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Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Commission Regulation (EC) No 164/97 of 30 January 1997 adopting exceptional support measures for the beef market in France by application of Decision 97/18/EC** 1
- ★ **Commission Regulation (EC) No 165/97 of 28 January 1997 imposing a provisional anti-dumping duty on imports of certain footwear with textile uppers originating in the People's Republic of China and Indonesia** 3
- Commission Regulation (EC) No 166/97 of 30 January 1997 fixing the export refunds on milk and milk products 19
- Commission Regulation (EC) No 167/97 of 30 January 1997 amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products regarding the amounts of aid 27
- Commission Regulation (EC) No 168/97 of 30 January 1997 amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92 33
- Commission Regulation (EC) No 169/97 of 30 January 1997 fixing the export refunds on products processed from cereals and rice 43
- Commission Regulation (EC) No 170/97 of 30 January 1997 fixing the export refunds on cereal-based compound feedingstuffs 45
- Commission Regulation (EC) No 171/97 of 30 January 1997 fixing production refunds on cereals and rice 47
- Commission Regulation (EC) No 172/97 of 30 January 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables 48

Commission Regulation (EC) No 173/97 of 30 January 1997 altering the rate of refunds applicable for certain products of the cereals and rice sectors exported in the form of goods not covered by Annex II to the Treaty	50
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II Acts whose publication is not obligatory

Council

97/91/EC:

- * Council Decision of 27 January 1997 authorizing the French Republic, in accordance with the procedure provided for in Article 8 (4) of Directive 92/81/EEC, to introduce or continue to apply exemptions from, or reductions in, excise duties on certain mineral oils used for specific purposes 53

97/92/EC:

- * Council Decision of 27 January 1997 authorizing the Kingdom of Sweden, in accordance with the procedure provided for in Article 8 (4) of Directive 92/81/EEC, to introduce or continue to apply exemptions from, or reductions in, excise duties on certain mineral oils used for specific purposes 54

97/93/EC:

- * Council Decision of 27 January 1997 authorizing certain Member States to apply reductions in, or exemptions from, excise duties on certain mineral oils used for specific purposes, in accordance with the procedure provided for in Article 8 (4) of Directive 92/81/EEC 55

Commission

97/94/EC:

- * Commission Decision of 8 January 1997 concerning measures which are necessary for the implementation of certification rules regarding certain animal products ⁽¹⁾ 56

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 164/97

of 30 January 1997

**adopting exceptional support measures for the beef market in France by
application of Decision 97/18/EC**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2222/96⁽²⁾, and, in particular, Article 23 thereof,

1. France shall be authorized to pay compensation in respect of bovine animals present on a holding located in the territory of France and slaughtered in accordance with France's eradication plan as approved by Decision 97/18/EC.

Whereas by Commission Decision 97/18/EC⁽³⁾ the Commission approved measures proposed by France in order to control and eradicate BSE in that Member State; whereas in accordance with the abovementioned Decision financial assistance to France for carrying out the slaughtering of the animals concerned should be provided along the lines laid down in Commission Regulation (EC) No 716/96 of 19 April 1996 adopting exceptional support measures for the beef market in the United Kingdom⁽⁴⁾, as last amended by Regulation (EC) No 2423/96⁽⁵⁾; whereas, consequently it is appropriate to provide for a Community contribution of 70 % of the market value of the animals slaughtered; whereas, for the purpose of establishing the market value France shall set up a system securing a fair and objective evaluation of each animal;

2. The animals referred to in paragraph 1 shall be killed either on the farm or in a rendering plant. No part of the abovementioned animals may enter into the human food or animal feed chains or be used for cosmetic or pharmaceutical products.

Notwithstanding the first subparagraph and subject to the necessary control, after being killed on the farm, the animals shall immediately be transported to a rendering plant for processing and destruction.

3. The French competent authority shall:

- notwithstanding paragraph 1, before processing and destruction, be authorized to proceed to laboratory examination of the brains from a sample of animals slaughtered,
- be authorized, before processing and destruction, to use a limited number of animals for research or educational purposes,
- carry out the necessary administrative checks and effective on-the-spot supervision of the operations referred to in paragraphs 2, and
- control those operations on the basis of frequent and unannounced inspections, in particular to verify that all material obtained has been effectively destroyed.

Whereas, it is necessary to ensure that the animals concerned are killed and destroyed in a manner which does not pose any threat to human health or the health of other animals; whereas, it is therefore necessary to specify the conditions for the destruction of these animals and of the controls to be carried out by the French authorities;

Whereas, provision should be made for Commission experts to check compliance with the conditions as specified;

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

The results of these checks, controls and examinations shall be made available to the Commission on request.

4. The hides of the animals referred to in paragraph 1 do not have to be destroyed provided that they have been treated in such a way that they can only be used for leather production.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 6, 10. 1. 1997, p. 43.

⁽⁴⁾ OJ No L 99, 20. 4. 1996, p. 14.

⁽⁵⁾ OJ No L 329, 19. 12. 1996, p. 43.

Article 2

1. The amount of compensation per animal to be paid to producers or their agents by France under Article 1 (1) shall be equal to the objective market value in France of each animal concerned established on the basis of a system of objective evaluation agreed on by the French competent authority.

2. The Community shall co-finance at a rate of 70 % the expenditures related to the amount of compensation referred to in paragraph 1 of animals slaughtered in accordance with Article 1.

3. Notwithstanding paragraph 1, the French competent authority is authorized to pay supplementary amounts in respect of bovine animals slaughtered under this scheme. The Community shall not co-finance such expenditure.

Article 3

France shall adopt all measures necessary to ensure proper application of this scheme. It shall inform the Commission as soon as possible of the measures which it has taken and of any amendments thereto.

Article 4

The French competent authority:

- (a) shall inform the Commission immediately, each time the plan referred to in Article 1 is applied, of:
- the number of animals selected for slaughter,
 - the number of animals slaughtered,
 - the average market value of the animals slaughtered, and

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

Done at Brussels, 30 January 1997.

— the total supplementary amounts referred to in Article 2 (3)

under this scheme;

- (b) shall establish a detailed report of the controls which they have taken under the measures referred to in Article 3 and shall communicate this to the Commission each quarter.

Article 5

Without prejudice to Article 9 of Council Regulation (EEC) No 729/70⁽¹⁾, Commission experts, accompanied where appropriate by experts from the Member States, shall carry out, in collaboration with the French competent authority, on-the-spot checks to verify compliance with all the provisions of this Regulation.

Article 6

The measures taken under this Regulation shall be considered to be intervention measures within the meaning of Article 3 of Regulation (EEC) No 729/70.

Article 7

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

It shall be applicable with effect from 1 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

COMMISSION REGULATION (EC) No 165/97

of 28 January 1997

imposing a provisional anti-dumping duty on imports of certain footwear with textile uppers originating in the People's Republic of China and Indonesia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as amended by Regulation (EC) No 2331/96 ⁽²⁾, and in particular Articles 7 and 23 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 22 February 1995, the Commission announced by means of a notice published in the *Official Journal of the European Communities* ⁽³⁾, the initiation of an anti-dumping proceeding with regard to imports into the Community of certain footwear with textile uppers originating in the People's Republic of China and Indonesia and commenced an investigation.
- (2) The proceeding was initiated as a result of a complaint lodged by the European Confederation of the Footwear Industry (CEC) on behalf of national footwear federations whose members account for a major proportion of the Community production of the footwear subject to this investigation. The complaint contained evidence of dumping of the said product and of material injury resulting therefrom which was considered sufficient to justify the initiation of a proceeding.
- (3) In view of the large number of producers in this industry in the Community, it was considered appropriate in this case to examine in detail the degree of support for, or opposition to, the complaint, in accordance with Article 5 (4) of Council Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation') before initiating any investigation. That examination showed clear support for the complaint with the companies concerned accounting for some 54 % of total esti-

mated Community production of the footwear in question.

- (4) The Commission officially notified the exporters and importers known to be concerned and their representative associations, as well as the representatives of the exporting countries involved, of the initiation of the proceeding. All parties directly concerned were given the opportunity to make their views known in writing and to request a hearing within the time-limit set out in the notice of initiation.
- (5) The authorities of the exporting countries concerned as well as a number of exporters, Community importers, their representative associations and trade associations made their views known in writing. All parties who so requested within the time-limit were granted a hearing.
- (6) In view of the large number of Community producers which were party to the complaint, and in conformity with Article 17 of the Basic Regulation, it was considered appropriate to limit the investigation to a number of those producers which could reasonably be investigated within the time available. In that context, the questionnaires serving to collect data and thus permit an evaluation of any injury to the Community industry, were addressed only to the national producers' federations in the Community and to 28 of the 68 companies expressly supporting the complaint. For verification purposes, given the difficulty in carrying out detailed on-the-spot investigations in respect of the abovementioned 28 companies (hereinafter referred to as 'the first group'), nine of those companies (hereinafter referred to as 'the verification sample') were selected and their responses subjected to in-depth, on-the-spot verifications.
- (7) The Commission also sent questionnaires to the following:
 - the Indonesian and Chinese producers/exporters listed in the complaint,
 - the Hong Kong exporters listed in the complaint,
 - the competent authorities of the exporting countries concerned,
 - exporters who, while not listed in the complaint, made themselves known and requested a questionnaire within the deadline set in the Notice of initiation.

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No C 45, 22. 2. 1995, p. 2.

In total, five replies to the questionnaire were received from producers/exporters in Indonesia and 30 from producers/exporters in the People's Republic of China.

- (8) In view of this number of replies, 35 in total, the Commission proposed, in accordance with Article 17 of the Basic Regulation, to limit its investigation to a reasonable number of cooperating exporters. Agreement was reached with the cooperating exporters' legal representatives on the selection of a sample of three companies from the People's Republic of China and three from Indonesia.
- (9) In addition, the Commission sent questionnaires to all known importers. Replies were received from 17 such importers.
- (10) The Commission sought and verified all the information it deemed necessary for the purpose of a preliminary determination of dumping and injury, and carried out investigations at the premises of the following companies:

(a) *Community producers*

The verification sample referred to in (6) consisted of a total of nine companies situated in France, Portugal, Spain and the United Kingdom, which are all Member States with a large production of the footwear under investigation. Together those Member States accounted for 81 % of total Community production of the product in question in 1994.

The nine abovementioned companies requested that their identities be kept confidential on the grounds that some of them had been threatened with commercial retaliation by certain customers who were at the same time importers and major retailers in the Community. The investigation confirmed that certain Community producers had been subjected to severe commercial pressure to stop cooperating and to withdraw their support for the complaint and it has therefore been considered appropriate not to disclose the names of those nine companies.

(b) *Importers/distributors*

- Groupe André SA, Paris (F),
- Chausseurop SA, Le Havre (F),
- Atlex SA, Rouen (F),
- Intermedium BV, Hoofddorp (NL),
- British Shoe Corporation Ltd, Leicester (UK).

(c) *Exporters/producers in Indonesia*

- PT Dragon,
- PT Sindoll Pratama,
- PT Emperor Footwear Indonesia.

- (11) The dumping investigation covered the period from 1 January 1994 to 31 December 1994 (here-

inafter referred to as 'the investigation period'). The geographical scope of the investigation over this period was the Community as constituted at the time of initiation of the proceeding, that is to say all 15 Member States.

- (12) Owing to the volume and complexity of the information gathered from many different sources and, in particular in the light of the numerous types of footwear covered by the investigation, it exceeded the normal duration provided for in Article 6 (9) of Council Regulation (EC) No 3283/94⁽¹⁾ under which the present proceeding was initiated.

B. PRODUCTS UNDER CONSIDERATION AND LIKE PRODUCTS

1. Description of the product under consideration

- (13) The product under investigation in this proceeding is footwear with outer soles of rubber or plastics and uppers of textile materials, falling within CN codes 6404 19 10 and ex 6404 19 90. It should be noted that the above do not include footwear which is designed for a sporting activity, such as tennis shoes, basketball shoes, gym shoes, training shoes and the like falling within CN code 6404 11 00.
- (14) It should also be noted that certain types of footwear sometimes known as 'espadrilles', that is shoes with canvas uppers and unheeled plaited fibre soles not thicker than 2,5 cm and strengthened with rubber or plastics over a variable surface, were already subject to anti-dumping measures and were excluded from the current investigation.
- (15) Given the wide range of footwear that can be classified under each of the two CN codes in question, it was decided at the beginning of this investigation that it would be appropriate to divide the product in question into 'categories' and, for working purposes, to gather and handle the data collected on the basis of those categories.

To this end, four different categories were formulated as follows:

Category A: slippers and other indoor footwear with outer soles of rubber or plastics and uppers of textile materials, with in-soles of a length of less than 24 cm (that is, generally speaking for children),

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1.

Category B: slippers and other indoor footwear with outer soles of rubber or plastics and uppers of textile materials, with in-soles of a length of 24 cm or more (that is, generally speaking for adults),

Category C: outdoor footwear with outer soles of rubber or plastics and uppers of textile materials, with in-soles of a length of less than 24 cm (that is, generally speaking for children),

Category D: outdoor footwear with outer soles of rubber or plastics and uppers of textile materials, with in-soles of a length of 24 cm or more (that is, generally speaking for adults).

- (16) Although the footwear falling within any of the above categories can cover a wide range of styles and types, as well as different production methods, their essential characteristics, their uses and consumer perception thereof remain basically the same. Therefore, for the purposes of the present proceeding and in accordance with the consistent Community practice, they are regarded as one single product.

2. Like product

- (17) As to the footwear produced by the Community industry and sold on the Community market, the investigation established that a range of different styles and types existed. However, it was concluded that they all had the same general characteristics and uses.
- (18) Certain interested parties claimed that the Community producers did not have the capability to manufacture large volumes of the type of product imported from the countries concerned and that there was therefore no like product produced in the Community. In order to demonstrate this point, one major importer/retailer sought written quotations from a number of Community producers for a potentially large order of shoes with textile uppers and vulcanized soles. Copies of a number of negative replies which, according to this importer/retailer, proved that this product could not be made in the Community were forwarded to the Commission.

It should be recalled that the main criteria to be applied in the determination of the 'like product' are based on the general technical or physical characteristics, the use or functions and finally, the consumer's perception of products, and not the method used for their production. In this context, whilst the vulcanization process is somewhat dif-

ferent to that of injection moulding, the minor differences resulting from the different production processes do not detract from the fact that both the imported products and the Community-produced ones can be considered to be interchangeable as regards their application, use and consumer perception thereof, and thus to be competing with each other. In this case, products imported from third countries, with similar characteristics and having the same uses, compete on price with a variety of Community-produced goods. It has to be stressed in this context that the Commission received evidence that the vulcanization process still remains in use in the Community.

- (19) Having investigated further the particular allegation made by the importer/retailer concerned, the Commission discovered that the information provided was incomplete. The company in question had in fact omitted to send the Commission a number of other replies from Community producers who stated that they were producing the type of footwear requested, and that they were both willing and able to supply the product subject to the importer's enquiry. The Community producers manufactured samples and provided quotations for the potential order. The argument put forward by the importer/retailer concerning the incapacity of the Community producers to manufacture the like product using a particular method was therefore rejected.

- (20) Accordingly, footwear subject to this proceeding produced in the People's Republic of China and in Indonesia and exported to the Community is considered to be a like product to footwear produced in the Community within the meaning of Article 1 (4) of the Basic Regulation.

- (21) Similarly, footwear subject to the current investigation produced in Indonesia was considered to be a like product to the footwear produced and exported from the People's Republic of China to the Community. This is particularly relevant in the light of the fact that Indonesia has been used as the analogue country for the calculation of normal value for the People's Republic of China as set out in (40) and (41).

C. DUMPING

1. Indonesia

(a) Sampling

- (22) As mentioned in (8), the Commission used sampling techniques as provided for in Article 17 of the Basic Regulation and selected three companies to be used as the sample for Indonesia.

(23) It was agreed with the other Indonesian companies which cooperated with the Commission's investigation but were not included in the sample that they would be attributed the weighted average dumping margin established for the companies in the sample.

(24) The companies in the sample which fully cooperated with the investigation were informed that they would be given individual dumping margins and duty rates.

(b) *Normal value*

(25) In order to establish normal value for each of the three Indonesian companies in the sample, the Commission first determined whether the total domestic sales of the footwear concerned by each producer were representative when compared to their total sales of the footwear concerned to the Community. In accordance with Article 2 (2) of the Basic Regulation, domestic sales are normally considered representative when the total domestic sales volume of the like product for each producer represents at least 5 % of its sales volume of the product under consideration exported to the Community.

(26) It was established that none of the three companies in the sample had sufficient domestic sales of the footwear concerned during the investigation period within the meaning of Article 2 (2) of the Basic Regulation to enable normal value to be calculated on the basis of prices paid on the domestic market. Accordingly, it was considered appropriate to construct normal value for the Indonesian companies in the sample on the basis of Article 2 (3) of the Basic Regulation by adding to the production cost of each model exported to the Community a reasonable amount for selling, general and administrative expenses (hereinafter referred to as 'SG&A') and for profit.

(27) The investigation revealed that one of the companies sold substantial quantities of the same general category of product on the domestic market in the investigation period, in this case footwear with plastic uppers, a type of footwear not subject to this proceeding. In the case of this company, SG&A and profit were determined in accordance with Article 2 (6) (b) of the Basic Regulation on the basis of the actual amounts found in respect of its own production and sales in Indonesia of footwear with plastic uppers.

(28) In the absence of domestic sales of either the like product or the same general category of product by the two other companies in the sample, the SG&A

and profit used in the construction of normal value for these companies were established in accordance with Article 2 (6) (c), that is to say any other reasonable basis, in this case by reference to the actual amounts found for the company referred to in (27).

(c) *Export price*

(29) Since exports of the footwear concerned from Indonesia were made to independent customers in the Community, the export price was established in accordance with Article 2 (8) of the Basic Regulation, that is on the basis of export prices actually paid or payable.

(d) *Comparison*

(30) For the purpose of ensuring a fair comparison between normal value and the export prices of the companies in the sample, due allowance in the form of adjustments was made in accordance with Article 2 (10) of the Basic Regulation for differences affecting price comparability, whenever these were claimed and duly justified. In consequence, adjustments were made, where appropriate, for differences in physical characteristics, transport, insurance, handling, loading and ancillary costs, packing, credit costs, bank charges and guarantees/warranties.

(31) In the case of one of the Indonesian companies in the sample, a level-of-trade allowance was claimed. The company contended that such an allowance was warranted because its export sales to the Community were made in large quantities to distributors and wholesalers, whilst its domestic sales of footwear with plastic uppers, upon which the SG&A used in the construction of normal value was based, were allegedly made in small quantities to retailers and traders. Upon further examination during the on-the-spot investigation, it was established that the domestic purchasers of footwear with plastic uppers were in fact also distributors and wholesalers. Consequently, this claim was rejected, since normal value and export price were at the same level of trade and no adjustment was therefore required or warranted.

(e) *Dumping margins*

(32) To calculate the dumping margin of each Indonesian company in the sample, the Commission made a comparison between weighted average normal values and the weighted average export

prices of the exporters, except in those cases where there was a pattern of export prices which varied significantly between different purchasers, regions and/or periods. In such cases, export prices had to be compared on a transaction-by-transaction basis to weighted average normal values, in accordance with Article 2 (11) of the Basic Regulation.

- (33) The comparison showed the existence of dumping of the footwear concerned during the investigation period by two of the three companies in the sample. The provisional dumping margins for those companies as thus established and expressed as a percentage of the cif price at Community frontier are:

— PT Dragon	5,5 %
— PT Emperor Footwear Indonesia	0,0 %
— PT Sindoll Pratama	28,5 %

- (34) The dumping margin for the two cooperating companies which were not selected was based on the weighted average established for the sample. The average dumping margin for the sample was established as a weighted average margin of the dumping margins established for each company in the sample. The 'zero' dumping margin calculated for the third company was disregarded in accordance with Article 9 (6) of the Basic Regulation. The provisional dumping margin as thus established and expressed as a percentage of the cif price at Community frontier was 15,4 %.

The two companies which will be subject to the average of the sample are:

- PT Bosaeng Jaya,
- PT Volmacarol.

- (35) For those producers in Indonesia which neither replied to the Commission's questionnaire nor made themselves known, the provisional dumping margin has, in accordance with Article 18 of the Basic Regulation, been determined on the basis of the facts available. In view, however, of the unusually high degree of non-cooperation in this case on the part of Indonesian exporters and in order to avoid rewarding non-cooperation, the Commission considered it appropriate provisionally to base the residual dumping margin on the average of the highest dumped transaction found for each of the three companies selected in the sample. The margin thus established was 53 %.

2. People's Republic of China

(a) Sampling

- (36) As mentioned in (8), sampling techniques as provided for in Article 17 of the Basic Regulation were used in respect of the People's Republic of

China. Three companies were selected in agreement with the legal representatives of the cooperating companies concerned.

- (37) It was agreed that the dumping margin for the cooperating Chinese companies not included in the sample would be established using as a basis the weighted average dumping margin established for the three companies in the sample.

- (38) The dumping margin calculated for non-cooperating companies would be established on the basis of the facts available, in accordance with Article 18 of the Basic Regulation.

- (39) Since the People's Republic of China is a non-market economy country, a single dumping margin would be calculated using the weighted average of the margins established for the cooperating and non-cooperating exporters.

(b) Normal value — choice of analogue country

- (40) In accordance with Article 2 (7) of the Basic Regulation, normal value was based on data collected from producers in a market economy country (the 'analogue country').

- (41) With regard to the choice of analogue country, Thailand was proposed in the complaint. However, that was opposed by a number of importers and the Chinese exporters on the grounds that the levels of economic development in the People's Republic of China and in Thailand were dissimilar. Two trade bodies, the Foreign Trade Association (FTA) and the Federation of the European Sporting Goods Industry (FESI) put forward Indonesia, as did the Chinese exporters. Bangladesh, India, Pakistan and Vietnam were also proposed at various stages of the proceeding by certain interested parties without, however, providing evidence justifying why any of those countries should be given preference to another.

Having examined the limited information available in respect of all the countries suggested, the Commission finally considered that, in accordance with Article 2 (7) of the Basic Regulation, Indonesia was a reasonable choice of analogue country since there appeared to be a large number of suppliers in that market and a certain degree of similarity between the production processes employed there and in the People's Republic of China. Furthermore, no significant differences were apparent as regards access to raw materials. Moreover, Indonesia had been proposed by the Chinese producers and no objection was raised by the Community producers.

(c) *Normal value — calculation of normal value*

- (42) The investigation established that there were either no or insufficient domestic sales of the product concerned by the cooperating companies in the analogue country, Indonesia, within the meaning of Article 2 (3) of the Basic Regulation. Therefore, in accordance with Article 2 (7) of the Basic Regulation, in the absence of domestic sales in Indonesia, normal value for the Chinese exporters included in the sample was calculated using constructed normal values, established on a model-by-model basis, for the Indonesian companies included in the sample.

- (43) As mentioned in (26), (27) and (28), the constructed value was established by adding a reasonable amount for SG&A and profit to the manufacturing cost of each model. In this respect, it should be noted that the Indonesian models used were those found, on the basis of the information provided to the Commission, to be similar to or, in the absence of similar models, those most closely resembling the Chinese models exported to the Community by the Chinese companies in the sample.

(d) *Export price — calculation of export price*

- (44) The Commission's investigation showed that the exports of the three Chinese companies in the sample were made directly to independent customers in the Community. It was, therefore, possible to establish export prices on the basis of prices actually paid or payable.

(e) *Comparison*

- (45) For the purpose of ensuring a fair comparison between normal value and the export prices of the companies in the sample, allowance in the form of adjustments was made in accordance with Article 2 (10) of the Basic Regulation for duly justified differences affecting price comparability. Consequently, adjustments were made for differences in physical characteristics, transport, insurance, handling, loading and ancillary costs, packing and credit costs.

(f) *Dumping margin*

(i) *Cooperating companies*

- (46) As mentioned in (51), in order to calculate a single dumping margin for the People's Republic of China, the Commission first considered it necessary to calculate a dumping margin for each of the three companies in the sample. For this purpose, the Commission made a comparison between normal value at ex-works level and the export prices of the cooperating Chinese exporters at fob level. That comparison was based on the weighted average selling price of each footwear model manufactured by the companies in the sample and

exported to the Community during the investigation period.

- (47) In cases where there were significant variations in export prices by regions, purchasers or periods and where use of a weighted average export price would not reflect the full degree of dumping being practised, the constructed normal value for a particular Indonesian model was compared with the export price of the comparable Chinese model on a transaction-by-transaction basis in accordance with Article 2 (11) of the Basic Regulation.

- (48) The comparison showed the existence of dumping of the footwear concerned originating in the People's Republic of China and exported by the companies in the sample to the Community during the investigation period. The dumping margin for all 300 cooperating exporters was established using the weighted average of the dumping margins established for the three companies in the sample, expressed as a percentage of the cif Community frontier price.

(ii) *Non-cooperating companies*

- (49) The dumping margin for the non-cooperating companies was established on the basis of the facts available, in accordance with Article 18 of the Basic Regulation. In this particular case, the most appropriate facts available have been provisionally considered to be the highest dumped transaction found for each of the three companies in the sample. The dumping margin thus established on an arithmetical average basis was then expressed as a percentage of the cif Community frontier price.

(iii) *Single dumping margin — China*

- (50) All of the Chinese exporters which replied to the Commission's questionnaire requested individual treatment with regard to their export prices and, therefore, the establishment of individual dumping margins. In examining the merits of those claims, the Commission sought to verify whether the exporters which cooperated in this proceeding enjoyed a degree of independence comparable to that which would prevail in a market economy country and which would justify a departure from the principle set out in Article 9 (5) of the Basic Regulation, that is determination of a single countrywide duty for exports originating in non-market economy countries. To this end, detailed questions regarding ownership, management, control and determination of commercial and business policies were addressed to the exporters. None of the responding companies were able to show, to the satisfaction of the Commission, that their operations were sufficiently independent from the Chinese authorities to qualify for individual treatment. Their requests were consequently rejected and the companies informed accordingly.

- (51) As indicated in (39), a single dumping margin was calculated for the People's Republic of China by using the weighted average of the margins established for the cooperating exporters (established using the weighted average of the dumping margins established for the three companies in the sample) and the non-cooperating exporters (established in accordance with Article 18 of the Basic Regulation on the basis of the facts available, that is to say, the average of the highest dumped transactions found for each of the three companies in the sample).
- (52) A feature of this investigation has been the extremely high level of non-cooperation by exporters in the People's Republic of China. Given the wide range of footwear types at different prices which can be imported under the two Combined Nomenclature codes concerned by the present proceeding mentioned in (15), it was considered appropriate in this particular case to establish the dumping margin on the basis of the methodology described in (49).
- (53) As mentioned in (50), individual treatment was not granted to any of the cooperating Chinese exporters. Therefore, the Commission, in accordance with Article 9 (5) of the Basic Regulation, calculated a single dumping margin for the People's Republic of China using the weighted average of the margins established for the cooperating and non-cooperating exporters. The provisional dumping margin thus established for all exporters in the People's Republic of China, expressed as a percentage of the cif Community frontier price, was 138,7 %.

D. COMMUNITY INDUSTRY

1. The complainant producers

- (54) The investigation confirmed that the determination set out in recital (3) was correct and, accordingly, the Commission considers that, for the purposes of this proceeding, the complainant companies constitute the Community industry within the meaning of Article 4 (1) and Article 5 (4) of the Basic Regulation.

2. Application of Article 4 (1) (a): Definition of the 'Community industry'

- (55) During the course of the investigation it became apparent that a Community producer in the first group, as defined in (6), was also importing the dumped product from the countries subject to the present proceeding. In those circumstances, the Commission examined whether, in the light of Article 4 (1) (a) of the Basic Regulation, that

company should be excluded from the definition of the Community industry.

In this respect it should be recalled that Article 4 (1) (a) does not provide for the automatic exclusion of producers which themselves import the dumped product, but rather obliges the Community institutions to examine on a case-by-case basis whether the exclusion of any producer in such a situation is warranted.

For the purpose of carrying out that examination, it appeared appropriate to determine whether that company was primarily a producer with an additional activity based on imports, merely supplementing its Community production, or whether it was an importer with relatively limited additional production in the Community. Such an approach seemed to be both reasonable and consistent with the practice of the Community and the case-law of the Court of Justice⁽¹⁾.

The investigation showed that the imports of dumped products from the countries concerned accounted for less than 25 % of the turnover of the company in question. It is therefore the opinion of the Commission that the main core of business for the company was production of footwear in the Community and that it was not shielded from the dumping practices. Therefore, for the purposes of Article 4 (1) and Article 5 (4) of the Basic Regulation, that company was considered, along with the other cooperating producers, as forming the Community industry.

E. INJURY

1. Preliminary remarks

- (56) For the purpose of establishing injury in the present proceeding, the Commission analysed data relating to the period 1991 to 1994.
- (57) As concerns the type of data given below, it should be noted that not all economic factors collected at the level of individual companies in the first group and the verification sample were found to have a bearing on the state of the Community footwear industry for the determination of injury. For example, because production takes place to order, stocks were not usually held and they were consequently found to be of little significance in the injury analysis, as was also the case with capacity and capacity utilization (since idle capacity cannot be allocated only to the like product). Thus,

⁽¹⁾ Cases 171/87, 172/87 and 174/87 to 179/87 *Canon and Others v. Council* [1992] ECR I-1237 *et seq.* 'Japanese photocopyers'.

in accordance with Article 3 (5) of the Basic Regulation, the Commission, in its analysis of the situation of the Community industry, took into consideration only those economic factors which were found to have a bearing on the state of this particular industry.

2. Methodology used for the collection of data

(58) As mentioned in recital (6), in view of the large number of companies which were party to the complaint, and in accordance with Article 17 of the Basic Regulation, the Commission considered it appropriate to limit the collection of data for the determination of injury to:

- the national producers' federations in the Community, and
- a reasonable number of companies representing the largest volume of production which could be investigated within the time available (that is the 28 companies in the first group, selected from the 68 companies which supported the complaint).

(59) In selecting those 28 companies, care was taken to ensure that they were representative of the Community industry as a whole, in that they:

- covered, in as balanced a way as possible, the four categories of product under consideration,
- reflected the various company sizes and production structures, and
- were also representative of the main producing Member States.

(60) Data were collected from the national footwear producers' federations, using their expert knowledge of their local market and from the 28 companies in the first group as defined in (6). Injury indicators were then considered at the most appropriate level, that is:

- at Community level, for more general data such as consumption in the Community, production, sales volume and employment,
- at the level of the first group of companies, for trends concerning price and cost-related data, including profitability.

(61) The 28 companies in the first group from which cooperation was sought and obtained represent 25,6 % of total estimated Community production of the like product.

3. Total consumption on the Community market

(62) In calculating the total Community consumption of footwear covered by the present investigation, the Commission took into account the combined totals of:

- the sales volume in the Community of all Community producers of the products concerned, on the basis of information obtained from the Community footwear producers' national federations, in combination with Eurostat data for their exports outside the Community,
- the imports into the Community of the products concerned from the People's Republic of China and from Indonesia,
- the imports into the Community of the products concerned from all other third countries.

(63) On that basis, the Commission found that Community consumption of the products concerned rose by 10 million pairs from 314 million in 1991 to 324 million in the investigation period, an increase of approximately 3 %.

4. Cumulative assessment of the effects of the dumped imports

(64) In accordance with Article 3 (4) of the Basic Regulation, the Commission examined whether the cumulation of the imports from the two countries concerned in the present anti-dumping proceeding was warranted.

(65) In 1994, the total volume of dumped imports of footwear subject to this investigation originating in the People's Republic of China stood at 129,5 million pairs. The total volume of dumped imports for the products concerned originating in Indonesia was 31,5 million pairs during the same period.

(66) The market share in the Community of dumped Chinese imports stood at 39,9 % in 1994. The market share for Indonesia stood at 9,7 % for the same period. In neither case, therefore, was there any question of imports being regarded as negligible.

(67) Moreover, as has been shown above, substantial dumping margins were established for both countries during the course of the investigation.

(68) The investigation also showed that the conditions of competition on the Community market for the footwear imported from the People's Republic of China and from Indonesia were similar and that there were no significant differences in quality between the Chinese and Indonesian product. Indeed, they were interchangeable from the consumer's point of view, offered for sale at low prices in the same geographical areas of the Community, sold through the same distribution channels, simultaneously present on the Community market and generally aimed at the same segment of the Community footwear market (that is the low to lower-middle end of the market).

- (69) On this basis, the Commission considered that cumulation was warranted and, accordingly, the effect of the dumped imports from the two countries was assessed jointly for the purpose of injury analysis.

5. Cumulated volume and market share of dumped imports

- (70) The total volume of imports from the People's Republic of China and from Indonesia taken together increased from 106,5 million pairs in 1991 to 161 million pairs during 1994, an increase of approximately 50 %. That corresponds to an increase in combined market share from 33,9 % in 1991 to approximately 50 % in 1994.

6. Prices of dumped imports and undercutting

- (71) Using information received from importers and importers' organizations, the investigation showed that, within the same general categories described in (15), there had been a gradual shift in imports to more sophisticated, up-market types of footwear, with a corresponding overall increase in import prices between 1991 and 1994.
- (72) To calculate price undercutting, comparisons were first made on a category-by-category basis between the cif import price (obtained from Eurostat) for each of the exporting countries concerned, adjusted to duty paid, customer-delivered levels, and the selling prices on the Community market obtained by the Community producers in the verification sample at the same level of trade, that is to distributors/wholesalers.

On a category-by-category basis, when expressed as a percentage of the Community producers' selling prices, these comparisons showed significant undercutting margins of up to 47 % in the case of the People's Republic of China and up to 25 % for Indonesia.

- (73) However, a second undercutting exercise was carried out by selecting those Chinese and Indonesian models exported to the Community in the greatest volumes by the cooperating companies in the dumping sample. These models were grouped into 16 so-called 'families' of footwear (for example, slippers for adults with open heels, summer sandals for women, children's lace-up shoes with canvas uppers). It should be noted that these 'families' are

more narrowly defined than the 'categories' described in (15) and allow for greater precision in the analysis. The customer-delivered prices of these 'families' within the Community were compared to the customer-delivered prices of identical or comparable models produced by the Community producers in the injury verification sample, as referred to in (6).

These comparisons showed even more significant undercutting margins of up to 63 % in the case of the People's Republic of China and up to 51 % for Indonesia.

7. Situation of the Community industry

Production

- (74) Information provided by the national footwear manufacturers' federations has shown that production of the products in question in the Community fell from 141,5 million pairs in 1991 to 112,8 million pairs in 1994, a drop of some 20 %.

Sales volume

- (75) A decline of 27 % in sales volume in the Community of the product concerned was observed between 1991 and 1994. This was established by deducting exports to third countries from total Community production, obtained from the above-mentioned federations.

Turnover

- (76) The Commission also established, on the basis of information provided by the national federations and the cooperating Community producers, that the total turnover of the products concerned declined by 26 % between 1991 and 1994.

Market share

- (77) Using data obtained from national federations and Eurostat, the Commission established that the market share held by Community producers on the Community market went down from 41,5 % in 1991 to 29,3 % in 1994.

Prices of the Community producers

- (78) The investigation showed that the Community producers' average overall selling price of slippers and other indoor footwear with textile uppers (Categories A and B) declined slightly between 1991 and 1994. Such a situation over a four-year period does not reflect the average level of inflation nor the increase in production costs.

With regard to outdoor footwear with textile uppers subject to the present investigation (Categories C and D), the Commission established that the average price of footwear in these categories had risen between 1991 and 1994. Further examination corroborated by information received from a number of parties, including Community producers as well as importers, showed, however, that this price rise was due to a change in the product mix, the Community producers being increasingly forced to abandon production of lower-priced models.

Profitability

- (79) The Commission found that the overall profitability (based on turnover) of companies in the first group declined progressively from 8,2 % in 1991 to 2,6 % in 1994 in respect of the products subject to the investigation. The profit margins of the companies in the verification sample confirmed this downward trend.
- (80) In this respect, the make-up of the Community footwear industry has to be taken into consideration, given that it is comprised of a very large number of small and medium-sized enterprises involved in manufacturing footwear almost exclusively to order, with prices based on a direct-costing showing a profit for each model. Indeed, with direct expenses, that is raw materials and direct labour, representing up to 80 % of the cost of a shoe, it was found that none of those companies could incur losses for more than a few months without being forced to close down due to a lack of cash. Furthermore, a large number of closures have indeed occurred during the period covered (see (82)).

This cost structure is a key element in the present investigation and explains the extreme vulnerability of this labour-intensive industry, which has no means to resist pressure from low-priced, dumped imports even over a relatively limited period of time.

Employment and company closures

- (81) Information received from the national federations showed that employment in the sector producing the footwear in question declined from some 30 000 people in 1991 to 23 600 people in the investigation period, a drop of 25 %.
- (82) As concerns the number of companies manufacturing the footwear in question which ceased production between 1991 and 1994, details of the closure of 28 factories in seven Member States (Belgium, Spain, Finland, Italy, the Netherlands,

Portugal and the United Kingdom) were received from national producers federations.

8. Conclusions on injury

- (83) In conjunction with the conclusions drawn in (80) in respect of the volume of imports and their potential effects on prices in the Community, all of the economic indicators mentioned above, based on information supplied by the national footwear producers' federations as well as individual companies, clearly show that the Community producers' situation deteriorated substantially between 1991 and 1994 in respect of the product concerned. As has been demonstrated, the Community industry as a whole suffered a decline in: production, sales volume and turnover, market share, profitability and employment; the substantial number of company closures also has to be taken into account.
- (84) It is therefore the view of the Commission that the Community industry manufacturing the footwear in question has suffered injury which can be considered as material within the meaning of Article 3 of the Basic Regulation.

F. CAUSATION

1. Introduction

- (85) In accordance with Article 3 (7) of the Basic Regulation, the Commission examined whether the material injury suffered by the Community industry was caused by the Chinese and Indonesian dumped imports, or whether other factors had caused or contributed to that injury.

As mentioned in (68), the imports of dumped products from the countries concerned are affecting mainly the lower to lower-middle end of the market, which is generally recognized as being the most sensitive to price variations. In this respect, it should be recalled that the footwear subject to the present proceeding which is produced in the Community and the equivalent footwear imported from the People's Republic of China and from Indonesia are in direct competition with each other since there are very often, for the consumer few perceptible or significant differences in quality between the imported products and the products manufactured in the Community.

2. Effect of the dumped imports

- (86) In examining the effects of the dumped imports, it has to be borne in mind that, because of the nature of the products concerned and the multiplicity of distribution channels, the Community footwear market is transparent and price sensitive. In this

context is was found that the increasing volume and market share of those imports, in conjunction with the significant undercutting found, coincided with the loss of market share and deteriorating financial situation of the Community industry.

- (87) Although prices appear to have increased for certain types of the products concerned originating in the People's Republic of China and in Indonesia between 1991 and 1994 due to the upgrading of the product mix, the dumped imports nevertheless continued to undercut substantially the Community industry's prices and thus exerted price pressure.
- (88) Accordingly, it is the conclusion of the Commission that the low-priced, dumped imports from the countries concerned can be clearly linked to the deteriorating situation of the Community industry.

3. Effect of other factors

(a) Imports from other third countries

- (89) Consideration has also been given to the question of whether factors other than the dumped imports from the People's Republic of China and from Indonesia might have caused, or contributed to, the material injury suffered by the Community industry and in particular whether imports from third countries other than the two currently under investigation may have contributed to this situation.
- (90) In this respect, the Commission's attention was drawn by certain interested parties to imports into the Community from Vietnam. Eurostat data showed that the volume of imports of the products concerned from Vietnam increased significantly from some 1,2 million pairs in 1991 to 20,5 million pairs in 1994. As concerns the prices of these imports, given the lack of information on the product mix, it is not possible to establish reasonable data upon which conclusions could be drawn. To date, however, insufficient evidence has been produced concerning the pricing of Vietnamese exports to the Community to warrant the scope of the current investigation being extended to Vietnam.
- (91) Moreover, it should be noted that the Community market share of all third countries including Vietnam, but excluding the People's Republic of China and Indonesia, actually dropped from 24,6 % to 21,1 % between 1991 and 1994. It can therefore be concluded that imports from countries other than those concerned by this proceeding cannot be considered as a significant cause, if at all, of the injury suffered by the Community industry.

(b) Internal competition

- (92) It has been argued by several interested parties that there was significant internal competition in the Community between producers in Spain, Portugal and Italy and producers in the other Member States and it was for this reason that certain companies found themselves in an adverse economic situation. It has also been argued that this situation caused marked differences between Member States as regards the performance and results of their footwear producers.

The Commission is aware that, by virtue of comparative advantages for cost factors such as labour in some Member States, certain manufacturers are able to produce footwear more cheaply than in other Member States and, therefore, to sell at lower prices. Such a situation has, of course, an effect on the financial situation of producers with higher costs. That factor, combined with the effect of certain currency exchange rate fluctuations during the period under analysis, may also have been amongst the causes of some companies' difficulties and certain other companies' somewhat improved financial results.

- (93) In addressing the above arguments, however, a distinction should be made between fair competition and unfair competition and it should be recalled that, within the framework of a single market, there are mechanisms to ensure that competition between Community producers remains equitable.

In addition, in the assessment of the injury suffered by the Community industry, the situation of the Community producers of the products in question in major producing Member States has been considered. The results of this assessment reflect the situation of the Community industry as a whole. Accordingly, the aggregated data used for the injury assessment compensate for any internal differences in the Community industry's performance. If internal competition had been the only driving force on the market, the Community industry's market share would not have experienced a decline from 41,5 % in 1991 to 29,3 % in 1994.

- (94) It was also argued that a number of Community producers have transferred some of their more labour-intensive operations to third countries with low labour costs, thereby contributing to the overall injury suffered by the Community industry, particularly with regard to employment. In this regard, it is the opinion of the Commission that the fact that some producers have had to resort to such a course of action was a defensive step taken in order to reduce costs in an attempt to compete with dumped imports and is additional evidence of the pressure exerted by the dumped imports.

4. Conclusions on causation

- (95) Although certain factors other than dumped imports from the countries concerned may have contributed to the injury suffered by the Community industry, it is nevertheless the conclusion of the Commission that low-priced, dumped imports from the People's Republic of China and from Indonesia have, taken in isolation, caused material injury to the Community industry. This conclusion is based on the various elements set out above and in particular the level of price undercutting and the huge increase in dumped imports which led to those countries gaining almost half of the Community market. That resulted in declining profitability on the part of the Community industry and a great number of company closures at a time when consumption in the Community was increasing and imports from other third countries declining.

G. COMMUNITY INTEREST

1. General considerations

- (96) The Commission examined, on the basis of all evidence submitted, whether, despite the conclusion on dumping and injury, compelling reasons existed which would lead to the conclusion that it was not in the Community interest to impose measures in this particular case. For this purpose, and pursuant to Article 21 (1) of the Basic Regulation, the Commission considered the impact of possible measures for all parties involved in the proceeding and also the consequences of not taking provisional measures.

In making such an appreciation, the need to eliminate the trade-distorting effects of injurious dumping and to restore effective competition was given special consideration.

2. Interest of the Community industry

- (97) Without measures to correct the effect of the dumped Chinese and Indonesian imports, it is considered that the position of the Community producers will further deteriorate and the existence of the Community industry as a whole may ultimately be at risk. It is also the Commission's view that if fewer producers are present on the Community market, competition may be reduced commensurately.
- (98) On the basis of the facts established, it is reasonable to conclude that if the dumped imports are allowed to continue, there will be further factory closures and considerable job losses in addition to those which have already occurred.

3. Interest of other Community industries

- (99) A number of importers argued that if measures were imposed, they would adversely affect other Community industries such as those exporting machinery used for the manufacture of footwear to the People's Republic of China and to Indonesia.

It should be pointed out that no evidence to this effect has been provided to the Commission nor have Community manufacturers of such equipment made themselves known. Moreover, there is no reason to believe that footwear producers in the exporting countries are bigger users of Community-produced equipment for the manufacture of footwear than the Community industry itself. It follows, therefore, that if the Community footwear industry is able to maintain or regain its market share under conditions of free and fair competition, this would also be to the benefit of the Community producers of machinery used for making footwear.

- (100) In respect of company closures, it has been a notable feature of this investigation that the Community footwear producers and their upstream suppliers in many Member States tend to be grouped together geographically, often in areas already suffering from industrial decline. The closure of one factory can therefore have a serious knock-on effect for other companies, notably those supplying raw materials, in those areas.

4. Interest of importers/retailers

- (101) Several importers and importer/retailers argued in general terms that the imposition of anti-dumping measures would have an adverse effect on their businesses, particularly with regard to employment. The Commission has paid particular attention to the effects that the imposition of measures might have in this regard and careful consideration has been given to the potential effects on employment for all the parties concerned, that is to say, not only for the Community producers but also their raw material or component suppliers as well as importers and retailers.

Whilst no concrete evidence has been provided that the imposition of measures would result in job losses for the import or retail sectors, the Commission believes that any reduction in employment in companies or retailing (although the retail sector is less likely to be affected than importers) the footwear in question would be more than compensated by jobs being saved both in the manufacturing sector, which the investigation has shown to have been badly affected, and in the abovementioned upstream industries.

5. Impact on consumers

- (102) If anti-dumping measures were imposed in this case and the duties passed on to the consumer, it has been argued that this would adversely affect those consumers with limited incomes who are obliged to buy footwear at the lower end of the scale.

Whilst it is true that anti-dumping duties would have to be borne somewhere between the importer and the final consumer, it should be remembered that such duties are levied on the cif import price and, accordingly, their impact on retail prices would be significantly less. Indeed, given the very substantial margins, of over 100 % on average, usually achieved between importation and retail sale, it could be expected that the consumer need not bear anything like the full brunt of the duty. In this respect, a number of large retailers have contended that they have already reduced their own margins in order to respond to consumer expectations. No evidence of this has, however, been provided.

- (103) The Commission also considers that the effect of the duties on prices is likely to be tempered by the fact that the Community industry, with a 29 % market share, would not be able to increase its prices above a certain limited level, without the risk of strengthening the current downward trend of its market share. In addition, imports from countries not concerned by this proceeding represent 21 % of the market, and it is expected that these producers will not be willing or able to command price increases. Accordingly, price increases on the market as a whole, if any, are likely to be modest.

6. Other arguments concerning Community interest

- (104) Certain interested parties have argued that, given the ability of the footwear industry worldwide to shift supply, any measures would be ineffective and the only foreseeable result of an anti-dumping duty against the People's Republic of China and against Indonesia would be a shift in supply to other cheap-labour countries such as Bangladesh, India or Vietnam.

In this respect, the Commission points out that the existence of other sources of supply cannot be a reason to expose the Community industry to further injurious dumped imports.

In addition, it is considered that the fact that the exporters could transfer their production facilities to such countries outside the Community in order to avoid payment of anti-dumping duties is also

not, in itself, a sufficient reason for the Community institutions not to impose measures in a case where exports from particular third countries have been found to have been dumped on the Community market and to have caused material injury to the Community industry. Were such a situation to arise, the Community industry concerned would have the possibility to resort to the use of the legal means at its disposal in order to counter any injurious dumping or circumvention of anti-dumping measures.

7. Conclusion concerning Community interest

- (105) Having examined all the various interests involved, the Commission considers that there are no compelling reasons not to take action against the dumped imports in question.

Indeed, leaving the Community industry without adequate protection against the injurious dumping found would add to the difficulties of the industry and could lead to its disappearance or relocation outside the Community.

H. PROVISIONAL DUTY

1. Injury-elimination level

(a) Preliminary remarks

- (106) In accordance with Article 7 (2) of the Basic Regulation, the Commission examined the level of duty which would be adequate to remove the injury suffered by the Community industry as a consequence of dumping.

Accordingly, it was considered that the export price of dumped imports should be compared to a price level which would allow the Community industry to cover its costs and achieve a reasonable profit (hereinafter referred to as the 'non-injurious price').

In this respect, the investigation established that a profit margin of 7 % on turnover could be regarded as an appropriate minimum, taking account of the fact that such a profit rate could be achieved before the surge of dumped imports, of the need for long-term investment, and, more particularly, of the return which the Community industry could reasonably expect in the absence of injurious dumping.

- (107) As explained in (15), at the outset of the investigation the Commission considered it appropriate to divide the product in question into categories, and perform price comparisons on the basis of these categories. However, as mentioned in (73), during

the course of the investigation it appeared that, as far as the cooperating exporters were concerned, greater certainty in the product matching could be achieved by using an even more detailed product split. To this end, the most exported models of the cooperating Chinese and Indonesian exporters in the sample were selected and separated into 16 families of footwear.

- (108) Accordingly, in order to calculate the injury-elimination level, the cif import price, adjusted to duty-paid, customer-delivered levels was compared to the non-injurious price of the Community producers at the same level of trade, on a corresponding category-by-category and family-by-family basis. It should be noted that import prices were adjusted to the duty-paid, customer-delivered level by taking account of the normal duty rate or the duty rate applicable under the GSP (as appropriate), as well as an amount for the average gross margin established on the basis of verified information provided by unrelated importers.

- (109) For the purpose of establishing the non-injurious prices of the Community industry, it was considered appropriate to take as a reference the cost of production of the Community producers in the verification sample.

(b) *Indonesia*

- (110) As explained in (73) and (107), the comparison between cooperating Indonesian exporters' prices for the relevant families, on the one hand, and the Community producers' non-injurious price for comparable footwear grouped into the same representative families, on the other, appeared appropriate from the point of view of product matching. In the case of the cooperating exporters, this method was used whenever the greater precision conferred a benefit to them for their cooperation. Their individual injury-elimination margins were thus calculated on this basis. As a result, injury-elimination margins for cooperating companies in the sample for Indonesia, expressed as a percentage of cif price, ranged from 0 % to 72,3 %, with an average to be applied to the cooperating companies outside the sample of 32,4 %. For the companies in the sample, these margins were found to be, in all cases except one, higher than the respective dumping margins established. In accordance with Article 7(2) of the Basic Regulation, the level of the provisional anti-dumping duty for all cooperating companies in Indonesia, except one, should therefore be based on the dumping margins established.

- (111) In line with the principle that non-cooperation should not be rewarded, the Commission con-

sidered it appropriate to calculate the injury-elimination margin for non-cooperating exporters in Indonesia on the basis of Eurostat import statistics grouped into categories, since that was the only reliable source of general information. A comparison was therefore made between those prices and the profit-yielding prices of the Community producers for the corresponding categories. On that basis, the injury-elimination margin for non-cooperating exporters in Indonesia was found to be 36,5 % and therefore lower than the residual dumping margin established. Accordingly, the residual anti-dumping duty for imports originating in Indonesia should be established at this level.

(c) *People's Republic of China*

- (112) As far as exports from the People's Republic of China are concerned, it should be recalled that no individual treatment was granted to any of the cooperating exporters. It was therefore necessary to calculate a single injury-elimination margin for the People's Republic of China on the basis of, on the one hand, the weighted average of the injury-elimination margins calculated for the cooperating exporters and, on the other hand, the injury-elimination margin established for the non-cooperating exporters. It should be noted that these margins were established using the same methodologies as those described in (110) and (111) for Indonesia, given that the level of non-cooperation was also very high for the People's Republic of China. As a result, the injury-elimination margin for the People's Republic of China was found to be 94,1 %, which is lower than the dumping margin and should therefore, in accordance with Article 7(2) of the Basic Regulation, constitute the basis for the provisional anti-dumping duty for all imports originating in the People's Republic of China.

2. Correlation between anti-dumping measures and quantitative quotas

- (113) Certain interested parties argued that anti-dumping measures could not be imposed on imports of the products falling within Categories A and B originating in the People's Republic of China since they were already subject to a Community-wide quantitative quota imposed by Council Regulation (EC) No 519/94⁽¹⁾, as last amended by Regulation (EC) No 1897/96⁽²⁾.

⁽¹⁾ OJ No L 67, 10. 3. 1994, p. 89.

⁽²⁾ OJ No L 250, 2. 10. 1996, p. 1.

- (114) The Commission cannot subscribe to this point of view which it considers to be based on an incorrect interpretation of the rationale of the abovementioned Regulation. That Regulation introduced a new trade regime which led to the abolition of some 4 617 national restrictions provided for under the previous regime *vis-à-vis* non-market economy countries, almost all of which concerned the People's Republic of China. These restrictions were replaced by Community quotas for seven Chinese products and Community surveillance for 26 other products.

Those autonomous quotas are part of the means of achieving the goal of a more liberal and, above all, more uniform trading regime with the People's Republic of China.

Accordingly, the injury which the imposition of anti-dumping measures would attempt to remedy has not already been addressed by means of another commercial defence instrument. Therefore, following an anti-dumping investigation which has shown that measures are warranted, the imposition of such measures is appropriate, irrespective of the existence of the quotas in question.

It should be recalled, finally, that more than 75 % of the footwear concerned by this investigation is not subject to the quotas.

I. FINAL PROVISIONS

- (115) In the interest of a sound administration, a period should be fixed during which the interested parties may make their views known in writing 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 measure which the Commission may propose.
- (116) Given the number of interested parties involved in the present proceeding, the examination of the facts is likely to be time-consuming. The Commission has therefore informed the exporters known to be concerned of its intention to propose that the provisional duty apply for a period of nine months and those exporters have raised no objections,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of footwear falling within CN code 6404 19 10 and, with the exception of the shoes described in paragraph 3 sometimes known as 'espadrilles', footwear falling within CN code ex 6404 19 90 (Taric code 6404 19 90*90), originating in the People's Republic of China and in Indonesia.

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

Country	Product manufacturer	Rate of duty (%)	Taric Additional Codes
PEOPLE'S REPUBLIC OF CHINA	All companies	94,1 %	—
INDONESIA	All companies	36,5 %	8900
	with the exception of:		
	PT Dragon	5,5 %	8941
	PT Emperor Footwear Indonesia	0,0 %	8942
	PT Sindoll Pratama	0,0 %	8942
	PT Bosaeng Jaya	15,4 %	8943
	PT Volmacarol	15,4 %	8943

3. For the purpose of paragraph 1, shoes sometimes known as 'espadrilles' are shoes with canvas uppers and unheeled plaited fibre soles, whether or not strengthened with rubber or plastics over a variable surface, which are not thicker than 2,5 cm.

4. Unless otherwise specified, the provisions in force concerning duties and other customs practices shall apply.

5. The release of the products referred to in paragraph 1 for free circulation in the Community shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Articles 20 and 21 of Regulation (EC) No 384/96, the parties concerned may make their views known in writing and apply to be heard orally by the Commission within one month after the 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 7, 9, 10 and 14 of Regulation (EC) No 384/96, Article 1 of this Regulation shall apply for a period of nine months unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 28 January 1997.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 166/97
of 30 January 1997
fixing the export refunds on milk and milk products

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 ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade 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 within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1875/96 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 247, 28. 9. 1996, p. 36.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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 (EC) No 1599/96⁽²⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽³⁾, as last amended by Regulation (EEC) No 222/88⁽⁴⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within

the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 31 January 1997.

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

Done at Brussels, 30 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

ANNEX

to the Commission Regulation of 30 January 1997 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0401 10 10 9000	+	3,324	0402 21 99 9600	+	131,29
0401 10 90 9000	+	3,324	0402 21 99 9700	+	137,24
0401 20 11 9100	+	3,324	0402 21 99 9900	+	143,96
0401 20 11 9500	+	5,138	0402 29 15 9200	+	0,6300
0401 20 19 9100	+	3,324	0402 29 15 9300	+	0,9530
0401 20 19 9500	+	5,138	0402 29 15 9500	+	1,0040
0401 20 91 9100	+	6,843	0402 29 15 9900	+	1,0802
0401 20 91 9500	+	7,973	0402 29 19 9200	+	0,6300
0401 20 99 9100	+	6,843	0402 29 19 9300	+	0,9530
0401 20 99 9500	+	7,973	0402 29 19 9500	+	1,0040
0401 30 11 9100	+	10,23	0402 29 19 9900	+	1,0802
0401 30 11 9400	+	15,79	0402 29 91 9100	+	1,0878
0401 30 11 9700	+	23,71	0402 29 91 9500	+	1,1851
0401 30 19 9100	+	10,23	0402 29 99 9100	+	1,0878
0401 30 19 9400	+	15,79	0402 29 99 9500	+	1,1851
0401 30 19 9700	+	23,71	0402 91 11 9110	+	3,324
0401 30 31 9100	+	28,24	0402 91 11 9120	+	6,843
0401 30 31 9400	+	44,10	0402 91 11 9310	+	14,00
0401 30 31 9700	+	48,63	0402 91 11 9350	+	17,15
0401 30 39 9100	+	28,24	0402 91 11 9370	+	20,85
0401 30 39 9400	+	44,10	0402 91 19 9110	+	3,324
0401 30 39 9700	+	48,63	0402 91 19 9120	+	6,843
0401 30 91 9100	+	55,43	0402 91 19 9310	+	14,00
0401 30 91 9400	+	81,46	0402 91 19 9350	+	17,15
0401 30 91 9700	+	95,06	0402 91 19 9370	+	20,85
0401 30 99 9100	+	55,43	0402 91 31 9100	+	13,52
0401 30 99 9400	+	81,46	0402 91 31 9300	+	24,65
0401 30 99 9700	+	95,06	0402 91 39 9100	+	13,52
0402 10 11 9000	+	63,00	0402 91 39 9300	+	24,65
0402 10 19 9000	+	63,00	0402 91 51 9000	+	15,79
0402 10 91 9000	+	0,6300	0402 91 59 9000	+	15,79
0402 10 99 9000	+	0,6300	0402 91 91 9000	+	55,43
0402 21 11 9200	+	63,00	0402 91 99 9000	+	55,43
0402 21 11 9300	+	95,30	0402 99 11 9110	+	0,0333
0402 21 11 9500	+	100,40	0402 99 11 9130	+	0,0685
0402 21 11 9900	+	108,00	0402 99 11 9150	+	0,1336
0402 21 17 9000	+	63,00	0402 99 11 9310	+	16,14
0402 21 19 9300	+	95,30	0402 99 11 9330	+	19,37
0402 21 19 9500	+	100,40	0402 99 11 9350	+	25,75
0402 21 19 9900	+	108,00	0402 99 19 9110	+	0,0333
0402 21 91 9100	+	108,78	0402 99 19 9130	+	0,0685
0402 21 91 9200	+	109,53	0402 99 19 9150	+	0,1336
0402 21 91 9300	+	110,88	0402 99 19 9310	+	16,14
0402 21 91 9400	+	118,51	0402 99 19 9330	+	19,37
0402 21 91 9500	+	121,15	0402 99 19 9350	+	25,75
0402 21 91 9600	+	131,29	0402 99 31 9110	+	0,1466
0402 21 91 9700	+	137,24	0402 99 31 9150	+	26,81
0402 21 91 9900	+	143,96	0402 99 31 9300	+	0,2824
0402 21 99 9100	+	108,78	0402 99 31 9500	+	0,4863
0402 21 99 9200	+	109,53	0402 99 39 9110	+	0,1466
0402 21 99 9300	+	110,88	0402 99 39 9150	+	26,81
0402 21 99 9400	+	118,51	0402 99 39 9300	+	0,2824
0402 21 99 9500	+	121,15			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,4863	0404 90 29 9160	+	136,02
0402 99 91 9000	+	0,5543	0404 90 29 9180	+	142,66
0402 99 99 9000	+	0,5543	0404 90 81 9100	+	0,6194
0403 10 11 9400	+	3,324	0404 90 81 9910	+	0,0333
0403 10 11 9800	+	5,138	0404 90 81 9950	+	16,00
0403 10 13 9800	+	6,843	0404 90 83 9110	+	0,6194
0403 10 19 9800	+	10,23	0404 90 83 9130	+	0,9445
0403 10 31 9400	+	0,0333	0404 90 83 9150	+	0,9950
0403 10 31 9800	+	0,0514	0404 90 83 9170	+	1,0703
0403 10 33 9800	+	0,0685	0404 90 83 9911	+	0,0333
0403 10 39 9800	+	0,1023	0404 90 83 9913	+	0,0685
0403 90 11 9000	+	61,94	0404 90 83 9915	+	0,1023
0403 90 13 9200	+	61,94	0404 90 83 9917	+	0,1579
0403 90 13 9300	+	94,45	0404 90 83 9919	+	0,2371
0403 90 13 9500	+	99,50	0404 90 83 9931	+	16,00
0403 90 13 9900	+	107,03	0404 90 83 9933	+	19,20
0403 90 19 9000	+	107,83	0404 90 83 9935	+	25,52
0403 90 31 9000	+	0,6194	0404 90 83 9937	+	26,55
0403 90 33 9200	+	0,6194	0404 90 89 9130	+	1,0783
0403 90 33 9300	+	0,9445	0404 90 89 9150	+	1,1746
0403 90 33 9500	+	0,9950	0404 90 89 9930	+	0,3390
0403 90 33 9900	+	1,0703	0404 90 89 9950	+	0,4863
0403 90 39 9000	+	1,0783	0404 90 89 9990	+	0,5543
0403 90 51 9100	+	3,324	0405 10 11 9500	+	185,37
0403 90 51 9300	+	5,138	0405 10 11 9700	+	190,00
0403 90 53 9000	+	6,843	0405 10 19 9500	+	185,37
0403 90 59 9110	+	10,23	0405 10 19 9700	+	190,00
0403 90 59 9140	+	15,79	0405 10 30 9100	+	185,37
0403 90 59 9170	+	23,71	0405 10 30 9300	+	190,00
0403 90 59 9310	+	28,24	0405 10 30 9500	+	185,37
0403 90 59 9340	+	44,10	0405 10 30 9700	+	190,00
0403 90 59 9370	+	48,63	0405 10 50 9100	+	185,37
0403 90 59 9510	+	55,43	0405 10 50 9300	+	190,00
0403 90 59 9540	+	81,46	0405 10 50 9500	+	185,37
0403 90 59 9570	+	95,06	0405 10 50 9700	+	190,00
0403 90 61 9100	+	0,0333	0405 10 90 9000	+	196,95
0403 90 61 9300	+	0,0514	0405 20 90 9500	+	173,78
0403 90 63 9000	+	0,0685	0405 20 90 9700	+	180,73
0403 90 69 9000	+	0,1023	0405 90 10 9000	+	240,00
0404 90 21 9100	+	61,94	0405 90 90 9000	+	190,00
0404 90 21 9910	+	3,324	0406 10 20 9100	+	—
0404 90 21 9950	+	13,87	0406 10 20 9230	037	—
0404 90 23 9120	+	61,94		039	—
0404 90 23 9130	+	94,45		099	24,03
0404 90 23 9140	+	99,50		400	24,72
0404 90 23 9150	+	107,03		...	36,05
0404 90 23 9911	+	3,324			
0404 90 23 9913	+	6,843	0406 10 20 9290	037	—
0404 90 23 9915	+	10,23		039	—
0404 90 23 9917	+	15,79		099	22,36
0404 90 23 9919	+	23,71		400	22,99
0404 90 23 9931	+	13,87		...	33,54
0404 90 23 9933	+	17,00			
0404 90 23 9935	+	20,66		037	—
0404 90 23 9937	+	24,43		039	—
0404 90 23 9939	+	25,54		099	9,820
0404 90 29 9110	+	107,83		400	11,78
0404 90 29 9115	+	108,54	0406 10 20 9300	...	14,73
0404 90 29 9120	+	109,89			
0404 90 29 9130	+	117,46			
0404 90 29 9135	+	120,05			
0404 90 29 9150	+	130,11			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 10 20 9610	037	—	0406 20 90 9990	+	—
	039	—	0406 30 31 9710	037	—
	099	41,70		039	—
	400	50,04		099	12,55
	...	62,55		400	12,55
0406 10 20 9620	037	—		...	18,82
	039	—	0406 30 31 9730	037	—
	099	45,73		039	—
	400	54,87		099	18,41
	...	68,59		400	18,41
0406 10 20 9630	037	—		...	27,62
	039	—	0406 30 31 9910	037	—
	099	51,63		039	—
	400	61,95		099	12,55
	...	77,44		400	12,55
0406 10 20 9640	037	—		...	18,82
	039	—	0406 30 31 9930	037	—
	099	60,59		039	—
	400	72,70		099	18,41
	...	90,88		400	18,41
0406 10 20 9650	037	—		...	27,62
	039	—	0406 30 31 9950	037	—
	099	63,07		039	—
	400	38,26		099	26,79
	...	94,61		400	26,79
0406 10 20 9660	+	—		...	40,18
0406 10 20 9830	037	—	0406 30 39 9500	037	—
	039	—		039	—
	099	16,77		099	18,41
	400	20,12		400	18,41
	...	25,15		...	27,62
0406 10 20 9850	037	—	0406 30 39 9700	037	—
	039	—		039	—
	099	20,33		099	26,79
	400	24,39		400	26,79
	...	30,49		...	40,18
0406 10 20 9870	+	—	0406 30 39 9930	037	—
0406 10 20 9900	+	—		039	—
0406 20 90 9100	+	—		099	26,79
0406 20 90 9913	037	—		400	26,79
	039	—		...	40,18
	099	39,59	0406 30 39 9950	037	—
	400	47,50		039	—
	...	59,38		099	31,78
0406 20 90 9915	037	—		400	31,78
	039	—		...	47,66
	099	52,78	0406 30 90 9000	037	—
	400	63,34		039	—
	...	79,17		099	31,78
0406 20 90 9917	037	—		400	31,78
	039	—		...	47,66
	099	56,07	0406 40 50 9000	037	—
	400	67,29		039	—
	...	84,11		099	58,96
0406 20 90 9919	037	—		400	49,60
	039	—		...	88,44
	099	62,67			
	400	75,21			
	...	94,01			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 40 90 9000	037	—	0406 90 33 9151	037	—
	039	—		039	—
	099	58,96		099	42,01
	400	49,60		400	32,34
	...	88,44		...	63,02
0406 90 13 9000	037	—	0406 90 33 9919	037	—
	039	—		039	—
	099	68,69		099	39,83
	400	97,72		400	30,57
	...	103,03		...	59,74
0406 90 15 9100	037	—	0406 90 33 9951	037	—
	039	—		039	—
	099	72,30		099	39,08
	400	102,86		400	30,08
	...	108,45		...	58,62
0406 90 17 9100	037	—	0406 90 35 9190	037	30,47
	039	—		039	30,47
	099	68,69		099	75,47
	400	97,72		400	79,25
	...	103,03		...	113,21
0406 90 21 9900	037	—	0406 90 35 9990	037	—
	039	—		039	—
	099	70,69		099	57,56
	400	66,96		400	60,44
	...	106,04		...	86,34
0406 90 23 9900	037	—	0406 90 37 9000	037	—
	039	—		039	—
	099	48,04		099	74,25
	400	27,93		400	102,86
	...	72,06		...	111,38
0406 90 25 9900	037	—	0406 90 61 9000	037	42,75
	039	—		039	42,75
	099	58,34		099	82,02
	400	31,81		400	86,12
	...	87,51		...	123,03
0406 90 27 9900	037	—	0406 90 63 9100	037	39,07
	039	—		039	39,07
	099	48,04		099	67,25
	400	27,93		400	100,88
	...	72,06		...	100,88
0406 90 31 9119	037	—	0406 90 63 9900	037	31,07
	039	—		039	31,07
	099	45,07		099	46,62
	400	34,60		400	69,93
	...	67,61		...	69,93
0406 90 31 9151	037	—	0406 90 69 9100	+	—
	039	—	0406 90 69 9910	037	—
	099	42,01		039	—
	400	32,34		099	51,51
	...	63,02		400	77,27
0406 90 33 9119	037	—		...	77,27
	039	—	0406 90 73 9900	037	—
	099	45,07		039	—
	400	34,60		099	70,37
	...	67,61		400	73,89
				...	105,56

Product code	Destination (")	Amount of refund	Product code	Destination (")	Amount of refund		
0406 90 75 9900	037	—	0406 90 85 9995	037	—		
	039	—		039	—		
	099	58,71		099	59,92		
	400	33,48		400	31,81		
	***	88,06		***	89,88		
0406 90 76 9100	037	—	0406 90 85 9999	+	—		
	039	—		0406 90 86 9100	+	—	
	099	43,06			0406 90 86 9200	037	—
	400	27,27			039	—	
	***	64,59		099	39,59		
0406 90 76 9300	037	—	0406 90 86 9300	400	41,57		
	039	—		***	59,38		
	099	52,73		037	—		
	400	30,26		039	—		
	***	79,09		099	43,39		
0406 90 76 9500	037	—	0406 90 86 9400	400	45,56		
	039	—		***	65,08		
	099	52,73		037	—		
	400	34,92		039	—		
	***	79,09		099	49,09		
0406 90 78 9100	037	—	0406 90 86 9900	400	51,54		
	039	—		***	73,63		
	099	43,06		037	—		
	400	27,27		039	—		
	***	64,59		099	57,63		
0406 90 78 9300	037	—	0406 90 87 9100	400	60,52		
	039	—		***	86,45		
	099	52,73		+	—		
	400	30,26		0406 90 87 9200	037	—	
	***	79,09			039	—	
0406 90 78 9500	037	—	0406 90 87 9300	099	36,61		
	039	—		400	38,44		
	099	52,73		***	54,92		
	400	34,92		0406 90 87 9400	037	—	
	***	79,09			039	—	
0406 90 79 9900	037	—	099		40,13		
	039	—	400		42,13		
	099	53,45	***		60,19		
	400	28,91	0406 90 87 9951	037	—		
	***	80,17		039	—		
0406 90 81 9900	037	—		099	66,49		
	039	—		400	69,82		
	099	57,56		***	99,74		
	400	60,44	0406 90 87 9971	037	—		
	***	86,34		039	—		
0406 90 85 9910	037	30,47		099	55,36		
	039	30,47		400	51,74		
	099	75,47		***	83,04		
	400	79,25					
	***	113,21					
0406 90 85 9991	037	—					
	039	—					
	099	57,56					
	400	60,44					
	***	86,34					

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 87 9972	099	21,09	2309 10 19 9100	+	—
	400	20,55	2309 10 19 9200	+	—
	...	31,64	2309 10 19 9300	+	—
0406 90 87 9973	037	—	2309 10 19 9400	+	—
	039	—	2309 10 19 9500	+	—
	099	55,36	2309 10 19 9600	+	—
	400	36,22	2309 10 19 9700	+	—
	...	83,04	2309 10 19 9800	+	—
0406 90 87 9974	037	—	2309 10 70 9010	+	—
	039	—	2309 10 70 9100	+	14,58
	099	55,36	2309 10 70 9200	+	19,44
	400	36,22	2309 10 70 9300	+	24,30
	...	83,04	2309 10 70 9500	+	29,16
0406 90 87 9979	037	—	2309 10 70 9600	+	34,02
	039	—	2309 10 70 9700	+	38,88
	099	55,36	2309 10 70 9800	+	42,77
	400	36,22	2309 90 35 9010	+	—
	...	83,04	2309 90 35 9100	+	—
0406 90 88 9100	+	—	2309 90 35 9200	+	—
0406 90 88 9105	037	—	2309 90 35 9300	+	—
	039	—	2309 90 35 9400	+	—
	099	43,39	2309 90 35 9500	+	—
	400	45,56	2309 90 35 9700	+	—
	...	65,08	2309 90 39 9010	+	—
0406 90 88 9300	037	—	2309 90 39 9100	+	—
	039	—	2309 90 39 9200	+	—
	099	43,39	2309 90 39 9300	+	—
	400	45,56	2309 90 39 9400	+	—
	...	65,08	2309 90 39 9500	+	—
2309 10 15 9010	+	—	2309 90 39 9600	+	—
2309 10 15 9100	+	—	2309 90 39 9700	+	—
2309 10 15 9200	+	—	2309 90 39 9800	+	—
2309 10 15 9300	+	—	2309 90 70 9010	+	—
2309 10 15 9400	+	—	2309 90 70 9100	+	14,58
2309 10 15 9500	+	—	2309 90 70 9200	+	19,44
2309 10 15 9700	+	—	2309 90 70 9300	+	24,30
2309 10 19 9010	+	—	2309 90 70 9500	+	29,16
			2309 90 70 9600	+	34,02
			2309 90 70 9700	+	38,88
			2309 90 70 9800	+	42,77

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

However, '099' covers all destination codes from 053 to 096 inclusive.

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as amended.

COMMISSION REGULATION (EC) No 167/97**of 30 January 1997****amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products regarding the amounts of aid**

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1696/92⁽³⁾, as last amended by Regulation (EEC) No 2596/93⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira;

Whereas Annex II to Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance⁽⁵⁾, as last amended by Regulation (EC) No 1857/96⁽⁶⁾, fixes the aid for milk products;

Whereas Commission Regulation (EC) No 166/97 of 30 January 1996 fixing the export refunds on milk and milk

products⁽⁷⁾ fixes the refunds on those products; whereas Annex II to Regulation (EEC) No 2219/92 should be adapted to take account of those adjustments;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to amended Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 31 January 1997.

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

Done at Brussels, 30 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.

⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁵⁾ OJ No L 218, 1. 8. 1992, p. 75.

⁽⁶⁾ OJ No L 246, 27. 9. 1996, p. 34.

⁽⁷⁾ See page 19 of this Official Journal.

ANNEX

ANNEX II

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000	⁽¹⁾	3,324
0401 10 90	– – Other	0401 10 90 9000	⁽¹⁾	3,324
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100	⁽¹⁾	3,324
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500	⁽¹⁾	5,138
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100	⁽¹⁾	3,324
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500	⁽¹⁾	5,138
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100	⁽¹⁾	6,843
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 9500	⁽¹⁾	7,973
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100	⁽¹⁾	6,843
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 9500	⁽¹⁾	7,973
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 9100	⁽¹⁾	10,23
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 9400	⁽¹⁾	15,79
	– Exceeding 17 %	0401 30 11 9700	⁽¹⁾	23,71
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 9100	⁽¹⁾	10,23
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 9400	⁽¹⁾	15,79
	– Exceeding 17 %	0401 30 19 9700	⁽¹⁾	23,71
	– – Exceeding 21 % but not exceeding 45 %:			

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 31	— — — In immediate packings of a net content not exceeding 2 litres: — Of a fat content, by weight: — Not exceeding 35 % — Exceeding 35 % but not exceeding 39 % — Exceeding 39 %	0401 30 31 9100 0401 30 31 9400 0401 30 31 9700	(1) (1) (1)	28,24 44,10 48,63
0401 30 39	— — — Other: — Of a fat content, by weight: — Not exceeding 35 % — Exceeding 35 % but not exceeding 39 % — Exceeding 39 % — — Exceeding 45 %:	0401 30 39 9100 0401 30 39 9400 0401 30 39 9700	(1) (1) (1)	28,24 44,10 48,63
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres: — Of a fat content, by weight: — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 %	0401 30 91 9100 0401 30 91 9400 0401 30 91 9700	(1) (1) (1)	55,43 81,46 95,06
0401 30 99	— — — Other: — Of a fat content, by weight: — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 %	0401 30 99 9100 0401 30 99 9400 0401 30 99 9700	(1) (1) (1)	55,43 81,46 95,06
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 9000 0402 10 19 9000	(2)	63,00
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 9900 0402 21 19 9900	(2)	108,00
0402 21 11	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 %	0402 21 11 9200 0402 21 11 9300 0402 21 11 9500 0402 21 11 9900	(2) (2) (2) (2)	63,00 95,30 100,40 108,00
0402 21 19	— — — — Other: — — — — — Of a fat content, by weight, exceeding 11 % but not exceeding 27 %: — Not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — Of a fat content, by weight, exceeding 27 %:	0402 21 19 9300 0402 21 19 9500 0402 21 19 9900	(2) (2) (2)	95,30 100,40 108,00

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	— Butter:			
	— — Of a fat content, by weight, not exceeding 85 %:			
	— — — Natural butter:			
0405 10 11	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 11 9500		185,37
	— — — — — — Of 82 % or more	0405 10 11 9700		190,00
0405 10 19	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 19 9500		185,37
	— — — — — — Of 82 % or more	0405 10 19 9700		190,00
0405 10 30	— — — Recombined butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 9100		185,37
	— — — — — — Of 82 % or more	0405 10 30 9300		190,00
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 9500		185,37
	— — — — — — Of 82 % or more	0405 10 30 9700		190,00
0405 10 50	— — — Whey butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 9100		185,37
	— — — — — — Of 82 % or more	0405 10 50 9300		190,00
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 9500		185,37
	— — — — — — Of 82 % or more	0405 10 50 9700		190,00
0405 10 90	— — Other	0405 10 90 9000		196,95
ex 0405 20	— Dairy spreads:			
0405 20 90	— — Of a fat content by weight of more than 75 % but less than 80 %:			
	— — — Of a fat content by weight:			
	— — — — Of more than 75 % but less than 78 %	0405 20 90 9500		173,78
	— — — — Of 78 % or more	0405 20 90 9700		180,73
0405 90	— Other:			
0405 90 10	— — Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		240,00
0405 90 90	— — Other	0405 90 90 9000		190,00

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd ⁽³⁾ :					
ex 0406 90 23	— — — Edam	47	40	0406 90 23 9900	⁽³⁾	72,06
ex 0406 90 25	— — — Tilsit	47	45	0406 90 25 9900	⁽³⁾	87,51
ex 0406 90 76	— — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsoc:					
	— — — — — — Of a fat content, by weight, in the dry matter of less than 45 %	55	20	0406 90 76 9100	⁽³⁾	64,59
	— — — — — — Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %	50	45	0406 90 76 9300	⁽³⁾	79,09
	— — — — — — Other	46	55	0406 90 76 9500	⁽³⁾	79,09
ex 0406 90 78	— — — — — Gouda:					
	— — — — — — Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	⁽³⁾	64,59
	— — — — — — Of a fat content by weight, in the dry matter of 48 % or more but less than 55 %	45	48	0406 90 78 9300	⁽³⁾	79,09
	— — — — — — Other	45	55	0406 90 78 9500	⁽³⁾	79,09
ex 0406 90 79	— — — — — Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	⁽³⁾	80,17
ex 0406 90 81	— — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	48	45	0406 90 81 9900	⁽³⁾	86,34
ex 0406 90 86	— — — — — — Exceeding 47 % but not exceeding 52 %:					
	— — — — — — — cheeses produced from whey			0406 90 86 9100		—
	— — — — — — — Other, of a fat content, by weight, in the dry matter:					
	— — — — — — — — Of less than 5 %	52		0406 90 86 9200	⁽³⁾	59,38
	— — — — — — — — Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	⁽³⁾	65,08
	— — — — — — — — Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	⁽³⁾	73,63
	— — — — — — — — Of 39 % or more	40	39	0406 90 86 9900	⁽³⁾	86,45
ex 0406 90 87	— — — — — — Exceeding 52 % but not exceeding 62 %:					
	— — — — — — — cheeses produced from whey			0406 90 87 9100		—
	— — — — — — — Other, of a fat content, by weight, in the dry matter:					
	— — — — — — — — Of less than 5 %	60		0406 90 87 9200	⁽³⁾	54,92
	— — — — — — — — Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	⁽³⁾	60,19
	— — — — — — — — Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	⁽³⁾	68,11

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 87 (cont'd.)	----- Of 40 % or more:					
	----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(³)	99,74
	----- Maasdam	45	45	0406 90 87 9971	(³)	83,04
	----- Manouri	43	53	0406 90 87 9972	(³)	31,64
	----- Hushallsost	46	45	0406 90 87 9973	(³)	83,04
	----- Turunmaa, Pohjanpoika, Oltermanni	41	50	0406 90 87 9974	(³)	83,04
	----- Other:	47	40	0406 90 87 9979	(³)	83,04
ex 0406 90 88	----- Exceeding 62 % but not exceeding 72 %:					
	----- cheeses produced from whey			0406 90 88 9100		—
	----- Other:					
	----- Other:					
	----- Of a fat content, by weight, in the dry matter:					
	----- Of 10 % or more but less than 19 %	60	10	0406 90 88 9300	(³)	65,08

(¹) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.

(²) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid.

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

(³) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(⁴) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content, by weight.

The aid per 100 kilograms of product falling within this subheading shall be equal to the sum of the following components:

- (a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kilograms of product; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added caseinates, contained in 100 kilograms of product;
- (b) a component calculated in accordance with the provisions of Article 12 (3) of amended Regulation (EC) No 1466/95 (OJ No L 144, 28. 6. 1995, p. 22).

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
- the lactose content of the added whey.

COMMISSION REGULATION (EC) No 168/97

of 30 January 1997

amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EC) No 2790/94⁽³⁾, as amended by Regulation (EC) No 2883/94⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands;

Whereas Commission Regulation (EC) No 2993/94⁽⁵⁾, as last amended by Regulation (EC) No 1954/96⁽⁶⁾, fixed the amount of aid for milk products;

Whereas Commission Regulation (EC) No 166/97 of 30 January 1997 fixing the export refunds on milk and milk

products⁽⁷⁾, fixes the refunds on those products; whereas the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EC) No 2993/94 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 31 January 1997.

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

Done at Brussels, 30 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.
⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.
⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.
⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.
⁽⁵⁾ OJ No L 316, 9. 12. 1994, p. 11.
⁽⁶⁾ OJ No L 258, 11. 10. 1996, p. 5.

⁽⁷⁾ See page 19 of this Official Journal.

ANNEX

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000	(¹)	3,324
0401 10 90	– – Other	0401 10 90 9000	(¹)	3,324
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100	(¹)	3,324
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500	(¹)	5,138
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100	(¹)	3,324
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500	(¹)	5,138
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100	(¹)	6,843
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 9500	(¹)	7,973
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100	(¹)	6,843
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 9500	(¹)	7,973
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 9100	(¹)	10,23
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 9400	(¹)	15,79
	– Exceeding 17 %	0401 30 11 9700	(¹)	23,71
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 9100	(¹)	10,23
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 9400	(¹)	15,79
	– Exceeding 17 %	0401 30 19 9700	(¹)	23,71
	– – Exceeding 21 % but not exceeding 45 %:			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 31 9100	(¹)	28,24
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 9400	(¹)	44,10
	– Exceeding 39 %	0401 30 31 9700	(¹)	48,63

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 39	— — — Other: — Of a fat content, by weight: — Not exceeding 35 % — Exceeding 35 % but not exceeding 39 % — Exceeding 39 % — — Exceeding 45 %:	0401 30 39 9100 0401 30 39 9400 0401 30 39 9700	(¹) (¹) (¹)	28,24 44,10 48,63
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres: — Of a fat content, by weight: — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 %	0401 30 91 9100 0401 30 91 9400 0401 30 91 9700	(¹) (¹) (¹)	55,43 81,46 95,06
0401 30 99	— — — Other: — Of a fat content, by weight: — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 %	0401 30 99 9100 0401 30 99 9400 0401 30 99 9700	(¹) (¹) (¹)	55,43 81,46 95,06
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:			
0402 10	— In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (²): — — Not containing added sugar or other sweetening matter (²):			
0402 10 11	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 9000	(²)	63,00
0402 10 19	— — — Other — — — Other (³):	0402 10 19 9000	(²)	63,00
0402 10 91	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 9000	(³)	0,6300
0402 10 99	— — — Other — In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (²):	0402 10 99 9000	(³)	0,6300
0402 21	— — Not containing added sugar or other sweetening matter (²): — — — Of a fat content, by weight, not exceeding 27 %:			
0402 21 11	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — — Other:	0402 21 11 9200 0402 21 11 9300 0402 21 11 9500 0402 21 11 9900	(²) (²) (²) (²)	63,00 95,30 100,40 108,00
0402 21 17	— — — — — Of a fat content, by weight, not exceeding 11 %	0402 21 17 9000	(²)	63,00
0402 21 19	— — — — — Of a fat content, by weight, exceeding 11 % but not exceeding 27 %: — Not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — — Of a fat content, by weight, exceeding 27 %:	0402 21 19 9300 0402 21 19 9500 0402 21 19 9900	(³) (²) (²)	95,30 100,40 108,00

(in ECU/100 kg weight, if no other indication)				
CN code	Description of goods	Product code	Notes	Amount of aid
0402 21 91	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 7 %	0402 21 91 9100 0402 21 91 9200 0402 21 91 9300 0402 21 91 9400 0402 21 91 9500 0402 21 91 9600 0402 21 91 9700 0402 21 91 9900	(2) (2) (2) (2) (2) (2) (2) (2)	108,78 109,53 110,88 118,51 121,15 131,29 137,24 143,96
0402 21 99	— — — — Other: — Of a fat content, by weight: — Not exceeding 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 79 %	0402 21 99 9100 0402 21 99 9200 0402 21 99 9300 0402 21 99 9400 0402 21 99 9500 0402 21 99 9600 0402 21 99 9700 0402 21 99 9900	(2) (2) (2) (2) (2) (2) (2) (2)	108,78 109,53 110,88 118,51 121,15 131,29 137,24 143,96
ex 0402 29	— — Other ⁽³⁾ : — — — Of a fat content, by weight, not exceeding 27 %: — — — — Other:			
0402 29 15	— — — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 %	0402 29 15 9200 0402 29 15 9300 0402 29 15 9500 0402 29 15 9900	(3) (3) (3) (3)	0,6300 0,9530 1,0040 1,0802
0402 29 19	— — — — — Other: — Of a fat content, by weight: — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 %	0402 29 19 9200 0402 29 19 9300 0402 29 19 9500 0402 29 19 9900	(3) (3) (3) (3)	0,6300 0,9530 1,0040 1,0802
0402 29 91	— — — — — Of a fat content, by weight, exceeding 27 %: — — — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not exceeding 41 % — Exceeding 41 %	0402 29 91 9100 0402 29 91 9500	(3) (3)	1,0878 1,1851
0402 29 99	— — — — — Other: — Of a fat content, by weight: — Not exceeding 41 % — Exceeding 41 %	0402 29 99 9100 0402 29 99 9500	(3) (3)	1,0878 1,1851

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	– Other:			
0402 91	– – Not containing added sugar or other sweetening matter ⁽²⁾ :			
	– – – Of a fat content, by weight, not exceeding 8 %:			
0402 91 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 11 9110	⁽²⁾	3,324
	– Exceeding 3 %	0402 91 11 9120	⁽²⁾	6,843
	– Of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 11 9310	⁽²⁾	13,98
	– Exceeding 3 % but not exceeding 7,4 %	0402 91 11 9350	⁽²⁾	17,15
	– Exceeding 7,4 %	0402 91 11 9370	⁽²⁾	20,85
0402 91 19	– – – – Other:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 19 9110	⁽²⁾	3,324
	– Exceeding 3 %	0402 91 19 9120	⁽²⁾	6,843
	– Of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 19 9310	⁽²⁾	13,98
	– Exceeding 3 % but not exceeding 7,4 %	0402 91 19 9350	⁽²⁾	17,15
	– Exceeding 7,4 %	0402 91 19 9370	⁽²⁾	20,85
	– – – Of a fat content, by weight, exceeding 8 % but not exceeding 10 %:			
0402 91 31	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 %	0402 91 31 9100	⁽²⁾	13,52
	– Of 15 % or more	0402 91 31 9300	⁽²⁾	24,65
0402 91 39	– – – – Other:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 %	0402 91 39 9100	⁽²⁾	13,52
	– Of 15 % or more	0402 91 39 9300	⁽²⁾	24,65
	– – – Of a fat content, by weight, exceeding 10 % but not exceeding 45 %:			
0402 91 51	– – – – In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 9000	⁽²⁾	15,79
0402 91 59	– – – – Other	0402 91 59 9000	⁽²⁾	15,79
	– – – Of a fat content, by weight, exceeding 45 %:			
0402 91 91	– – – – In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 9000	⁽²⁾	55,43
0402 91 99	– – – – Other	0402 91 99 9000	⁽²⁾	55,43

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 99	— — Other:			
	— — — Of a fat content, by weight, not exceeding 9,5 %:			
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight ⁽³⁾ :			
	— Not exceeding 3 %	0402 99 11 9110	⁽³⁾	0,0333
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9130	⁽³⁾	0,0685
	— Exceeding 6,9 %	0402 99 11 9150	⁽³⁾	0,1336
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight ⁽⁴⁾ :			
	— Not exceeding 3 %	0402 99 11 9310	⁽⁴⁾	16,14
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9330	⁽⁴⁾	19,37
	— Exceeding 6,9 %	0402 99 11 9350	⁽⁴⁾	25,75
0402 99 19	— — — — Other:			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight ⁽³⁾ :			
	— Not exceeding 3 %	0402 99 19 9110	⁽³⁾	0,0333
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9130	⁽³⁾	0,0685
	— Exceeding 6,9 %	0402 99 19 9150	⁽³⁾	0,1336
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight ⁽⁴⁾ :			
	— Not exceeding 3 %	0402 99 19 9310	⁽⁴⁾	16,14
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9330	⁽⁴⁾	19,37
	— Exceeding 6,9 %	0402 99 19 9350	⁽⁴⁾	25,75
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 %:			
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg:			
	— Of a fat content, by weight, not exceeding 21 %:			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 31 9110	⁽³⁾	0,1466
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 31 9150	⁽⁴⁾	26,81
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 31 9300	⁽³⁾	0,2824
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 31 9500	⁽³⁾	0,4863
0402 99 39	— — — — Other:			
	— Of a fat content, by weight, not exceeding 21 %:			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 39 9110	⁽³⁾	0,1466
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 39 9150	⁽⁴⁾	26,81
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 39 9300	⁽³⁾	0,2824
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 39 9500	⁽³⁾	0,4863

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	— — — Of a fat content, by weight, exceeding 45 %:			
0402 99 91	— — — — In immediate packings not exceeding 2,5 kg ⁽¹⁾	0402 99 91 9000	⁽²⁾	0,5543
0402 99 99	— — — — Other ⁽¹⁾	0402 99 99 9000	⁽²⁾	0,5543
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	— Butter:			
	— — Of a fat content, by weight, not exceeding 85 %:			
	— — — Natural butter:			
0405 10 11	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 11 9500		185,37
	— — — — — — Of 82 % or more	0405 10 11 9700		190,00
0405 10 19	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 19 9500		185,37
	— — — — — — Of 82 % or more	0405 10 19 9700		190,00
0405 10 30	— — — Recombined butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 9100		185,37
	— — — — — — Of 82 % or more	0405 10 30 9300		190,00
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 9500		185,37
	— — — — — — Of 82 % or more	0405 10 30 9700		190,00
0405 10 50	— — — Whey butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 9100		185,37
	— — — — — — Of 82 % or more	0405 10 50 9300		190,00
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 9500		185,37
	— — — — — — Of 82 % or more	0405 10 50 9700		190,00
0405 10 90	— — Other	0405 10 90 9000		196,95
ex 0405 20	— Dairy spreads:			
0405 20 90	— — Of a fat content by weight of more than 75 % but less than 80 %:			
	— — — Of a fat content by weight:			
	— — — — Of more than 75 % but less than 78 %	0405 20 90 9500		173,78
	— — — — Of 78 % or more	0405 20 90 9700		180,73
0405 90	— Other:			
0405 90 10	— — Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		240,00
0405 90 90	— — Other	0405 90 90 9000		190,00

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd ⁽⁵⁾ :					
ex 0406 30	– Processed cheese, not grated or powdered ⁽⁶⁾ :					
	– – Other:					
	– – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:					
ex 0406 30 31	– – – – Not exceeding 48 %:					
	– – – – – Of a dry matter content, by weight:					
	– – – – – – Of 40 % or more but less than 43 %, and of a fat content, by weight, in the dry matter:					
	– – – – – – – Of less than 20 %	60		0406 30 31 9710	⁽⁵⁾	18,82
	– – – – – – – Of 20 % or more	60	20	0406 30 31 9730	⁽⁵⁾	27,62
	– – – – – – – Of 43 % or more and with a fat content, by weight, in the dry matter:					
	– – – – – – – Of less than 20 %	57		0406 30 31 9910	⁽⁵⁾	18,82
	– – – – – – – Of 20 % or more but less than 40 %	57	20	0406 30 31 9930	⁽⁵⁾	27,62
	– – – – – – – Of 40 % or more	57	40	0406 30 31 9950	⁽⁵⁾	40,18
ex 0406 30 39	– – – – Exceeding 48 %:					
	– – – – – Of a dry matter, content, by weight:					
	– – – – – – Of 40 % or more but less than 43 %	60	48	0406 30 39 9500	⁽⁵⁾	27,62
	– – – – – – Of 43 % or more but less than 46 %	57	48	0406 30 39 9700	⁽⁵⁾	40,18
	– – – – – – Of 46 % or more and with a fat content, by weight, in the dry matter:					
	– – – – – – – Of less than 55 %	54	48	0406 30 39 9930	⁽⁵⁾	40,18
	– – – – – – – Of 55 % or more	54	55	0406 30 39 9950	⁽⁵⁾	47,66
ex 0406 30 90	– – – Of a list content exceeding 36 %	54	79	0406 30 90 9000	⁽⁵⁾	47,66
ex 0406 90 23	– – – Edam	47	40	0406 90 23 9900	⁽⁵⁾	72,06
ex 0406 90 25	– – – Tilsit	47	45	0406 90 25 9900	⁽⁵⁾	87,51
ex 0406 90 27	– – – Butterkäse	52	45	0406 90 27 9900	⁽⁵⁾	72,06
ex 0406 90 76	– – – – – Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsøe:					
	– – – – – – Of a fat content, by weight, in the dry matter of less than 45 %	55	20	0406 90 76 9100	⁽⁵⁾	64,59
	– – – – – – Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %	50	45	0406 90 76 9300	⁽⁵⁾	79,09
	– – – – – – Other	46	55	0406 90 76 9500	⁽⁵⁾	79,09

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 78	— — — — — Gouda:					
	— — — — — — Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	(⁵)	64,59
	— — — — — — Of a fat content by weight, in the dry matter of 48 % or more but less 55 %	45	48	0406 90 78 9300	(⁵)	79,09
	— — — — — — Other	45	55	0406 90 78 9500	(⁵)	79,09
ex 0406 90 79	— — — — — — Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	(⁵)	80,17
ex 0406 90 81	— — — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	48	45	0406 90 81 9900	(⁵)	86,34
ex 0406 90 86	— — — — — — Exceeding 47 % but not exceeding 52 %:					
	— — — — — — — cheeses produced from whey			0406 90 86 9100		—
	— — — — — — — Other, of a fat content, by weight, in the dry matter:					
	— — — — — — — Of less than 5 %	52		0406 90 86 9200	(⁵)	59,38
	— — — — — — — Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	(⁵)	65,08
	— — — — — — — Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	(⁵)	73,63
	— — — — — — — Of 39 % or more	40	39	0406 90 86 9900	(⁵)	86,45
ex 0406 90 87	— — — — — — Exceeding 52 % but not exceeding 62 %:					
	— — — — — — — cheeses produced from whey			0406 90 87 9100		—
	— — — — — — — Other, of a fat content, by weight, in the dry matter:					
	— — — — — — — Of less than 5 %	60		0406 90 87 9200	(⁵)	54,92
	— — — — — — — Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	(⁵)	60,19
	— — — — — — — Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	(⁵)	68,11
	— — — — — — — Of 40 % or more:					
	— — — — — — — — Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(⁵)	99,74
	— — — — — — — — Maasdam	45	45	0406 90 87 9971	(⁵)	83,04
	— — — — — — — — Manouri	43	53	0406 90 87 9972	(⁵)	31,64
	— — — — — — — — Hushallsost	46	45	0406 90 87 9973	(⁵)	83,04
	— — — — — — — — Turunmaa, Pohjanpoika, Oltermanni	41	50	0406 90 87 9974	(⁵)	83,04
	— — — — — — — — Other	47	40	0406 90 87 9979	(⁵)	83,04

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 88	— — — — — Exceeding 62 % but not exceeding 72 %:					
	— — — — — — cheeses produced from whey			0406 90 88 9100		—
	— — — — — — Other:					
	— — — — — — Other:					
	— — — — — — — Of a fat content, by weight, in the dry matter:					
	— — — — — — — Of 10 % or more but less than 19 %	60	10	0406 90 88 9300	(¹)	65,08

- (¹) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted. When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.
- (²) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid. When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
 - the lactose content of the added whey.
- (³) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content, by weight.
- The aid per 100 kilograms of product falling within this subheading shall be equal to the sum of the following components:
- (a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kilograms of product; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added caseinates, contained in 100 kilograms of product;
- (b) a component calculated in accordance with the provisions of Article 12 (3) of amended Regulation (EC) No 1466/95 (OJ No L 144, 28. 6. 1995, p. 22).
- When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
 - the lactose content of the added whey.
- (⁴) The aid on 100 kilograms of product falling within this subheading is equal to the sum of the following elements:
- (a) the amount per 100 kilograms shown; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be:
- multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then
 - divided by the weight of the lactic part contained in 100 kilograms of product;
- (b) a component calculated in accordance with the provisions of Article 12 (3) of Regulation (EC) No 1466/95.
- When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and, in particular,
 - the lactose content of the added whey.
- (⁵) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.
- (⁶) 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 aid.
- 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.
- (⁷) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.

COMMISSION REGULATION (EC) No 169/97

of 30 January 1997

fixing the export refunds on products processed from cereals and rice

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⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EC) No 1518/95⁽⁴⁾, as amended by Regulation (EC) No 2993/95⁽⁵⁾, on the import and export system for products processed from cereals and from rice defines the specific

criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

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 the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

(1) OJ No L 181, 1. 7. 1992, p. 21.

(2) OJ No L 126, 24. 5. 1996, p. 37.

(3) OJ No L 329, 30. 12. 1995, p. 18.

(4) OJ No L 147, 30. 6. 1995, p. 55.

(5) OJ No L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 31 January 1997.

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

Done at Brussels, 30 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 30 January 1997 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	48,94	1104 23 10 9100	52,44
1102 20 10 9400 ⁽¹⁾	41,95	1104 23 10 9300	40,20
1102 20 90 9200 ⁽¹⁾	41,95	1104 29 11 9000	5,50
1102 90 10 9100	31,46	1104 29 51 9000	5,39
1102 90 10 9900	21,39	1104 29 55 9000	5,39
1102 90 30 9100	42,70	1104 30 10 9000	1,35
1103 12 00 9100	42,70	1104 30 90 9000	8,74
1103 13 10 9100 ⁽¹⁾	62,93	1107 10 11 9000	9,59
1103 13 10 9300 ⁽¹⁾	48,94	1107 10 91 9000	37,33
1103 13 10 9500 ⁽¹⁾	41,95	1108 11 00 9200	10,78
1103 13 90 9100 ⁽¹⁾	41,95	1108 11 00 9300	10,78
1103 19 10 9000	31,32	1108 12 00 9200	55,94
1103 19 30 9100	32,50	1108 12 00 9300	55,94
1103 21 00 9000	5,50	1108 13 00 9200	55,94
1103 29 20 9000	21,39	1108 13 00 9300	55,94
1104 11 90 9100	31,46	1108 19 10 9200	34,49
1104 12 90 9100	47,44	1108 19 10 9300	34,49
1104 12 90 9300	37,95	1109 00 00 9100	0,00
1104 19 10 9000	5,50	1702 30 51 9000 ⁽²⁾	57,62
1104 19 50 9110	55,94	1702 30 59 9000 ⁽²⁾	44,11
1104 19 50 9130	45,45	1702 30 91 9000	57,62
1104 21 10 9100	31,46	1702 30 99 9000	44,11
1104 21 30 9100	31,46	1702 40 90 9000	44,11
1104 21 50 9100	41,94	1702 90 50 9100	57,62
1104 21 50 9300	33,55	1702 90 50 9900	44,11
1104 22 20 9100	37,95	1702 90 75 9000	60,38
1104 22 30 9100	40,32	1702 90 79 9000	41,91
		2106 90 55 9000	44,11

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

⁽²⁾ Refunds are granted in accordance with Regulation (EEC) No 2730/75 (OJ No L 281, 1. 11. 1975, p. 20), amended.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 170/97
of 30 January 1997
fixing the export refunds on cereal-based compound feedingstuffs

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⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) 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 Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

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

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 the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 31 January 1997.

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

Done at Brussels, 30 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 30 January 1997 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	34,96
Cereal products excluding maize and maize products	13,18

(¹) The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p 1), amended.

(²) For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

COMMISSION REGULATION (EC) No 171/97
of 30 January 1997
fixing production refunds on cereals and rice

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 ⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, and in particular Article 7 (2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors ⁽⁴⁾, as last amended by Regulation (EC) No 1516/95 ⁽⁵⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated must be fixed once a month and may be altered if the price of maize and/or wheat and/or barley changes significantly;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the

Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable;

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

1. The refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, potatoes, rice or broken rice, shall be ECU 27,09 per tonne.
2. The refund referred to in Article 3 (3) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from barley and oats, shall be ECU 18,96 per tonne.

Article 2

This Regulation shall enter into force on 31 January 1997.

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

Done at Brussels, 30 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁵⁾ OJ No L 147, 30. 6. 1995, p. 49.

COMMISSION REGULATION (EC) No 172/97

of 30 January 1997

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⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, 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⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral 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 31 January 1997.

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

Done at Brussels, 30 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 30 January 1997 establishing the standard import values
for determining the entry price of certain fruit and vegetables

(ECU/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 15	204	49,9
	212	114,1
	624	181,8
	999	115,3
0707 00 10	053	186,8
	068	81,2
	999	134,0
0709 10 10	220	133,0
	999	133,0
0805 10 01, 0805 10 05, 0805 10 09	052	43,7
	204	43,4
	212	43,3
	220	32,8
	448	24,8
	600	57,5
	624	54,1
	999	42,8
805 20 11	204	67,9
	999	67,9
0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	39,5
	204	79,5
	400	95,8
	464	117,0
	624	77,3
	662	56,8
	999	77,7
	052	65,9
0805 30 20	528	64,8
	600	81,5
	999	70,7
	052	68,1
0808 10 51, 0808 10 53, 0808 10 59	060	52,8
	064	45,0
	068	36,2
	400	84,4
	404	80,3
	720	47,8
	728	104,6
	999	64,9
0808 20 31	052	127,5
	064	51,7
	400	97,4
	512	79,1
	624	73,6
	999	85,9

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 173/97

of 30 January 1997

altering the rate of refunds applicable for certain products of the cereals and rice sectors exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European 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 last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular the fourth subparagraph of Article 13 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 13 (3) thereof,

Whereas the rates of the refunds applicable from 1 January 1997 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 2478/96⁽⁴⁾, as amended by Regulation (EC) No 67/97⁽⁵⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 2478/96 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 2478/96 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 January 1997.

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

Done at Brussels, 30 January 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 335, 24. 12. 1996, p. 22.

⁽⁵⁾ OJ No L 14, 17. 1. 1997, p. 48.

ANNEX

to the Commission Regulation of 30 January 1997 altering the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases	0,350 — 0,539
1002 00 00	Rye	3,132
1003 00 90	Barley	2,900
1004 00 00	Oats	2,372
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ : — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — in other cases	1,293 3,496 0,654 2,757 3,496 1,293 3,496
1006 20	Husked rice: — round grain — medium grain — long grain	19,375 17,250 17,250
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	25,000 25,000 25,000
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed)	— 2,269 2,269

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	2,900
1101 00	Wheat or meslin flour: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,431
	— in other cases	0,663
1102 10 00	Rye flour	4,291
1103 11 10	Groats and durum wheat meal: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—
	— in other cases	—
1103 11 90	Common wheat groats and spelt: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,497
	— in other cases	0,765

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ No L 136, 31. 5. 1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ No L 159, 1. 7. 1993, p. 112).

⁽³⁾ For syrups of CN codes 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 January 1997

authorizing the French Republic, in accordance with the procedure provided for in Article 8 (4) of Directive 92/81/EEC, to introduce or continue to apply exemptions from, or reductions in, excise duties on certain mineral oils used for specific purposes

(97/91/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonization of the structures of excise duties on mineral oils⁽¹⁾ and, in particular, Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 8 (4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce exemptions from, or reductions in, excise duties on mineral oils on the grounds of specific policy considerations;

Whereas the French authorities have notified the Commission that, as from 1 January 1997, they intend to exempt liquefied petroleum gas and natural gas from excise duty when they are used as fuel for public transport, within the limits of an annual quota and under a programme for reducing pollution, to which the procedure provided for in Article 8 (4) of the said Directive should apply;

Whereas the other Member States have been informed of this notification;

Whereas the Commission and all the Member States accept that such exemption is justified on environment policy grounds and that it would not give rise to distor-

tions of competition or hinder the operation of the internal market;

Whereas the Commission regularly reviews reductions and exemptions to check that they are compatible with the operation of the internal market or with Community policy on protection of the environment;

Whereas the Council is to review the situation no later than 30 June 1997,

HAS ADOPTED THIS DECISION:

Article 1

Until 30 June 1997, in accordance with Article 8 (4) of Directive 92/81/EEC and without prejudice to the obligations provided for in Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils⁽²⁾, the French Republic is hereby authorized to apply an exemption from excise duty to liquefied petroleum gas and natural gas when used as fuel for vehicles used for local public transport, within the limits of an annual quota.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 27 January 1997.

For the Council

The President

G. ZALM

⁽¹⁾ OJ No L 316, 31. 10. 1992, p. 12. Directive as last amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

⁽²⁾ OJ No L 316, 31. 10. 1992, p. 19. Directive as amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

COUNCIL DECISION

of 27 January 1997

authorizing the Kingdom of Sweden, in accordance with the procedure provided for in Article 8 (4) of Directive 92/81/EEC, to introduce or continue to apply exemptions from, or reductions in, excise duties on certain mineral oils used for specific purposes

(97/92/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonization of the structures of excise duties on mineral oils⁽¹⁾ and, in particular, Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 8 (4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce exemptions from, or reductions in, excise duties on mineral oils on the grounds of specific policy considerations;

Whereas the Swedish authorities have notified the Commission that they wish to apply a reduced rate of excise duty on mineral oils used for industrial purposes, as authorized by the 1994 Act of Accession;

Whereas the Kingdom of Sweden wishes to apply a reduced rate of excise duty on mineral oils by introducing both a lower rate than the standard rate and a reduced rate for enterprises with a very high consumption of energy;

Whereas the other Member States have been informed of this notification;

Whereas the Commission and all the Member States accept that such exemption is justified on the grounds of specific policy considerations and that it would not give rise to distortions of competition or hinder the operation of the internal market;

Whereas the Commission regularly reviews reductions and exemptions to monitor their continued compatibility

with the proper operation of the internal market or with Community policy on protection of the environment;

Whereas the Council is to review the situation no later than 30 June 1997,

HAS ADOPTED THIS DECISION:

Article 1

Until 30 June 1997, in accordance with Article 8 (4) of Directive 92/81/EEC and without prejudice to the obligations provided for in Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils⁽²⁾, the Kingdom of Sweden is hereby authorized to apply a reduced rate of excise duty on mineral oils used for industrial purposes by introducing both a lower rate than the standard rate and a reduced rate for enterprises with a very high consumption of energy, provided that such rates at all times respect the minimum rates of excise duty on mineral oils laid down by Community law and do not give rise to distortions of competition.

Article 2

This Decision is addressed to the Kingdom of Sweden.

Done at Brussels, 27 January 1997.

*For the Council**The President*

G. ZALM

⁽¹⁾ OJ No L 316, 31. 10. 1992, p. 12. Directive as last amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

⁽²⁾ OJ No L 316, 31. 10. 1992, p. 19. Directive as amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

COUNCIL DECISION

of 27 January 1997

authorizing certain Member States to apply reductions in, or exemptions from, excise duties on certain mineral oils used for specific purposes, in accordance with the procedure provided for in Article 8 (4) of Directive 92/81/EEC

(97/93/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonization of the structures of excise duties on mineral oils⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas, under Article 8 (4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce exemptions from, or reductions in, excise duties on mineral oils on grounds of specific policy considerations;

Whereas the French and Portuguese authorities have notified the Commission that they wish to continue to charge a reduced rate of excise duty on heavy fuel oil with a low sulphur content;

Whereas the Greek and Spanish authorities have notified the Commission that they wish to apply varying excise-duty rates, corresponding to different environmental categories, to unleaded petrol;

Whereas the other Member States have been informed thereof;

Whereas the Commission and all the Member States accept that these exemptions and reductions are justified on grounds of specific policy considerations and that they will not give rise to distortions of competition or hinder the operation of the internal market;

Whereas the Council will reexamine the situation by 30 June 1997 at the latest;

Whereas the Commission regularly reviews reductions and exemptions to check that they are compatible with the operation of the internal market or with Community policy on protection of the environment,

HAS ADOPTED THIS DECISION:

Article 1

Until 30 June 1997 and in accordance with Article 8 (4) of Directive 92/81/EEC, and without prejudice to the obligations laid down in Council Directive 92/82/EEC of 19 October 1992, on the approximation of the rates of excise duties on mineral oils⁽²⁾, the following Member States are hereby authorized to apply reductions in excise duty to the following products:

1) The French Republic and the Portuguese Republic:

- reduction in excise duty on heavy fuel oil in order to encourage the use of more environmentally friendly fuels.

This reduction must be specifically linked to sulphur content, and the rate of duty charged on heavy fuel oil must correspond to the minimum rate of duty on heavy fuel oil as laid down in the Community legislation in force.

2) The Hellenic Republic and the Kingdom of Spain:

- application of varying excise-duty rates, corresponding to different environmental categories, to unleaded petrol.

These rates must always remain consistent with the minimum excise-duty rates on mineral oils provided for in Community legislation.

Article 2

This Decision is addressed to the French Republic, the Hellenic Republic, the Portuguese Republic and the Kingdom of Spain.

Done at Brussels, 27 January 1997.

*For the Council**The President*

G. ZALM

⁽¹⁾ OJ No L 316, 31. 10. 1992, p. 12. Directive as last amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

⁽²⁾ OJ No L 316, 31. 10. 1992, p. 19. Directive as last amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

COMMISSION

COMMISSION DECISION

of 8 January 1997

concerning measures which are necessary for the implementation of certification rules regarding certain animal products

(Text with EEA relevance)

(97/94/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

products, as last amended by Directive 96/23/EEC, and in particular Article 11 (4) thereof,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 94/65/EC⁽⁷⁾ of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations, and in particular Article 13 (I) (B) (1) (c) thereof,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(1) to Directive 89/662/EEC and, as regard pathogens, to Directive 90/425/EEC⁽¹⁾ as last amended by Commission Decision 96/405/EC⁽²⁾, and in particular Article 10 2 (c) thereof,

Whereas Commission Decisions 94/309/EC⁽⁸⁾, 94/446/EC⁽⁹⁾ and 94/344/EC⁽¹⁰⁾ as last amended by Decision 96/106/EC⁽¹¹⁾, respectively lay down the animal health conditions and the veterinary certification for imports from third countries of certain petfoods and certain untanned edible products for pets, containing low risk material, bones and bone products, horns and horn products and hooves and hoof products, excluding meals thereof, for further processing not intended for human or animal consumption and processed animal protein including products containing this protein intended for animal consumption; whereas Decision 96/106/EC amended these Decisions providing for their application from 1 January 1997;

Having regard to Council Directive 92/46/EEC⁽³⁾ of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat treated milk and milk based products, as last amended by Directive 96/23/EC⁽⁴⁾, and in particular Article 36 thereof,

Whereas article 13 (1) first indent of Directive 92/46/EEC provides that animals on holdings are submitted to a regular veterinary inspection in order to verify compliance with the provisions of Annex A chapter I;

Having regard to Council Directive 71/118/EEC⁽⁵⁾ of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultrymeat, as last amended by Directive 96/23/EC, and in particular Article 14B (1) (c) thereof,

Whereas Commission Decision 95/343/EC⁽¹²⁾ as last amended by Decision 96/106/EC establishing the animal health conditions and veterinary certification for imports

⁽¹⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽²⁾ OJ No L 165, 4. 7. 1996, p. 40.

⁽³⁾ OJ No L 268, 14. 9. 1992, p. 1.

⁽⁴⁾ OJ No L 125, 23. 5. 1996, p. 10.

⁽⁵⁾ OJ No L 55, 8. 3. 1971, p. 23.

⁽⁶⁾ OJ No L 212, 2. 7. 1989, p. 87.

⁽⁷⁾ OJ No L 368, 31. 12. 1994, p. 10.

⁽⁸⁾ OJ No L 137, 1. 6. 1994, p. 62.

⁽⁹⁾ OJ No L 183, 19. 7. 1994, p. 46.

⁽¹⁰⁾ OJ No L 154, 21. 6. 1994, p. 45.

⁽¹¹⁾ OJ No L 24, 31. 1. 1996, p. 34.

⁽¹²⁾ OJ No L 200, 24. 8. 1995, p. 52.

of milk and milk-based products intended for human consumption applies from 1 January 1997; whereas this decision must be modified to comply with Directive 92/46/EEC;

Whereas Commissions Decisions 96/712/EC⁽¹⁾, 97/38/EC⁽²⁾, 97/41/EC⁽³⁾ and 97/29/EC⁽⁴⁾ respectively lay down the models of the public health declaration and health marks for the importation of fresh poultrymeat from third countries, specific public health requirements for imports of egg products for human consumption, health conditions and a public health certificate for the importation from third countries of meat products obtained from poultrymeat, farmed game meat, wild game meat and rabbit meat, health conditions and a public health certificate for the importation of minced meat and meat preparations from third countries; whereas the date of application of these Decisions is 1 January 1997;

Whereas Commission Decision 96/449/EC⁽⁵⁾ provides for new rules concerning the approval of alternative heat treatment systems for processing animal waste with a view to the inactivation of spongiform encephalopathy agents within the Community; whereas these provisions come into force on 1 April 1997; whereas the introduction of these rules will involve amendments to the import system from third countries from that date; whereas, to avoid unnecessary disruption, it is therefore appropriate to allow the present system to continue to operate until that date;

Whereas the certificates listed in the Annexes of these decisions come into force on 1 January 1997; whereas because of administrative difficulties, it appears that certain trade flows may be unable to adapt in time to the harmonized system; whereas, however, it is not appropriate to delay the implementation of the certificates any longer; whereas, therefore, to allow a period of adjustment,

it is appropriate to allow both systems to apply for a short transitional period;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Member States may authorize imports into the Community of products covered by the certificates laid down in the decisions listed in the Annex, on the basis of certificates established by national rules in force on 31 December 1996 for a limited period.

Article 2

The period mentioned in Article 1 shall expire on 1 April 1997 for products covered by certificates laid down in the decision listed in the Annex.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 8 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 326, 17. 12. 1996, p. 67.

⁽²⁾ OJ No L 14, 17. 1. 1997, p. 61.

⁽³⁾ OJ No L 17, 21. 1. 1997, p. 34.

⁽⁴⁾ OJ No L 12, 15. 1. 1997, p. 33.

⁽⁵⁾ OJ No L 184, 24. 7. 1996, p. 43.

ANNEX

Commission Decision 95/343/EC of 27 July 1995 providing for the specimens of the health certificate for the importation from third countries of heat-treated milk, milkbased products and raw milk for human consumption intended to be accepted at a collection centre, standardization centre, treatment establishment or processing establishments

Commission Decision 96/712/EC of 28 November 1996 laying down the models of the public health declaration and health marks for the importation of fresh poultrymeat from third countries

Commission Decision 97/38/EC of 18 December 1996 setting specific public health requirements for imports of egg products for human consumption

Commission Decision 97/41/EC of 18 December 1996 establishing health conditions and a public health certificate for the importation from third countries of meat products obtained from poultrymeat, farmed game meat, wild game meat and rabbit meat

Commission Decision 97/29/EC of 17 December 1996 establishing health conditions and a public health certificate for the importation of minced meat and meat preparations from third countries

Commission Decision 94/309/EC of 27 April 1994 laying down animal health requirements and the veterinary certification for the importation from third countries of certain petfoods and certain untanned edible products for pets, containing low-risk animal materials

Commission Decision 94/344/EC of 27 April 1994 laying down animal health requirements and the veterinary certification for the importation from third countries of processed animal protein including products containing this protein intended for animal consumption

Commission Decision 94/446/EC of 14 June 1994 laying down the requirements for the importation from third countries of bones and bone products, horns and horn products and hooves and hoof products, excluding meals thereof, for further processing not intended for human or animal consumption
