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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 2449/95****of 19 October 1995****establishing for 1995 the breakdown for beef imports from the African, Caribbean and Pacific (ACP) States pursuant to Council Regulation (EEC) No 715/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories <sup>(1)</sup>, as last amended by Regulation (EC) No 2484/94 <sup>(2)</sup>, and in particular Article 4 (3) thereof,

Whereas Article 4 of Regulation (EEC) No 715/90 provides for the breakdown between the ACP States for beef to be imported into the Community and for the possibility, at the request of ACP States which are not able to supply their full quotas, of a different breakdown between those States, up to the limit of 52 100 tonnes;

Whereas, by letter of 25 September 1995, the ACP States concerned requested a transfer of 1 642 tonnes to Zimbabwe for 1995 involving a reduction of 142, 1 000 and 500 tonnes respectively in the quotas for Kenya, Swaziland and Namibia; whereas the transfer to

Zimbabwe requested by the other ACP States should be agreed to;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Imports of beef from the African, Caribbean and Pacific (ACP) States pursuant to Regulation (EEC) No 715/90 for the 1995 calendar year shall be as follows:

|                |                |
|----------------|----------------|
| — Botswana :   | 18 916 tonnes, |
| — Kenya :      | — tonnes,      |
| — Madagascar : | 7 579 tonnes,  |
| — Swaziland :  | 2 363 tonnes,  |
| — Zimbabwe :   | 10 742 tonnes, |
| — Namibia :    | 12 500 tonnes. |

*Article 2*

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

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

Done at Brussels, 19 October 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 265, 15. 10. 1994, p. 3.

## COMMISSION DECISION No 2450/95/ECSC

of 19 October 1995

imposing a provisional anti-dumping duty on imports into the Community of  
certain grain oriented electrical sheets originating in Russia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community<sup>(1)</sup>, and in particular Article 11 thereof,

After consulting the Advisory Committee,

Whereas :

## A. PROCEDURE

- (1) In May 1994, the Commission announced, by a notice published in the *Official Journal of the European Communities*<sup>(2)</sup>, the initiation of an anti-dumping proceeding concerning imports into the Community of certain grain oriented electrical sheets originating in Russia, falling within CN codes 7225 10 91 and 7226 10 30.
- (2) The proceeding was initiated as a result of a complaint lodged by Eurofer (European Federation of Iron and Steel Industries) on behalf of producers whose collective output allegedly constitutes the majority of Community production of the product in question. The complaint contained evidence of dumping of the product originating in Russia and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.
- (3) The Commission officially advised the producers, exporters and importers known to be concerned, representatives of the exporting country and the complainant, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.
- (4) The Commission received detailed written comments from the complainant Community producers and some of the Russian producers and exporters.

(5) No importer of the product concerned made its views known to the Commission within the time limit set in the notice of initiation. However, when the investigation reached an advanced stage, a company alleging that it was using the Russian products in question requested and was granted a hearing as set out in recital 42.

(6) The Commission sought and verified all information it considered to be necessary for the purposes of a preliminary determination of dumping and injury and carried out investigations at the premises of the following :

(a) Community producers :

- EBG Gesellschaft für Elektromagnetische Werkstoffe mbH, Germany,
- Orb Electrical Steels Ltd, (a subsidiary of British Steel Plc), United Kingdom,
- Ugine SA, France ;

(b) a producer in a third market-economy country :

- Acesita (Companhia Aços Especiais Itabira), São Paulo, Brazil.

(7) The investigation of dumping covered the period 1 January 1993 to 30 April 1994 ('the investigation period').

B. PRODUCT UNDER CONSIDERATION AND  
LIKE PRODUCT

## 1. Description of the product concerned

- (8) The product allegedly being dumped is grain oriented cold-rolled sheets and strips of silicon-electrical steel with a width of more than 500 mm, falling within CN codes 7225 10 91 (sheets of a width of 600 mm or more) and 7226 10 31 (sheets of a width of more than 500 mm to less than 600 mm), which are used for electromagnetic appliances and in installations such as power and distribution transformers. The product concerned is an ECSC product.

In the rather complex manufacturing process of grain oriented electrical sheet, grain structures are orientated uniformly in the direction of the rolling of the sheet or of the strip in order to allow it to

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 18.

<sup>(2)</sup> OJ No C 138, 20. 5. 1994, p. 8.

conduct a magnetic field with a high degree of efficiency. The product in question has to comply with specifications concerning highest admissible re-magnetization losses, magnetic induction and pile factor. In general, both sides of the product are covered with a thin isolating coating.

## 2. Like product

- (9) It has been established, for the purpose of this investigation, that the products concerned produced in the Community, in Russia and in Brazil (Brazil having been chosen as the reference country: see recital 12) closely resemble each other in their physical characteristics and uses, and compete with each other. Accordingly, they are considered 'like products' within the meaning of Article 2 (12) of Decision No 2424/88/ECSC (hereinafter referred to as 'the basic Decision').
- (10) The Russian companies, in their reply to the Commission's questionnaires, argued that some of their exports to the Community consisted of lower-grade material which was not comparable to the products produced and sold by the Community producers.

During the on-the-spot verifications, it has been observed that, owing to the complexity of the manufacturing process, all producers of the product in question manufacture certain quantities of grain oriented electrical sheets which have quality deficiencies and are therefore sold as second-choice material. However this material is generally used, after re-cutting, in applications similar to those of the first quality product, although sold at a discount.

It therefore has been determined that second-choice materials are like products which should, however, be subject to a price adjustment for differences in physical characteristics in accordance with article 2 (10) (a) of the basic Decision.

## C. DUMPING

### 1. Normal value

#### (a) *Analogue country*

- (11) Russia being a non-market economy country, the complainant initially proposed South Korea as a market economy reference country (analogue country).

However, owing to the non-cooperation of the South Korean producer, an alternative analogue country had to be found. For that purpose, questionnaires were forwarded to all producers known to the Commission in Brazil, the Czech Republic, Japan and Poland. Only the Brazilian producer, Acesita (Companhia Aços Especiais Itabira) agreed to cooperate in the current investigation.

- (12) In order to determine whether the Brazilian market could be considered an appropriate and not unreasonable choice for establishing the normal value of the product under consideration, it was noted that grain oriented electrical sheets were sold on the market concerned, on a regular basis, to a large number of independent customers in substantial quantities when compared to the volume exported by Russia to the Community and with a reasonable, but not excessive, profit. Furthermore, a significant part of domestic consumption in Brazil was supplied by imports which competed with domestic production.

Concerning production of the product in question, there is a large measure of similarity between the production processes and technologies in Brazil and in Russia.

With regard to access to raw materials, Brazil has, like Russia, very substantial resources of high quality iron ores, silicon and other raw materials necessary to manufacture the product in question in the vicinity of the plant, which can be efficiently exploited and are also exported world wide.

Furthermore, the Brazilian producer which has cooperated in the investigation owns an electric power station close to its plant which provides a large proportion of its energy requirements at very low cost.

On the basis of the above factors, it is therefore concluded that Brazil is an appropriate analogue country for determining normal value for the product under consideration, in particular as certain natural advantages with regard to convenient access to domestic raw material supplies and energy sources are rather similar in both countries.

#### (b) *Normal value*

- (13) Normal value was, in accordance with Article 2 (3) of the basic Decision, calculated as the weighted average domestic selling price of the like product sold by Acesita for consumption on the Brazilian market. Domestic sales were found to be made in the ordinary course of trade to independent customers.

In order to correct for the effect of inflation in Brazil, normal value was established on a monthly basis.

## 2. Export price

- (14) Since all export transactions were dumped, the export price has been calculated as the weighted average selling price actually paid or payable for all export transactions to the Community.

## 3. Comparison

- (15) A comparison between the weighted average export price and the weighted average normal value in the analogue country, expressed in ecus on the basis of the appropriate exchange rate (monthly average for Brazil) has been made at the ex works level.

In order to take account of any differences affecting price comparability, adjustments have been granted with regard to physical characteristics and selling expenses, as provided for by Article 2 (9) and (10) of the basic Decision.

## 4. Dumping margin

- (16) The comparison showed the existence of dumping. Since Russia is a non-market economy country, a single dumping margin, being the difference by which normal value exceeds the export price to the Community, has been determined. This margin expressed as a percentage of the free-at-Community-frontier price, amounts to 73,46 %.

## D. COMMUNITY INDUSTRY

- (17) The Community industry consists of the three cooperating Community producers which represent cumulatively more than 70 % of the total Community production.

## E. INJURY

### 1. Consumption

- (18) Community consumption (based on questionnaire replies, Eurostat data and market information available to the Commission) has decreased in recent years from 11 272 tonnes per month in 1990 and 11 306 tonnes per month in 1991 to 10 682 tonnes per month in 1992 and 9 780 tonnes per month during the investigation period; this represents a fall of 13,2 % compared to 1990.

## 2. Dumped imports

### (a) Volume and market share

- (19) Total imports of the product concerned from Russia increased strongly from 924 tonnes in 1990 to 11 582 tonnes during the investigation period.
- (20) The corresponding market share increased from 0,7 % in 1990 to 7,4 % during the same period.

### (b) Price undercutting

- (21) In order to assess the level of price undercutting, the average prices of the imports from Russia have been compared with the selling prices of the product sold by the complainant Community producers on the Community market. Adjustments have been applied to take account of differences in physical characteristics. In order to arrive at a comparable level of trade with the sales of the Community product, the Russian import prices have been adjusted by an importer's margin including customs clearance, handling, financing, storage, general and administrative expenses and profit (5 %). In the absence of any cooperation from importers of the product concerned, the importer's margin has been established on the basis of information available on the trading margin obtained on the importation of other steel products.

On this basis, the price undercutting expressed as a percentage of the Community producer's prices (at ex works level) varied from 16,5 to 28 % for prime quality material, and from zero to 9,8 % for second quality material.

## 3. Situation of the Community industry

### (a) Total production

- (22) Total production of the complainant Community producers decreased constantly, falling by 15,2 % between 1990 and the investigation period, from an average of 13 245 tonnes per month to an average of 11 231 tonnes per month.

### (b) Utilization of production capacity

- (23) In line with total production, the rate of capacity utilization decreased steadily, from an average of 64 to 54 % during the same period.

*(c) Volume of sales and market shares*

- (24) Deliveries of complainant producers destined for the Community market decreased by 25,8 % between 1990 and the period of investigation, from an average of 7 843 tonnes per month to an average of 5 821 tonnes per month. The corresponding market share decreased from a level of 69,6 to 59,5 % during the same period, a loss of about 10 %, in line with the steadily increasing inflow of the dumped imports.

*(d) Prices*

- (25) The weighted average selling price of complainant producers on the Community market decreased continuously between 1990 and the investigation period. The decrease amounted to 5 % despite rising costs of production over the same period.

*(e) Profitability*

- (26) The decline in deliveries of the Community industry and the simultaneous price depression on the Community market resulted, on balance, in financial losses for the Community industry during the period of investigation, with a constant negative trend over the period.

*(f) Employment*

- (27) Employment in the production of the product concerned decreased continuously during the period under consideration, falling by 11 % between 1990 and the investigation period.

**4. Conclusion on injury**

- (28) On the basis of the above findings, particularly the decline in deliveries to the Community market and the resulting substantial loss of market share as well as the price depression, factors which together led to a decline in profits, and, on balance financial losses; taking into consideration the reduction of employment, it is provisionally concluded that the Community industry has suffered material injury within the meaning of Article 4 (1) of the basic Decision.

**F. CAUSATION**

- (29) The Commission examined whether the material injury suffered by the Community industry had been caused by the dumped imports from Russia and whether other factors such as the contraction of consumption and the volume and prices of

imports from other sources might have caused or contributed to that injury.

**1. Effect of dumped imports**

- (30) During the period under consideration, the dumped imports increased in volume terms by several hundred percent. Their market share rose by a factor of 9,5 to reach 7 %. This corresponds to the major part of the loss in market share incurred by the Community industry (10 %). The same parallelism exists as regards price changes: between 1990 and the investigation period, the dumped imports undercut consistently, and by a substantial margin, the Community industry's prices, which dropped by 5 % over the same period. In these circumstances, the Commission concludes that the dumped imports significantly contributed to the decline in the Community industry's position on the Community market.

**2. Effect of other factors***(a) Decrease in consumption*

- (31) Between 1990 and the investigation period, consumption of grain oriented electrical sheets decreased by 13,2 %. However, the contraction of demand remained far less pronounced than the decrease in domestic sales by the complainant producers, which amounted to 25,8 % over the same period. The decreasing consumption cannot, therefore, explain the full extent of the losses suffered by the Community industry.

*(b) Other imports*

- (32) Between 1990 and the investigation period, Russia became the largest exporter of grain oriented electrical sheets to the European Community, in absolute terms as well as in terms of market share. Its share of total imports amounted successively to 8,6 % in 1990, 17,4 % in 1991, 28,1 % in 1992 and 42,4 % during the investigation period.
- (33) During the same period, the market share of imports from other third countries, taken together, rose from 7,3 % in 1990 to 10,1 % during the investigation period, an increase of 2,8 percentage points.
- (34) However, in absolute terms, the volume of imports from those countries stagnated after 1991. Considered individually, no other third country increased its import volume or gained any significant market share between 1990 and the investigation period.
- (35) With regard to prices of imports from other third countries, an examination of Eurostat data showed that cif Community frontier unit prices of imports

from Russia were far below the corresponding unit prices of any other exporting third country. Moreover, there was no evidence to suggest that those imports from other third countries had been dumped and had undercut the Community producers' prices.

- (36) In summary, while it is true that the Community industry lost some market share to other exporting countries, the extent of such losses is far less significant than in the case of Russia and cannot be related to any injurious unfair trade practice on the part of those countries. Again, this factor cannot fully account for the injury suffered by the Community producers.

### 3. Conclusion

- (37) The Commission, therefore, concludes that, notwithstanding the fact that other factors may also have negatively affected the Community industry's position, the dumped imports from Russia, taken in isolation, have caused material injury to the Community industry, within the meaning of Article 4 (1) of the basic Decision.

## G. COMMUNITY INTEREST

### 1. With regard to Community producers

- (38) In assessing Community interest, the Commission recalls that the very purpose of protective anti-dumping measures is to eliminate the trade-distorting effects of injurious dumping and to restore effective competition on the Community market. In the current proceeding, given that material injury has been caused to the complainant industry by the dumped imports, failure to take measures would aggravate the already precarious situation of the Community industry and could lead producers to abandon this segment of production.
- (39) Moreover, in order to fund the levels of investment necessary to ensure the long-term competitive supply of quality products to their customers, Community producers must earn adequate profits. Without investment in product quality and new product development the competitiveness of the Community producers will suffer.
- (40) As already stated above in recital 8, the manufacturing process of grain oriented electrical sheets is complex and is only profitable if a minimum scale

of production is maintained. Between 1990 and the investigation period the Community industry has undergone significant restructuring, leading to an overall reduction in production. If production is further substantially reduced, which is to be expected if the massive inflow of dumped products continues, the viability of the plants of the four remaining Community producers and their capacity to modernize and to follow technical progress would be seriously endangered.

- (41) Indeed, in view of the inevitable increase in unit costs if sufficient capacity utilization is impeded, with a consequent lack of sufficient return to maintain investment and research, Community producers could be prevented from continuing to supply high-quality products at competitive prices.

### 2. With regard to end users

- (42) The Commission did not receive any representation from industrial end users of the product concerned within the time limit specified in the opening notice.

However, when the investigation had reached an advanced stage, a company manufacturing electrical transformers requested a hearing, alleging that it was using the Russian products in question (see recital 5).

- (43) This company argued that any imposition of measures in the form of an anti-dumping duty would increase its costs significantly. For outstanding orders (in particular in the framework of tenders) it would be impossible to pass such costs on to the final user, at the lead time between offer, order and delivery is often several months. Nevertheless, the company concerned did not supply any evidence in support of its allegation but, rather, limited its comments to estimates of the likely impact of duties.
- (44) On the basis of the information available at this preliminary stage of the proceeding, the Commission is of the opinion that the imposition of anti-dumping measures on the Russian imports is unlikely to have a significant impact on the cost of production of electrical transformers as a variety of sources of supply are available to users of electrical sheets in the Community.
- (45) The Commission further examined medium or long term consequences for users of grain oriented electrical sheets in the event that anti-dumping measures were not taken.

- (46) If the Community industry ceases production of grain oriented electrical sheets, users of the product concerned would become progressively dependent on imported materials from other more distant, often less efficient and less reliable, sources of supply. The implications of such dependency would be widespread, as certain products which incorporate grain oriented electrical sheets, in particular electrical transformers, have a wide variety of uses in the generation, distribution and utilization of electrical power and in other high-tech electrical applications for industrial equipment.
- (47) A further shrinkage in the number of Community suppliers of the product concerned could thus have serious implications for supplies to the electrotechnical industry and, further downstream, for the users of its products in sensitive areas like hospitals, defence, transport and infrastructure. This would adversely affect the competitiveness of the electrotechnical industry on the Community market. It is therefore vital that production of grain oriented electrical sheets be maintained in the Community and that producers can generate sufficient returns to enable them to continue investment and research and development in order to remain competitive.
- (48) In the circumstances, even if the imposition of anti-dumping measures were to result in a certain price increase for the product under investigation, such an effect would be counterbalanced by the assurance of a continued supply of high quality products from sources within the Community.

### 3. Conclusion

- (49) On the basis of the above facts and considerations, it is therefore provisionally found to be in the interest of the Community to impose protective anti-dumping measures in order to prevent further injury being caused by the dumped imports concerned.

### H. DUTY

- (50) In the light of the above, measures should take the form of a provisional *ad valorem* duty. For the purpose of establishing the level of this duty, the Commission took account of the dumping margin established and of the amount of duty necessary to eliminate the injury sustained by the Community industry.

#### 1. Injury elimination level

- (51) In assessing the injury elimination level, the Commission took account of the fact that dumped imports from Russia have significantly undercut

Community producers' prices, causing substantial losses or erosion of profitability. Consequently, removal of injury would require that export prices of products concerned originating in Russia be increased to a sufficient degree to allow the Community industry to increase its average prices to a profitable level.

- (52) In order to achieve this, the Commission has established a target price for both prime and second-quality material.
- (53) In respect of prime-quality material, the target price has been calculated by adding a profit of 5 % to the cost of production of the product concerned.
- (54) With regard to second-quality products, it should be noted that this material has no specific cost of production, as it results from a flaw in the manufacturing process. Therefore, a target price of second choice has been calculated by applying to the target price of first choice the average rebate which was normally granted during the investigation period by the producer in the analogue country.
- (55) In order to assess the level of price underselling, the average target prices for Community products have been compared with the corresponding average prices of the imports from Russia. For this purpose, prices have been duly adjusted as explained in recital 24.
- (56) A weighted average margin of price underselling expressed as a percentage of the Russian export price, at cif Community frontier level, has been calculated. This margin amounts to 43,2 %.

### 2. Duty level

- (57) In accordance with Article 13 (3) of the basic Decision, as the injury elimination level as established above is below the dumping margin (recital 16), the anti-dumping duty calculated on the basis of the free-at-Community-frontier price should amount to 43,2 %.

### I. FINAL PROVISION

- (58) In the interest of sound administration, a period should be fixed within which the parties known to be concerned may make their views known and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Decision are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may impose,

HAS ADOPTED THIS DECISION :

*Article 1*

1. A provisional anti-dumping duty is hereby imposed on imports of grain oriented cold-rolled sheets and strips of silicon-electrical steel with a width of more than 500 mm originating in Russia and falling within CN codes 7225 10 91 (sheets of a width of 600 mm or more) and 7226 10 31 (sheets of a width of more than 500 mm to less than 600 mm).

2. The rate of the provisional anti-dumping duty shall be 43,2 % of the net, free-at-Community-frontier price, before duty.

3. 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) and (c) of Decision No 2424/88/ECSC, 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 Decision.

*Article 3*

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

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

Done at Brussels, 19 October 1995.

*For the Commission*

Leon BRITTAN

*Vice-President*

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## COMMISSION REGULATION (EC) No 2451/95

of 19 October 1995

initiating an investigation concerning the circumvention of anti-dumping measures imposed by Regulation (EEC) No 2861/93 on imports of certain magnetic disks (3,5" microdisks) originating in Japan, Taiwan and the People's Republic of China by imports of certain magnetic disks (3,5" microdisks) originating in Canada, Hong Kong, India, Indonesia, Macao, Malaysia, the Philippines, Singapore and Thailand, and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3283/94 of 22 December 1994 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup>, as last amended by Regulation (EC) No 1251/95<sup>(2)</sup>, and in particular Articles 13 and 14 thereof,

After consulting the Advisory Committee,

Whereas :

## A. REQUEST

- (1) The Commission has received a request pursuant to Article 13 (3) of Regulation (EC) No 3283/94 (hereinafter 'the Basic Regulation') to investigate the alleged circumvention of the anti-dumping duties imposed by Council Regulation (EEC) No 2861/93 of 18 October 1993<sup>(3)</sup> on imports of certain magnetic disks (3,5" microdisks) originating in Japan, Taiwan and the People's Republic of China by imports of 3,5" microdisks originating in Canada, Hong Kong, India, Indonesia, Macao, Malaysia, the Philippines, Singapore and Thailand ; to make these imports subject to registration by the customs authorities pursuant to Article 14 (5) of the Basic Regulation and to extend, where justified, the above anti-dumping duties to imports of 3,5" microdisks from the latter countries.

## B. APPLICANT

- (2) The request has been lodged by the Committee of European Diskette Manufacturers (Diksm).

## C. PRODUCT

- (3) The product concerned is 3,5" microdisks, used to record and store encoded digital computer informa-

tion and is currently classifiable within CN code ex 8523 20 90. This code is given for information only and has no binding effect on the classification of the product.

## D. EVIDENCE

- (4) The request contains sufficient evidence to satisfy the requirements of Article 13 (1) of the basic Regulation that the anti-dumping duties on imports of 3,5" microdisks originating in the People's Republic of China and Taiwan are being circumvented by imports originating in the countries enumerated at recital (1) above.
- (5) The evidence is as follows :
- (a) A clear change has taken place in the pattern of trade between the countries concerned and the European Community. For example, the market share represented by imports from the countries covered by the request grew from 21 % in 1992 to 36 % in 1994. The corresponding figures for the People's Republic of China and Taiwan show an opposite and almost equal decrease ; provisional duties were imposed on imports from those countries in April 1993, and the market share represented by these imports has fallen from 20 % in 1992 to 4 % in 1994.

This change in pattern of trade is alleged to stem from a practice for which there is insufficient due cause or economic justification apart from the existence of anti-dumping duties. It is contended that operations in the countries listed consist principally of transshipment of 3,5" microdisks manufactured in the People's Republic of China and Taiwan. Given that production remains in these countries, the additional transshipment would only serve to increase costs. The sole justification for the extra step is alleged to be the performance of some minor function (labelling, repacking) in the country of transshipment, intended to allow the conferment of an origin not subject to the anti-dumping duties in question.

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 1.

<sup>(2)</sup> OJ No L 122, 2. 6. 1995, p. 1.

<sup>(3)</sup> OJ No L 262, 21. 10. 1993, p. 4.

- (b) It is further alleged that the remedial effect to the anti-dumping duties are being circumvented in terms of the prices and quantities of the imports considered. The purpose of the anti-dumping duties on 3,5" microdisks originating in Japan, Taiwan and the People's Republic of China was to increase prices to the extent necessary to remove injurious dumping.

This, according to the applicant, has not happened; import values have decreased overall from ECU 18 per kilogram prior to the imposition of the anti-dumping duties in 1993 to ECU 13 in 1994. This trend is even more marked for imports from the countries from which circumvention is allegedly taking place.

- (c) Finally, it is alleged that imports from the countries covered by the request are being dumped in relation to the normal values previously established. The continued deterioration in import prices and data evidenced in the request support the contention that, in all cases, export prices from the countries concerned are below the normal values originally established for Japan, Taiwan and the People's Republic of China.

#### E. PROCEDURE

- (6) In the light of the evidence contained in the request, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation under Article 13 (3) of the Basic Regulation, and the registration of imports from the countries under investigation in accordance with Article 14 (5) of the said Regulation.

##### (i) Questionnaires

- (7) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters named in the request and, where appropriate, their related importers. At the same time, a copy of the questionnaire will be sent to any known representative association of exporters. Information, as appropriate, may be sought from Community producers.
- (8) Exporters in the countries covered by the investigation should be invited to contact the Commission forthwith to find out whether or not they are listed in the request. The authorities of the exporting countries will be notified of the exporters named in the request. The exporters which are not named in the request, because they were not known, should ask for a copy of the questionnaire as soon as possible, as they are also subject to the time limit

set out in this Regulation. Any request for questionnaires must be made in writing to the address mentioned below, and should indicate the name, address, telephone and fax/telex numbers of the requesting party.

##### (ii) Certificates of non-circumvention

- (9) In accordance with Article 13 (4) of the Basic Regulation, the grant of certificates exempting the imports of the product concerned from registration or measures may be authorized when the importation does not constitute circumvention.

The Commission will consider applications for such certificates provided that they are lodged within the time limit set out in this Regulation and accompanied by a complete response to the questionnaire referred to in recital (7) above.

#### F. TIME LIMITS

- (10) In the interest of sound administration, a period should be fixed within which interested parties, provided that they can show that they are likely to be affected by the results of the investigation, may make their views known in writing and to provide supporting evidence. A period should also be fixed within which interested parties may make a written request for a hearing and show that there are particular reasons why they should be heard. Furthermore, it should be stated that in cases in which any interested party refuses access to, or otherwise does not provide necessary information within the time limit, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of Regulation (EC) No 3283/94, on the basis of the facts available,

#### HAS ADOPTED THIS REGULATION:

##### Article 1

An investigation pursuant to Article 13 (3) of Regulation (EC) No 3283/94 of imports of certain magnetic disks (3,5" microdisks) falling within CN code ex 8523 20 90 and originating in Canada, Hong Kong, India, Indonesia, Macao, Malaysia, the Philippines, Singapore and Thailand is hereby initiated.

##### Article 2

The customs authorities are hereby directed, pursuant to Article 14 (5) of Regulation (EC) No 3283/94, to take the appropriate steps to register the imports identified in Article 1 in order to ensure that, should the anti-dumping

duties applicable to imports of the product concerned originating in Japan, Taiwan and the People's Republic of China be extended to the imports specified in Article 1, they may be collected from the date of such registration.

Registration shall expire nine months following the date of the entry into force of this Regulation.

Products shall not be subject to registration where they are accompanied by a customs certificate issued in accordance with Article 13 (4) of Regulation (EC) No 3283/94.

#### *Article 3*

Interested parties must, if their representations are to be taken into account during the investigation, make themselves known, present their views in writing and submit information within 37 days from the date of transmission of this Regulation to the authorities of the exporting countries. Interested parties may also apply to be heard by the Commission and apply for a certificate of non-cir-

cumvention pursuant to Article 13 (4) of Regulation (EC) No 3283/94 within the same time limit. The transmission of this Regulation to the authorities of the exporting countries shall be deemed to have taken place on the third day following its publication in the *Official Journal of the European Communities*.

Any information relating to the matter and any request for a hearing should be sent to the following address:

European Commission,  
Directorate-General for External Economic Relations  
(Division I.C.2),  
Attn. Mr. A.J. Stewart,  
CORT 100 4/44,  
Rue de la Loi/Wetstraat 200,  
B-1049 Brussels (1).

#### *Article 4*

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

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

Done at Brussels, 19 October 1995.

*For the Commission*

Leon BRITTAN

*Vice-President*

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(1) Telex COMEU B 21877; telefax (32 2) 295 65 05.

## COMMISSION REGULATION (EC) No 2452/95

of 19 October 1995

amending Commission Regulation (EC) No 1466/95 laying down special detailed rules of application for export refunds on milk and milk products and Commission Regulation (EEC) No 210/69 on communications between Member States and the Commission with regard to milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1538/95 <sup>(2)</sup>, and in particular Article 17 (14) thereof,

Whereas Commission Regulation (EC) No 1466/95 <sup>(3)</sup> lays down special detailed rules of application for export refunds on milk and milk products; whereas experience has shown that certain technical amendments are necessary in order to ensure that the scheme operates satisfactorily, in particular as regards the date of commencement of validity of licences, cases where a refund may be granted without presentation of an export licence, and the application of the provisions of Regulation (EEC) No 3665/87 <sup>(4)</sup>, as last amended by Regulation (EC) No 1384/95 <sup>(5)</sup>, concerning licences specifying a compulsory destination; whereas, in order to preclude discriminatory treatment of traders, the amendments to the above provisions should be made retroactive;

Whereas, with regard to the additional quota of Community cheeses for export to the United States arising under the Agreement on Agriculture concluded during the Uruguay Round of the GATT trade negotiations (hereinafter referred to as the 'Agreement'), the Community may designate preferred importers who may import under the quota; whereas this allows the Community to maximize the value of the quota; whereas a procedure should be laid down therefore for the selection of the importers to be designated on the basis of the allocation of export licences for the products concerned; whereas it is necessary therefore to amend Commission Regulation (EEC) No 210/69 of 31 January 1969 on communications between Member States and the Commission with regard to milk and milk products <sup>(6)</sup>, as last amended by Regulation (EC) No 1629/95 <sup>(7)</sup>;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

*Article 1*

Regulation (EC) No 1466/95 is hereby amended as follows:

1. In Article 2, the text of the first indent is replaced by the following:

— where the refund for an export declaration, calculated on the basis of the refund applicable on the first day of the month of export, is not more than ECU 60. Where several separate codes in the nomenclature for refunds or the combined nomenclature are shown in an export declaration, the particulars relating to each code shall be deemed to constitute a separate declaration;

2. In the opening sentence of the first paragraph of Article 4, '(2)' is replaced by '(1)'.

3. The following Article 9a is inserted:

*Article 9a*

1. In accordance with the procedure provided for in Article 30 of Regulation (EEC) No 804/68, the Commission may decide that export licences for products falling within CN code 0406 for export to the United States as part of the additional quota under the Agreement shall be issued pursuant to this Article.

2. Traders may apply, within a period to be determined, for a provisional export licence for the export of the products referred to in paragraph 1 during the following calendar year subject to the lodging of a security equal to 50 % of the rate fixed in Article 7. Licences for which application is made by a trader may not exceed 40 % of the quantity of the products referred to in (a) under the quota for the year concerned.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 148, 30. 6. 1995, p. 17.

<sup>(3)</sup> OJ No L 144, 28. 6. 1995, p. 22.

<sup>(4)</sup> OJ No L 351, 14. 12. 1987, p. 1.

<sup>(5)</sup> OJ No L 134, 20. 6. 1995, p. 14.

<sup>(6)</sup> OJ No L 28, 5. 2. 1969, p. 1.

<sup>(7)</sup> OJ No L 155, 6. 7. 1995, p. 10.

Traders shall at the same time :

- (a) describe the group of products covered by the American quota in accordance with Additional Notes 16 to 23 and 25 in Chapter 4 of the "Harmonized Tariff Schedule of the United States of America (1995)" ;
- (b) describe the products in accordance with the "Harmonized Tariff Schedule of the United States of America (1995)" ;
- (c) indicate the quantity of products for which provisional licences are sought which they exported to the United States during the preceding three calendar years. To this end traders whose names appear on the relevant export declaration shall be regarded as exporters ;
- (d) provide the name and address of the importer designated by the applicant in the United States ;
- (e) indicate whether the importer is a subsidiary of the applicant.

Applications shall be admissible only if the applicant declares in writing that, for the period concerned, he has not submitted and undertakes not to submit other applications concerning the same group of products referred to in (a). Where a trader submits different applications in one or more Member States in respect of the same group of products, such applications shall be inadmissible.

Applications shall be accompanied, furthermore, by an attestation from the designated importer stating that he is eligible under the rules in force in the United States concerning the issue of import licences for the products referred to in paragraph 1 as part of the quota.

3. Where applications for provisional licences are submitted in respect of a quantity of products in excess of the quota referred to in paragraph 1 for the year in question, the Commission may :

- allocate provisional licences taking into account the quantity of the same products exported to the United States by the applicant in the past, and/or
- allocate provisional licences in preference to applicants whose designated importers are subsidiaries. This condition may be applied, however, only for the issue of provisional licences for 1997 and subsequent years, and/or
- apply a reduction coefficient to the quantities for which application is made.

Where applying a reduction coefficient would mean allocating provisional licences for quantities of less than 5 tonnes, the Commission may allocate licences by drawing lots.

4. The names of importers designated by traders to whom provisional licences are issued shall be forwarded to the competent United States authorities.

5. Securities shall be released in whole where applications are rejected or in part in respect of quantities in excess of those allocated.

6. Before the end of the year for which provisional licences are issued the trader shall apply for the full licence, which shall be issued to him forthwith. He may apply for the full licence in respect of part of the quantity only. Notwithstanding Article 4, full licences shall be valid for the year in question only.

7. The provisions of this Regulation, with the exception of Article 8, shall apply to full licences.'

4. Article 11 is replaced by the following :

#### *Article 11*

Article 21 of Regulation (EEC) No 3665/87 shall apply only to licences issued pursuant to Article 6 (3).'

#### *Article 2*

Article 6 (2) of Regulation (EEC) No 210/69 is hereby amended as follows :

1. Point (c) is replaced by the following :

'(c) the quantities not exported after expiry of the licences relating thereto, distinguishing full licences issued pursuant to Article 9a of Commission Regulation (EC) No 1466/95 (\*), and the rate of the corresponding refund ;

(\*) OJ No L 144, 28. 6. 1995, p. 22.'

2. The following point (e) is added :

'(e) the quantities in respect of which full licences have been issued pursuant to Article 9a of Regulation (EC) No 1466/95.'

#### *Article 3*

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

Article 1 (4) shall apply from 1 July 1995.

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

Done at Brussels, 19 October 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 2453/95

of 19 October 1995

amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EC) No 1538/95<sup>(2)</sup>, and in particular Article 17 thereof,

Whereas Commission Regulation (EEC) No 3846/87<sup>(3)</sup>, as last amended by Regulation (EC) No 1628/95<sup>(4)</sup>, establishes, on the basis of the combined nomenclature, an agricultural product nomenclature for export refunds; whereas in footnote<sup>(10)</sup> to section 10 (Milk and milk products) it excludes certain matter added to processed cheese from entitlement to a refund; whereas other matter is added for which refunds should not be granted; whereas such matter should therefore be excluded from entitlement to a refund and footnote<sup>(10)</sup> amended accordingly;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

In the Annex to Regulation (EEC) No 3846/87, footnote<sup>(10)</sup> to section 10 is replaced by the following:

<sup>(10)</sup> Where the product contains non-lactic matter and/or casein and/or caseinates and/or whey

and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504, the part corresponding to the added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 will not be taken into account for the purpose of calculating the refund.

When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 have been added and, if so, the actual content by weight of added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 per 100 kilograms of finished product.'

*Article 2*

This Regulation shall not apply to products falling within CN codes 0406 20 and 0406 30 which have been exported under cover of an export licence delivered before its entering into force.

*Article 3*

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

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

Done at Brussels, 19 October 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 148, 30. 6. 1995, p. 17.

<sup>(3)</sup> OJ No L 366, 24. 12. 1987, p. 1.

<sup>(4)</sup> OJ No L 155, 6. 7. 1995, p. 9.

## COMMISSION REGULATION (EC) No 2454/95

of 19 October 1995

opening the procedure for the allocation of export licences for cheeses to be exported in 1996 to the United States of America under the additional quota resulting from the GATT Agreements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products <sup>(1)</sup>, as amended by Regulation (EC) No 2452/95 <sup>(2)</sup>, and in particular Article 9a (1) thereof,

Whereas Article 9a of Regulation (EC) No 1466/95 provides that export licences for cheeses exported to the United States of America as part of the additional quota under the Agreements concluded during the Uruguay Round of multilateral trade negotiations (hereinafter known as 'the Agreements') may be allocated according to a special procedure by which preferred importers in the United States may be designated; whereas that procedure should be opened for exports during 1996 and the additional rules relating to it should be determined; whereas, given the time limit for notification of the preferred importers in the United States, the procedure should be opened without delay;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Export licences for products falling within CN code 0406 to be exported in 1996 to the United States of America under the additional quota resulting from the Agreements as referred to in Annex II shall be issued in accordance with the provisions of Article 9a of Regulation (EC) No 1466/95.

*Article 2*

Applications for provisional licences shall be lodged with the competent authorities before 26 October 1995. They shall not be admissible unless they contain all the details referred to in Article 9a (2) of Regulation (EC) No

1466/95 and the documents mentioned therein. Those details shall be presented in accordance with the model shown in Annex I.

*Article 3*

Member States shall notify the Commission within five working days of the end of the period for lodging applications of the applications lodged for each of the groups of products covered by the American quota indicated in Annex II. Notification shall comprise for each group:

- a list of applicants,
- the quantities applied for by each applicant broken down by code of the export refund nomenclature for milk products and by their description in accordance with the 'Harmonized Tariff Schedule of the United States of America (1995)',
- the quantities of those products exported by the applicant during the previous three years,
- the name and address of the importer designated by the applicant.

All notifications, including 'nil' notifications, shall be made by telex or fax, on the working days stipulated, on the model form shown in Annex III.

*Article 4*

The Commission shall, pursuant to Article 9a (3) of Regulation (EC) No 1466/95, determine the allocation of licences without delay and shall notify the Member States thereof by 15 November 1995 at the latest.

*Article 5*

The information referred to in Article 3 shall be verified before the final licences are issued and by 31 December 1995 at the latest.

Where it is found that incorrect information has been supplied by an operator to whom a provisional licence has been issued, the licence shall be cancelled and the security forfeited.

*Article 6*

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

<sup>(1)</sup> OJ No L 144, 28. 6. 1995, p. 22.

<sup>(2)</sup> See page 12 of this Official Journal.

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

Done at Brussels, 19 October 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX I

## Presentation of details required under Article 9a (2) of Regulation (EC) No 1466/95

Identification of the United States of America quota      Additional Note to 'Harmonized Tariff Schedule of the United States of America' Number ☐

group applied for

Name : .....

| Name/<br>address of<br>applicant | Export<br>refund<br>Nomenclature code | Quantity<br>requested | Exports to the United States of America |      |      |         | US Harmonized<br>Tariff Schedule<br>Code | Name/<br>address<br>of designated<br>importer |
|----------------------------------|---------------------------------------|-----------------------|-----------------------------------------|------|------|---------|------------------------------------------|-----------------------------------------------|
|                                  |                                       |                       | 1992                                    | 1993 | 1994 | Average |                                          |                                               |
|                                  |                                       |                       |                                         |      |      |         |                                          |                                               |
|                                  |                                       |                       |                                         |      |      |         |                                          |                                               |
|                                  |                                       |                       |                                         |      |      |         |                                          |                                               |
| Total                            |                                       |                       | 1992 — 1994                             |      |      |         |                                          |                                               |

## ANNEX II

## Regulation (EC) No 1466/95 — Article 9a

| Identification of group in accordance with<br>Additional Notes in Chapter 4 of the Harmonized<br>Tariff Schedule of the United States of America |                                              | Quantity available<br>for 1996 | Maximum quantity<br>per application |
|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------|-------------------------------------|
| Note<br>number                                                                                                                                   | Group                                        | Tonnes                         | Tonnes                              |
| 16                                                                                                                                               | Not specifically provided for (NSPF)         | 600                            | 240                                 |
| 17                                                                                                                                               | Blue Mould                                   | 100                            | 40                                  |
| 18                                                                                                                                               | Cheddar                                      | 333,3                          | 133,3                               |
| 19                                                                                                                                               | American type                                | 33,3                           | 13,3                                |
| 20                                                                                                                                               | Edam/Gouda                                   | 200                            | 80                                  |
| 21                                                                                                                                               | Italian type                                 | 233,3                          | 93,3                                |
| 22                                                                                                                                               | Swiss Emmental other than with eye formation | 100                            | 40                                  |
| 25                                                                                                                                               | Swiss Emmental with eye formation            | 233,3                          | 93,3                                |

## ANNEX III

## Communication by Member State under Article 3 of Regulation (EC) No 2454/95

Identification of the United States of America quota      Additional Note to 'Harmonized Tariff Schedule of the United States of America' Number ☐

Name : .....

| No | Name/<br>address of<br>applicant | Export refund<br>Nomenclature<br>code | Quantity<br>requested | Exports to the United States of America |      |      |             | US Harmonized<br>Tariff Schedule<br>Code | Name/<br>address of<br>designated<br>importer |
|----|----------------------------------|---------------------------------------|-----------------------|-----------------------------------------|------|------|-------------|------------------------------------------|-----------------------------------------------|
|    |                                  |                                       |                       | 1992                                    | 1993 | 1994 | Average     |                                          |                                               |
| 1  |                                  |                                       |                       |                                         |      |      |             |                                          |                                               |
|    |                                  |                                       |                       |                                         |      |      |             |                                          |                                               |
|    |                                  |                                       |                       |                                         |      |      |             |                                          |                                               |
|    |                                  | Total                                 |                       |                                         |      |      | 1992 — 1994 |                                          |                                               |
| 2  |                                  |                                       |                       |                                         |      |      |             |                                          |                                               |
|    |                                  |                                       |                       |                                         |      |      |             |                                          |                                               |
|    |                                  |                                       |                       |                                         |      |      |             |                                          |                                               |
|    |                                  | Total                                 |                       |                                         |      |      | 1992 — 1994 |                                          |                                               |
| 3  |                                  |                                       |                       |                                         |      |      |             |                                          |                                               |
|    |                                  |                                       |                       |                                         |      |      |             |                                          |                                               |
|    |                                  |                                       |                       |                                         |      |      |             |                                          |                                               |
|    |                                  | Total                                 |                       |                                         |      |      |             |                                          |                                               |

**COMMISSION REGULATION (EC) No 2455/95****of 19 October 1995****establishing the standard import values for determining the entry price of  
certain fruit and vegetables**

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EC) No 1740/95<sup>(2)</sup>, and in particular Article 4 (1) 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<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from

third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 October 1995.

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

Done at Brussels, 19 October 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ No L 167, 18. 7. 1995, p. 10.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

## ANNEX

**to the Commission Regulation of 19 October 1995 establishing the standard import values  
for determining the entry price of certain fruit and vegetables**

| (ECU/100 kg)  |                        |                       | (ECU/100 kg)                          |                        |                       |
|---------------|------------------------|-----------------------|---------------------------------------|------------------------|-----------------------|
| CN code       | Third country code (1) | Standard import value | CN code                               | Third country code (1) | Standard import value |
| 0702 00 40    | 052                    | 54,3                  | 0806 10 40                            | 052                    | 103,9                 |
|               | 060                    | 80,2                  |                                       | 064                    | 75,6                  |
|               | 064                    | 59,6                  |                                       | 066                    | 49,4                  |
|               | 066                    | 41,7                  |                                       | 220                    | 110,8                 |
|               | 068                    | 62,3                  |                                       | 400                    | 153,7                 |
|               | 204                    | 50,9                  |                                       | 412                    | 132,4                 |
|               | 212                    | 117,9                 |                                       | 512                    | 186,0                 |
|               | 624                    | 75,0                  |                                       | 600                    | 64,5                  |
|               | 999                    | 67,7                  |                                       | 624                    | 123,2                 |
| ex 0707 00 30 | 052                    | 70,1                  | 0808 10 92, 0808 10 94,<br>0808 10 98 | 999                    | 111,1                 |
|               | 053                    | 166,9                 |                                       | 039                    | 53,5                  |
|               | 060                    | 61,0                  |                                       | 064                    | 76,4                  |
|               | 066                    | 53,8                  |                                       | 388                    | 67,9                  |
|               | 068                    | 60,4                  |                                       | 400                    | 56,8                  |
|               | 204                    | 49,1                  |                                       | 404                    | 56,9                  |
|               | 624                    | 207,3                 |                                       | 508                    | 68,4                  |
|               | 999                    | 95,5                  |                                       | 512                    | 29,6                  |
|               | 052                    | 55,6                  |                                       | 524                    | 57,4                  |
| 0709 90 79    | 204                    | 77,5                  |                                       | 528                    | 48,0                  |
|               | 624                    | 196,3                 |                                       | 800                    | 56,0                  |
|               | 999                    | 109,8                 |                                       | 804                    | 28,0                  |
| 0805 30 30    | 052                    | 70,9                  | 0808 20 57                            | 999                    | 54,4                  |
|               | 388                    | 57,5                  |                                       | 052                    | 86,2                  |
|               | 400                    | 151,4                 |                                       | 064                    | 81,0                  |
|               | 512                    | 54,8                  |                                       | 388                    | 79,6                  |
|               | 520                    | 66,5                  |                                       | 512                    | 89,7                  |
|               | 524                    | 70,6                  |                                       | 528                    | 84,1                  |
|               | 528                    | 60,7                  |                                       | 800                    | 55,8                  |
|               | 600                    | 95,7                  |                                       | 804                    | 112,9                 |
|               | 624                    | 78,0                  |                                       | 999                    | 84,2                  |
|               | 999                    | 78,5                  |                                       |                        |                       |

(1) Country nomenclature as fixed by Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17). Code '999' stands for 'of other origin.'

## COMMISSION REGULATION (EC) No 2456/95

of 19 October 1995

fixing the corrective amount applicable to the refund on malt

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1863/95 <sup>(2)</sup>, and in particular Article 13 (4) thereof,

Whereas Article 13 (4) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>, allows for the fixing of a corrective amount for the malt referred to in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 <sup>(4)</sup>, as last

amended by Regulation (EC) No 150/95 <sup>(5)</sup>, 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 <sup>(6)</sup>, as last amended by Regulation (EC) No 1053/95 <sup>(7)</sup>;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 13 (4) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 October 1995.

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

Done at Brussels, 19 October 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.  
<sup>(2)</sup> OJ No L 179, 29. 7. 1995, p. 1.  
<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 7.  
<sup>(4)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(5)</sup> OJ No L 22, 31. 1. 1995, p. 1.  
<sup>(6)</sup> OJ No L 108, 1. 5. 1993, p. 106.  
<sup>(7)</sup> OJ No L 107, 12. 5. 1995, p. 4.

## ANNEX

to the Commission Regulation of 19 October 1995 fixing the corrective amount applicable to the refund on malt

(ECU/tonne)

| Product code   | Current | 1st period | 2nd period | 3rd period | 4th period | 5th period |
|----------------|---------|------------|------------|------------|------------|------------|
| 1107 10 11 000 | 0       | 0          | 0          | 0          | 0          | 0          |
| 1107 10 19 000 | 0       | - 1,69     | - 3,38     | - 5,07     | - 6,76     | - 8,45     |
| 1107 10 91 000 | 0       | 0          | 0          | 0          | 0          | 0          |
| 1107 10 99 000 | 0       | 0          | 0          | 0          | 0          | 0          |
| 1107 20 00 000 | 0       | 0          | 0          | 0          | 0          | 0          |

(ECU/tonne)

| Product code   | 6th period | 7th period | 8th period | 9th period | 10th period | 11th period |
|----------------|------------|------------|------------|------------|-------------|-------------|
| 1107 10 11 000 | 0          | 0          | 0          | 0          | 0           | 0           |
| 1107 10 19 000 | - 10,14    | - 11,83    | - 11,83    | - 11,83    | - 11,83     | - 11,83     |
| 1107 10 91 000 | 0          | 0          | 0          | 0          | 0           | 0           |
| 1107 10 99 000 | 0          | 0          | - 41,83    | - 41,83    | - 41,83     | - 41,83     |
| 1107 20 00 000 | 0          | 0          | - 48,86    | - 48,86    | - 48,86     | - 48,86     |

## COMMISSION REGULATION (EC) No 2457/95

of 19 October 1995

fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1863/95 <sup>(2)</sup>, and in particular the third subparagraph of Article 13 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals <sup>(3)</sup>;

Whereas the refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question; whereas the said quantities are laid down in Regulation (EC) No 1501/95;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 <sup>(4)</sup>, as last amended by Regulation (EC) No 150/95 <sup>(5)</sup>, 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 <sup>(6)</sup>, as last amended by Regulation (EC) No 1053/95 <sup>(7)</sup>;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Council Regulation (EEC) No 990/93 <sup>(8)</sup>, as amended by Regulation (EC) No 1380/95 <sup>(9)</sup>, prohibits trade between the European 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 in follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on malt listed in Article 1 (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 20 October 1995.

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 179, 29. 7. 1995, p. 1.

<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(5)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(6)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(7)</sup> OJ No L 107, 12. 5. 1995, p. 4.

<sup>(8)</sup> OJ No L 102, 28. 4. 1993, p. 14.

<sup>(9)</sup> OJ No L 138, 21. 6. 1995, p. 1.

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

Done at Brussels, 19 October 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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*ANNEX*

**to the Commission Regulation of 19 October 1995 fixing the export refunds on malt**

| <i>(ECU/tonne)</i> |                       |
|--------------------|-----------------------|
| Product code       | Refund <sup>(1)</sup> |
| 1107 10 19 000     | 0,00                  |
| 1107 10 99 000     | 30,00                 |
| 1107 20 00 000     | 35,00                 |

<sup>(1)</sup> Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 are observed.

## CORRIGENDA

**Corrigendum to Commission Directive 95/48/EC of 20 September 1995 adapting to technical progress Council Directive 92/21/EEC relating to the masses and dimensions of motor vehicles of category M<sub>1</sub>**

*(Official Journal of the European Communities No L 233 of 30 September 1995)*

Page 80, Annex I, Appendix 2 :

*for :*

'Communication concerning the <sup>(1)</sup> :

- type-approval <sup>(2)</sup>,
- extension of type-approval <sup>(2)</sup>,
- refusal of type-approval <sup>(2)</sup>,
- withdrawal of type-approval <sup>(2)</sup>,

of a type of a vehicle/component/separate technical unit <sup>(2)</sup> with regard to Directive .../.../EC, as last amended by Directive .../.../EC.'

*read :*

'Communication concerning the :

- type-approval <sup>(1)</sup>,
- extension of type-approval <sup>(1)</sup>,
- refusal of type-approval <sup>(1)</sup>,
- withdrawal of type-approval <sup>(1)</sup>,

of a type of a vehicle/component/separate technical unit <sup>(1)</sup> with regard to Directive .../.../EC, as last amended by Directive .../.../EC.'

On page 83, in Annex II, at point 3.2.3.1., third line :

*for :* '... not more than 10 % of 100 kg,...',

*read :* '... not more than 10 % or 100 kg,...'.

Page 84, Annex II, Appendix, point 1.2, fourth indent, first line :

*for :* '... of the environmental mass...',

*read :* '... of the conventional mass...'.

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