They argued that the real dumping margin was in fact, much higher.
- (45) The Commission has verified the comments made by all parties on model comparison, has adjusted the comparison by adding further criteria as explained in Recital 43 of this Regulation and, where possible, by replacing the models by using the methodology explained in Recital 29 of Regulation (EEC) No 550/93. The calculation of dumping has been adjusted accordingly.
- (46) One exporter requested an adjustment for SG&A expenses incurred by one producer in Taiwan whose domestic sales were made via a related sales subsidiary.
- (47) The Commission examined this argument and came to the conclusion that the fact that sales were made via a sales subsidiary did not affect price comparability.
- (48) One exporter claimed that since its exports to the Community were OEM (original equipment manufacture) sales i.e. sales to an importer which resold in the Community under its own brand name, and these were compared to a normal value based on Taiwanese sales sold as 'own brand sales' to retailers, an adjustment should be made for differences in level of trade.
- (49) This argument cannot be accepted by the Commission. Apart from the fact that the request was unsubstantiated the Commission found, as explained in Recital 27 Regulation (EEC) No 550/93, that it was inappropriate to make an adjustment because prices, costs and profits for OEM sales in Taiwan did not consistently differ from those made under the 'own brand' label.

The Council confirms these conclusion.

4. *Dumping margins*

- (50) The companies which replied to the Commission's questionnaire constituted only 73 % of the total exports from the People's Republic of China. The Chinese authorities had the opportunity to communicate the names and addresses of the other producers in China so that they could also be sent questionnaires, but the Chinese authorities failed to do so. Accordingly, it can only be assumed that the dumping from these non-cooperating producers is at least as great as that of the co-operating exporters found to be dumping at the highest level. Therefore, the dumping margin is established on the basis of the weighted average per model dumping margin of the six companies included in the sample and for the remaining 27 % of non-cooperating exports for which no reply to the questionnaire was received, on the basis of Article 7 (7) (b) of Regulation (EEC) No 2423/88. In this respect the Commission considered that the best facts available constituted the dumping margins of the models of the company in the sample with the highest margin. On this basis, the dumping margin for the People's Republic of China, expressed as a percentage of cif value amounts now to 30,6 %.

The Council confirms the Commission's findings on dumping.

G. *Injury*

1. *Total consumption volume and market shares of dumped imports*

- (51) Following a re-examination of the market share of the Community industry, it was found that the figures given in the provisional duty determination required adjustment. The revised figures show that the market share of the Community industry dropped from 37,8 % in 1989 to 30,2 % during the investigation period. The remainder of recitals 38 and 39 of Regulation (EEC) No 550/93 are confirmed.

2. *Prices of dumped imports*

- (52) Some exporters claimed that the methodology set out in recitals 40 to 44 of Regulation (EEC) No 550/93 for calculating the level of price undercutting was not sufficiently precise and did not sufficiently take account of the quality of the bicycles.
- (53) The Commission has taken the arguments of the exporters into account and made a new calculation of price undercutting by extending the methodology outlined in Recitals 40 to 44 of Regulation

(EEC) No 550/93. This was done by splitting each of the hundred different groups of bicycles, which were created on the basis of the category of the bicycle, the material of the frame and the number of gears, into a further three segments. These three segments represent different quality levels of the bicycle (high, medium and low) which were determined on the basis of the derailleur system.

- (54) One company argued that the calculation of price undercutting was not representative because it did not include sufficient exports to the Community and because there were no or insufficient sales by certain Community producers included in the calculation.
- (55) The Commission took account of this argument by including more models in its calculations. Thus the calculation now covers more than 75 % of the bicycles sold by all the exporters included in the sample. The Commission also increased the number of models and the number of the Community producers in its calculation.
- (56) One company argued that the adjustment made by the Commission in Recital 42 of Regulation (EEC) No 550/93 for differences in the level of distribution channel was insufficient. The company gave two examples which, it alleged, justified a larger adjustment.
- (57) The Commission has verified the examples given by the company in question and found that one company had a margin which did not substantially vary from the margin used by the Commission while the other company sold to a different level of trade and its figures could therefore not be used. The Commission has made some further investigations of the replies of importers to its questionnaires and has come to the conclusion that its adjustment for differences in the levels of distribution, as set out in Recital 42 of Regulation (EEC) No 550/93, was accurate.
- (58) The Commission consequently reviewed its calculation of price undercutting as described in Recitals 56 and 58 of Regulation (EEC) No 550/93. The weighted average margin of undercutting for exports from the People's Republic of China was found to be 59 %.

3. *State of the Community industry*

- (59) Several exporters questioned the Commission's provisional findings on the state of the Community industry. They argued that the Community industry made larger profits and benefited fully from the increased consumption in the form of increased production, sales and market share.

(60) The Commission has subsequently re-examined all the details on the state of the Community industry and requested further details from certain Community producers. The result of this exercise is that the Commission's findings on production, capacity, utilization rate, stocks, sales, market shares, development of prices, profitability and investments have marginally changed but the overall trend, which was provisionally established in Regulation (EEC) No 550/93, is clearly confirmed.

(a) Production, capacity, utilization rate and stocks

(61) The production of the Community industry concerned increased from 5 334 000 units in 1988 to 5 876 000 units in 1989 and to 6 620 000 units in 1990. The production decreased to 6 190 000 units during the investigation period.

(62) The production capacity increased from 7 620 000 units in 1988 to 8 161 000 units in 1989 and to 8 758 000 in 1990. It remained at the same level during the investigation period. Capacity utilization increased from 70 % in 1988 to 72 % in 1989 and to 76 % in 1990. There was a decrease to 71 % during the investigation period.

(63) The level of the stocks held by the industry rose from 288 000 units in 1988 to 395 000 units in 1989, but decreased subsequently to 330 000 units in 1990 and finally increased again to 419 000 units during the investigation period.

(b) Sales and market shares

(64) Between 1988 and 1989 consumption of bicycles in the Community increased by 18,5 % while sales by the Community industry increased by only 11,4 %. Between 1989 and 1990 consumption increased further by 21,1 % while sales by the industry only increased by 10,4 %. The consumption between 1990 and the investigation period increased by 9,2 % while the sales by the Community industry actually fell by 4,2 %.

(65) The market share held by the Community industry concerned fell continuously from 40,2 % in 1988 to 37,8 % in 1989, to 34,4 % in 1990 and, finally, to 30,2 % in the investigation period.

(c) Development of prices

(66) The Commission, for the purpose of its findings for provisional measures, came to the conclusion that, while it was not possible to establish with sufficient precision the exact price development of the numerous models, prices of bicycles did not follow the upgrading of specifications.

(67) Some exporters claimed that prices of bicycles in the Community have actually increased substantially.

(68) The Commission has made a further examination to establish more precisely the development of prices charged by the Community industry. The Commission has established that, between 1990 and the investigation period, prices of representative models, which remained virtually unchanged over a certain period of time for the four largest Community producers, decreased, on average, by 7,55 % despite the continuous upgrading of specifications and an increasing demand for bicycles in the Community.

(d) Profitability

(69) The Commission found that despite the continuous increase in demand over the last four years, the profits of the Community industry remained relatively low. On the basis of a further examination of the financial situation of the Community industry the Commission established that profits increased from 2,58 % in 1988 to 4 % in 1989 and further to 5,11 % in 1990. In the investigation period profits decreased to 4,81 %.

(e) Investments

(70) The investments made by the Community industry increased from ECU 16,5 million in 1988 to ECU 20,7 million in 1989 and further to ECU 25,0 million in 1990 and to ECU 25,3 million during the investigation period.

4. Conclusion as to injury

(71) The Commission, in the light of the final determination of the injury factors, in particular in view of the stagnation of sales, the loss of market share and unsatisfactory profits during a period of increased demand, concludes that the Community industry suffered material injury within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88.

The Council confirms this conclusion and its underlying findings.

H. Cause of injury

(a) Effect of dumped imports

(72) The Commission has, in its preliminary conclusions, set out in detail the effect of the dumped imports on the Community industry (recitals 55 to 57 of Regulation (EEC) No 550/93). Since no new arguments were put forward in this connection the Commission confirms its findings.

(b) Other factors

- (73) One exporter argued that the reason for any decrease in market share by the Community industry was not dumping but the inability to supply bicycles in accordance with demand due to a lack of investment.

Given the Commission's findings on capacity utilization, which show that the utilization of capacity never reached more than 76 %, the Community industry could easily have supplied more bicycles. Moreover, the fact that the Community industry made increasing investments demonstrated its commitment to the bicycle industry. This argument is consequently rejected.

- (74) As far as recitals 58 to 61 of Regulation (EEC) No 550/93 are concerned no new evidence was received which would lead to a change in the Commission's provisional findings. The Commission consequently confirms its findings.

The Council consequently confirms the Commission's findings concerning the effect of the dumped imports and relating to other factors.

I. Community interest

- (75) As stated in recital 65 of Regulation (EEC) No 550/93, the Commission concluded that it was in the interests of the Community that measures be taken.
- (76) No new information was received subsequently. The Council confirms the above conclusions.

J. Undertaking

- (77) One Chinese exporter has offered a price undertaking. The Commission has rejected this undertaking because the acceptance of an undertaking from an exporter in a non-market economy would presuppose individual treatment for this exporter, which in the present case could not be granted.

K. Definitive duty

- (78) Given that the injury level exceeds the dumping margin, the duty should be based on the latter.
- (79) One exporter requested that the Commission takes account, in accordance with Article 13 of the

GATT anti-dumping code, of the fact that the People's Republic of China is a developing country by applying constructive remedies.

- (80) In this respect, it should be borne in mind that the People's Republic of China is not a signatory to the GATT anti-dumping code.

L. Collection of provisional duties

- (81) In view of the dumping margins established, and the seriousness of the injury caused to the Community industry, the Council considers it necessary that amounts secured by way of provisional anti-dumping duties should be definitively collected to the extent of the amount of the duty definitively imposed,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of bicycles and other cycles (including delivery tricycles), not motorized falling within CN code 8712 00, originating in the People's Republic of China.
2. The rate of the duty, applicable to the net, free-at-Community-frontier price, before duty, shall be 30,6 %.
3. The provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty imposed by Regulation (EEC) No 550/93 shall be definitively collected at the rate corresponding to the definitive duty. Amounts secured in excess of the definitive rate of duty shall be released.

Article 3

This Regulation shall enter into force on the day following that 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, 8 September 1993.

For the Council

The President

W. CLAES

COMMISSION REGULATION (EEC) No 2475/93**of 8 September 1993****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to 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 1548/93⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EEC) No 2433/93⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EEC) No 2433/93 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾ are used to convert amounts expressed in third country currencies

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EEC) No 2433/93, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 September 1993.

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

Done at Brussels, 8 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 223, 2. 9. 1993, p. 15.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 8 September 1993 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	35,26 ⁽¹⁾
1701 11 90 910	34,36 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	35,26 ⁽¹⁾
1701 12 90 910	34,36 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3833
	— ECU/100 kg —
1701 99 10 100	38,33
1701 99 10 910	38,78
1701 99 10 950	38,78
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3833

⁽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).

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EEC) No 2476/93**of 7 September 1993****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 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 3334/90⁽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 communicated 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 10 September 1993.

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

Done at Brussels, 7 September 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 154, 13. 6. 1981, p. 26.

⁽²⁾ OJ No L 321, 21. 11. 1990, p. 6.

ANNEX

Code	CN code	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	15,37	633	120,94	29,30	103,07	4 150	12,64	28 424	32,91	11,84
1.20	0702 00 10 0702 00 90	Tomatoes	100,05	4047	784,93	192,86	670,84	27 072	81,56	182 099	216,93	76,01
1.30	0703 10 19	Onions (other than seed)	11,69	481	91,99	22,28	78,40	3 157	9,62	21 621	25,03	9,01
1.40	0703 20 00	Garlic	73,32	3022	576,96	139,78	491,74	19 800	60,34	135 601	157,03	56,53
1.50	ex 0703 90 00	Leeks	27,80	1 117	209,04	54,33	183,17	7 384	22,31	50 899	61,05	21,85
1.60	ex 0704 10 10 ex 0704 10 90	Cauliflowers	57,81	2 331	438,81	113,34	385,48	15 133	43,14	104 614	127,38	45,06
1.70	0704 20 00	Brussels sprouts	53,72	2 267	423,88	110,06	374,08	11 735	41,29	82 719	124,09	37,72
1.80	0704 90 10	White cabbages and red cabbages	31,38	1 265	239,40	61,47	210,09	8 126	23,42	54 525	69,15	25,05
1.90	ex 0704 90 90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>)	123,37	4 943	921,62	240,50	812,12	32 641	98,56	221 730	269,86	96,64
1.100	ex 0704 90 90	Chinese cabbage	20,94	839	156,44	40,82	137,86	5 541	16,73	37 639	45,80	16,40
1.110	0705 11 10 0705 11 90	Cabbage lettuce (head lettuce)	67,35	2 706	506,31	131,61	443,65	17 886	54,03	123 279	147,87	52,93
1.120	ex 0705 29 00	Endives	21,82	877	162,70	42,58	143,89	5 690	17,51	39 262	47,92	17,72
1.130	ex 0706 10 00	Carrots	32,58	1 311	245,82	63,64	216,50	8 694	26,26	58 568	71,55	24,98
1.140	ex 0706 90 90	Radishes	67,01	2 692	503,74	130,94	441,40	17 795	53,76	122 654	147,12	52,67
1.150	0707 00 11 0707 00 19	Cucumbers	41,14	1 654	307,45	80,47	270,68	10 972	32,98	73 514	90,25	32,27
1.160	0708 10 10 0708 10 90	Peas (<i>Pisum sativum</i>)	191,68	7 900	1 508,23	365,40	1 285,46	51 760	157,75	354 473	410,51	147,77
1.170		Beans :										
1.170.1	0708 20 10 0708 20 90	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	248,61	10 246	1 956,23	473,93	1 667,28	67 134	204,61	459 763	532,44	191,67
1.170.2	0708 20 10 0708 20 90	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi)	46,71	1 879	352,40	91,24	310,36	12 464	37,65	83 960	102,58	35,81
1.180	ex 0708 90 00	Broad beans	92,83	3 894	734,40	189,09	645,42	21 793	71,04	142 837	212,96	66,61
1.190	0709 10 00	Globe artichokes	136,32	5 478	1 024,80	266,38	897,97	36 202	109,37	249 524	299,31	107,15
1.200		Asparagus :										
1.200.1	ex 0709 20 00	— green	628,58	25 907	4 945,98	1 198,27	4 215,43	169 738	517,33	1 162 430	1 346,20	484,61
1.200.2	ex 0709 20 00	— other	526,03	21 024	3 913,81	1 020,70	3 455,29	137 215	418,45	976 186	1 149,14	431,29
1.210	0709 30 00	Aubergines (egg-plants)	97,14	3 929	762,10	187,25	651,33	26 285	79,19	176 802	210,62	73,80
1.220	ex 0709 40 00	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>)	91,65	3 691	689,40	179,61	604,84	24 461	73,57	162 068	201,40	71,34
1.230	0709 51 30	Chantarelles	575,61	23 724	4 529,16	1 097,29	3 860,18	155 434	473,73	1 064 468	1 232,75	443,77
1.240	0709 60 10	Sweet peppers	60,05	2 475	472,52	114,47	402,73	16 216	49,42	111 055	128,61	46,29
1.250	0709 90 50	Fennel	73,55	2 966	558,22	144,18	490,38	19 251	54,88	133 083	162,05	57,33
1.260	0709 90 70	Courgettes	49,65	1 995	373,28	97,03	327,09	13 186	39,83	90 889	109,02	39,02
1.270	ex 0714 20 10	Sweet potatoes, whole, fresh (intended for human consumption)	58,76	2 422	462,39	112,02	394,09	15 868	48,36	108 675	125,85	45,30
2.10	ex 0802 40 00	Chestnuts (<i>Castanea</i> spp.), fresh	83,78	3 378	639,04	164,08	560,82	21 691	62,54	145 547	184,60	66,87
2.20	ex 0803 00 10	Bananas (other than plantains), fresh	51,37	2 117	404,22	97,93	344,51	13 872	42,28	95 002	110,02	39,60
2.30	ex 0804 30 00	Pineapples, fresh	30,85	1 271	242,74	58,80	206,88	8 330	25,39	57 050	66,07	23,78
2.40	ex 0804 40 10 ex 0804 40 90	Avocados, fresh	141,18	5 818	1 110,89	269,13	946,80	38 124	116,19	261 088	302,36	108,84

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.50	ex 0804 50 00	Guavas and mangoes, fresh	113,72	4 687	894,85	216,79	762,68	30 710	93,59	210 314	243,56	87,68
2.60		Sweet oranges, fresh :										
2.60.1	0805 10 11 0805 10 21 0805 10 31 0805 10 41	— Sanguines and semi-sanguines	29,84	1 207	234,16	57,53	200,13	8 076	24,33	54 325	64,72	22,67
2.60.2	0805 10 15 0805 10 25 0805 10 35 0805 10 45	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins	56,13	2 313	441,69	107,00	376,45	15 158	46,19	103 809	120,22	43,27
2.60.3	0805 10 19 0805 10 29 0805 10 39 0805 10 49	— Others	44,27	1 824	348,36	84,39	296,91	11 955	36,43	81 874	94,81	34,13
2.70		Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :										
2.70.1	ex 0805 20 10	— Clementines	71,06	2 929	559,17	135,47	476,58	19 190	58,48	131 421	152,19	54,78
2.70.2	ex 0805 20 30	— Monreales and Satsumas	69,88	2 812	527,21	136,50	464,32	18 646	56,33	125 606	153,46	53,57
2.70.3	ex 0805 20 50	— Mandarins and wilkings	64,33	2 651	506,21	122,64	431,44	17 372	52,94	118 973	137,78	49,60
2.70.4	ex 0805 20 70 ex 0805 20 90	— Tangerines and others	56,25	2 318	442,62	107,23	377,24	15 190	46,29	104 028	120,47	43,36
2.80	ex 0805 30 10	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh	49,79	2 052	391,80	94,92	333,93	13 446	40,98	92 085	106,64	38,39
2.85	ex 0805 30 90	Limes (<i>Citrus aurantifolia</i>), fresh	156,73	6 459	1 233,25	298,78	1 051,10	42 323	128,99	289 846	335,67	120,83
2.90		Grapefruit, fresh :										
2.90.1	ex 0805 40 00	— white	43,74	1 802	344,20	83,39	293,36	11 812	36,00	80 895	93,68	33,72
2.90.2	ex 0805 40 00	— pink	59,34	2 445	466,95	113,12	397,98	16 025	48,84	109 745	127,09	45,75
2.100	0806 10 11 0806 10 15 0806 10 19	Table grapes	96,93	3 995	762,69	184,77	650,03	26 174	79,77	179 251	207,59	74,72
2.110	0807 10 10	Water-melons	10,60	437	83,47	20,22	71,14	2 864	8,73	19 618	22,71	8,17
2.120		Melons (other than water-melons) :										
2.120.1	ex 0807 10 90	— Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	75,02	3 092	590,31	143,01	503,11	20 258	61,74	138 737	160,67	57,83
2.120.2	ex 0807 10 90	— other	56,93	2 346	448,00	108,53	381,82	15 374	46,85	105 291	121,93	43,89
2.130	0808 10 91 0808 10 93 0808 10 99	Apples	41,68	1 718	328,00	79,46	279,55	11 256	34,30	77 088	89,27	32,13
2.140		Pears										
2.140.1	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Pears — Nashi (<i>Pyrus pyrifolia</i>)	130,53	5 379	1 027,07	248,83	875,36	35 247	107,42	241 387	279,54	100,63
2.140.2	0808 20 31 0808 20 33 0808 20 35 0808 20 39	Other	37,45	1 543	294,74	71,40	251,20	10 115	30,82	69 271	80,22	28,87
2.150	0809 10 00	Apricots	247,86	9 982	1 864,34	485,74	1 635,68	66 149	198,97	438 280	544,67	192,93
2.160	0809 20 10 0809 20 90	Cherries	102,26	4 136	802,32	197,13	685,71	27 672	83,37	186 134	221,74	77,70
2.170	ex 0809 30 00	Peaches	34,31	1 388	269,22	66,15	230,09	9 285	27,97	62 459	74,40	26,07

Code	CN code	Description	Amount of unit values per 100 kg net									
			ECU	Bfrs/Lfrs	Dkr	DM	FF	Dr	£ Irl	Lit	Fl	£
2.180	ex 0809 30 00	Nectarines	77,86	3 209	612,64	148,42	522,15	21 024	64,08	143 986	166,75	60,02
2.190	0809 40 11 0809 40 19	Plums	87,01	3 586	684,70	165,88	583,56	23 497	71,61	160 922	186,36	67,08
2.200	0810 10 10 0810 10 90	Strawberries	155,21	6 218	1 159,45	302,56	1 021,70	41 065	124,00	278 950	339,49	121,58
2.205	0810 20 10	Raspberries	1 048,0	42 174	7 906,65	2 047,19	6 963,49	279 647	844,87	1 883 741	2 301,55	803,54
2.210	0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>	102,94	4 142	776,64	201,08	684,00	27 469	82,98	185 034	226,07	78,92
2.220	0810 90 10	Kiwi fruit (<i>Actinidia chinensis</i> Planch.)	129,13	5 322	1 016,06	246,16	865,98	34 869	106,27	238 800	276,55	99,55
2.230	ex 0810 90 80	Pomegranates	61,70	2 542	485,48	117,61	413,77	16 661	50,78	114 100	132,13	47,56
2.240	ex 0810 90 80	Khakis (including Sharon fruit)	257,06	10 595	2 022,69	490,04	1 723,93	69 415	211,56	475 384	550,54	198,18
2.250	ex 0810 90 30	Lychees	396,58	16 345	3 120,50	756,00	2 659,58	107 090	326,39	733 396	849,34	305,75

COMMISSION REGULATION (EEC) No 2477/93

of 6 September 1993

imposing a provisional anti-dumping duty on imports of certain photo albums
originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

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

After consultations within the Advisory Committee as provided for under the above Regulation.

Whereas :

A. PROCEDURE

- (1) In May 1992 the Commission announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾ the initiation of an anti-dumping proceeding concerning imports into the Community of certain photo albums originating in the People's Republic of China, and commenced an investigation.

The proceeding was initiated as a result of a complaint lodged by the Committee of European Photo Album Manufacturers (CEPAM) on behalf of producers whose collective output of photo albums was alleged to represent a major proportion of the Community production of these photo albums.

The complaint contained evidence of dumping of this product originating in the country indicated above, and of material injury resulting therefrom; this evidence was considered sufficient to justify opening a proceeding.

- (2) The Commission officially advised the producers, exporters and importers known to be concerned, the representative of the exporting country, and the complainants, and gave the parties directly concerned the opportunity to make their view known in writing and to request a hearing.

One Hong Kong company which exported book-bound photo albums originating in the People's Republic of China, some importers in the Commu-

nity, and complainant Community producers made their view known in writing. All parties who so requested were granted a hearing.

- (3) The Commission sent questionnaires to parties known to be concerned and received detailed information from the complainant Community producers, one Hong Kong company exporting book bound photo albums originating in the People's Republic of China and a number of Community importers. One non-complainant Community producer failed, even after a request by the Commission, to submit a non-confidential version of his written reply. Pursuant to Article 8 of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the Basic Regulation'), it was considered that the information it submitted should not be taken into account by the Commission. Nevertheless, the remaining Community producers still account for a major proportion of the Community industry.

- (4) The Commission carried out investigations at the premises of the following firms :

(a) *Complainant Community producers*

Germany :

- Walter Aulfes, München.
- Ludwig Fleischmann GmbH & Co. KG, Fulda.
- Karl Walter GmbH & Co. KG, Nettetal.

Netherlands :

- Henzo B.V., Roermond.

(b) *Exporter of book bound photo albums originating in the People's Republic of China*

- Climax Paper Converters Ltd, Hong Kong

(c) *Importer (independent)*

Germany :

- KLS Service Non-Food-Vertriebs-Gesellschaft m.b.H. Kaarst.

- (5) The investigation of dumping covered the period from 1 April 1991 to 31 March 1992 (the investigation period).

- (6) This investigation has exceeded the normal time period of one year because of the time expended in finding an appropriate reference country for the establishment of the normal value.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No C 120, 12. 5. 1992, p. 10.

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

(i) Description of the product concerned

- (7) The product covered by the complaint and for which the proceeding was opened is photo albums in book bound form (CN Code ex 4820 50 00).
- (8) Book bound photo albums form a specific category of product within the general photo album product range which includes ring bound, post bound and spiral bound albums, as well as flip-up and slip-in type albums. These latter non-book bound albums have characteristics sufficiently different which distinguishes them from book-bound albums. They were excluded from protective measures in the previous anti-dumping proceeding established by Commission Decision 90/241/EEC concerning photo albums originating in South Korea and Hong Kong⁽¹⁾ because the market supply by the Community industry of these albums was insufficient, thereby resulting in a shortage in overall supply. An analysis of the current situation confirms that the market situation for these photo albums has remained unchanged. It is therefore considered that non-book bound photo albums should be excluded from the scope of the proceeding.

The book bound photo album category includes traditional and self-adhesive photo albums. Traditional photo albums are characterized by filler pages of photo card with thin, partly transparent pergamin for the purpose of sticking in photographs with an adhesive. Self-adhesive photo albums are characterized by filler pages provided with an adhesive film, allowing the insertion of photographs without additional aid. All these book bound photo albums have similar physical characteristics and the same use and therefore are considered to form one single product. This is shown by the fact that they are manufactured by binding inner pages within an outer cover by a conventional book binding process. While book bound albums have different formats, cover materials and number of pages they serve the same function, namely to store photographs and keep them in order and can themselves be stored on shelves like books. In addition, traditional and self-adhesive book bound photo albums are interchangeable, directly competing with each other and cannot be differentiated on the market as distinct products.

(ii) Like Product

- (9) All types of book bound photo albums produced and sold in South Korea, which was used as an analogue market economy for establishing normal value (see recital 20 below), and those produced and sold by the Community producers, possess the same technical and physical characteristics as those exported from the People's Republic of China. Therefore, the Commission considers that book bound photo albums produced and sold in the Community constitute a like product relative to the product sold in South Korea and the product imported from the People's Republic of China, within the meaning of Article 2 (12) of the Basic Regulation.
- (10) It was contended by the Hong Kong company, Climax Paper Converters Ltd., that book bound photo albums imported from the People's Republic of China are of lower quality, have a different physical appearance and are made from different materials. As a result, it was said that they occupy the lower segment of the market, as opposed to European Community production which satisfies the higher segment of the Community market. This argument cannot be upheld. As a matter of fact, it was found that Community producers are no longer, as alleged, confining their production to expensive luxury products and that their models cannot be easily distinguished from Chinese models. Moreover, book bound photo albums of both Community and Chinese origin possess similar basic physical and technical characteristics which place them in the same category of like product. While there may be some quality differences between the imported product from China and the Community production, these differences are not such as to render the product fundamentally different. In any event, book bound photo albums are a single product, and the present market for the product sold in the Community book-bound photo album market, whether of Community or Chinese origin, appears to be homogenous and indivisible into segments.

C. INDIVIDUAL TREATMENT

- (11) Only one company replied to the Commission's questionnaire; Climax Paper Converters, based in Hong Kong. Since 1990 this company has been exporting to the Community book bound photo albums originating in the People's Republic of China.

(1) OJ No L 138, 31. 5. 1990, p. 48.

The production operation in the People's Republic of China is, it is alleged — merely a production branch of the Hong Kong company and no invoice is raised for the finished product transferred between the factory in the People's Republic of China and the company in Hong Kong. It is claimed therefore that the company is a fully profit oriented company and that all commercial decision-making with regard to both production and sales policy is freely exercised in Hong Kong. For those reasons and emphasizing that it was the sole cooperating company, the company requested that any assessment of dumping should lead to a separate margin for it.

- (12) Although individual treatment has been given to certain exporters in China in some previous anti-dumping cases, in particular where they have demonstrated their independence from the State in the conduct of their export policy and in establishing their export prices, the Commission has in the course of this proceeding come to the conclusion that for the reasons set out below the utmost prudence is required in this matter.
- (13) Firstly, it must be borne in mind that the Basic Regulation merely requires that anti-dumping regulations specify the country and the product on which the duty is imposed. Individual treatment is therefore not a requirement of the Basic Regulation and is appropriate only where this gives a more proportionate and effective remedy against injurious dumping than a single, country-wide duty.
- (14) Secondly, in the case of those countries referred to in Article 2 (5) of the Basic Regulation (which includes the People's Republic of China), it is not possible to take account of the efficiency or comparative advantage of individual exporters in the establishment of normal value since this must obligatorily be established on the basis of prices or costs in market-economy countries. The only way in which individual treatment could be given to exporters in those countries is by taking account of their individual export prices. This would often tend to give rise to a distorted, and therefore inappropriate, individual result since it would not take account of the efficiency or comparative advantage or the characteristics of the products of individual exporters.
- (15) Thirdly, it is in practice extremely difficult to establish in the case of a country such as the People's Republic of China whether a company really enjoys, both legally and in fact, independence from the State and in particular whether a company has permanent independence when it appears to enjoy independence at a certain point in time. The economy of the People's Republic of China is in transition from a planned, fully State-controlled economy to a partially market-oriented economy.
- State control subsists in very many aspects of economic life and the law and institutions necessary for the functioning of a market economy are not yet fully developed and familiar to the economic operators and officials. It is not therefore possible to be certain that contracts and apparent legal guarantees will be effective and the actions of exporters free from governmental interference. Indeed it is clear that the influence of the State on all economic activity in China is still dominant. The State can at any time change the rules applicable to the employment and payment of workers, it controls the supply of energy and can impose limitations on the convertibility and transfer of currency.
- (16) Fourthly, the Commission is not at present in a position to verify the declarations of exporters on the spot in China, owing mainly to the difficulty of carrying out inspections in centrally planned economies. In particular, it is extremely difficult for the Commission to verify whether certain arrangements which ostensibly guarantee a certain independence from the State in export policy matters are genuine or a mere sham, especially where such arrangements have been made in the knowledge that anti-dumping action may be taken.
- (17) Since the grant of individual treatment may cause inappropriate levels of duty to be imposed and gives rise to an opportunity for the State to circumvent anti-dumping measures by channelling exports through, or concentrating production for export in, the exporter with the lowest duty, the Commission has come to the conclusion that departures from the general rule whereby a single anti-dumping duty is established for State trading countries should only be made where it is completely satisfied that the difficulties outlined above do not arise.
- (18) Further, in the present case the production arrangements in the People's Republic of China are governed by an agreement between the company in Hong Kong and the Chinese authorities. This agreement does not establish that the production operations in China are fully autonomous from State control. This production is carried out in China in premises where the Hong Kong company uses its own machinery and staff but which are owned by, and use managers and labour provided by, a Chinese public entity which has to report on its economic activities to Chinese State authorities and which signed the agreement with the Hong Kong company. The wording of certain provisions of this agreement, notably concerning the management of the production plant and the recruitment and payment conditions of the workforce, suggests that the administration of the production and trade business for the plant concerned is not actually independent of the influence of the Chinese authorities.

Moreover, in the documentation submitted, reference was made to another agreement with the indication that its terms have to be implemented by the parties to the first agreement mentioned above. This second agreement was not submitted to the Commission because, it was alleged, it was concluded between two Chinese parties and was not a public document. However, according to the information submitted, it stipulated the terms and conditions for inviting foreign investment in the Chinese region concerned, and those terms and conditions are relevant for the conduct of the business operations in the Chinese plant producing photo albums.

For those and all the other reasons stated in Recitals (13) to (17) above, the Commission concludes that individual treatment is not appropriate in this case at the present time.

D. DUMPING

(i) Normal Value

- (19) Climax Paper Converters Ltd, based in Hong Kong, was the only company to cooperate fully in the proceeding. This company claimed that the photo albums it sold are produced in a factory located in the People's Republic of China and are exported to the Community through Hong Kong where the sales infrastructure of the company is located. The Commission found that the products concerned were produced in the People's Republic of China and were of Chinese origin. In those circumstances the normal value had to be established by reference to the country of origin, namely the People's Republic of China.

In establishing normal value the Commission had to take into account the fact that China is not a market economy country and, accordingly, had to base its calculations on the normal value of the product in question in a market economy in accordance with Article 2 (5) of Regulation (EEC) No 2423/88. For that purpose the Hong Kong company proposed the use of the Indonesian or South Korean markets as a basis for establishing normal value. While producers in those two countries were contacted no Indonesian producer was ready to cooperate, although one producer supplied information showing that only a limited range of the product concerned is produced there.

- (20) By contrast, two South Korean companies who agreed to cooperate produce models of the product identical or similar to those exported by the Chinese. In this respect South Korea was consi-

dered an appropriate and not unreasonable market where a number of producers compete for sales of the like product. Producers in South Korea and the People's Republic of China have similar access to raw materials and the South Korean market is sufficiently representative compared to the volume of Chinese book bound photo albums exported.

- (21) The book bound photo albums sold on the South Korean domestic market were found to have many additional features compared to the Chinese models exported to the Community. Consequently it was considered that the only practical method of establishing normal value was to construct a value based on the cost of production of the Korean models exported to the Community which were found similar to the Chinese models and by adding an amount for selling, general and administrative expenses (hereinafter 'SGA') and a margin of profit in accordance with Articles 2 (3) (b) and 2 (5) (b) of the Basic Regulation.

- (22) For that reason, all fixed and variable costs incurred in the ordinary course of trade, by the Korean producers exporting similar models were computed. As far as SGA expenses and profit were concerned, average margins of the two Korean producers relating to their domestic sales were established and attributed to the cost of manufacture of each model.

(ii) Export prices

- (23) In establishing the export price the Commission had to take account of the fact that no price for the product sold for export to the Community from the country of origin (the People's Republic of China) was found to exist. Consequently, in order to achieve comparability between the normal value and export price the latter had to be constructed on the basis of the price at which the product concerned was resold by the Hong Kong company to independent Community customers, as provided for by Article 2 (8) (b) of the Basic Regulation. Pursuant to that provision allowance was made for an estimated margin of profit realized on sales via Hong Kong.

Since the Commission did not receive information on all exports of the Chinese product it was considered that export prices for the remaining exports should be determined on the basis of the facts available, in accordance with Article 7 (7) (b) of the Basic Regulation. It would serve as a bonus for non-cooperation if such exports were to be considered to have been sold to the Community at prices higher than the lowest established for the exports for which information was made available. In addition, there is no reasons to believe that they

were sold at such higher prices. Export prices for these remaining exports, which accounted for approximately 40 % of all exports of the product concerned to the Community, were based on a significant volume of the dumped exports for which information was available.

(iii) Comparison

- (24) The comparison was carried out on fob Chinese border term in order to take account of terms and conditions of sale, and normal value and export prices were compared on a transaction-by-transaction basis. Allowances for differences affecting price comparability such as those relating to physical characteristics, import charges and selling expenses were granted where requested and found sufficiently justified in accordance with Article 2 (9) and (10) of the Basic Regulation.

In order to ensure a proper comparison with the Chinese models, account was taken, where appropriate, of differences in physical characteristics, notably number and size of inner sheets and size of outer cover. Normal value was adjusted for an amount corresponding to import charges borne by materials incorporated in the like product and account was taken of the various selling expenses to ensure that a proper comparison with the Chinese export price was made. Adjustments to the Chinese export price were estimated for selling costs directly related to the export sales.

(iv) Dumping margin

- (25) A single dumping margin has been established for the People's Republic of China on the basis of a weighted average of the dumping margin relating to exports for which information was made available and the dumping margin determined on the basis of the facts available, in accordance with Article 7 (7) (b) of the Basic Regulation for the remaining exports for which no information was received. This latter dumping margin, based on a significant volume of the dumped exports of the Hong Kong exporter of the photo albums originating in China amounts to 32,3 %, while the dumping margin established for exports where full information was provided by the Hong Kong exporter is 11,5 %. Consequently, the single dumping margin for exports from the People's Republic of China has been established on a weighted average basis at 19,4 %.

E. COMMUNITY INDUSTRY

- (26) According to the Commission's information there are, in addition to the five producers represented by Cepam, other producers in the Community. From

the information gathered during the investigation it has been possible to establish that the Community producers who are members of Cepam accounted, during the investigation period, for at least 78 % of book bound photo album production in the Community as a whole. In those circumstances the Commission concluded that the five producers who are members of Cepam formed the Community industry within the meaning of Article 4 (5) of the Basic Regulation.

F. INJURY

(i) Volume and market share of the dumped imports

- (27) Since the CN code under which book bound photo albums fall also covers other types of albums, no precise figures concerning total imports and total consumption of the product concerned were available.

However, from the information obtained during the investigation, the Commission established that consumption of the product was fairly stable at roughly 17 000 tonnes annually from January 1990 to March 1992. It increased from 15 528 tonnes in 1989 to 16 900 tonnes during the investigation period.

- (28) Over the same period, dumped Chinese imports increased from 671,5 tonnes to 3 581 tonnes, representing an increase of 433 %. This trend was reflected in an increase in their market share from 4,3 % in 1989 to 21,2 % during the investigation period. During this time the corresponding market share of the Community industry declined from 43,8 % to 40,6 %.

(ii) Prices of dumped imports

- (29) The Commission compared the Chinese prices, customs cleared, of each model of book bound photo album exported to the Community by the Hong Kong exporter, at the same level of trade, with the weighted average ex-factory price of each comparable model sold by Community producers. Each model was found to have been sold at a price below that of the Community producers. After adjustments based on minor differences in physical characteristics had been made the price undercutting ranged from 3 % to 37,9 %. For the remaining Chinese producers it is considered that the price undercutting is not lower than the weighted average undercutting found for the Hong Kong exporter, namely 32,1 %, for the same reasons as were previously mentioned in recital 23.

(iii) Situation of the Community industry

(iv) Conclusion

(a) *Production and capacity utilisation*

- (30) Annual production of the Community industry increased from 6,003 millions units (approximately 7 226 tonnes) in 1989 to 7,094 million units (8 623 tonnes) in 1991. However the quantity produced during the investigation period declined to 6,425 million units (7 802 tonnes), which represents a 9,43 % reduction. The Community industry's rate of capacity utilization was roughly 75 % during the years 1989 to 1991 but declined to 67 % during the investigation period.

(b) *Volume of sales and stocks*

- (31) Sales of the product by the Community industry increased from 5,325 million units (6 808 tonnes) in 1989 to 6,286 million units (7 741 tonnes) in 1991. However this trend was reversed during the investigation period when sales declined to 5,575 (6 854 tonnes) million units. The decline in sales during the investigation period was reflected in an 18,4 % increase in stock from 1991 to the end of the period.

(c) *Prices*

- (32) The weighted average price increase of models representing roughly 70 % of Community production from 1989 to the investigation period was in the order of 0,8 %. While the Community industry succeeded in increasing prices of some models in 1991 by about 4 %, the overall increase was insufficient to prevent a net worsening of the financial results of the Community industry.

(d) *Profitability*

- (33) The total profit generated on sales of the product during the investigation period was less than 0,2 %. The Community industry was unable to increase prices sufficiently to re-establish reasonable profitability. Certain models sold in significant quantities on the Community market, both by the Chinese importer and by Community producers either continued or began to make losses during the investigation period.

(e) *Employment*

- (34) The Community industry experienced a decline in employment of 7 % during the period from 1989 to the end of the investigation period.

- (35) On the basis of all of the abovementioned factors, particularly the inadequate profit generated on significantly reduced sales during the investigation period, the Commission concluded, for the purpose of its preliminary findings, that the Community book bound photo album industry had experienced material injury within the meaning of Article 4 (1) of the Basic Regulation.

G. CAUSATION OF INJURY BY DUMPING

- (36) The Commission examined whether the material injury suffered by the Community industry had been caused by the dumped imports and whether other factors might have caused or contributed to that injury.

(i) *The effect of dumped imports*

- (37) The effect of Chinese imports of book bound albums has to be considered in the context of the anti-dumping measures imposed in May 1990 on South Korean and Hong Kong imports of book bound photo albums into the Community.

The effect of those measures was clearly a significant and continuous decrease of South Korean and Hong Kong imports from 1990 to the investigation period. However, those imports were only partially replaced by sales of the Community industry, whose growth stopped in the course of 1991. In 1990, the Chinese imports were unique among all imports in showing a significant increase. These imports correspond to imports previously coming from Hong Kong, since Climax Paper Converters Ltd and other exporters which did not cooperate in the proceeding, moved their production from Hong Kong to the People's Republic of China in 1989 or 1990. They also partially replaced imports from South Korea to the continuing detriment of the Community industry. The Community book bound photo album market is a transparent and price-sensitive market. Consequently, during the investigation period, owing to the presence of steadily increasing quantities of Chinese imports sold at prices which undercut considerably the Community producers' prices, the quantities sold albeit at lower profits on higher losses, decreased significantly.

- (38) It results from the foregoing that the pressure of the dumped Chinese imports has had the effect of depriving the Community industry of the full benefit of the anti-dumping measures taken in 1990 against other imports of the like product, by exerting an adverse influence upon the volume of sales, market share, stock and profit situation of this industry during the investigation period.

(ii) The effect of other factors

- (39) In the case of imports of book bound photo albums into the Community from countries other than China the trend in the volume of imports has either been stable or declining. Imports from South Korea and Hong Kong have been declining — most probably due to the anti-dumping measures imposed on the like product in 1990.
- (40) Eurostatistics show an increase in imports of albums under CN code 4820 50 00 from Indonesia. Information gathered from Community importers indicates that Indonesian imports of book bound photo albums are negligible, the vast majority of imports under this code consisting of flip-up and slip-in type albums as well as ring bound albums. In the light of the significant volume of Indonesian book bound albums imported into the Community the Commission concludes that they have had in any case a negligible impact on the Community industry.
- (41) The Commission therefore concluded that the volume of dumped Chinese imports which coincides with a decrease in Community production from 1991 to the end of the investigation period, combined with the significant price undercutting, must have had a significant deleterious effect on the Community book bound photo album market and, therefore, the material injury suffered by the Community industry must be regarded as being caused by the dumped Chinese imports considered in isolation.

H. COMMUNITY INTEREST

- (42) In assessing the Community interest the Commission takes account of certain essential elements. One such element is that it is to the very purpose of anti-dumping measures and is fundamentally in the general Community interest to stop distortions of competition due to unfair commercial practices and thus re-establish open and fair competition on the Community market. Furthermore, failure to

take provisional measures would aggravate the already precarious situation of the Community industry, especially noticeable from the lack of reasonable profitability, which threatens its viability.

- (43) Should this industry be forced to cease production the community would be rendered entirely dependent on third country imports to satisfy market demand. Moreover, this could entail serious consequences for the upstream industry, namely the suppliers of paper, board, vinyl and pergamin.
- (44) As to the interests of consumers of the product concerned in the Community, their short-term price advantages have to be seen against the background of the longer-term effect of not restoring fair competition. Indeed, to refrain from taking action would seriously threaten the viability of the Community industry, the disappearance of which would in fact reduce supply and competition, to the ultimate detriment of consumers.
- (45) The Commission notes that there is no evidence that the re-establishment of open and fair market conditions will prevent Chinese producers from competing in the Community market. Anti-dumping measures would merely remove the distortion of competition due to dumping and are not therefore an obstacle to satisfying the gap in demand with supplies from third countries at fair prices. In the present case the dumping margin is lower than the amount required fully to remove the injury (see recital 50). It is therefore only the unfair element of the exporters' price advantage which will be eliminated. In such a situation, the exporters can fully compete on the basis of their true comparative advantage.
- (46) The only Hong Kong company known to the Commission to export Chinese book bound photo albums has argued that it is not in the Community interest to impose measures since such measures can only benefit other third-country producers, particularly Indonesia, and therefore would not afford protection to the complainant industry. However, the investigation has confirmed that the volume of Indonesian book-bound photo album imports is insignificant and, in any event, any displacement of Chinese imports on the Community market would only be the result of normal competitive market forces, since the price advantages which buyers of Chinese book-bound albums enjoyed originated from unfair business practices; consequently, there is no justification for allowing unfairly low prices to prevail.

- (47) After consideration of the general and specific interests involved, it is provisionally concluded that the adoption of measures in the present case will re-establish fair competition by eliminating the injurious effects of dumping practices, and will afford the Community industry the opportunity of benefiting from important investments which is has realized in recent years and thus offer certain safeguards to the upstream supply industry in the Commission.
- (48) The Commission finds, therefore, that it is in the Community interest to adopt anti-dumping measures, in the form of a provisional duty, in order to prevent further injury being caused by the dumped imports concerned during the proceeding.

I. DUTY

- (49) For the purpose of establishing the level of the provisional duty, the Commission took account of the dumping margin found and of the amount of duty necessary to eliminate the injury sustained by the Community industry.
- (50) The injury caused by dumped imports results primarily from price undercutting by those imports. Since the difference between Chinese prices and those of Community producers on a weighted average basis is greater than the dumping margin found, the provisional duty must be aligned to the single dumping margin established in accordance with Article 13 (3) of Basic Regulation (see recital 25).
- (51) In the interest of sound administration, a period should be fixed within which the parties concerned may make their views known and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose.

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

Done at Brussels, 6 September 1993.

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of photo albums in book bound form falling within CN code ex 4820 50 00, and originating in the People's Republic of China.
2. The rate of anti-dumping duty applicable to the net free-at-Community-frontier price before duty, shall be as follows:

Product	Rate of duty	Taric Code
Photo Albums in book bound form	19,4 %	4820 50 00'10

3. The provisions in force concerning customs duties shall apply.
4. The release for free circulation in the Community of the product referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) of Regulation (EEC) No 2823/88, the parties concerned may make known their views in writing and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Article 3

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

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EEC) No 2478/93

of 7 September 1993

re-establishing the levying of customs duties on products of category No 35 (order No 40.0350), originating in Thailand, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries⁽¹⁾, extended for 1993 by Regulation (EEC) No 3917/92⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for 1993 for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category 35 (order No 40.0350), originating in Thailand, the relevant ceiling amounts to 264 tonnes;

Whereas on 14 May 1993 imports of the products in question into the Community, originating in Thailand, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

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

HAS ADOPTED THIS REGULATION:

Article 1

As from 12 September 1993 the levying of customs duties, suspended, for 1993 pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Thailand:

Order No	Category (unit)	CN code	Description
40.0350	35 (tonnes)	5407 10 00	Woven fabrics of synthetic fibres (continuous), other than those for tyres of category 114
		5407 20 90	
		5407 30 00	
		5407 41 00	
		5407 42 10	
		5407 42 90	
		5407 43 00	
		5407 44 10	
		5407 44 90	
		5407 51 00	
		5407 52 00	
		5407 53 10	
		5407 53 90	
		5407 54 00	
		5407 60 10	
		5407 60 30	
		5407 60 51	
		5407 60 59	
		5407 60 90	
		5407 71 00	
		5407 72 00	
		5407 73 10	
		5407 73 91	
		5407 73 99	

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 396, 31. 12. 1992, p. 1.

Order No	Category (unit)	CN code	Description
40.0350 (<i>cont'd</i>)		5407 74 00	
		5407 81 00	
		5407 82 00	
		5407 83 10	
		5407 83 90	
		5407 84 00	
		5407 91 00	
		5407 92 00	
		5407 93 10	
		5407 93 90	
		5407 94 00	
		5811 00 00*95	
		5905 00 70*90	

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, 7 September 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 2479/93

of 7 September 1993

re-establishing the levying of customs duties on products of category Nos 14, 20 and 26 (order Nos 40.0140, 40.0200 and 40.0260), originating in Malaysia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended for 1993 by Regulation (EEC) No 3917/92 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for 1993 for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category Nos 14, 20 and 26 (order Nos 40.0140, 40.0200 and 40.0260), originating in Malaysia, the relevant ceiling respectively amounts to 46 000 pieces, 232 tonnes and 395 000 pieces;

Whereas on 17 June 1993 imports of the products in question into the Community, originating in Malaysia, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

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

HAS ADOPTED THIS REGULATION:

Article 1

As from 12 September 1993 the levying of customs duties, suspended, for 1993, pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Malaysia:

Order No	Category (unit)	CN code	Description
40.0140	14 (1 000 pieces)	6201 11 00 6201 12 10*90 6201 12 90*90 6201 13 10*90 6201 13 90*90 6210 20 00	Men's or boys' woven overcoats, rain- and other coats, cloaks and capes, of wool, of cotton or of man-made textile fibres (other than parkas) (of category 21)
40.0200	20 (tonnes)	6302 21 00 6302 22 90 6302 29 90 6302 31 10 6302 31 90 6302 32 90 6302 39 90	Bed linen, other than knitted or crocheted

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 396, 31. 12. 1992, p. 1.

Order No	Category (unit)	CN code	Description
40.0260	26 (1 000 pieces)	6104 41 00 6104 42 00 6104 43 00 6104 44 00 6204 41 00 6204 42 00 6204 43 00 6204 44 00	Women's or girls' dresses, of wool, of cotton or man-made fibres

Article 2

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

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

Done at Brussels, 7 September 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 2480/93

of 7 September 1993

re-establishing the levying of customs duties on products of category No 16 (order No 40.0160), originating in Pakistan, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended for 1993 by Regulation (EEC) No 3917/92 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for 1993 for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category No 16 (order No 40.0160), originating in Pakistan, the relevant ceiling amounts to 99 000 pieces;

Whereas on 28 May 1993 imports of the products in question into the Community, originating in Pakistan, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

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

HAS ADOPTED THIS REGULATION:

Article 1

As from 12 September 1993 the levying of customs duties, suspended, for 1993, pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Pakistan:

Order No	Category (unit)	CN code	Description
40.0160	16 (1 000 pieces)	6203 11 00	Men's or boys' suits and ensembles, other than knitted or crocheted, of wool, of cotton or of manmade fibres, excluding ski suits;
		6203 12 00	
		6203 19 10	
		6203 19 30	
		6203 21 00	
		6203 22 80	men's or boys' tracksuits with lining, with an outer shell of a single identical fabric, of cotton or of man-made fibres
		6203 23 80	
		6203 29 18	
		6211 32 31	
		6211 33 31	

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 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 396, 31. 12. 1992, p. 1.

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

Done at Brussels, 7 September 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EEC) No 2481/93

of 7 September 1993

re-establishing the levying of customs duties on products of category No 20 (order No 40.0200), originating in Iran, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

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

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries⁽¹⁾, extended for 1993 by Regulation (EEC) No 3917/92⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for 1993 for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category No 20 (order No 40.0200), originating in Iran, the relevant ceiling amounts to 232 tonnes;

Whereas on 18 June 1993 imports of the products in question into the Community, originating in Iran, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

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

HAS ADOPTED THIS REGULATION:

Article 1

As from 12 September 1993 the levying of customs duties, suspended, for 1993 pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Iran:

Order No	Category (unit)	CN code	Description
40.0200	20 (tonnes)	6302 21 00 6302 22 90 6302 29 90 6302 31 10 6302 31 90 6302 32 90 6302 39 90	Bed linen, other than knitted or crocheted

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, 7 September 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 396, 31. 12. 1992, p. 1.

COMMISSION REGULATION (EEC) No 2482/93

of 7 September 1993

re-establishing the levying of customs duties on products of category No 31 (order No 40.0310), originating in Indonesia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

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

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended for 1993 by Regulation (EEC) No 3917/92 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded for 1993 for each category of products subjected in Annexes I and II thereto to individual ceilings, within the limits of the quantities specified in column 8 of Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level;

Whereas, in respect of products of category No 31 (order No 40.0310), originating in Indonesia, the relevant ceiling amounts to 674 000 pieces;

Whereas on 14 May 1993 imports of the products in question into the Community, originating in Indonesia, a country covered by preferential tariff arrangements, reached and were charged against that ceiling;

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

HAS ADOPTED THIS REGULATION:

Article 1

As from 12 September 1993 the levying of customs duties, suspended, for 1993, pursuant to Regulation (EEC) No 3832/90, shall be re-established in respect of the following products, imported into the Community and originating in Indonesia:

Order No	Category (unit)	CN code	Description
40.0310	31 (1 000 pieces)	6212 10 00	Brassières, woven, knitted or crocheted

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, 7 September 1993.

For the Commission

Christiane SCRIVENER

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 396, 31. 12. 1992, p. 1.

COMMISSION REGULATION (EEC) No 2483/93

of 8 September 1993

amending Regulation (EEC) No 1198/93 increasing to 3 500 000 tonnes the quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5,

Having regard to Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the disposal of cereals held by the intervention agencies⁽³⁾,

Whereas Commission Regulation (EEC) No 1198/93⁽⁴⁾, as last amended by Regulation (EEC) No 2336/93⁽⁵⁾, opened a standing invitation to tender for the export of 3 000 000 tonnes of bread-making wheat held by the French intervention agency; whereas, in a communication of 2 September 1993, France informed the Commission of the intention of its intervention agency to increase by 500 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of bread-making wheat held by the French intervention agency for which a standing invitation to tender for export has been opened should be increased to 3 500 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EEC) No 1198/93 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EEC) No 1198/93 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 3 500 000 tonnes of bread-making wheat to be exported to all third countries. Customs export formalities must be completed during the period 1 July to 30 November 1993.

2. The regions in which the 3 500 000 tonnes of bread-making wheat are stored are stated in Annex I to this Regulation.

Article 2

Annex I to Regulation (EEC) No 1198/93 is replaced by the Annex hereto.

Article 3

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, 8 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 122, 18. 5. 1993, p. 23.

⁽⁵⁾ OJ No L 213, 24. 8. 1993, p. 1.

*ANNEX**ANNEX I*

<i>(tonnes)</i>	
Place of storage	Quantity
Amiens	203 000
Bordeaux	55 000
Clermont-Ferrand	10 000
Châlons-sur-Marne	534 000
Dijon	86 000
Lille	387 000
Lyon	18 000
Nancy	70 000
Nantes	105 000
Orléans	890 000
Paris	265 000
Poitiers	355 000
Rennes	95 000
Rouen	378 000
Toulouse	49 000*

COMMISSION REGULATION (EEC) No 2484/93
of 8 September 1993
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 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 1548/93 ⁽²⁾, and in particular Article 16 (8) thereof,

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

Whereas the import levy on molasses was fixed by Commission Regulation (EEC) No 1693/93 ⁽⁴⁾, as last amended by Regulation (EEC) No 2354/93 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EEC) No 1693/93 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;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 7 September 1993 as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be fixed, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00 to ECU 0,54 per 100 kilograms.

2. However, no import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

Article 2

This Regulation shall enter into force on 9 September 1993.

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

Done at Brussels, 8 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 36.

⁽⁵⁾ OJ No L 216, 26. 8. 1993, p. 9.

COMMISSION REGULATION (EEC) No 2485/93
of 8 September 1993
introducing a countervailing charge on certain varieties of plum originating in Hungary

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 638/93⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2388/93⁽³⁾, introduced a countervailing charge on certain varieties of plum originating in Hungary;

Whereas for these varieties of plum originating in Hungary there were no prices for six consecutive working

days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of certain varieties of plum originating in Hungary can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2388/93 is hereby repealed.

Article 2

This Regulation shall enter into force on 9 September 1993.

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

Done at Brussels, 8 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 69, 20. 3. 1993, p. 7.

⁽³⁾ OJ No L 218, 28. 8. 1993, p. 39.

COMMISSION REGULATION (EEC) No 2486/93

of 8 September 1993

fixing the maximum export refund for white sugar for the 15th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EEC) No 1144/93

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EEC) No 1548/93⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EEC) No 1144/93 of 10 May 1993 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽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 1144/93, 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 15th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾ prohibits trade between the European Economic Community

and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

1. For the 15th partial invitation to tender for white sugar issued pursuant to Regulation (EEC) No 1144/93 the maximum amount of the export refund is fixed at ECU 41,407 per 100 kilograms.

2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 9 September 1993.

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

Done at Brussels, 8 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 154, 25. 6. 1993, p. 10.

⁽³⁾ OJ No L 116, 12. 5. 1993, p. 5.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EEC) No 2487/93

of 8 September 1993

on the issuing of a standing invitation to tender for the resale on the internal market of 200 000 tonnes of bread-making rye held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as amended by Regulation (EEC) No 2193/93⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾ lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 200 000 tonnes of bread-making rye held by the German intervention agency should be issued and the minimum resale price should be raised to the level of the target price;

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

The German intervention agency shall issue a standing invitation to tender for the resale on the internal market of 200 000 tonnes of bread-making rye held by it in accordance with Regulation (EEC) No 2131/93.

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

Done at Brussels, 8 September 1993.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 14 September 1993.

2. The final date for the submission of tenders for the last partial invitation to tender shall be 21 December 1993.

3. Tenders must be lodged with the German intervention agency:

Bundesanstalt für landwirtschaftliche Markterordnung,
BALM,
Adickesallee 40,
D-6000 Frankfurt am Main;
fax: 1564793-795.

Article 3

Notwithstanding Article 5 (1) of Regulation (EEC) No 2131/93, tenders accepted may in no case be less than 128,32 per tonne, plus the monthly increases fixed for intervention by Commission Regulation (EEC) No 1542/93⁽⁴⁾.

Article 4

Not later than Tuesday of the week following the final date for the submission tenders the German intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 5

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

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 196, 5. 8. 1993, p. 22.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 154, 25. 6. 1993, p. 3.

COMMISSION REGULATION (EEC) No 2488/93**of 8 September 1993****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3391/92 of 23 November 1992 opening a Community tariff quota for high-quality fresh, chilled or frozen meat of bovine animals falling within CN codes 0201 and 0202 and for products falling within CN codes 0206 10 95 and 0206 29 91⁽¹⁾ (1993)⁽¹⁾, and in particular Article 2 thereof,

Whereas Commission Regulation (EEC) No 3633/92 of 16 December 1992 laying down detailed rules for the application of import arrangements provided for by Council Regulations (EEC) No 3391/92 and (EEC) No 3393/92 in the beef and veal sectors⁽²⁾ provides in Article 7, that applications for and the issue of import licences for the meat referred to in Article 1 (1) (d) thereof are to be effected in accordance with the provisions of Articles 12 and 15 of Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector⁽³⁾, as last amended by Regulation (EEC) No 2292/93⁽⁴⁾;

Whereas Article 1 (1) (d) of Regulation (EEC) No 3633/92 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the

United States of America and Canada which may be imported on special terms in 1993 at 10 000 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 until 5 September 1993 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 1 (1) (d) of Regulation (EEC) No 3633/92 shall be met in full.

2. Applications for licences may be submitted, in accordance with Article 12 of Regulation (EEC) No 2377/80, during the first five days of October 1993 for 6 408 tonnes.

Article 2

This Regulation shall enter into force on 9 September 1993.

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

Done at Brussels, 8 September 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 346, 27. 11. 1992, p. 1.

⁽²⁾ OJ No L 368, 17. 12. 1992, p. 27.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 206, 18. 8. 1993, p. 3.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 4 August 1993

adjusting the weightings applicable from 1 August 1992 to the remuneration of officials of the European Communities serving in countries outside the Community

(93/486/Euratom, ECSC, EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of the Officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EEC, Euratom, ECSC) No 3761/92 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations Council Regulation (Euratom, ECSC, EEC) No 1419/93 ⁽³⁾ laid down the weightings to be applied from 1 July 1992 to the remuneration of officials serving in countries outside the Community payable in the currency of their country of employment;

Whereas, some of these weightings should be adjusted with effect from 1 August 1992 given that the statistics available to the Commission show that in certain countries outside the Community the variation in the cost of living measured on the basis of the weighting and the

corresponding exchange rate has exceeded 5 % since weightings were last laid down,

DECIDES:

Sole Article

With effect from 1 August 1992 the weightings applicable to the remuneration of officials serving in countries outside the Community payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the payment of such remuneration shall be those used for implementation of the budget of the European Communities during the month preceding the date on which this Decision takes effect.

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 383, 29. 12. 1992, p. 1.

⁽³⁾ OJ No L 140, 11. 6. 1993, p. 1.

ANNEX

Country of employment	Weightings applicable with effect from the 1 August 1992
Angola	995,3400000
Brazil	64,1800000
Guinea Bissau	76,9300000
Lebanon	19,2900000
Nigeria	34,3100000
Peru	121,4400000
Somalia	126,7000000
Sudan	29,4000000
Swaziland	55,2800000
Yugoslavia	34,7000000
Zaire	16,7600000
Zambia	67,1500000

COMMISSION DECISION

of 4 August 1993

adjusting the weightings applicable from 1 September 1992 to the remuneration of officials of the European Communities serving in countries outside the Community

(93/487/Euratom, ECSC, EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of the Officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EEC, Euratom, ECSC) No 3761/92 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations Council Regulation (Euratom, ECSC, EEC) No 1419/93 ⁽³⁾ laid down the weightings to be applied from 1 July 1992 to the remuneration of officials serving in countries outside the Community payable in the currency of their country of employment;

Whereas the Commission has made a number of adjustments to these weightings in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations ⁽⁴⁾;

Whereas, some of these weightings should be adjusted with effect from 1 September 1992 given that the statistics available to the Commission show that in certain countries outside the Community the variation in the cost

of living measured on the basis of the weighing and the corresponding exchange rate has exceeded 5 % since weightings were last laid down,

DECIDES:

Sole Article

With effect from 1 September 1992 the weightings applicable to the remuneration of officials serving in countries outside the Community payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the payment of such remuneration shall be those used for implementation of the budget of the European Communities during the month preceding the date on which this Decision takes effect.

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 383, 29. 12. 1992, p. 1.

⁽³⁾ OJ No L 140, 11. 6. 1993, p. 1.

⁽⁴⁾ OJ No L 131, 28. 5. 1993, pp. 53 to 62.

ANNEX

Country of employment	Weightings applicable with effect from the 1 September 1992
Angola	1 047,600000
Brazil	56,130000
Bulgaria	30,690000
Colombia	45,260000
Lebanon	16,460000
Malawi	49,730000
Peru	120,370000
Poland	71,940000
Romania	24,860000
Sierra Leone	64,290000
Somalia	133,260000
Surinam	196,500000
Uganda	42,850000
Vietnam	29,120000
Yugoslavia	263,480000
Zaire	10,090000
Zambia	60,120000
Zimbabwe	51,560000

COMMISSION DECISION**of 4 August 1993****adjusting the weightings applicable from 1 October 1992 to the remuneration of officials of the European Communities serving in countries outside the Community****(93/488/Euratom, ECSC, EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of the Officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68⁽¹⁾, as last amended by Regulation (EEC, Euratom, ECSC) No 3761/92⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations Council Regulation (Euratom, ECSC, EEC) No 1419/93⁽³⁾ laid down the weightings to be applied from 1 July 1992 to the remuneration of officials serving in countries outside the Community payable in the currency of their country of employment;

Whereas the Commission has made a number of adjustments to these weightings in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations⁽⁴⁾;

Whereas, some of these weightings should be adjusted with effect from 1 October 1992 given that the statistics available to the Commission show that in certain countries outside the Community the variation in the cost of

living measured on the basis of the weighing and the corresponding exchange rate has exceeded 5 % since weightings were last laid down,

DECIDES:

Sole Article

With effect from 1 October 1992 the weightings applicable to the remuneration of officials serving in countries outside the Community payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the payment of such remuneration shall be those used for implementation of the budget of the European Communities during the month preceding the date on which this Decision takes effect.

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 383, 29. 12. 1992, p. 1.

⁽³⁾ OJ No L 140, 11. 6. 1993, p. 1.

⁽⁴⁾ OJ No L 131, 28. 5. 1993, pp. 53 to 62.

ANNEX

Country of employment	Weightings applicable with effect from the 1 October 1992
Angola	1 198,0600000
Argentina	93,1200000
Brazil	50,4700000
Ethiopia	85,2200000
Guinee Bissau	60,2400000
Hungary	56,1300000
Lebanon	14,0100000
Lesotho	56,5200000
Nigeria	37,0200000
Peru	119,3100000
Poland	73,8900000
Somalia	149,9300000
Sudan	30,0100000
Tanzania	40,6600000
Uruguay	73,9000000
Venezuela	44,6200000
Yugoslavia	460,1500000
Zaire	90,5100000
Zambia	61,4500000

COMMISSION DECISION

of 4 August 1993

adjusting the weightings applicable from 1 November 1992 to the remuneration of officials of the European Communities serving in countries outside the Community

(93/489/Euratom, ECSC, EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of the Officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EEC, Euratom, ECSC) No 3761/92 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,Whereas pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations Council Regulation (Euratom, ECSC, EEC) No 1419/93 ⁽³⁾ laid down the weightings to be applied from 1 July 1992 to the remuneration of officials serving in countries outside the Community payable in the currency of their country of employment;Whereas the Commission has made a number of adjustments to these weightings in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations ⁽⁴⁾;

Whereas, some of these weightings should be adjusted with effect from 1 November 1992 given that the statistics available to the Commission show that in certain countries outside the Community the variation in the cost

of living measured on the basis of the weighing and the corresponding exchange rate has exceeded 5 % since weightings were last laid down,

DECIDES :

Sole Article

With effect from 1 November 1992 the weightings applicable to the remuneration of officials serving in countries outside the Community payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the payment of such remuneration shall be those used for implementation of the budget of the European Communities during the month preceding the date on which this Decision takes effect.

Done at Brussels, 4 August 1993.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.⁽²⁾ OJ No L 383, 29. 12. 1992, p. 1.⁽³⁾ OJ No L 140, 11. 6. 1993, p. 1.⁽⁴⁾ OJ No L 131, 28. 5. 1993, pp. 53 to 62.

ANNEX

Country of employment	Weightings applicable with effect from the 1 November 1992
Angola	478,9300000
Brazil	49,5800000
Bulgaria	32,6100000
Costa Rica	55,3500000
Fiji	60,6900000
Haiti	54,5300000
Lebanon	14,8800000
Mauritania	103,8900000
Peru	116,1900000
Romania	23,3000000
Sierra Leone	68,6500000
Somalia	169,0900000
Sudan	34,8900000
Surinam	199,5000000
Turkey	54,4500000
Yugoslavia	624,3600000
Zaire	67,8100000
Zambia	65,4200000

COMMISSION DECISION**of 4 August 1993****adjusting the weightings applicable from 1 December 1992 to the remuneration of officials of the European Communities serving in countries outside the Community****(93/490/Euratom, ECSC, EEC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of the Officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (EEC, Euratom, ECSC) No 3761/92 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations Council Regulation (Euratom, ECSC, EEC) No 1419/93 ⁽³⁾ laid down the weightings to be applied from 1 July 1992 to the remuneration of officials serving in countries outside the Community payable in the currency of their country of employment;

Whereas the Commission has made a number of adjustments to these weightings in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations ⁽⁴⁾;

Whereas, some of these weightings should be adjusted with effect from 1 December 1992 given that the statistics available to the Commission show that in certain countries outside the Community the variation in the cost of

living measured on the basis of the weighing and the corresponding exchange rate has exceeded 5 % since weightings were last laid down,

DECIDES:

Sole Article

With effect from 1 December 1992 the weightings applicable to the remuneration of officials serving in countries outside the Community payable in the currency of their country of employment are adjusted as shown in the Annex.

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⁽³⁾ OJ No L 140, 11. 6. 1993, p. 1.

⁽⁴⁾ OJ No L 131, 28. 5. 1993, pp. 53 to 62.

ANNEX

Country of employment	Weightings applicable with effect from the 1 December 1992
Algeria	87,7400000
Angola	626,1000000
Brazil	42,8600000
Colombia	47,7500000
Guinea Bissau	62,4800000
India	36,9100000
Lebanon	23,0200000
Mozambique	39,7700000
Nigeria	41,0100000
Peru	121,0500000
Romania	27,3300000
Somalia	203,4000000
Sudan	34,3700000
Uruguay	80,9400000
Yugoslavia	902,9000000
Zaire	82,8400000
Zambia	65,7900000
Zimbabwe	54,4000000