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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 965/97

of 26 May 1997

opening and providing for the management of autonomous Community tariff quotas for certain live fish originating in the Slovak Republic and the Czech Republic

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreements in the form of an exchange of letters between the European Community and the Czech Republic signed on 22 September 1994⁽¹⁾ and between the European Community and the Slovak Republic, signed on 28 October 1994⁽²⁾ concerning fish have supplemented the European Agreements with these two countries by providing *inter alia* for duty-free tariff quotas for live trout and carp;

Whereas, following the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, the Council agreed that existing preferential exports to these countries of 150 tonnes of live trout originating in the Slovak Republic and 310 tonnes of live carp originating in the Czech Republic should be taken into account; whereas it also agreed to renew the Agreements in the form of an exchange of letters by adding the quantities arising from enlargement to those already provided for;

Whereas these tariff measures will be set out in additional protocols to the Europe Agreements with the Slovak Republic and the Czech Republic; whereas these concessions should be implemented autonomously pending the entry into force of these protocols; whereas tariff quotas for the products should be opened from 1 January 1997 and apply until the entry into force of the additional protocols;

Whereas all Community importers should be assured equal and uninterrupted access to the tariff quotas; whereas the rates laid down for these quotas should apply

to all imports of the product in question in all the Member States until the quotas are exhausted;

Whereas a decision on the opening of autonomous tariff quotas has to be taken by the Community; whereas there is no reason why the Member States should not, in the interests of an efficient common management of the quotas, be authorized to draw on the quotas for the necessary quantities corresponding to actual imports; whereas, however, this type of management calls for close liaison between the Member States and the Commission, the latter having to be in a position to monitor the rate at which the quotas are used up and notify the Member States accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Import duties on products listed in the Annex originating in the Czech Republic and in Slovakia are hereby suspended at the levels and within the limits of the annual Community tariff quotas set for each.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents a declaration for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and for a product covered by this Regulation and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

⁽¹⁾ OJ No L 272, 22. 10. 1994, p. 50.

⁽²⁾ OJ No L 294, 15. 11. 1994, p. 27.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants on a pro rata basis. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

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

It shall apply from 1 January 1997.

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

Done at Brussels, 26 May 1997.

For the Council

The President

W. SORGDRAGER

ANNEX

Order No	CN code	Description	Duty (%)	Annual quota volume	
				Originating in the Czech Republic	Originating in the Slovak Republic
09.5261	0301 91 90	Live trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i>)	0 (*)	50 tonnes	200 tonnes
09.5263	0301 93 00	Live carp	0 (*)	1 160 tonnes	50 tonnes

(*) Subject to conformity with the reference period.

COMMISSION REGULATION (EC) No 966/97

of 30 May 1997

fixing the import duties in the cereals sector

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⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as amended by Regulation (EC) No 641/97⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No

1766/92 for the 1996/97 marketing year as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 June 1997.

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

Done at Brussels, 30 May 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 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ No L 98, 15. 4. 1997, p. 2.

ANNEX I

Import duties for the products listed in Article 10 (2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	9,49	0,00
1001 90 91	Common wheat seed	45,74	35,74
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	45,74	35,74
	medium quality	46,29	36,29
	low quality	65,82	55,82
1002 00 00	Rye	77,14	67,14
1003 00 10	Barley, seed	77,14	67,14
1003 00 90	Barley, other ⁽³⁾	77,14	67,14
1005 10 90	Maize seed other than hybrid	92,02	82,02
1005 90 00	Maize other than seed ⁽³⁾	92,02	82,02
1007 00 90	Grain sorghum other than hybrids for sowing	77,14	67,14

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2 (4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 15 May 1997 to 29 May 1997)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	127,17	129,50	120,21	94,06	174,88 (')	107,23 (')
Gulf premium (ECU/tonne)	—	18,80	8,56	8,51	—	—
Great Lakes premium (ECU/tonne)	11,46	—	—	—	—	—

(') Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,09 per tonne; Great Lakes — Rotterdam: ECU 22,31 per tonne.

3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).

COMMISSION REGULATION (EC) No 967/97
of 30 May 1997

**fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid**

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 third subparagraph of Article 13 (2) 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 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁴⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 June 1997.

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

Done at Brussels, 30 May 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 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 30 May 1997 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

<i>(ECU/tonne)</i>	
Product code	Refund
1001 10 00 9400	0
1001 90 99 9000	0
1002 00 00 9000	18,00
1003 00 90 9000	18,00
1004 00 00 9400	22,00
1005 90 00 9000	40,00
1006 30 92 9100	299,00
1006 30 92 9900	299,00
1006 30 94 9100	299,00
1006 30 94 9900	299,00
1006 30 96 9100	299,00
1006 30 96 9900	299,00
1006 30 98 9100	299,00
1006 30 98 9900	299,00
1006 40 00 9000	—
1007 00 90 9000	40,00
1101 00 15 9100	0
1101 00 15 9130	0
1102 20 10 9200	49,70
1102 20 10 9400	42,60
1102 30 00 9000	—
1102 90 10 9100	30,47
1103 11 10 9200	0
1103 11 90 9200	0
1103 13 10 9100	63,90
1103 14 00 9000	—
1104 12 90 9100	31,32
1104 21 50 9100	40,62

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

COMMISSION REGULATION (EC) No 968/97

of 30 May 1997

amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply
of cereals products from the Community to the Canary Islands

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 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92⁽³⁾, as last amended by Regulation (EC) No 740/97⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 June 1997.

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

Done at Brussels, 30 May 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 185, 4. 7. 1992, p. 26.

⁽⁴⁾ OJ No L 110, 26. 4. 1997, p. 3.

ANNEX

to the Commission Regulation of 30 May 1997 amending Regulation (EEC) No 1832/92
setting the amounts of aid for the supply of cereals products from the Community to the
Canary Islands

(Ecu/tonne)

Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	8,00
Barley	(1003 00 90)	21,00
Maize	(1005 90 00)	43,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	25,00

COMMISSION REGULATION (EC) No 969/97**of 30 May 1997****amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira**

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 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 741/97 ⁽⁴⁾, whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 June 1997.

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

Done at Brussels, 30 May 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 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ No L 110, 26. 4. 1997, p. 5.

ANNEX

to the Commission Regulation of 30 May 1997 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

Product (CN code)		<i>(Ecu/tonne)</i>	
		Amount of aid	
		Destination	
		Azores	Madeira
Common wheat	(1001 90 99)	8	8
Barley	(1003 00 90)	21	21
Maize	(1005 90 00)	43	43
Durum wheat	(1001 10 00)	8	8

COMMISSION REGULATION (EC) No 970/97
of 30 May 1997

**amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments**

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 2598/95 ⁽²⁾, and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 ⁽³⁾, as last amended by Regulation (EC) No 739/97 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid

for supply to the FOD should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 June 1997.

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

Done at Brussels, 30 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ No L 110, 26. 4. 1997, p. 1.

ANNEX

to the Commission Regulation of 30 May 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	12,00	12,00	12,00	16,00
Barley (1003 00 90)	24,00	24,00	24,00	27,00
Maize (1005 90 00)	46,00	46,00	46,00	49,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 971/97**of 30 May 1997****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 941/97⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 941/97 to the informa-

tion known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 941/97, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 1997.

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

Done at Brussels, 30 May 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 123, 15. 5. 1997, p. 3.

ANNEX

to the Commission Regulation of 30 May 1997 altering the export refunds on white sugar
and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	36,68 ⁽¹⁾
1701 11 90 9910	35,79 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,68 ⁽¹⁾
1701 12 90 9910	35,79 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,3987
	— ECU/100 kg —
1701 99 10 9100	39,87
1701 99 10 9910	39,87
1701 99 10 9950	39,87
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,3987

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

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

COMMISSION REGULATION (EC) No 972/97

of 30 May 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾, and in particular Article 17 (5) thereof,

Whereas Article 17 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽³⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95;

Whereas Article 17 (6) of Regulation (EEC) No 1785/81 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refunded on sugar used in the chemical industry⁽⁴⁾, last amended by Commission Regulation (EC) No 1126/96⁽⁵⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world

market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 17 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) and (h) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas, in the case of the products referred to in the said Article 1 (1) (f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; whereas, for the products referred to in Article 1 (1) (h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 1997.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 214, 8. 9. 1995, p. 16.

⁽⁴⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁵⁾ OJ No L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 30 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 30 May 1997 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 9100	39,87 ⁽²⁾
1702 60 10 9000	39,87 ⁽²⁾
1702 60 90 9200	75,75 ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 90 9800	0,3987 ⁽¹⁾
	— ECU/100 kg dry matter —
1702 90 30 9000	39,87 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,3987 ⁽¹⁾
1702 90 71 9000	0,3987 ⁽¹⁾
1702 90 99 9900	0,3987 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 9000	39,87 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,3987 ⁽¹⁾

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

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

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

⁽⁴⁾ Applicable only to products defined under Article 13 (3) of Regulation (EEC) No 394/70.

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

COMMISSION REGULATION (EC) No 973/97
of 30 May 1997
fixing the import duties in the rice sector

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽²⁾, as amended by Regulation (EC) No 703/97 ⁽³⁾, and in particular Article 4 (1) thereof,

Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12 (3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;

Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11 (1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 June 1997.

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

Done at Brussels, 30 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 189, 30. 7. 1996, p. 71.

⁽³⁾ OJ No L 104, 22. 4. 1997, p. 12.

ANNEX I

to the Commission Regulation of 30 May 1997 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾			
	Third countries (except ACP and Bangladesh) ⁽¹⁾ ⁽⁷⁾	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁵⁾
1006 10 21	(7)	140,81		217,73
1006 10 23	(7)	140,81		217,73
1006 10 25	(7)	140,81		217,73
1006 10 27	(7)	140,81		217,73
1006 10 92	(7)	140,81		217,73
1006 10 94	(7)	140,81		217,73
1006 10 96	(7)	140,81		217,73
1006 10 98	(7)	140,81		217,73
1006 20 11	(7)	177,31		272,48
1006 20 13	(7)	177,31		272,48
1006 20 15	(7)	177,31		272,48
1006 20 17	266,25	128,79	16,25	199,69
1006 20 92	(7)	177,31		272,48
1006 20 94	(7)	177,31		272,48
1006 20 96	(7)	177,31		272,48
1006 20 98	266,25	128,79	16,25	199,69
1006 30 21	(7)	271,09		429,00
1006 30 23	(7)	271,09		429,00
1006 30 25	(7)	271,09		429,00
1006 30 27	(7)	271,09		429,00
1006 30 42	(7)	271,09		429,00
1006 30 44	(7)	271,09		429,00
1006 30 46	(7)	271,09		429,00
1006 30 48	(7)	271,09		429,00
1006 30 61	(7)	271,09		429,00
1006 30 63	(7)	271,09		429,00
1006 30 65	(7)	271,09		429,00
1006 30 67	(7)	271,09		429,00
1006 30 92	(7)	271,09		429,00
1006 30 94	(7)	271,09		429,00
1006 30 96	(7)	271,09		429,00
1006 30 98	(7)	271,09		429,00
1006 40 00	(7)	84,38		132,00

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ No L 84, 30. 3. 1990, p. 85).

⁽²⁾ In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11 (3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ No L 337, 4. 12. 1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ No L 88, 9. 4. 1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ No L 263, 19. 9. 1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of ECU 250 per tonne applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ No L 292, 15. 11. 1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ No L 31, 1. 2. 1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	266,25	572,00	363,30	572,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (ECU/tonne)	—	377,86	330,95	287,16	330,67	—
(b) fob price (ECU/tonne)	—	—	—	257,16	300,67	—
(c) Sea freight (ECU/tonne)	—	—	—	30,00	30,00	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 974/97
of 30 May 1997
fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular the second subparagraph of Article 13 (3) thereof,

Whereas Article 13 of Regulation (EC) No 3072/95 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 Article 13 (4) 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 rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Commission Regulation (EEC) No 1361/76 ⁽²⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 13 (5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when

the export refund on rice and broken rice is being calculated;

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 a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 1997.

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

Done at Brussels, 30 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 154, 15. 6. 1976, p. 11.

ANNEX

to the Commission Regulation of 30 May 1997 fixing the export refunds on rice and broken rice

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refunds	Product code	Destination (1)	Amount of refunds
1006 20 11 9000	01	226,00	1006 30 65 9900	01	283,00
1006 20 13 9000	01	226,00		04	283,00
1006 20 15 9000	01	226,00	1006 30 67 9100	—	—
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	226,00	1006 30 92 9100	01	283,00
1006 20 94 9000	01	226,00		02	289,00
1006 20 96 9000	01	226,00		03	294,00
1006 20 98 9000	—	—		04	283,00
1006 30 21 9000	01	226,00	1006 30 92 9900	01	283,00
1006 30 23 9000	01	226,00		04	283,00
1006 30 25 9000	01	226,00		—	—
1006 30 27 9000	—	—	1006 30 94 9100	01	283,00
1006 30 42 9000	01	226,00		02	289,00
1006 30 44 9000	01	226,00		03	294,00
1006 30 46 9000	01	226,00		04	283,00
1006 30 48 9000	—	—	1006 30 94 9900	01	283,00
1006 30 61 9100	01	283,00		04	283,00
	02	289,00		—	—
	03	294,00	1006 30 96 9100	01	283,00
	04	283,00		02	289,00
1006 30 61 9900	01	283,00		03	294,00
	04	283,00		04	283,00
1006 30 63 9100	01	283,00	1006 30 96 9900	01	283,00
	02	289,00		04	283,00
	03	294,00		—	—
	04	283,00	1006 30 98 9100	—	—
1006 30 63 9900	01	283,00	1006 30 98 9900	—	—
	04	283,00		—	—
1006 30 65 9100	01	283,00	1006 40 00 9000	—	—
	02	289,00			
	03	294,00			
	04	283,00			

(1) The destinations are identified as follows:

- 01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Ceuta and Melilla,
- 03 Zones IV, V, VII (c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87.

NB: The zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

COMMISSION REGULATION (EC) No 975/97

of 30 May 1997

setting the amounts of aid for the supply of rice products from the Community
to the Canary Islands

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 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 3 thereof,

Whereas, pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural

conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 1482/96⁽⁸⁾;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 1997.

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

Done at Brussels, 30 May 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 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 30 May 1997 setting the amounts of aid for the supply of
rice products from the Community to the Canary Islands

Product (CN code)	<i>(ECU/tonne)</i>	
	Amount of aid	
	Canary Islands	
Milled rice (1006 30)	300,00	
Broken rice (1006 40)	66,00	

COMMISSION REGULATION (EC) No 976/97

of 30 May 1997

**setting the amounts of aid for the supply of rice products from the Community
to the Azores and Madeira**

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 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 10 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EEC) No 1696/92 ⁽³⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira; whereas Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice products to the Azores and Madeira and establishing the forecast supply balance for these products ⁽⁵⁾, as last amended by Regulation (EC) No 1683/94 ⁽⁶⁾, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

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

Done at Brussels, 30 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁷⁾, as last amended by Regulation (EC) No 150/95 ⁽⁸⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁹⁾, as last amended by Regulation (EC) No 1482/96 ⁽¹⁰⁾;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 1997.

⁽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 198, 17. 7. 1992, p. 37.

⁽⁶⁾ OJ No L 178, 12. 7. 1994, p. 53.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 30 May 1997 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

(ECU/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	300,00	300,00

COMMISSION REGULATION (EC) No 977/97

of 30 May 1997

fixing the corrective amount applicable to the refund on cereals

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 (8) thereof,

Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 95/96⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1)(c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 1482/96⁽⁸⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 1997.

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

Done at Brussels, 30 May 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. 7.
⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.
⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.
⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.
⁽⁸⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 30 May 1997 fixing the corrective amount applicable to
the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current	1st period	2nd period	3rd period	4th period	5th period	6th period
0709 90 60	—	—	—	—	—	—	—	—
0712 90 19	—	—	—	—	—	—	—	—
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	—	—	—	—	—	—	—	—
1002 00 00 9000	—	—	—	—	—	—	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	—	—	—	—	—	—	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	—	—	—	—	—	—	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	—	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	—	—	—	—	—	—	—	—
1101 00 15 9130	—	—	—	—	—	—	—	—
1101 00 15 9150	—	—	—	—	—	—	—	—
1101 00 15 9170	—	—	—	—	—	—	—	—
1101 00 15 9180	—	—	—	—	—	—	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	—	—	—	—	—	—	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	—	—	—	—	—	—	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	—	—	—	—	—	—	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

01 all third countries.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 978/97
of 30 May 1997
fixing an export tax on cereal products

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 16 thereof,

Whereas Article 16 of Regulation (EC) No 1766/92 provides that where quotations or prices on the world market for certain products reach the level of Community prices and such situation is likely to continue and deteriorate thereby disturbing or threatening to disturb the Community market, appropriate measures may be taken; whereas Article 15 of Commission Regulation (EC) No 1501/95⁽³⁾, as last amended by Regulation (EC) No 95/96⁽⁴⁾, provides that where such conditions are met, an export tax may be fixed and may vary according to the destination;

Whereas prices on the world market for common wheat and durum wheat have reached the level of those in the Community; whereas this situation is likely to lead to an excessive export of common wheat, flour of common wheat and spelt and flour of meslin, groats and meal of

common wheat and spelt, as well as durum wheat, flour of durum wheat and groats and meal of durum wheat from the Community; whereas it has therefore been decided to apply an export tax to these products at a level adapted to the current situation on the world market and which will avoid disturbance to the Community market;

Whereas Commission Regulation (EEC) No 120/89⁽⁵⁾, as last amended by Regulation (EC) No 2194/96⁽⁶⁾, and in particular Article 3 thereof, is applicable;

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 tax referred to in Article 15 of Regulation (EC) No 1501/95 is fixed at the level set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 June 1997.

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

Done at Brussels, 30 May 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. 7.

⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.

⁽⁵⁾ OJ No L 16, 20. 1. 1989, p. 19.

⁽⁶⁾ OJ No L 293, 16. 11. 1996, p. 3.

ANNEX

CN code	Level of export tax in ECU/tonne
1001 10 00	10,00
1001 90 99	5,00
1101 00 11	15,00
1101 00 15	7,00
1101 00 90	7,00
1103 11 10	15,00
1103 11 90	7,00

COMMISSION REGULATION (EC) No 979/97

of 30 May 1997

fixing the rates of the refunds applicable to certain milk products 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 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 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EC) No 229/96⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced

skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90⁽⁶⁾;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁷⁾, as last amended by Regulation (EC) No 531/96⁽⁸⁾, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 June 1997.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 78, 28. 3. 1996, p. 13.

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

Done at Brussels, 30 May 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

to the Commission Regulation of 30 May 1997 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2): (a) On exportation of goods of CN code 3501 (b) On exportation of other goods	— 63,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3): (a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EEC) No 570/88 are exported (b) On exportation of other goods	67,23 108,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6): (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat (c) On exportation of other goods	65,00 197,25 190,00

COMMISSION REGULATION (EC) No 980/97

of 30 May 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾ and in particular Article 17 (5) (a) and (15),

Whereas Article 17 (1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1 (1) (a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty and the criteria for fixing the amount of such refunds⁽³⁾ as last amended by Regulation (EC) No 229/96⁽⁴⁾ specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

Whereas, in accordance with Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 17 (3) of Regulation (EEC) No 1785/81 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

Whereas the refunds fixed under this Regulation may be fixed in advance; whereas the market situation over the next few months cannot be established at the moment;

Whereas the commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex II to the Treaty may be jeopardized by the fixing in advance of high refund rates; whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts; whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86⁽⁵⁾, as last amended by Commission Regulation (EC) No 1126/96⁽⁶⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 1997.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ No L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 30 May 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

to the Commission Regulation of 30 May 1997 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	3,26	3,26
— in all other cases	39,87	39,87
Raw sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	2,99	2,99
— in all other cases	36,68	36,68
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	$\frac{3,26^{(*)} \times S^{(1)}}{100}$	$\frac{3,26^{(*)} \times S^{(1)}}{100}$
— in all other cases	$\frac{39,87^{(*)} \times S^{(1)}}{100}$	$\frac{39,87^{(*)} \times S^{(1)}}{100}$
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion	the rate fixed above for 100 kg of white or raw sugar used for the dissolution	
Molasses	—	—
Isoglucose ⁽²⁾ :		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	3,26 ⁽³⁾	3,26 ⁽³⁾
— in all other cases	39,87 ⁽³⁾	39,87 ⁽³⁾

⁽¹⁾ 'S' represents in 100 kilograms of syrup

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

— the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

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

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

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

COMMISSION REGULATION (EC) No 981/97
of 29 May 1997

imposing provisional anti-dumping duties on imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Russia, the Czech Republic, Romania and the Slovak Republic

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 Council Regulation (EC) No 2331/96 of 2 December 1996⁽²⁾, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 31 August 1996, the Commission announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of certain seamless pipes and tubes of iron or non-alloy steel originating in Russia, the Czech Republic, Romania and the Slovak Republic and commenced an investigation.
- (2) The proceeding was initiated as a result of a complaint lodged on 19 July 1996 by the Defence Committee of the Seamless Steel Tube Industry of the European Union on behalf of producers representing a major proportion of total Community production of the product concerned. The complaint contained evidence of dumping of the said product, and of material injury resulting therefrom, which was considered sufficient to justify the opening of a proceeding.
- (3) The Commission officially advised the producers, exporters and importers known to be concerned, as well as the representatives of the exporting countries and the complainant, of the opening of the proceeding, and gave interested parties the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.

- (4) A number of producers in the countries concerned, as well as some Community producers and importers, made their views known in writing. A hearing was offered to all parties who requested one within the time limit.
- (5) The Commission sent questionnaires to all parties known to be concerned and received replies from the complainant Community producers, from other Community producers supporting the complaint, from certain importers, and from the producers in the countries concerned.
- (6) 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 visits at the premises of the following companies:

(a) complainant Community producers:

- Voest Alpine, Kindberg, Austria,
- Vallourec Industries, Boulogne-Billancourt, France,
- Benteler AG, Paderborn, Germany,
- Mannesmannröhren-Werke AG, Mülheim an der Ruhr, Germany,
- Dalmine S.p.A., Dalmine, Italy,
- Productos Tubulares S.A., Valle de Trapaga, Spain,
- Tubos Reunidos S.A., Amurrio, Spain,
- Ovako Steel AB Tube Division, Hofors, Sweden;

(b) Community producers supporting the complaint:

- ESW Röhrenwerke GmbH, Eschweiler, Germany,
- Rohrwerk Neue Maxhütte GmbH, Sulzbach-Rosenberg, Germany;

(c) importers not related to exporters:

- Jannone ARM S.p.A., Naples, Italy,
- Geminvest S.R.L., Limbiate, Italy,
- Starval, Marly La Ville, France,
- Voest Alpine Stahlhandel AG, Linz, Austria;

(d) importers/trading companies related to exporters:

- Pipex International AG, Nidau, Switzerland (related to the Slovak producer),

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1, referred to as the 'Basic Regulation'.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No C 253, 31. 8. 1996, p. 26, referred to as the 'Notice of Initiation'.

- Pipex Italia S.p.A., Milan, Italy (related to the Slovak producer),
- Topham Eisen- und Stahlhandelsges.m.b.H., Vienna, Austria (related to two Czech producers).

Although Pipex International AG is located in Switzerland and not, therefore, an EC importer, it allowed the Commission investigators to verify its records at its subsidiary's offices in Milan;

(e) *producers/exporters in the countries of origin:*

Czech Republic:

- Vítkovice a.s. and Vítkovice Export a.s., Ostrava,
- Nová Huť a.s., Ostrava,
- Válcovny Trub Dioss and Dioss Trading, Chomutov,
- Ferromet Long Products Ltd, Prague;

Romania:

- SC Artrom SA, Slatina,
- SC Silcotub SA, Žalau,
- SC Petrotub SA, Roman,
- SC Republica SA Trade Company, Bucharest,
- Intertube Ltd, Bucharest,
- SC Metalexportimport SA, Bucharest,
- Sota Company, Bucharest;

Slovak Republic:

- Železiarne Podbrezová, Podbrezová.

- (7) The investigation of dumping covered the period from 1 September 1995 until 31 August 1996 (hereinafter referred to as the 'investigation period'). The examination of injury covered the period from January 1992 up to the end of the investigation period.
- (8) It is recalled that provisional anti-dumping duties were imposed on imports of certain seamless pipes and tubes originating in Czechoslovakia, Hungary, Poland and the Republic of Croatia in November 1992 ⁽¹⁾, the duties being further extended in March 1993 ⁽²⁾. The proceeding was terminated in October 1993 ⁽³⁾ in respect of imports originating in the Czech Republic and the Slovak Republic following the Commission's acceptance of undertakings by those countries in the form of tariff quotas ⁽⁴⁾ established for the period 1 June 1993 to 31 December 1995.

With regard to imports of the product originating in Hungary, Poland and the Republic of Croatia,

definitive anti-dumping duties were imposed in May 1993 ⁽⁵⁾ and the Commission, by Decision 93/260/EEC ⁽⁶⁾, accepted undertakings offered in connection with this anti-dumping proceeding by exporters in these countries. These measures are still in force but are currently under review ⁽⁷⁾.

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Description of the product concerned

- (9) The following categories of products are concerned by this proceeding:
- (a) seamless pipes, of iron or non-alloy steel, of a kind used for oil and gas pipelines, of an external diameter not exceeding 406,4 mm;
 - (b) seamless tubes of circular cross-section, of iron or non-alloy steel, cold-drawn or cold-rolled, other than precision tubes;
 - (c) other tubes of circular cross-section, of iron or non-alloy steel, other than threaded or threadable, of an external diameter not exceeding 406,4 mm.
- (10) These products fall under CN codes 7304 10 10, 7304 10 30, 7304 31 99, 7304 39 91 and 7304 39 93. In line with the position previously adopted by the Council, all seamless pipes and tubes falling under the aforementioned CN codes are to be considered as one product (hereinafter seamless tubes) for the purposes of this proceeding as they have the same basic physical characteristics and uses.

2. Like product

- (11) The types of seamless tubes which are the subject of this proceeding are manufactured by essentially the same production technology and are considered to be similar or identical in their essential physical and technical characteristics and in their end uses, irrespective of whether they are manufactured in the Community or in the countries concerned by the proceeding. While there are some technical differences between the three types of tubes, these are not sufficient to establish clear dividing lines between the products since tubes classified under one category can be, and sometimes are, substituted for tubes classified under a different one. Furthermore, the Commission found there to be no significant differences between domestic standards in the countries concerned and standards in the Community. All three types have therefore to be considered a like product within the meaning of Article 1 (4) of the Basic Regulation.

⁽¹⁾ OJ No L 328, 14. 11. 1992, p. 15.

⁽²⁾ OJ No L 58, 11. 3. 1993, p. 1.

⁽³⁾ OJ No L 252, 9. 10. 1993, p. 39.

⁽⁴⁾ OJ No L 180, 23. 7. 1993, p. 1.

⁽⁵⁾ OJ No L 120, 15. 5. 1993, p. 34.

⁽⁶⁾ OJ No L 120, 15. 5. 1993, p. 42.

⁽⁷⁾ OJ No C 253, 31. 8. 1996, p. 25.

- (12) Some Russian exporters claimed that the products they sold to the Community market were of such poor quality and were manufactured to such low technical specifications that they could not and should not be likened to the products of the Community industry. However, since none of the companies produced any concrete evidence to back up this assertion, and bearing in mind that Russian imports are classified under the same CN codes as imports from the other countries concerned, the Commission sees no reason why Russian products should be excluded from the scope of this proceeding.

C. DUMPING

1. General

- (13) Seamless tubes come in a wide range of specifications and it is not uncommon for a company to manufacture several thousand products, each having a different specification. For the purposes of the dumping calculations, therefore, the products were first classified by category (see recital (9) above) and then subdivided into product groups according to their external diameter and wall thickness. Consequently, normal values, export prices and their comparison were established on a product group basis.

2. Czech Republic

(a) Cooperation

- (14) All three producers known to manufacture and export the product concerned, together with their related trading companies, replied to the questionnaire and were visited on-spot. During the course of the verification carried out at the premises of one of the producers, however, it was found that the data it had submitted concerning its export and domestic sales were not verifiable because the listings contained a large number of sales which had never actually taken place. It was concluded that the company's accounting system did not comply with generally accepted accounting principles and that its reply to the Commission's questionnaire was both misleading and unreliable. In addition, the costs of production had been calculated using information that considerably predated the period of investigation. In view of the above, the Commission had no other option than to apply Article 18 (1) of the Basic Regulation and to base its findings with regard to this producer on the facts available.

(b) Normal value

- (15) The other two producers visited were related (see recital (22)). For these cooperating companies, normal value was established on the basis of actual domestic prices when sales of the like product were made in sufficient quantities in the ordinary course of trade.
- (16) It was found that both producers' overall domestic sales of the product concerned during the investigation period were representative since the total volume of such sales far exceeded the threshold of 5 % of export sales laid down in Article 2 (2) of the Basic Regulation. Domestic sales of each product group were considered representative if they met the same criterion. In addition, in order to establish whether these sales were made in sufficient quantities in the ordinary course of trade, the domestic selling price was compared to the full cost of production (i.e. the cost of manufacturing plus the selling, general and administrative expenses, or SG&A). For one of the two producers, the SG&A expenses (expressed as a percentage of domestic turnover) were replaced by those of the related producer as the company was unable to provide all the accounting documents necessary to support the figures submitted.

Where the weighted average sales price was equal to or higher than the weighted average unit cost, and where more than 80 % of transactions in a given product group were profitable, normal value was established as the weighted average price of all the transactions. In most of the product groups, however, the proportion of profitable sales did not exceed 80 %, and so normal value was either established by taking the weighted average price of the profitable transactions only or, in the case of groups for which there were no domestic sales or where fewer than 10 % of sales were profitable, by constructing. Constructed normal values were calculated in accordance with Article 2 (3) of the Basic Regulation by adding to the cost of production the company's average profit on all profitable domestic sales of the product concerned in other product groups.

- (17) Normal value for non-cooperating companies was established at the level of each CN code and was based on the normal values actually found for the two cooperating producers. In order not to reward non-cooperation, however, only the highest of the normal values established for the various product groups within a particular CN code was used to determine the normal value for the products exported by the non-cooperating companies under that code.

(c) *Export price*

- (18) The two cooperating companies sold to independent customers in the EC either directly or through their related sales subsidiaries in the Czech Republic which acted as their export marketing arms. One of the two also sold through a related trading company in Austria in which it held a minority shareholding of more than 5 %. In the case of sales made direct or through the Czech sales subsidiaries, the export price was determined on the basis of the prices charged to the first independent customers in the Community in accordance with Article 2 (8) of the Basic Regulation. In the case of sales made through the related Austrian importer, the export price had to be constructed in accordance with Article 2 (9) of the Basic Regulation. Since this importer's reply to the Commission's questionnaire did not contain the necessary detailed product description for its sales to the Community, the export price was constructed by adding the importer's gross margin to the purchase price paid to its supplier and deducting its own SG&A expenses and a margin of 4 % for profit. This margin was considered reasonable as being that generally achieved by unrelated importers during the course of the investigation.

- (19) With regard to non-cooperating companies, the Commission acted in accordance with Article 18 (1) of the Basic Regulation and based its findings on the facts available. In these circumstances, the import prices reported by Eurostat were found to be the most appropriate basis for determining the export price after first excluding from the Eurostat figures all the exports reported by the two cooperating companies. The weighted average export price thus established was considerably lower than that established for the cooperating producers/exporters, indicating that dumping margins for non-cooperating producers/exporters were higher than those found for cooperating ones.

(d) *Comparison*

- (20) In view of the large number of export transactions and the great variety of products, the Commission, in accordance with Article 17 of the Basic Regulation, limited the comparison to the main product groups since these accounted for more than 93 % of export sales in both cooperating companies. For the purpose of a fair comparison between the normal value and the export price at an ex-works

level, due allowance in the form of adjustments were made for differences which were claimed and demonstrated to affect price comparability. These adjustments were made, where appropriate, in accordance with Article 2 (10) of the Basic Regulation, in respect of transport, insurance and credit costs.

(e) *Dumping margin*

- (21) In accordance with Article 2 (11) of the Basic Regulation, the dumping margin for the two cooperating producers was established on the basis of a comparison of weighted average normal values with individual export prices. This was necessary in order to reflect the full degree of dumping being practised and because there was a pattern of export prices which differed significantly among different Member States and between time periods. More specifically, the export prices varied between any two Member States by as much as 25 % and there was also found to be a significant increase in dumping after the expiry of quantitative restrictions on 31 December 1995.

- (22) However, since the two cooperating producers were found to have a majority shareholder in common (the National Property Fund, a government body), the Commission established a single dumping margin for them. This was determined by expressing the total amount of dumping found for the two companies as a percentage of the total cif Community frontier value of imports. On this basis, the provisional dumping margins for the two cooperating producers/exporters are:

— Vítkovice as	5,2 %
— Nová Huť as	5,2 %

- (23) For those Czech exporting producers or exporters which failed to reply to the Commission's questionnaire, did not make themselves known, or otherwise did not cooperate with the investigation (and which accounted for over 40 % of total Czech exports to the Community), the dumping margin was determined on the basis of the facts available in accordance with Article 18 (1) of the Basic Regulation. This was done in order not to reward non-cooperation and to avoid any opportunity for circumvention. A residual dumping margin was therefore calculated by comparing the normal value as determined at recital 17 with the export price as determined at recital 19. Expressed as a percentage of the adjusted Eurostat import price, the provisional residual dumping margin is: 46,8 %.

3. Romania

(a) *Normal value*

- (24) During the investigation period, Romania experienced high annual inflation of around 50 %. To prevent this distorting the calculations, normal values were established for the shortest periods of time for which cost of production information was provided. For one company, normal values were therefore calculated on a monthly basis, for two companies on a quarterly basis, and for the final company on an annual basis since it did not provide more detailed information.
- (25) The same methodology as that described in recitals (15) and (16) was applied.

Most normal values were based on domestic prices, but in those cases where the profitable sales represented less than 10 % of total sales volume, or where domestic sales of a particular product group were unrepresentative, they were constructed. This method was employed because the normal values found for other companies related to different time periods (see recital (24) above) and would have distorted the result. Constructed normal values were calculated by adding to the cost of production (i.e. including SG&A expenses) either the weighted average profit made on all sales (one exporter), or the weighted average profit made on profitable sales alone (two exporters). In accordance with Article 2 (6) of the Basic Regulation, the exporters' own profit and SG&A expenses were used, as they all had sufficiently representative sales made in the ordinary course of trade on the domestic market.

(b) *Export price*

- (26) The Romanian producers sold the like product either directly or via agents located in Romania to independent customers on the Community market. Since these agents operated on a fixed commission basis which was contractually agreed between the producers and these agents, export prices were established on the basis of prices invoiced to and paid by the customers in the Community, in accordance with Article 2 (8) of the Basic Regulation.

(c) *Comparison*

- (27) For the purpose of a fair comparison between the normal value and the export price at an ex-works level, due allowance in the form of adjustments was made for differences which were claimed and demonstrated to affect price comparability. These

adjustments were made, where appropriate, in accordance with Article 2 (10) of the Basic Regulation, in respect of transport, insurance, handling, loading and ancillary costs, packing costs, credit and commissions.

(d) *Dumping margin*

- (28) The weighted average normal value for each product group was compared with the adjusted individual export prices in accordance with Article 2 (11) of the Basic Regulation. This was necessary in order to reflect the full degree of dumping being practiced and because there was a pattern of export prices which differed significantly between different customers and regions.

- (29) It was found during the course of the verification that the four cooperating producers had a majority shareholder in common (the State Ownership Fund). The Commission therefore established a single dumping margin for them. This was determined by expressing the total amount of dumping found for the four companies as a percentage of the total cif Community frontier value of imports. On this basis, the provisional dumping margins for the four cooperating producer/exporters are:

— SC Artrom SA:	10,8 %
— SC Silcotub SA:	10,8 %
— SC Petrotub SA:	10,8 %
— SC Republica SA Trade Company:	10,8 %

- (30) It was found during the on-the-spot investigation that certain companies, which had not made themselves known to the Commission and therefore did not cooperate in the proceeding, had exported the product concerned from Romania. The dumping margin for these companies was therefore determined on the basis of the facts available in accordance with the provisions of Article 18 (1) of the Basic Regulation. This was done in order not to reward non-cooperation and to avoid any opportunity for circumvention. The Commission services considered that the most reasonable facts available were those established in the investigation and that, since there was no reason to believe that any non-cooperating producer/exporter would have dumped at a lower level than the highest found, the highest dumping margin determined for a producer which had cooperated with the investigation was the most appropriate for this purpose. The provisional residual dumping margin, expressed as a percentage of the cif Community frontier import price is: 38,2 %.

4. Slovak Republic

(a) *Normal value*

- (31) Normal value was established on the basis of the methodology described in recitals (15) and (16). The Slovak producer had overall representative sales of the like product on the domestic market, as well as on a product group basis.

With regard to most product groups, the proportion of profitable sales represented less than 80 % but more than 10 % of the sales volume and normal value was therefore established by taking the weighted average price of the profitable transactions only. However, one product group was more than 80 % profitable and so normal value for this group could be established as the weighted average price of all the transactions.

(b) *Export price*

- (32) All sales of the product concerned to the Community were made via a related trading company in Switzerland, or via the trading company's wholly-owned subsidiary in Italy. Because of the association between the exporter and its distributors, the export price for each product group had to be constructed on the basis of the resale price to the first independent buyer in the Community in accordance with Article 2 (9) of the Basic Regulation. In the case of the Swiss importer, since its functions can be considered similar to those of a trader acting on a commission basis, an adjustment of 9,5 %, based on the company's own SG&A rate and a reasonable amount for profit, was deducted from the prices it charged to independent customers in the Community. In the case of its Italian subsidiary, the export price was constructed by deducting all costs incurred between importation and resale in order to arrive at a reliable export price at the Community frontier level. The invoiced selling price was therefore adjusted to take account of its own SG&A expenses and a margin of 4 % for profit (see recital (18)).

(c) *Comparison*

- (33) In view of the large number of export transactions and the great variety of products, the Commission, in accordance with Article 17 of the Basic Regulation, limited the comparison to the main product groups since these accounted for 83,9 % of the producer's export sales. For the purpose of a fair comparison between the normal value and the export price at an ex-works level, due allowance in the form of adjustments was made for differences which were claimed and demonstrated to affect price comparability. The following allowances were accepted: physical differences, discounts, transport, insurance and credit costs.

(d) *Dumping margin*

- (34) In accordance with Article 2 (11) of the Basic Regulation, the dumping margin was established

on the basis of a comparison of weighted average adjusted normal values for each product group with the adjusted individual export prices. This was necessary in order to reflect the full degree of dumping being practised and because there was a pattern of export prices which differed significantly between the two importers and between time periods. In particular, there was found to be a significant increase in dumping after the expiry of quantitative restrictions on 31 December 1995. Expressed as a percentage of the total cif Community frontier value of imports, the provisional dumping margin for the sole cooperating producer is:

Železiarne Podbrezová: 8,9 %.

- (35) Since the sole known producer accounted for almost all Slovak exports of the product concerned to the Community, the Commission considers that the residual dumping margin should be set at the same level.

5. Russia

(a) *Cooperation*

- (36) Of the six producers/exporters sent a questionnaire, five failed to reply before the deadline set out in the notice of initiation. The information submitted by the sixth company was substantially incomplete. All the companies were warned of the consequences of non-cooperation and given further time in which to reply. Despite this, the information they finally supplied was not in the form requested and did not allow the Commission services to arrive at an accurate determination either of normal value or of the export price because of the way in which individual products and transactions had been grouped together. The Commission services therefore concluded that none of the companies had provided, within the time limits set, the information deemed necessary to the investigation and accordingly applied Article 18 (1) of the Basic Regulation, basing findings on the facts available.

(b) *Normal value*

- (37) In the Notice of Initiation of the proceeding, the Commission proposed the Czech Republic as an appropriate market economy third country for the purpose of establishing normal value. No objection to this choice was received from any party within the deadline set by Article 2 (7) of the Basic Regulation. However, an oral objection, which was not accompanied by any specific proposal of an alternative analogue country, was received from one company's legal representative several weeks later but it could not be taken into account due to the advanced stage of the investigation. Nothing

emerged during the course of the subsequent investigation to suggest that the choice of analogue country was inappropriate. The choice of the Czech Republic as the analogue country is therefore confirmed for the following reasons: producers in the Czech Republic and Russia use the same production process for the manufacture of the product concerned; Czech producers, like the vast majority of Russian producers, belong to steel groups with fully integrated steel plants and have, therefore, similar advantages in respect of the supply of raw materials; the Czech and Russian producers cover the full size range of the product concerned; the Czech and Russian producers have a much closer scale of production than producers in other countries; and the volumes of exports to the Community of the Czech Republic and Russia are of similar magnitude.

- (38) In order not to reward non-cooperation, the same normal values determined for non-cooperating Czech companies were used to establish normal value for the Russian companies (see recital (17)).

(c) *Export price*

- (39) In the absence of any better information, the export price was established on the basis of the facts available, in accordance with Article 18 (1) of the Basic Regulation. For this purpose, it was found that the Eurostat import price for Russian pipes under each CN code constituted the soundest basis for establishing the export price.

(d) *Comparison*

- (40) In order for the normal value and the export price to be compared as nearly as possible at the same level (i.e. ex-exporting country frontier), an adjustment was made, in accordance with Article 2 (10) of the Basic Regulation, to take account of freight costs.

(e) *Dumping margin*

- (41) The comparison between the weighted average normal value and the weighted average export price showed the existence of dumping. Expressed as a percentage of the cif Community frontier price (Eurostat), the provisional dumping margin for all Russian companies is: 32,9 %.

D. COMMUNITY INDUSTRY

- (42) The investigation has confirmed that the complainant Community producers account for a major proportion of total Community production of the like product.

- (43) As set out in recital (5), all complainant Community producers and two other companies cooperated in the investigation. All these companies constituted a major proportion of the total production of the product subject to investigation in the Community. They will consequently be referred to hereinafter as the Community industry within the meaning of Article 4 (1) of the Basic Regulation.

E. INJURY

1. Preliminary remark

- (44) All data concerning injury refer to the period 1992 to August 1996 and are expressed in tonnes per month, due to the fact that the end of the investigation period does not cover a full calendar year. The geographical scope is the Community of fifteen Member States.
- (45) The analysis of any injury suffered by the Community industry has to be made in the light of the existing anti-dumping measures imposed in 1992 and 1993⁽¹⁾ in respect of imports of the product concerned from Hungary, Poland and the Republic of Croatia. These measures, which consist of quantitative undertakings and residual duties, are currently under review⁽²⁾.
- (46) Imports of all seamless tubes⁽³⁾, originating in the Czech Republic and the Slovak Republic were, between 1993 and 1995, subject to a tariff-quota system which expired on 31 December 1995⁽⁴⁾.

2. Community consumption

- (47) Community consumption was calculated by adding total third country imports to the total deliveries of the Community producers destined for the Community market.
- (48) Community consumption expressed in tonnes per month amounted to 89 900 in 1992, 69 700 in 1993, 84 070 in 1994, 92 730 in 1995 and to 92 130 during the investigation period, an overall increase of around 2 % in a period of fluctuating demand.

⁽¹⁾ Commission Regulation (EEC) No 3296/92 of 12 November 1992 (OJ No L 328, 14. 11. 1992, p. 15) and Council Regulation (EEC) No 1189/93 of 14 May 1993 (OJ No L 120, 15. 5. 1993, p. 34).

⁽²⁾ Notice of Initiation published on 31 August 1996 (OJ No C 253, 31. 8. 1996, p. 25).

⁽³⁾ Complete Combined Nomenclature code 7304, including, therefore, the product concerned.

⁽⁴⁾ Council Regulation (EEC) No 1968/93 of 19 July 1993 (OJ No L 180, 23. 7. 1993, p. 1).

3. Dumped imports

(a) Cumulation

- (49) It was found that the seamless tubes in question were imported from each exporting country concerned in substantial quantities, held a significant share, and competed with each other and with those manufactured by the Community industry. Consequently, in accordance with Article 3 (4) of the Basic Regulation, the effects of all imports from the four countries subject to the present anti-dumping proceeding, which were found to be dumped (as outlined in recitals (22), (23), (29), (30), (34), (35) and (41)), should be assessed cumulatively for the purpose of injury analysis.

(b) Cumulated volume and market share of dumped imports

- (50) Cumulated imports from the Czech Republic, Romania, Russia and the Slovak Republic, expressed in tonnes per month, decreased from about 12 800 in 1992 to 6 330 tonnes in 1993, and then increased to 14 000 tonnes in 1994, 15 930 in 1995 and 18 580 tonnes during the investigation period, an increase of 45 % over the period as a whole.

Corresponding market shares amounted to 14,2 % in 1992, 9,1 % in 1993, 16,6 % in 1994, 17,2 % in 1995 and 20,2 % during the investigation period.

(c) Prices of dumped imports and undercutting

- (51) For the examination of price undercutting during the investigation period, comparison was made between adjusted weighted average prices of imported products for sales to the first independent customer in the Community (cif Community border level) and adjusted Community producers' weighted average net sales prices to independent buyers (ex-works level).

As a result of this comparison, the following weighted average price undercutting, expressed as a percentage of Community producers' prices, were found:

— Czech Republic:	from 21,2 % to 43,2 %,
— Romania:	25,8 %,
— Russia:	41,5 %,
— Slovak Republic:	17,5 %.

4. Situation of the Community industry

(a) Capacity, production and utilization rate

- (52) Between 1992 and the investigation period, 11 production plants and facilities ceased production, representing a reduction of about one fourth of the total production capacity of seamless tubes existing in the Community at the beginning of the period.
- (53) Production of the Community industry, expressed in tonnes per month, fell from about 94 720 in 1992 to 80 440 in 1993, 80 990 in 1994, 83 000 in 1995 and to 78 180 during the investigation period, a fall of almost 18 % over the period examined.
- (54) Corresponding rates of capacity utilization rose from 63,5 % in 1992 and 61,1 % in 1993 to 69,2 % in 1994 and to 75,9 % in 1995, and fell back to 71,2 % during the investigation period.

(b) Sales volume and market share

- (55) Average monthly sales of Community producers destined for the Community market were 67 650 tonnes in 1992, 57 470 tonnes in 1993, 63 110 tonnes in 1994 and 66 890 tonnes in 1995, and dropped to 62 090 tonnes during the investigation period.

The market share held by the Community industry increased from 75,2 % in 1992 to 82,4 % in 1993 and fell to 75,1 % in 1994, 72,1 % in 1995, and dropped by a further 4,7 percentage points to reach 67,4 % during the investigation period.

(c) Sales prices

- (56) On average, unit prices of the product concerned sold by the Community producers on the Community market, expressed in ECU per tonne, were 576 in 1992, 504 in 1993, 509 in 1994, 578 in 1995 and then increased to 593 during the investigation period.

(d) Profitability

- (57) The Community industry incurred financial losses between 1992 and 1994. These losses averaged 8 %. There followed an improvement in return on sales in 1995 (−2,1 %) and break-even was achieved in the first eight months of 1996 due partly to price increases and partly to measures in force in this sector (as mentioned in recital (8)). This limited improvement in profitability was, however, not sufficient to generate the level of earnings that would be required by the Community industry to cover its increasing production costs and the high investment in restructuring, make a reasonable profit, recover from previous years' losses and ensure its long term viability.

(e) *Employment*

- (58) Employment in the Community industry declined continuously by around 35 % between 1992 and August 1996, amounting in absolute terms to a loss of about 2 800 jobs.

5. Conclusion

- (59) During the period under consideration, the Community industry has attempted to stabilize a situation already weakened by past dumping (see recital (45)), and to re-establish positive financial results. However, despite these considerable efforts, the measures in force in the seamless tubes sector, and an improvement in prices in 1996, it could not reach a satisfactory level of profitability in that year. It continuously lost market share after 1993 and, between 1995 and 1996, experienced an additional significant downturn in output and capacity utilization. In view of these developments and for the purpose of provisional findings, it is concluded that the Community industry, which remains in a precarious situation, has suffered material injury.

F. CAUSATION

1. Effect of the cumulated dumped imports

- (60) It should be noted that, under the tariff-quota system in place until 31 December 1995 with regard to imports of the product concerned originating in the Czech Republic and Slovak Republic (see recital (46)), there was a 13,5 % increase in the ceilings between 1994 and 1995. Russian and Romanian imports were not subject to any quantitative restrictions over the period examined.
- (61) After the expiry of the tariff-quota system, imports of all seamless tubes from the Czech Republic and the Slovak Republic considerably exceeded, during the first eight months of 1996, the level reached in the corresponding period of 1995, by 29,3 % for the Czech Republic and by 34,5 % for the Slovak Republic.
- (62) While consumption in the Community remained relatively stable, cumulated imports from the Czech Republic, Romania, Russia and the Slovak Republic, increased their total market share by around six percentage points, from 14,2 % in 1992 to 20,2 % during the investigation period, while the Community industry lost market share by about 7,8 percentage points from 75,2 % to 67,4 % over the same period. Bearing in mind that significant price

undercutting was found for each exporting country, and considering that the increase in market share held by the imports concerned coincided with the deterioration in the Community industry's situation, which accelerated between 1995 and 1996 (as assessed in recital (59)), it is concluded that, taken together, imports from the four countries concerned had a negative impact on the situation of the Community industry.

2. Effect of other factors

(a) Imports from Hungary, Poland and the Republic of Croatia

- (63) As stated in recital (45), imports from Hungary, Poland and the Republic of Croatia were subject during the period concerned to anti-dumping measures in the form of quantitative undertakings, which are currently under review. Findings in respect of the review will be made known on completion of the corresponding investigation.

(b) Other imports

- (64) Imports from other countries, not covered by the current proceeding, or by the review proceeding in progress, increased their market share slightly over the period, from 4,2 % in 1992 and 3,3 % in 1993 to 4,3 % in 1994, 6,5 % in 1995 and 7,7 % during the investigation period.

Although they were increasing in volume, these imports were found to be made at prices distinctly higher than those of the dumped imports subject to the present investigation.

It is therefore concluded that the imports in question had no substantial impact, if any, on the situation of the Community industry.

(c) General economic situation

- (65) Community consumption declined in 1993 due to the world economic recession, which affected in particular the users of the product concerned (car industry, construction, etc.). In that year, the imports concerned reached a low level, and the Community industry experienced its poorest results in terms of sales on the Community market, prices and profitability.

- (66) However, except in the exceptional situation in 1993, consumption remained generally stable during the other years of the period considered (1992, and 1994 to the investigation period). The general economic situation cannot, therefore, be considered as a factor continuously responsible for

the precarious situation still faced by the Community industry in those years. Indeed, given the considerable efforts of rationalization and restructuring made by Community producers, and the trade defense measures in force during this period, the Community industry should have recovered to a greater extent and obtained more satisfactory results in 1995 and 1996.

(d) *Conclusion*

- (67) The world recession of 1993 had some negative impact on the performance of the Community industry in that year, and imports from other countries may also have somewhat contributed to worsening of the industry's situation. For all the reasons outlined above, however, and for the purpose of the provisional findings, it must be concluded that the impact of the low prices and the steep increase in the volumes of dumped imports from the four countries concerned, taken in isolation and on a cumulated basis, caused material injury to the Community industry.

G. COMMUNITY INTEREST

1. Remark on world seamless tubes production

- (68) At both the world and the European continent levels, and even at European Union levels, chronic production overcapacity exists.

The Community industry has, as mentioned in recital (52), been carrying out a significant degree of restructuring in order to address its overcapacity problem.

2. Economic operators concerned in this analysis

(a) *The Community industry*

- (69) The Community seamless tube industry is composed of medium-sized and large enterprises dedicated to the production of the product subject to investigation, and other closely-allied tubular products.

Production technology consists of transforming steel ingots or steel scrap (which now represents about two-thirds of raw material input) into seamless tubes.

(b) *Importers/Traders*

- (70) The vast majority of seamless tubes is sold through traders. It is estimated that direct sales to users are less than 5 % of total sales.

The Community market is characterised by the existence of several large traders with Community-wide sales organizations. These large traders resell a significant part of the seamless tubes in question to smaller traders, which sell in more restricted geographical areas. The traders in seamless tubes are highly specialised in the trade of steel products in general, and the market is very transparent.

(c) *Downstream user industries*

- (71) There are several downstream user industries, i. e. the machinery industry, transport of fluids (oil, gas, water, etc.), the chemical and petro-chemical industries, power stations (including nuclear), the automobile and construction industries.

The Commission has received no information during the course of the investigation on the proportion of sales represented by each user industry.

3. Expected effect of the imposition of anti-dumping measures on the Community industry

- (72) Following the imposition of duties, the prices of the imported like product can be expected to rise. This price rise would be reflected in a fall in the volumes imported, thus leading to a reduction in market supply, allowing the Community industry to increase output. The Community industry's prices could be expected to increase to some extent, but certainly not by anything like the level of the duty, given overcapacity and the transparency of the market. The increases in volume, however, would serve to reduce unit costs, and enable the Community industry to address its unsatisfactory financial situation.

4. Effect of non-imposition of measures on the Community industry

- (73) Should provisional measures not be imposed, the injury suffered by the Community industry would continue, and threaten its capacity to produce the whole range of products at competitive costs.

The sector in question depends on a reasonable utilisation rate of capacity, which can only be achieved by a satisfactory level of production of standardised commercial, or oil, tubes which are in direct competition with the dumped products. A decrease in the production of these standard tubes would jeopardise the production of higher-quality product categories, and could lead to a general weakening of the seamless tube sector, forcing some companies out of production of certain or all of the product categories.

5. Effect of measures on importers/traders

- (74) Generally speaking, the lack of co-operation on the part of importers in the context of the Community interest investigation makes it difficult to assess with reliability their likely reaction to the imposition of measures. However, it is known that only a small percentage of their turnover consists of the seamless tubes in question. Given the wide diversity of the products they sell, the measures can be expected to have no more than a minimal effect on their overall situation.

6. Effect of measures on industrial users

- (75) No users have made their views on the impact of anti-dumping measures known. The Commission has, nevertheless, estimated the likely impact on the basis of the information available.

It is estimated that 85 % of the dumped imports from the countries concerned are sold to large traders, who appear to have been taking advantage of the dumped prices to improve profit margins. In so far as traders adjust margins to take account of some or all of the effects of the measures, it can be expected that they will not be fully reflected in their sales prices.

- (76) Moreover, on the basis of the information available, and for the purpose of provisional findings, the Commission is of the opinion that, since the cost of the tubes as a proportion of the cost of the products manufactured by the user industries is relatively small, the impact on them of any price increase for the tubes concerned would remain limited.

It is also likely that any price effect of duties would be mitigated because of the existence of other sources of supply and the fact that the market is highly competitive.

7. Conclusion

- (77) On the basis of the above elements, there is no compelling reason not to remedy the trade distorting effects of injurious dumping. It is therefore concluded, for the purpose of provisional findings, that protective measures are in the interest of the Community.

H. PROVISIONAL DUTY

- (78) For the purpose of establishing the level of the provisional duty, account was taken of the level of

dumping found and the amount of duty necessary to eliminate the injury sustained by the Community industry.

- (79) Since the injury consisted mainly of loss of market share and in particular, financial losses, the removal of such injury would be achieved through the establishment of a non-injurious price level which would allow the Community industry to cover its costs and achieve a reasonable profit.

- (80) In this respect, the Commission has calculated, at an ex-factory level, the price level considered adequate to remove the injury on the basis of the weighted average cost of production of the Community industry, plus a profit of 5 % on turnover considered as an appropriate minimum, taking into account 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. This injury elimination level was then compared to the weighted average selling price of the exporters on a free-at-Community-frontier basis, duly adjusted to take account of the differences in distribution channels as stated in recital (51).

The injury elimination margins thus established are as follows:

— Czech Republic:	from 37,4 % to 97,9 %,
— Romania:	48,3 %,
— Russia:	87,8 %,
— Slovak Republic:	31 %.

- (81) Since the injury elimination margins are all higher than the dumping margins found, the anti-dumping duties should be based at the provisional stage on the dumping margins pursuant to Article 7 (2) of the Basic Regulation.

Provisional anti-dumping duties should therefore correspond to the margins of dumping calculated for the cooperating and non cooperating producers or exporters concerned as set out in recitals (22), (23), (29), (30), (34), (35) and (41).

I. FINAL PROVISION

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Provisional anti-dumping duties are hereby imposed on the following imports originating in Russia, the Czech Republic, Romania and the Slovak Republic:

- (a) seamless pipes, of iron or non-alloy steel, of a kind used for oil and gas pipelines, of an external diameter not exceeding 406,4 mm (falling within CN codes 7304 10 10 and 7304 10 30);
- (b) seamless tubes of circular cross-section, of iron or non-alloy steel, cold-drawn or cold-rolled, other than precision tubes (falling within CN code 7304 31 99);
- (c) other tubes of circular cross-section, of iron or non-alloy steel, other than threaded or threadable, of an external diameter not exceeding 406,4 mm (falling within CN codes 7304 39 91 and 7304 39 93).

2. The rate of provisional duties applicable to the net free-at-Community frontier price of imports of the products concerned, before duty, shall be as follows:

Country	Product manufacturer	Rate of duty (%)	Taric additional code
Czech Republic	Vitkovice a.s.	5,2 %	8058
	Nová Huť a.s.	5,2 %	8058
	Others	46,8 %	8900
Romania	SC Artrom SA	10,8 %	8059
	SC Silcotub SA	10,8 %	8059
	SC Petrotub SA	10,8 %	8059
	SC Republica SA Trade Company	10,8 %	8059
	Others	38,2 %	8900
Slovak Republic	Železiarne Podbrezova	8,9 %	8060
	Others	8,9 %	8900
Russia	All companies	32,9 %	—

3. The provisions in force concerning duties and other customs practices shall apply.

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

Article 2

Pursuant to Article 20 (1) of Regulation (EC) No 384/96, the parties concerned may make known their views and apply to be heard by the Commission within one month of the date of entry into force of this Regulation.

In accordance with the provisions of Article 21 (4) of Regulation (EC) No 384/96, the parties concerned may provide comments on the application of this Regulation within one month of the date of its entry into force.

Article 3

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

Subject to Articles 7, 9, 10 and 14 of Regulation (EC) No 384/96, this Regulation shall apply for a period of six months unless the Council adopts definitive measures before the expiry of this period.

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

Done at Brussels, 29 May 1997.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 982/97
of 30 May 1997
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 13 thereof,

Whereas Article 13 of Regulation (EEC) No 805/68 provides that the difference between 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 (EEC) No 32/82 ⁽³⁾, as last amended by Regulation (EEC) No 3169/87 ⁽⁴⁾, Regulation (EEC) No 1964/82 ⁽⁵⁾, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84 ⁽⁶⁾, as amended by Regulation (EEC) No 3169/87 ⁽⁷⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas, given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms;

Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed

in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

Whereas Commission Regulation (EEC) No 3846/87 ⁽⁸⁾, as last amended by Regulation (EC) No 2230/96 ⁽⁹⁾, establishes the agricultural product nomenclature for the purposes of export refunds; whereas, with a view to clarification, the destinations must be identified in a separate Annex;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁴⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁵⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁶⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁷⁾ OJ No L 370, 19. 12. 1992, p. 16.

⁽⁸⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁹⁾ OJ No L 305, 27. 11. 1996, p. 1.

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat falling within CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽¹⁾, as amended by Regulation (EEC) No 2026/83⁽²⁾;

Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;

Whereas, notwithstanding the subdivision of the combined nomenclature for prepared and preserved meat, other than uncooked, falling within CN code 1602 50, experience has shown that it is possible to delete from the

refund nomenclature several products falling within CN code 1602 50 31 and to amend the list of products falling within CN code 1602 50 80;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products on which export refunds as referred to in Article 13 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in Annex I.
2. The destinations are identified in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on 1 June 1997.

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

Done at Brussels, 30 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽²⁾ OJ No L 199, 22. 7. 1983, p. 12.

ANNEX I

to the Council Regulation of 30 May 1997 fixing export refunds on beef

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (7)	Product code	Destination	Refund (7)
		— Live weight —			— Net weight —
0102 10 10 9120	01	65,00	0201 20 20 9120	02	81,00
0102 10 10 9130	02	38,50		03	56,00
	03	27,00		04	28,00
	04	13,50	0201 20 30 9110 (1)	02	89,00
0102 10 30 9120	01	65,00		03	61,50
0102 10 30 9130	02	38,50		04	30,00
	03	27,00	0201 20 30 9120	02	58,50
	04	13,50		03	41,00
0102 10 90 9120	01	65,00		04	20,50
0102 90 41 9100	02	57,50	0201 20 50 9110 (1)	02	155,50
0102 90 51 9000	02	38,50		03	103,50
	03	27,00		04	51,50
	04	13,50	0201 20 50 9120	02	102,50
0102 90 59 9000	02	38,50		03	71,00
	03	27,00		04	35,50
	04	13,50	0201 20 50 9130 (1)	02	89,00
0102 90 61 9000	02	38,50		03	61,50
	03	27,00		04	30,00
	04	13,50	0201 20 50 9140	02	58,50
0102 90 69 9000	02	38,50		03	41,00
	03	27,00		04	20,50
	04	13,50	0201 20 90 9700	02	58,50
0102 90 71 9000	02	57,50		03	41,00
	03	38,00		04	20,50
	04	19,00	0201 30 00 9050	05 (4)	85,00
0102 90 79 9000	02	57,50		07 (4a)	85,00
	03	38,00	0201 30 00 9100 (2)	02	216,50
	04	19,00		03	148,50
		— Net weight —		04	74,00
0201 10 00 9110 (1)	02	89,00		06	190,50
	03	61,50	0201 30 00 9150 (6)	08	103,00
	04	30,00		09	94,50
0201 10 00 9120	02	58,50		03	79,50
	03	41,00		04	40,00
	04	20,50		06	92,00
0201 10 00 9130 (1)	02	122,50	0201 30 00 9190 (6)	02	81,00
	03	82,00		03	53,50
	04	41,50		04	27,00
0201 10 00 9140	02	81,00		06	65,50
	03	56,00			
	04	28,00			
0201 20 20 9110 (1)	02	122,50			
	03	82,00			
	04	41,50			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (7)	Product code	Destination	Refund (7)
		— Net weight —			— Net weight —
0202 10 00 9100	02	58,50	1602 50 10 9120	02	93,50 (8)
	03	41,00		03	75,00 (8)
	04	20,50		04	75,00 (8)
0202 10 00 9900	02	81,00	1602 50 10 9140	02	83,00 (8)
	03	56,00		03	66,50 (8)
	04	28,00		04	66,50 (8)
0202 20 10 9000	02	81,00	1602 50 10 9160	02	66,50 (8)
	03	56,00		03	53,50 (8)
	04	28,00		04	53,50 (8)
0202 20 30 9000	02	58,50	1602 50 10 9170	02	44,00 (8)
	03	41,00		03	35,50 (8)
	04	20,50		04	35,50 (8)
0202 20 50 9100	02	102,50	1602 50 10 9190	02	44,00
	03	71,00		03	35,50
	04	35,50		04	35,50
0202 20 50 9900	02	58,50	1602 50 10 9240	02	—
	03	41,00		03	—
	04	20,50		04	—
0202 20 90 9100	02	58,50	1602 50 10 9260	02	—
	03	41,00		03	—
	04	20,50		04	—
0202 30 90 9100	05 (4)	85,00	1602 50 10 9280	02	—
	07 (4a)	85,00		03	—
				04	—
0202 30 90 9400 (6)	08	103,00	1602 50 31 9125	01	102,50 (5)
	09	94,50	1602 50 31 9135	01	60,00 (8)
	03	79,50	1602 50 31 9195	01	29,50
	04	40,00	1602 50 31 9325	01	91,50 (5)
	06	92,00	1602 50 31 9335	01	53,50 (8)
0202 30 90 9500 (6)	02	81,00	1602 50 31 9395	01	29,50
	03	53,50	1602 50 39 9125	01	102,50 (5)
	04	27,00	1602 50 39 9135	01	60,00 (8)
	06	65,50	1602 50 39 9195	01	29,50
0206 10 95 9000	02	81,00	1602 50 39 9325	01	91,50 (5)
	03	53,50	1602 50 39 9335	01	53,50 (8)
	04	27,00	1602 50 39 9395	01	29,50
	06	65,50	1602 50 39 9425	01	60,50 (5)
0206 29 91 9000	02	81,00	1602 50 39 9435	01	35,50 (8)
	03	53,50	1602 50 39 9495	01	26,50
	04	27,00	1602 50 39 9505	01	26,50
	06	65,50	1602 50 39 9525	01	60,50 (5)
0210 20 90 9100	02	68,00	1602 50 39 9535	01	35,50 (8)
	04	40,50	1602 50 39 9595	01	26,50
0210 20 90 9300	02	84,00			
0210 20 90 9500 (3)	02	84,00			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (?)	Product code	Destination	Refund (?)
		— Net weight —			— Net weight —
1602 50 39 9615	01	26,50	1602 50 80 9495	01	26,50
1602 50 39 9625	01	12,00	1602 50 80 9505	01	26,50
1602 50 39 9705	01	—	1602 50 80 9515	01	12,00
1602 50 39 9805	01	—	1602 50 80 9535	01	35,50 (8)
1602 50 39 9905	01	—	1602 50 80 9595	01	26,50
1602 50 80 9135	01	53,50 (8)	1602 50 80 9615	01	26,50
1602 50 80 9195	01	26,50	1602 50 80 9625	01	12,00
1602 50 80 9335	01	48,00 (8)	1602 50 80 9705	01	—
1602 50 80 9395	01	26,50	1602 50 80 9805	01	—
1602 50 80 9435	01	35,50 (8)	1602 50 80 9905	01	—

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in amended Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ No L 336, 29. 12. 1979, p. 44).

(4a) Carried out in accordance with amended Commission Regulation (EEC) No 2051/96 (OJ No L 274, 26. 10. 1996, p. 18).

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210 of 1. 8. 1986, p. 39).

(7) Article 13 (10) of amended Regulation (EEC) No 805/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(8) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Commission Regulation (EEC) No 565/80.

NB: The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

ANNEX II

Zone 01: all third countries

Zone 02: zones 08 and 09

Zone 03	Zone 05	Zone 09
022 Ceuta and Melilla	400 United States of America	224 Sudan
024 Iceland		228 Mauritania
028 Norway	Zone 06	232 Mali
041 Faroe Islands		236 Burkina Faso
043 Andorra	809 New Caledonia	240 Niger
044 Gibraltar	822 French Polynesia	244 Chad
045 Vatican City		247 Cape Verde
053 Estonia	Zone 07	248 Senegal
054 Latvia		252 Gambia
055 Lithuania	404 Canada	257 Guinea-Bissau
060 Poland		260 Guinea
061 Czech Republic	Zone 08	264 Sierra Leone
063 Slovakia		268 Liberia
064 Hungary		272 Côte d'Ivoire
066 Romania	046 Malta	276 Ghana
068 Bulgaria	052 Turkey	280 Togo
070 Albania	072 Ukraine	284 Benin
091 Slovenia	073 Belarus	288 Nigeria
092 Croatia	074 Moldova	302 Cameroon
093 Bosnia-Herzegovina	075 Russia	306 Central African Republic
094 Serbia and Montenegro	076 Georgia	310 Equatorial Guinea
096 Former Yugoslav Republic of Macedonia	077 Armenia	311 Sao Tome and Principe
109 The communes of Livigno and Campione d'Italia; the island of Helgoland	078 Azerbaijan	314 Gabon
406 Greenland	079 Kazakhstan	318 Congo
600 Cyprus	080 Turkmenistan	322 Zaire
662 Pakistan	081 Uzbekistan	324 Rwanda
669 Sri Lanka	082 Tajikistan	328 Burundi
676 Myanmar (Burma)	083 Kirghistan	329 St Helena and dependencies
680 Thailand	204 Morocco	330 Angola
690 Vietnam	208 Algeria	334 Ethiopia
700 Indonesia	212 Tunisia	336 Eritrea
708 Philippines	216 Libya	338 Djibouti
724 North Korea	220 Egypt	342 Somalia
740 Hong Kong	604 Lebanon	350 Uganda
950 Stores and provisions (Destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, as amended)	608 Syria	352 Tanzania
	612 Iraq	355 Seychelles and dependencies
	616 Iran	357 British Indian Ocean Territory
	624 Israel	366 Mozambique
	625 Gaza and Jericho	373 Mauritius
	628 Jordan	375 Comoros
	632 Saudi Arabia	377 Mayotte
	636 Kuwait	378 Zambia
	640 Bahrain	386 Malawi
	644 Qatar	388 South Africa
	647 United Arab Emirates	395 Lesotho
	649 Oman	
	653 Yemen	
	720 China	
Zone 04		
039 Switzerland		

NB: The countries are those defined by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

COMMISSION REGULATION (EC) No 983/97

of 30 May 1997

fixing the maximum buying-in price and the quantities of beef to be bought in under the 182nd partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef⁽³⁾, as last amended by Regulation (EC) No 545/97⁽⁴⁾, an invitation to tender was opened pursuant to Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EC) No 921/97⁽⁶⁾;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 14 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in paragraph 1 of that Article, are to be accepted;

Whereas, once tenders submitted in respect of the 182nd partial invitation to tender have been considered and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughtering, the maximum buying-in price and the quantities which may be bought in should be fixed;

Whereas, following the buying in of forequarters, the price of such products should be defined on the basis of carcass prices;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate, depending on the differences in prices and the quantities tendered for,

several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 182nd partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price shall be ECU 269,99 per 100 kg of carcasses or half-carcasses of quality R3,
- the price of forequarters shall be derived from the carcass price using the coefficient 0,80 for the straight cut,
- the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 10 177 tonnes,
- the quantities offered at a price greater than ECU 253 shall be multiplied by a coefficient of 25 %, in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;

(b) for category C:

- the maximum buying-in price shall be ECU 269,99 per 100 kg of carcasses or half-carcasses of quality R3,
- the price of forequarters shall be derived from the carcass price using the coefficient 0,80 for the straight cut,
- the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 8 458 tonnes,
- the quantities offered at a price greater than ECU 253 shall be multiplied by a coefficient of 25 % in accordance with Article 13 (3) of Regulation (EEC) No 2456/93.

Article 2

This Regulation shall enter into force on 2 June 1997.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ No L 84, 26. 3. 1997, p. 11.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 131, 23. 5. 1997, p. 26.

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

Done at Brussels, 30 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 984/97

of 30 May 1997

terminating the investigation concerning the circumvention of anti-dumping measures imposed by Council Regulations (EEC) No 993/93 and (EEC) No 2887/93 on imports of certain electronic weighing scales originating in Japan and Singapore, by imports of parts thereof assembled in the European Community and ceasing registration of these parts

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 9, 13 and 14 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 31 August 1996, by Regulation (EC) No 1718/96⁽³⁾, the Commission initiated an investigation, pursuant to Article 13 of Regulation (EC) No 384/96 (hereafter the 'Basic Regulation'), concerning the alleged circumvention of the anti-dumping duties, imposed with respect to Teraoka Seiko Co., Ltd (Japan) and Teraoka Weigh-System PTE Ltd (Singapore), by Council Regulation (EEC) No 993/93⁽⁴⁾ and by Council Regulation (EEC) No 2887/93⁽⁵⁾, as amended by Regulation (EC) No 2937/95⁽⁶⁾, on imports of certain electronic weighing scales originating respectively in Japan and Singapore, by imports of parts thereof which were subsequently used in the assembly of these weighing scales in the Community and instructed customs authorities, pursuant to Articles 13 (3) and 14 (5) of the Basic Regulation, to register the imports covered by this investigation.

The investigation was initiated following a request lodged on 19 July 1996, on behalf of the Community industry, by the following companies:

- Bizerba GmbH & Co., KG,
- Campesa SA,
- Dataprocess SpA,
- Dataprocess Industria SpA,
- Testut SA,
- Lutrana SA,

- GEC Avery Ltd,
- Maatschappij Van Berkel's Patent BV,
- Brevetti van Berkel SpA.

- (2) The request contained evidence in accordance with Article 13 (3) of the Basic Regulation that the anti-dumping duties imposed on imports of electronic weighing scales originating in Japan and Singapore were being circumvented through an assembly operation in the Community. This evidence was considered to be sufficient to justify the initiation of an investigation.

- (3) The alleged circumvention consists of the import of parts which are used for the assembly in the Community of electronic weighing scales, for use in the retail trade which incorporate a digital display of the weight, unit price and price to be paid, whether or not including a means of printing this data (hereafter 'REWS'). The REWS fall within CN code 8423 81 50 while the parts in question (hereafter 'REWS parts') are currently classifiable within CN code ex 8423 90 00.

- (4) The Commission officially advised the authorities of Japan and Singapore as well as the complainants, exporters, importers and the assembler known to be concerned about the initiation of the investigation and sent questionnaires to the exporters, importers and to the assembler in the Community mentioned in the request. The companies concerned made their views known in writing and requested and were granted hearings by the Commission.

- (5) The investigation covered the period 1 July 1995 to 30 June 1996.

- (6) The Commission received complete replies from the following companies:

(i) Exporters of REWS parts

- Teraoka Seiko Co., Ltd (Japan) (hereafter 'Teraoka Seiko')^{*},
- Teraoka Weigh-System PTE Ltd (Singapore) (hereafter 'Teraoka WS')^{*},
- Shanghai Teraoka Electronic Co., Ltd. (the People's Republic of China);

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No L 221, 31. 8. 1996, p. 50.

⁽⁴⁾ OJ No L 104, 29. 4. 1993, p. 4.

⁽⁵⁾ OJ No L 263, 22. 10. 1993, p. 1.

⁽⁶⁾ OJ No L 307, 20. 12. 1995, p. 30.

(ii) *Importers, assembler and companies selling the assembled REWS*

- Digi Nederland BV (Purmurend, the Netherlands) (hereafter 'Digi Nederland');
- Circuit Technology Woerden BV (Woerden, the Netherlands) (hereafter 'CTW');
- Keylard Produktie BV (Purmurend, the Netherlands) (hereafter 'Keylard');
- Carrin & Co, NV (Antwerp, Belgium);
- Digi Waagenvertrieb GmbH (Germany);
- Digi France SA (France);
- Digi Europe Ltd (United Kingdom) (hereafter 'DEL').

- (7) The Commission verified all the information it deemed necessary and carried out verification visits at the premises of the companies indicated above with an asterisk.

B. SCOPE OF THE INVESTIGATION

- (8) Article 13 (1) first sentence, of the Basic Regulation provides that anti-dumping measures in force may be extended to imports of parts from the country subject to the measures when circumvention of the measures is taking place. As it was established in the course of the present investigation that the alleged circumvention practice consisted of an assembly operation in the Community, the scope of the present investigation was to examine whether the criteria, set out in Article 13 (2) of the Basic Regulation, were met.

C. FINDINGS**1. Nature of the circumvention practice: assembly in the Community**

- (9) The investigation has established that the assembly operation was in fact conducted by three Dutch companies acting in close cooperation and belonging to the same corporate group. A first company (CTW) was processing printed circuit boards (hereafter 'PCBs') for a wide variety of applications, including for use in REWS. It purchased parts of such PCBs from unrelated suppliers and, to a significant extent, from Keylard, as associated company. Keylard assembled two 'Digi' ('Digi' is the trade mark under which Teraoka Seiko, Teraoka WS and their related companies market REWS) REWS models from parts which, apart from the finished PCBs purchased from CTW, were directly purchased from Teraoka Seiko or Teraoka WS. At a third related company (Digi

Nederland), platform software was developed for high-end REWS sold in the Community and completion operations took place, consisting essentially of customizing of the REWS concerned, both in terms of hardware and software, for customers in the Community. The products thus assembled were then sold either via Digi Nederland on the Dutch market and via the latter's sales subsidiaries on the Belgian, French and German markets or via DEL (UK), a company fully controlled by Teraoka Seiko, on other markets in the Community.

2. Conditions of Article 13 (2)

- (i) *Article 13 (2) (a): start or substantial increase of assembly operations since, or just prior to, the initiation of the anti-dumping investigation*
- (10) The assembly operation, described above in recital 9, started in January 1995, i.e. clearly after the initiation of the anti-dumping investigations with respect to Japan (procedure initiated on 26 February 1991) and Singapore (procedure initiated on 10 January 1992).

More specifically, from documents obtained at the verifications, it transpired that the decision by Teraoka Seiko to entrust the assembly of two Digi REWS models to Keylard/Digi Nederland was taken in view of the initiation of an anti-absorption investigation (initiated on 11 May 1994) with respect to REWS originating in Singapore and of the perceived high likelihood that an anti-absorption duty would effectively be imposed on exports to the Community of REWS by Teraoka WS. This was evidenced by a change in the pattern of trade as far as the main REWS model assembled by Keylard/Digi Nederland was concerned in that exports to the Community of such finished REWS by Teraoka WS were largely substituted by exports to the Community of REWS parts by the same company.

- (ii) *Article 13 (2) (b) — the '60 % value of parts' test: parts from the country subject to measures constitute 60 % or more of the total value of the parts of the assembled product'*
- (11) The value of the REWS parts was generally established on the basis of the purchase prices of the parts when delivered to the assembler's premises, that is on an into-factory basis. In view of the fact that CTW, Keylard and Digi Nederland were found to be related and functionally interdependent enterprises closely working together in the assembly of REWS, they were considered to be part of a single economic entity, together constituting the assembler. Consequently, parts were in principle identified and their value determined when

first entering this single economic entity. Intra-group transfers of parts and semi-finished or finished products were therefore disregarded for purposes of this value of parts test. However value-added to the parts after they were brought into the single economic entity were accounted for under the value-added test, in so far as appropriate (see recitals 15 and 16).

- (12) All REWS parts destined for assembly by Keylard were directly exported by Teraoka WS or Teraoka Seiko to Keylard, with the exception of the PCBs which were purchased from the Dutch associate company CTW. All REWS parts thus purchased by Keylard were found to have been used in the assembly of Digi REWS by Keylard rather than for any other purpose such as servicing.

- (13) The Commission established that the prices charged by the exporters of REWS parts to the assembler were at arms length, i.e. above cost of production plus a reasonable profit for parts produced by the exporter or above the exporters' own purchase price and allowing for a reasonable profit. Prior to the verification visits, the exporters and importers of the REWS parts concerned were asked to supply appropriate documentary evidence proving their respective origin within the meaning of Article 24 of Council Regulation (EEC) No 2913/92⁽¹⁾, as last amended by Regulation (EC) No 82/97⁽²⁾. This evidence was verified on-the-spot and some corrections proved necessary.

- (14) As a result of this examination, the Commission established that the value of parts originating in Japan and Singapore was found to be higher than 60 % of the total parts value of the assembled REWS during the investigation period.

(iii) *Article 13 (2) (b) — the '25 % value-added' test: 'in no case shall circumvention be considered to be taking place where the value-added to the parts brought in, during the assembly or completion operation, is greater than 25 % of the manufacturing cost'*

- (15) The value-added to the parts was generally determined as the sum of labour costs and factory overheads incurred within the single economic entity, described above in recital 11, with respect to the REWS parts once they entered this single economic entity for actual assembly into Digi REWS. Selling, general and administrative expenses, profit and parts which allegedly acquired Community origin were in principle not considered to be value-added within the meaning of Article 13 (2) (b) of the Basic Regulation. The value-added thus established was then expressed as a percentage of the manufacturing cost which

consists in essence of the value of all parts, based on the into-factory, at arm's length purchase prices of these parts (see recitals 11 to 14), plus the value-added to the parts during the assembly or completion operation.

- (16) The average value-added thus established during the investigation period was found to be above the 25 % threshold set by Article 13 (2) (b) of the Basic Regulation. Consequently, the assembly operation could not be considered to constitute circumvention in the sense of Article 13 of the Basic Regulation. The Commission therefore decided to terminate the investigation without the extension of the anti-dumping measures in force.

(iv) *Conditions of Article 13 (2) (c)*

- (17) As the investigation is to be terminated since the value-added of the assembly operation is found to be higher than 25 % it is not considered necessary to summarize the findings of the Commission with respect to Article 13 (2) (c).

D. TERMINATION OF THE INVESTIGATION

- (18) In the light of the above findings and considerations, it appears appropriate that the present circumvention investigation be terminated without extension of the anti-dumping duties imposed. The registration of imports of REWS parts, introduced by Regulation (EC) No 1718/96, should therefore cease and that Regulation will be repealed.
- (19) The Advisory Committee has been consulted and has raised no objection to termination.
- (20) Interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to terminate the investigation and have been given the opportunity to comment and their comments have been considered,

HAS ADOPTED THIS REGULATION:

Article 1

The investigation concerning the circumvention of the anti-dumping duties imposed, with respect to Teraoka Seiko Co., Ltd (Japan) and Teraoka Weigh-System PTE Ltd (Singapore), on certain electronic weighing scales originating in Japan or Singapore, by Regulations (EEC) No 993/93 and (EEC) No 2887/93 respectively, by imports of parts thereof subsequently used in the assembly of these weighing scales in the Community, initiated by Regulation (EC) No 1718/96, is hereby terminated.

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 17, 21. 1. 1997, p. 1.

Article 2

Regulation (EC) No 1718/96 is hereby repealed.

Article 3

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

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

Done at Brussels, 30 May 1997.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 985/97

of 30 May 1997

terminating the investigation concerning the circumvention of definitive anti-dumping measures imposed by Council Regulation (EC) No 993/93 on imports of certain retail electronic weighing scales originating in Japan by imports of the same product assembled in and/or transhipped through Indonesia, and ceasing registration of this product

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 9, 13 and 14 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 31 August 1996, by Regulation (EC) No 1717/96⁽³⁾, the Commission initiated an investigation into the alleged circumvention of the anti-dumping duties imposed by the Council Regulation (EEC) No 993/93 of 26 April 1993⁽⁴⁾ on imports of certain retail electronic weighing scales (hereinafter 'REWS') originating in Japan by imports of the same product assembled in and/or transhipped through Indonesia, and it directed customs authorities, pursuant to Article 14 (5) of Regulation (EC) No 384/96 (hereinafter the 'Basic Regulation'), to register imports from Indonesia of the product covered by this investigation.
- (2) The investigation was initiated following a request, pursuant to Article 13 (3) of the Basic Regulation, lodged on behalf of the Community industry by the following companies:
 - Bizerba GmbH & Co KG,
 - Campesa SA,
 - Dataprocess Industria SpA,
 - Testut SA,
 - Lutrana SA,
 - GEC Avery Limited,
 - Maatschappij van Berkel's Patent BV,
 - Breveti van Berkel SpA.
- (3) The request contained evidence, in accordance with Article 13 (3) of the Basic Regulation, that the anti-dumping duty on imports of REWS produced

by TEC Corporation, Tokyo⁽⁵⁾ (hereinafter 'TEC') and originating in Japan could be being circumvented by assembly operations in and/or transshipments through Indonesia of REWS subsequently exported to the Community. The evidence was considered to be sufficient to justify the initiation of an investigation.

- (4) The product under consideration consists of electronic weighing scales for use in the retail trade which incorporate a digital display of the weight, unit price and price to be paid, whether or not including a means of printing this data (hereinafter referred to as 'REWS'). REWS are currently classified within CN code ex 8423 81 50.
- (5) The investigation covered the period 1 July 1995 to 30 June 1996.
- (6) The following companies cooperated in the investigation and submitted satisfactory replies to the questionnaires:
 - TEC Corporation (Japan) (exporter),
 - PT TEC Indonesia (hereinafter TEC Indonesia) (assembler),
 - TEC Elektronik GMBH (related importer),
 - TEC UK Ltd (related importer),
 - TEC France International SA (related importer),
 - TEC Belgium SA (related importer).

Companies which requested to be heard within the time limits set by Regulation (EC) No 1717/96 were granted a hearing. The Commission advised the authorities of Japan, Singapore and Indonesia and held consultations with representatives of Indonesia.

The Indonesian company mentioned in the request, PT Kahar Duta Sarana (Jakarta, Indonesia), informed the Commission that it distributed REWS on the Indonesian market but that it did not export REWS to the European Community. Consequently it did not reply to the questionnaire.

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No L 221, 31. 8. 1996, p. 47.

⁽⁴⁾ OJ No L 104, 29. 4. 1993, p. 4.

⁽⁵⁾ By Regulation (EEC) No 993/93 of 26 April 1993 the Council imposed, *inter alia*, a definitive individual duty of 22,5 % on REWS produced by Tokyo Electric Co. Ltd (Tokyo, Japan). Tokyo Electric Co. Ltd and its domestic sales subsidiary TEC Electronics Corporation merged in October 1994 into the company 'TEC Corporation'.

B. INVESTIGATION

- (7) The first sentence of Article 13 (1) of the Basic Regulation provides for anti-dumping duties in force to be extended to imports of finished products from third countries when circumvention of the measures is taking place. The investigation showed that the operation in Indonesia consisted of an assembly-operation of REWS. Article 13 (2) of the Basic Regulation specifies the conditions under which an assembly operation shall be considered to circumvent measures in force.

C. RESULTS OF THE INVESTIGATION

1. Nature of the circumvention practice

- (8) The investigation has established that TEC Corporation (Japan) assembles REWS in Indonesia through its subsidiary, TEC Indonesia, some of those assembled REWS being exported to the Community. The assembly of REWS in Indonesia started in May 1994 on Batham Island (Indonesia), a free trade area located close to Singapore.

The Commission verified that TEC Indonesia, already established in July 1992, is fully owned by TEC Singapore Electronics Ltd (hereinafter TEC Singapore) which in turn is fully owned by TEC Corporation (Japan). It produces electronic equipment, among which REWS, under a licence agreement with TEC Singapore. TEC Indonesia was found to be, *de facto*, a workshop of TEC Singapore and both companies are consequently considered, for the purpose of the investigation, to constitute a single economic entity.

- (9) TEC Indonesia procures all the parts used for the assembly of REWS from TEC Singapore. TEC Singapore buys parts from Japan (*inter alia*, from its mother company TEC Corporation), from Singapore and from third countries. In addition, TEC Singapore mounts printed circuit boards (PCBs) which are sold, among others, to TEC Indonesia.

The REWS, once assembled by TEC Indonesia, are sold to TEC Singapore which in its turn sells these to TEC Corporation (Japan). The latter takes care of the export administration (marketing and invoicing) as regards, *inter alia*, the Community. Physically, the REWS are shipped to the Community from Indonesia.

- (10) The Indonesian company mentioned in the complaint (PT Kahar Duta Sarana) is the domestic distributor of TEC REWS in Indonesia. Sales of TEC REWS to PT Kahar Duta Sarana during the

investigation period were limited in quantity and it was verified that these sales were only destined to the Indonesian market.

The major part of the TEC REWS exported to the Community during the investigation period were sold to the four related importers listed above (recital (6)). The remainder were sold to independent distributors in the Community.

2. Conditions of Article 13 (2) of the Basic Regulation

(i) Start or substantial increase of operations

- (11) The assembly of TEC REWS by TEC Indonesia started in May 1994, i.e. after the initiation of the anti-dumping investigation in 1991 (notice of initiation published on 26 February 1991⁽¹⁾) that led to the imposition of the original measures in April 1993. It was found that no TEC REWS were assembled by TEC Indonesia prior to May 1994.

The export of the Indonesian assembled REWS to the Community appears to have grown from zero in May 1994 to 5 114 units during the investigation period.

(ii) 60 % rule on the total value of the parts of the assembled product

- (12) The value of parts has been calculated in respect of REWS assembled in Indonesia which were exported to the Community during the investigation period.
- (13) All elements, material or immaterial (such as software) purchased by TEC Indonesia to be incorporated into the REWS have been considered as parts. Any element manufactured, assembled or developed by TEC Indonesia or TEC Singapore (as these companies are considered as a single economic entity) to be incorporated into the REWS has been considered as an individual part where its manufacture, assembly or development could not be reversed to any extent without significantly diminishing the value of that element.

It was found that it was feasible to dismantle all sub-assemblies, other than the load cells, to a prior level of assembly without significantly diminishing their value. The value added resulting from the assembly of these sub-assemblies has been accounted for under the 25 % value added test (see below).

- (14) Printed circuit boards (PCBs) assembled by TEC Singapore and sold to TEC Indonesia for the assembly of REWS exported to the Community have been brought to the level of assembly imme-

⁽¹⁾ OJ No C 50, 26. 2. 1991, p. 3.

diately prior to the mounting of the stuffings (i.e. electronic components) into the bare board. Consequently the value of parts purchased by TEC Singapore for the assembly of these PCBs, has been considered for the calculation of the 60/40 % test, according to their respective origins.

The value of load cells (which it appeared impossible to disassemble without causing significant material damage to the components and consequent diminution in its value) has therefore been calculated as the cost of parts as brought in plus direct labour cost plus manufacturing overheads.

- (15) The weighted average value of parts of Japanese origin incorporated into TEC REWS assembled by TEC Indonesia and sold to the Community during the investigation period was found to exceed the 60 % threshold.
- (16) However, it has also been found that, in April 1996 (towards the end of the investigation period), TEC Japan transferred to Indonesia the production of an important part for the two models of REWS that are exported to the Community. This transfer led to a considerable reduction of the value of parts of Japanese origin incorporated in the REWS manufactured by TEC Indonesia which, at the end of the investigation period, was far below the 60 % threshold. In this respect, it should be noted that the value of parts of Japanese origin incorporated in each individual model was also less than 60 % at the end of the investigation period.
- (17) Although, as a rule, the situation during the whole period of investigation is used as a basis for the decision on whether measures are to be taken, the Commission took into consideration in this case the very substantial decrease of the percentage of Japanese parts that occurred at the end of the investigation period, that the production of an important part for REWS had been transferred to Indonesia, and that this decrease in the percentage of Japanese parts used in REWS assembled by TEC Indonesia is likely to be maintained as it results from a change in the production pattern which it would be uneconomic to reverse.
- (18) Under these particular circumstances, the Commission considers that the TEC assembly operation in Indonesia should be considered not to meet the parts value requirement of Article 13 (2) (b).
- (iii) *25 % rule: value added*
- (19) The weighted average value added brought in to the parts used for the assembly of the REWS

exported to the Community by TEC Indonesia has been found to be far below the 25 % threshold of Article 13 (2) (b). Incidentally, the Commission also noted that the sum of the value of the parts of Indonesian origin, plus the value added to the parts brought into the assembly operation, plus the SG&A and the profit of TEC Indonesia, only represented a small part of the ex-factory (TEC Indonesia) price of REWS.

D. TERMINATION OF THE INVESTIGATION

- (20) In the light of the above findings it appears appropriate to terminate the present investigation without extending the existing anti-dumping measures. The registration of imports of REWS from Indonesia introduced by Regulation (EC) No 1717/96 should therefore cease and that Regulation will be repealed.
- (21) The Advisory Committee has been consulted and has raised no objections.
- (22) Interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to terminate the investigation and were given the opportunity to comment and their comments have been considered,

HAS ADOPTED THIS REGULATION:

Article 1

The investigation concerning the circumvention of the anti-dumping duties imposed by Regulation (EC) No 993/93 on imports of certain retail electronic weighing scales originating in Japan by imports of the same product assembled in and/or transhipped through Indonesia initiated by Regulation (EC) No 1717/96 is hereby terminated.

Article 2

Regulation (EC) No 1717/96 is hereby repealed.

Article 3

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

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

Done at Brussels, 30 May 1997.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 986/97

of 30 May 1997

amending Regulation (EEC) No 189/77 laying down detailed rules for the application of the system of minimum stocks in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular Articles 12 (3) and 39 thereof,

Having regard to Council Regulation (EEC) No 1789/81 of 30 June 1981 laying down general rules concerning the system of minimum stocks in the sugar sector ⁽³⁾, as last amended by Regulation (EC) No 725/97 ⁽⁴⁾,

Whereas, because the threshold price used to calculate the charge to be levied when the holder of the minimum stock has taken sugar from that stock no longer exists, Regulation (EEC) No 1789/81 now provides for an adjustable flat-rate amount, where necessary, based on trends in the intervention price; whereas Commission Regulation (EEC) No 189/77 of 28 January 1977 ⁽⁵⁾, as last amended by Regulation (EC) No 260/96 ⁽⁶⁾, should accordingly be adapted;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 189/77 is hereby amended as follows:

1. In Article 1 (2), reference to 'Regulation (EEC) No 700/73' is replaced by reference to 'Commission Regulation (EEC) No 1443/82 ^(*)'.

^(*) OJ No L 158, 9. 6. 1982, p. 17.

2. In Article 5, paragraphs 3 and 4 are replaced by the following:

'3. The charge to be levied pursuant to Article 6 of Regulation (EEC) No 1789/81 shall be equal to the sum of the results of the following two calculations:

— the quantity produced within the limit of the maximum quota for the 12 calendar months immediately preceding the month of the marketing shall be multiplied by a coefficient and the result then multiplied by the flat-rate amount referred to in Article 6. The coefficient shall be the ratio between the marketed quantity and the quantity to be retained as the minimum stock;

— the quantity marketed from the minimum stock shall be multiplied by the amount referred to in the second subparagraph of Article 6 of Regulation (EEC) No 1789/81, less the flat-rate amount referred to in Article 6 of this Regulation.

4. Where a refiner of cane sugar as referred to in Article 1 (b) of Regulation (EEC) No 1789/81 or a processor as referred to in Article 3 (a) thereof fails to fulfill his obligations, the amount of the charge to be levied pursuant to Article 6 of that Regulation shall be equal to the sum of the results of the following two calculations:

— the marketed quantity multiplied by 10 times the flat-rate amount referred to in Article 6 of this Regulation,

— the marketed quantity multiplied by the amount referred to in the second subparagraph of Article 6 of Regulation (EEC) No 1789/81, less the flat-rate amount referred to in Article 6 of this Regulation.'

3. Article 6 is replaced by the following:

'Article 6

The flat-rate amount referred to in Articles 4 and 5 shall be equal to ECU 0,193 per 100 kilograms of sugar expressed as white sugar.

That amount shall be adjusted if the amount referred to in the second subparagraph of Article 6 of Regulation (EEC) No 1789/81 is adjusted.

For the purposes of Article 4, the flat-rate amount shall be that valid on the day of the request, and for the purposes of Article 5, the flat-rate amount shall be that valid on the day of marketing.'

Article 2

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 177, 1. 7. 1981, p. 39.

⁽⁴⁾ OJ No L 108, 25. 4. 1997, p. 13.

⁽⁵⁾ OJ No L 25, 29. 1. 1977, p. 27.

⁽⁶⁾ OJ No L 34, 13. 2. 1996, p. 16.

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

Done at Brussels, 30 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 987/97

of 30 May 1997

amending Regulation (EC) No 1066/95 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the raw tobacco quota system for the 1995, 1996 and 1997 harvests

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

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco⁽¹⁾, as last amended by Regulation (EC) No 2444/96⁽²⁾, and in particular Article 9 (5) thereof,

Whereas Article 9 of Regulation (EEC) No 2075/92 introduces a quota system for the various groups of tobacco varieties; whereas the individual quotas have been distributed among producers on the basis of the guarantee thresholds for 1997 fixed by Article 1 of Council Regulation (EC) No 415/96⁽³⁾; whereas under Article 9 (5) of Regulation (EEC) No 2075/92 the Commission may authorize Member States to transfer guarantee threshold quantities; whereas these quantities remain available in some Member States following distribution of the quotas pursuant to Article 8 of Commission Regulation (EC) No 1066/95⁽⁴⁾, as last amended by Regulation (EC) No 585/97⁽⁵⁾; whereas the proposed transfers do not give rise to additional expenditure for the EAGGF and do not entail an increase in the total guarantee threshold for each Member State;

Whereas this Regulation should apply before the deadline for the conclusion of contracts following the allocation of the additional quantities set in the second subparagraph

of Article 3 (1) of Commission Regulation (EEC) No 3478/92⁽⁶⁾, as amended by Regulation (EC) No 585/97;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Paragraph 1 of Article 11a of Regulation (EC) No 1066/95 is amended as follows:

'1. For the 1997 harvest, Member States are authorized to transfer to another group of varieties, before 15 June 1997, and for Greece before 15 July 1997, threshold quantities of tobacco remaining available following the distribution of quotas pursuant to Article 8 of this Regulation.'

2. The Annex to this Regulation replaces the Annex to Regulation (EC) No 1066/95.

Article 2

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

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

Done at Brussels, 30 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 70.

⁽²⁾ OJ No L 333, 21. 12. 1996, p. 4.

⁽³⁾ OJ No L 59, 8. 3. 1996, p. 3.

⁽⁴⁾ OJ No L 108, 13. 5. 1995, p. 5.

⁽⁵⁾ OJ No L 88, 3. 4. 1997, p. 3.

⁽⁶⁾ OJ No L 351, 2. 12. 1992, p. 17.

ANNEX

ANNEX

Guarantee threshold quantities which each Member State is authorized to transfer from one group of varieties to another

Member State	Group of varieties from which transfer is made	Group of varieties to which transfer is made
Germany	816 t of light air-cured (group II)	750 t of flue-cured (group I)
France	974 t of dark air-cured (group III)	850 t of light air-cured (group II)
Greece	30 t of sun-cured (group V)	20,4 t of Katerini (group VII)
	105 t of K. Koulak Klassik (group VIII)	75,0 t of Katerini (group VII)
Italy	80 t of fire-cured (group IV)	70,4 t of flue-cured (group I)
	190 t of sun-cured (group V)	152 t of flue-cured (group I)
	540 t of sun-cured (group V)	540 t of light air-cured (group II)
	270 t of sun-cured (group V)	270 t of dark air-cured (group III)

COMMISSION REGULATION (EC) No 988/97

of 30 May 1997

introducing transitional measures relating to the detailed rules for the application of Council Regulation (EC) No 2202/96 as regards lemons delivered for processing during part of the 1997/98 marketing year

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 (EC) No 2202/96 of 28 October 1996 introducing a Community aid scheme for producers of certain citrus fruits⁽¹⁾, and in particular Article 8 thereof,

Whereas Article 8 of Regulation (EC) No 2202/96 provides for measures to facilitate the transition from the previous arrangements to those established by that Regulation;

Whereas Article 3 of that Regulation lays down that aid will be granted to producer organizations for the quantities delivered for processing under contract; whereas Article 4 allows producer organizations to pass on the benefits of Article 3 to individual producers who are not members of any such organization; whereas, under the second and third indents of Article 11 (1) (c) (3) of Council Regulation (EC) No 2200/96⁽²⁾, producer organizations can, under certain conditions, market the production for processing of members of other producer organizations;

Whereas, since the lemon marketing year begins on 1 June, transitional arrangements must be made for delivering lemons at the beginning of the 1997/98 marketing year pending the adoption of the definitive detailed rules for the application of Regulation (EC) No 2202/96;

Whereas the monitoring measures laid down in Commission Regulation (EC) No 3338/93⁽³⁾, as last amended by Regulation (EC) No 2251/96⁽⁴⁾, should continue to apply, *mutatis mutandis*, until the definitive detailed rules for the application of Regulation (EC) No 2202/96 enter into force;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

1. For a transitional period between 1 June and the date of the entry into force of the detailed rules for the application of Regulation (EC) No 2202/96, the producer organizations referred to in Articles 11 and 13 of Regulation (EC) No 2200/96 and the producer groups granted preliminary recognition pursuant to Article 14 of that Regulation, hereinafter referred to as producer organizations, which deliver lemons for processing between 1 June and 31 August 1997 and wish to receive in respect of these quantities the aid provided for in Article 3 of Regulation (EC) No 2202/96, may conclude preliminary contracts with processors within the meaning of the first indent of Article 2 of Regulation (EC) No 3338/93, or with their associations or unions recognized by a Member State.

2. Where the producer organization which has concluded a preliminary contract:

— markets the production for processing of members of other producer organizations in accordance with the second and third indents of Article 11 (1) (c) (3) of Regulation (EC) No 2200/96,

and/or

— allows individual producers to benefit from the aid scheme in accordance with Article 4 (1) of Regulation (EC) No 2202/96,

an agreement must be signed between the producer organization which concluded the preliminary contract and the producer organizations and/or individual producers referred to in the first and second indents above.

3. This agreement must relate to the quantities of lemons to be delivered for processing under the preliminary contract.

Article 2

1. The preliminary contract referred to in Article 1 shall be concluded in writing and must include:

- the name and address of the producer organization,
- the name and address of the processor or his association or union,
- the quantity of lemons to be delivered for processing,
- the price to be paid to the producer organization.

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 49.

⁽²⁾ OJ No L 297, 21. 11. 1996, p. 1.

⁽³⁾ OJ No L 299, 4. 12. 1993, p. 26.

⁽⁴⁾ OJ No L 302, 26. 11. 1996, p. 17.

2. Should the producer organization also act as a processor, the preliminary contract referred to in the first paragraph shall be deemed to be concluded once the following information has been sent to the competent authority in accordance with the conditions laid down in paragraph 4:

- the total area on which lemons are to be harvested,
- an estimate of the total lemon harvest,
- the quantity of lemons for processing.

3. Each preliminary contract shall have an identification number.

4. The producer organization shall send a copy of each preliminary contract to the organization designated by the Member State where the lemons are to be processed. The copies must reach the authorities no later than two working days before the start of deliveries.

Article 3

Lemons delivered for processing under the preliminary contract must be whole and of sound, fair and merchantable quality. Rotting lemons are not acceptable. Obtainable juice must be at least 20 % with a minimum of 7° Brix.

Article 4

1. When each batch of lemons delivered to a processing plant under a preliminary contract is received, the competent authorities designated by the Member State in which processing takes place shall verify the weight of each batch delivered and its compliance with Article 3.

2. At the end of the inspection procedures, a certificate shall be prepared for each batch indicating:

- the names and addresses of the contracting parties,
- compliance with Article 3,
- the net weight.

3. Two copies of the certificate shall be sent to the producer organization for signing. The signature must be preceded by a reference to the preliminary contracts to which the certificates relate and by the word 'agreed', written by hand. One duly completed copy shall be returned immediately to the competent authorities, for checking. The other copy shall be sent to the processor.

4. Member States shall take whatever steps are needed to prevent and repress fraud and ensure that the aid scheme introduced by Regulation (EC) No 2202/96 is correctly applied.

Article 5

The rights and obligations under the preliminary contract referred to in Article 3 must be transferred to the contracts referred to in Article 2 of Regulation (EC) No 2202/96 when these contracts are signed under the detailed rules for the application of Regulation (EC) No 2202/96.

Article 6

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

It shall apply from 1 June 1997.

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

Done at Brussels, 30 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 989/97

of 30 May 1997

fixing Community producer prices for carnations and roses for the application of the import arrangements for certain floricultural products originating in Cyprus, Israel, Jordan and Morocco

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

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as last amended by Regulation (EC) No 539/96⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas, pursuant to Article 3 of Regulation (EEC) No 4088/87, Community producer prices applicable for fortnightly periods are fixed twice a year before 15 May and 15 October for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down certain detailed rules for the application of the arrangements for the import into the Community of certain flowers originating in Cyprus, Israel and Jordan⁽³⁾, as last amended by Regulation (EEC) No 2917/93⁽⁴⁾, prices for roses are determined on the basis of the average daily prices recorded on the representative producer markets for the pilot varieties of quality grade I in the three preceding years; whereas for carnations those prices are fixed under the same conditions of the bloom and spray types; whereas, for the determination of the average, prices which differ by 40 % and more from the average

price recorded on the same market during the same period during the three preceding years are excluded;

Whereas the Community producer prices for the fortnightly periods to 2 November 1997 should be determined on the basis of data provided by the Member States;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer prices for large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations provided for in Article 3 of Regulation (EEC) No 4088/87 for the fortnightly periods 2 June to 2 November 1997 shall be as set out in the Annex hereto.

Article 2

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

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

Done at Brussels, 30 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 79, 29. 3. 1996, p. 6.

⁽³⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁴⁾ OJ No L 264, 23. 10. 1993, p. 33.

ANNEX

COMMUNITY PRODUCER PRICES

(ECU/100 pieces)

Weeks	Period	Uniflorous carnations (bloom)	Multiflorous carnations (spray)	Large-flowered roses	Small-flowered roses
23 - 24	2. 6 - 15. 6. 1997	10,29	9,96	26,38	13,97
25 - 26	16. 6 - 29. 6. 1997	9,94	10,00	24,57	12,90
27 - 28	30. 6 - 13. 7. 1997	8,52	9,95	21,99	11,23
29 - 30	14. 7 - 27. 7. 1997	8,42	9,02	21,01	10,93
31 - 32	28. 7 - 10. 8. 1997	9,62	8,05	20,79	13,17
33 - 34	11. 8 - 24. 8. 1997	11,91	9,27	22,31	12,70
35 - 36	25. 8 - 7. 9. 1997	13,10	11,38	26,35	14,34
37 - 38	8. 9 - 21. 9. 1997	14,47	12,21	27,53	14,13
39 - 40	22. 9 - 5. 10. 1997	14,45	11,93	26,53	13,78
41 - 42	6. 10 - 19. 10. 1997	14,23	12,17	27,98	15,06
43 - 44	20. 10 - 2. 11. 1997	19,11	13,04	33,70	19,19

COMMISSION REGULATION (EC) No 990/97

of 30 May 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 Commis-

sion 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 May 1997.

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

Done at Brussels, 30 May 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 May 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 30	212	61,9
	999	61,9
0709 90 75	052	66,1
	999	66,1
0805 10 31, 0805 10 33, 0805 10 35	052	65,1
	204	42,6
	448	29,0
	600	46,0
	624	40,1
	999	44,6
	388	75,5
0805 30 20	528	58,2
	999	66,9
	060	53,0
0808 10 61, 0808 10 63, 0808 10 69	388	108,6
	400	81,7
	404	112,7
	508	81,3
	512	76,7
	528	71,4
	804	91,7
	999	84,6
	400	247,4
	999	247,4
0809 20 39		

⁽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'.