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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2155/97

of 29 October 1997

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

THE COUNCIL OF THE EUROPEAN UNION,

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⁾ and in particular Article 9 (4) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

(4) The Commission continued to seek and verify all information deemed necessary for its definitive findings.

(5) Parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties and the definitive collection of amounts secured by way of provisional duties. They were also granted a period within which to make representations subsequent to this disclosure.

(6) The oral and written comments submitted by the interested parties were considered, and, where deemed appropriate, taken into account in the Commission's definitive findings.

A. PROVISIONAL MEASURES

- (1) By Commission Regulation (EC) No 165/97⁽²⁾ (hereinafter referred to as 'the provisional duty Regulation') provisional anti-dumping duties were imposed on imports into the Community of certain footwear with textile uppers falling within Combined Nomenclature (CN) codes 6404 19 10 and ex 6404 19 90 originating in the People's Republic of China and Indonesia.

C. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Product under consideration

- (7) For the purpose of its preliminary findings, the Commission considered 'non-sports' footwear with outer soles of rubber or plastics and uppers of textile materials, intended for use either indoors or outdoors (falling within CN codes 6404 19 10 and ex 6404 19 90), as one single category of products. In this regard, certain interested parties claimed that slippers and outdoor footwear were too different, in particular in terms of use, to belong to the same category of products.

In particular, the parties concerned have stressed that an assessment of whether indoor and outdoor footwear can be regarded as one single category of products should entail that a twofold 'interchange-

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping measures, certain interested parties submitted comments in writing.
- (3) Those parties who so requested were granted an opportunity to be heard by the Commission.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1. Regulation as amended by Regulation (EC) No 2331/96 (OJ L 317, 6. 12. 1996, p. 1).

⁽²⁾ OJ L 29, 31. 1. 1997, p. 3.

ability test' be carried out: firstly whether an outdoor shoe can replace an indoor shoe, secondly whether an indoor shoe can replace an outdoor shoe.

- (8) As regards the first question, it is worth noting that some light outdoor shoes of the kind under consideration can replace slippers for indoor use. Conversely, slippers, due to their usual flimsiness, do not appear to be suitable for most outdoor uses. This also appears to be confirmed by the consumers' perception of both products. It has therefore to be concluded that the second 'interchangeability test', i.e. whether an indoor shoe can replace an outdoor shoe, is not satisfied and accordingly that slippers and outdoor footwear of the kind under consideration cannot be regarded as one single category of products. Such a conclusion also meant that the results of the investigation would have to distinguish between slippers and outdoor footwear.

Informed of this conclusion, the representatives of the complaining Community industry, while indicating that they did not fully share the above views, did not oppose the withdrawal of slippers from the proceeding.

- (9) Referring to the exclusion, at the provisional stage, of certain types of footwear sometimes known as 'espadrilles', several interested parties have requested, on various grounds, the further exclusion of certain allegedly very specific products from the scope of the proceeding. These claims are analysed below.

(a) *Neoprene shoes*

- (10) Several importers requested the exclusion of certain types of footwear sometimes known as 'diving boots', made of neoprene and used for certain water sports such as diving. Indeed, neoprene is a material which is generally strengthened with a textile coating when used for manufacturing footwear, with the result that the constituent material of the upper having the greatest external surface area is the textile material, and thus the footwear concerned is classifiable under the CN heading 6404. In addition, since certain water sports, such as diving, are not considered expressly as a 'sporting activity' within the meaning of the Combined Nomenclature, the neoprene shoes concerned were, it was claimed, classifiable under CN code 6404 19 90, although such a specific product would not belong to the single category of products under consideration.

- (11) Having investigated this issue in more detail the Commission found that the neoprene shoes in question are sold in water sport equipment stores and not in footwear stores and clearly belong to a distinct market. Their physical characteristics and the use which they are intended for, make them, in the consumer's perception, a clearly distinct product from those belonging to the single category of 'non-sports footwear with textile uppers' under consideration.

- (12) Asked to react on this issue, the representatives of the complaining Community industry raised no objections but indicated that, should an exclusion be granted, their main concern would be that the description of the footwear concerned be sufficiently precise in order to avoid any circumvention of duties.

- (13) For all the above reasons and in consideration of the fact that the footwear concerned is clearly identifiable by the customs authorities, it is considered that the neoprene shoes sometimes known as 'diving boots' or 'water sports boots' should be excluded from the scope of the proceeding.

(b) *'Trekking shoes'*

- (14) Within the meaning of the Combined Nomenclature, 'trekking' is not considered as a sporting activity and therefore trekking shoes with textile uppers generally fall within CN code 6404 19 90. Certain parties requested that this product be excluded from the scope of the proceeding, on two grounds. The first ground was based on the fact that the product in question was sold at a high, non-dumped, price. Moreover, certain importers claimed that they could have legitimately expected that trekking shoes would not be subjected to measures because the Spanish version of the notice of initiation⁽¹⁾ had translated, in the list of exclusions contained therein, the words 'cross-country ski footwear' by 'botas de senderismo', the Spanish equivalent of 'trekking shoes'.

- (15) As to the first ground, it has to be noted that the information made available by the cooperating exporters and used by the Commission for the investigation of dumping did not confirm the absence of dumping on this type of footwear.

⁽¹⁾ OJ C 45, 22. 2. 1995, p. 2.

- (16) As regards the second ground, i.e. the allegedly legitimate expectation of certain importers that trekking shoes would not be subjected to measures (stemming from the fact that the Spanish version of the notice of initiation had mistranslated the words 'cross-country ski footwear'), this argument cannot be accepted for the following reasons:

Reference should first be made to the Court of Justice's case-law (Case 250/80, *Anklagemyndigheden v. Schumacher and others*, Judgment of 27 October 1981⁽¹⁾), according to which it is appropriate, where there is a disparity between various language versions of provisions, to interpret them in their context and with particular regard to their objectives.

It has been a long standing approach of Community institutions to set up a closed list of so-called 'sporting activities' within the framework of the Combined Nomenclature. More specifically, it was quite clear that the wording of the notice of initiation was a mere quotation of the provisions of subheading note 1 (b) of Chapter 64 of the Combined Nomenclature, in the Spanish version of which the words 'ski-boots and cross-country ski footwear' are translated by the words 'calzado para esquiar' and not by the words 'botas de esquí, senderismo'.

- (17) Finally, it must be stressed that footwear with textile uppers of the type called 'trekking shoes' is widely produced in the Community, was within the scope of the complaint and clearly fell within the scope of the investigation. Indeed, most of these products may also be used, and are actually used, for other purposes than the 'technical' one which they are supposed to be intended for, which confirms their belonging to the single category of product under consideration.

Accordingly, it is considered that so-called 'trekking shoes' should remain within the scope of the proceeding.

(c) *Medical shoes*

- (18) Orthopaedic shoes, i.e. shoes intended to correct a specific and permanent disability or physical abnormality, belong to Chapter 90 of the Combined Nomenclature and are not covered by the present investigation. The product, falling within CN code 6404 19 90, for which an exclusion was claimed is a medical footwear of the type sold in chemists' stores, not per pair but per 'foot', and

which is not specifically adapted to a given person but is intended for anybody having for instance a sprained or broken ankle. This claim was made on the grounds that such a specific product could not belong to the single category of products under consideration.

- (19) It is clear that the medical shoes in question belong to a different market (they are not sold in footwear stores but by chemists). In addition, they are marketed in a very specific way (per 'foot' and not per pair, and in specific shapes in order to fit a plaster rather than a foot), which makes them, in the consumer's perception, a clearly distinct product from those belonging to the single category of product under consideration.

- (20) Asked to react on this issue, the representatives of the complaining Community industry argued that some production of medical footwear exists in the Community but did not oppose the conclusion that the shoes in question were sufficiently specific, in terms of physical characteristics and uses, for them to fall outside the single category of 'non-sports footwear with textile uppers' under consideration.

- (21) For all the above reasons (and in consideration of the fact that such a specific product is clearly identifiable by the customs authorities), it is considered that medical footwear of the type sold in chemists' stores, not per pair but per 'foot', should be excluded from the scope of the proceeding.

(d) *'Beach shoes'*

- (22) 'Beach shoes' are shoes the upper of which is limited to a strip of textile material, this upper being attached to both sides of a thick, lightweight alveolar plastic, sole. Certain interested parties claimed that such a product should be excluded from the scope of the present proceeding on the ground that it is a product which is too specific to belong to the single category of products under consideration. It was also claimed that such a product is no longer produced in the Community.

- (23) Asked to comment on this issue, the representatives of the complaining Community industry conceded that, whilst production of such footwear still exists in the Community, it is nevertheless of marginal importance. Moreover, the representatives of the Community industry agreed that, provided that such an exemption is limited to a product which cannot be used for walking beyond areas such as a beach or swimming pool, and given that it can be distinguished from other types of footwear, it could be excluded from the scope of the present proceeding.

⁽¹⁾ [1981] ECR p. 2465.

- (24) For the above reasons, it is considered that so-called 'beach shoes' should be excluded from the scope of the proceeding.

2. Like product

(a) *Arguments based on the existence of different production methods*

- (25) The question of vulcanized footwear, already raised at the provisional stage (see recital 18 of the provisional duty Regulation), has again been addressed by certain interested parties. In particular, allegations were reiterated that the Community industry did not produce shoes with vulcanized soles in sufficient quantities and that its production is rather concentrated on injection moulding. The results of the further examination carried out are as follows.
- (26) Whilst it is clear that the vulcanization process is different to that of injection moulding, it should be recalled that the main relevant criteria in the determination of the 'like product' are based on the general technical or physical characteristics and the use or functions of products and not the method used for their production. In this context, minor differences resulting from different production processes are generally disregarded.
- (27) As to the technical arguments raised by various parties, namely the fact that vulcanization means rubber while injection means *inter alia* PVC, thus differences of access to the raw material, visual differences (PVC is 'shinier' than rubber) and smell (rubber has a typical smell but PVC has none) and different dissolving and melting properties, it cannot be denied that there are differences between the chemical and physical reactions which take place during the manufacturing process of these types of footwear. However, it should be kept in mind that synthetic rubber is generally used in the manufacture of vulcanized footwear. Thus, irrespective of the production process, the raw materials involved in these processes, i.e. synthetic rubber and PVC, are all petrochemical derivatives.
- (28) Synthetic rubber is indeed available in all parts of the world, one of the main applications being the tyre industry. The argument that producers of vulcanized footwear in developing countries enjoy better access to the raw materials cannot therefore be considered as relevant; this may make the manufacturing process more cost effective but it has no impact on the fact that the product

concerned is alike to the Community product. It should also be noted that, to differentiate the shoes in question, the parties had to invoke criteria which go far beyond the usual criteria. If PVC, unlike rubber, does indeed melt, it only does so above 80°C, well above the temperatures that might be encountered under normal conditions of use. Similarly, customers would not, under normal conditions, perform a dissolving test before buying.

- (29) As regards the alleged decline in the production of vulcanized footwear in the Community, it has to be stressed that this argument was raised by certain importers only at a very advanced stage of the proceeding. However, the evidence received shows that this production process is still used in the Community (for instance in Spain where a number of producers have declared that they could still produce a total of 22 million pairs/year of this type of shoe) and that there are numerous producers in the Community willing and able to produce vulcanized footwear.

The investigation has also shown that, contrary to allegations made by a number of parties, vulcanized footwear imported from the People's Republic of China and Indonesia is sometimes sold as a branded product, packed in a cardboard box and sold in specialized shoe shops whilst Community produced injection moulded footwear can be sold as a non-branded product, in plastic bags and in discount stores.

- (30) The conclusion to be drawn from the above is that notwithstanding technical differences in the manufacturing process used, vulcanized footwear is in direct competition with injection moulded footwear. Indeed, these types of footwear are so similar in all respects that the average consumer would not be able to differentiate them.

There is thus no reason to consider that vulcanized footwear produced in the People's Republic of China and Indonesia and exported to the Community is not a like product to injection moulded footwear produced in the Community, within the meaning of Article 1 (4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation').

(b) *Arguments based on the alleged existence of different 'product segments'*

- (31) Certain parties have reiterated that imported and Community produced footwear belong to different product segments which do not compete with each other. They claimed that footwear, imported at a

price higher than the average, would not be alike, within the meaning of Article 1 (4) of the Basic Regulation, to footwear imported below or at the average price.

- (32) This issue has been the source of repeated and seemingly contradictory statements by importers, some of them claiming that they import low quality footwear that they simply could not find in the Community, while claimed that they order in the People's Republic of China or in Indonesia sophisticated products manufactured in accordance with their own specifications, design and sometimes raw materials.

This contradiction simply shows that the People's Republic of China and Indonesia are in fact capable of producing, and do indeed produce and export to the Community, the full range of products on offer in the market. This is not apparent from import statistics because the average prices are driven by the bulk of imports which indeed comprises low-priced footwear. The imports in question and the products manufactured by the Community industry are therefore alike within the meaning of Article 1 (4) of the Basic Regulation.

(c) *Conclusion*

- (33) In the light of the above, it is confirmed that footwear subject to this proceeding produced in the People's Republic of China and Indonesia and exported to the Community is a like product to footwear produced in the Community within the meaning of Article 1 (4) of the Basic Regulation. Similarly, footwear subject to the current investigation produced in Indonesia is a like product to the footwear produced and exported from the People's Republic of China to the Community.

D. DUMPING

1. Indonesia

(a) *Normal value*

- (34) The Indonesian exporters contested the Commission's use, in constructing normal value, of a profit margin established on the basis of one company's profitable domestic sales of a product other than the product concerned, in this case footwear with leather or plastic uppers. They alleged that this profit margin was excessive and not representative of the industry.

In addition, as the profit margin had been used in the construction of normal value for all companies in the sample for Indonesia, the normal values and by extension the dumping margins were allegedly excessive and unfair. They contended that the use of the profit margin of 7 % deemed acceptable by the Commission in the case of the Community industry should have been used.

- (35) This argument could not be accepted. Firstly, Article 2 (6) (b) of the Basic Regulation provides that where there are no domestic sales of the product concerned, the selling, general and administrative costs (SG&A) and profit used in the construction of normal value can be established on the basis of the actual amounts applicable to production and sales of the same general category of products for the exporter or producer in question in the domestic market of the country of origin. This was the methodology applied in the case of the company referred to at recital 34 of this Regulation.

In the case of two of the sampled companies which had neither domestic sales of the product concerned nor of the same general category of product, normal value had to be established in accordance with Article 2 (6) (c) of the Basic Regulation, i.e. any other reasonable method. It was held that in the circumstances of this investigation the most reasonable method was to use the SG&A and profit found for the company referred to at recital 34 of this Regulation.

Secondly, the 7 % profit margin used in the calculation of a non-injurious price for the Community industry is the minimum that the Commission considers necessary to remove the injury suffered by the Community industry and has thus nothing to do with the profit margin used in the construction of normal value, which has to be based on the actual profit achieved on the Indonesian market. In this regard, it should be noted that the Court of Justice of the European Communities has consistently indicated that preference should be given to the use of actual profit margins in the construction of normal value.

- (36) One of the Indonesian companies included in the sample contended that in calculating its normal values, the Commission should have used the cost estimates which they had submitted during the on-the-spot verification. In this context, it should be pointed out that the company concerned did not have a cost accounting system, and had only cost estimates which had been used to make price offers to potential customers. The latter were the costs reported in their response to the questionnaire.

This claim had to be rejected since the company was unable to demonstrate the correctness of the cost estimates. Furthermore, for some of the models, no information at all regarding cost was available. Moreover, no information beyond direct material cost was available for any of the models. Therefore, the approach adopted in the provisional duty Regulation, i.e. to recalculate costs by real-locating the total cost of sales, exclusive of SG&A and profit, over the models concerned using the turnover in the company's own accounts is confirmed, as this was deemed to be the most appropriate method for establishing the costs of each model of footwear.

(b) *Export price*

- (37) In the absence of any comments on the establishment of export prices the provisional determinations are hereby confirmed.

(c) *Comparison*

- (38) The Indonesian exporter whose profitable domestic sales were used in the construction of normal value for Indonesia and referred to in recital 34 of this Regulation claimed that the Commission omitted to take account of a factor affecting price comparability as provided for in Article 2 (10) of the Basic Regulation by not granting an allowance to normal value for credit costs. As the Commission established that this adjustment was indeed omitted, it has now reviewed its calculations accordingly. As the SG&A of this company was used in the construction of normal value for the other Indonesian companies in the sample, a reduction of their normal value was also required to reflect the allowance granted. All dumping calculations have been adjusted accordingly.
- (39) The company referred to at recital 36 of this Regulation contended that the dumping margin had been created by averaging the costs of individual models and the application of an artificially high profit margin in the construction of normal value. It claimed that the use of averaging meant that normal values were inflated and all low priced exports dumped. It further contended that the use of the individual normal values it had submitted and the application of a reasonable profit would have led to a finding of no dumping.

In view of the circumstances outlined in recital 36 of this Regulation, the Commission considered that, in order to arrive at a reasonably accurate calculation of costs it had no alternative other than

to recalculate the costs using the company's own accounting records and to reallocate the total cost of sales, exclusive of SG&A and profit, over the models concerned.

(d) *Dumping margins*

- (40) The methodologies used to calculate definitive dumping margins are the same as those used for the calculation of the provisional dumping margins. However, dumping margins have been amended in order to take account of the allowance to normal value now granted as described in recital 38 of this Regulation.

(i) *Cooperating companies in the sample*

- (41) The margins thus established and expressed as a percentage of the cif price at Community frontier are the following:
- PT Dragon: 4,0 %,
 - PT Emperor Footwear: 0,0 %,
 - PT Sindoll Pratama: 24,9 %.

(ii) *Cooperating producers/exporters not investigated*

- (42) In view of the above changes in the dumping margins of the cooperating companies in the sample, the margin established for the two cooperating companies not investigated, expressed as a percentage of the cif price at Community frontier, is now definitively established at 14,2 %.

(iii) *Residual dumping margin*

- (43) In view of the above changes in the dumping margins of the cooperating companies in the sample, due account being given to the restriction in the product coverage mentioned in recital 8, the margin established for definitive determinations, expressed as a percentage of the cif price at Community frontier, is now 39,7 %.

2. *People's Republic of China*

(a) *Individual treatment*

- (44) The Chinese exporters argued that the Commission did not sufficiently motivate its rejection of the requests for individual treatment by the cooperating Chinese exporters. They insisted that individual treatment be granted for definitive determinations.

It should be reiterated that it is the Commission's policy to calculate a country-wide duty for non-market economy countries except in those cases where companies can demonstrate independence from the State. However, none of the companies concerned were able to adequately demonstrate such independence since they all had links to the Chinese State, either directly or via provincial or municipal authorities. In the absence of any further information on this issue, the provisional findings with regard to the non-acceptance of the requests for individual treatment are hereby confirmed.

(b) *Normal value*

- (45) The Chinese exporters alleged that they received insufficient information from the Commission regarding the Indonesian shoes used for comparison with the exported Chinese models. They alleged, in particular, that insufficient information was disclosed to them concerning raw materials used and production processes employed in the production of the Indonesian shoes to enable them to claim adjustments for differences in physical characteristics.

In this regard, it should be pointed out that, in an effort to come up with the fairest model comparison, the Commission made repeated efforts to get information from the Chinese exporters concerning the design and make up of, and material used in, the models which they exported to the Community. Despite this, the Chinese exporters only supplied very partial information. Accordingly, the Commission had to make its assessment of comparability on the basis of the information available and as was the case for provisional measures, the Indonesian models used were those found to be similar or, in the absence of similar models, those most closely resembling the Chinese models exported to the Community by the Chinese models in the sample. All the information upon which the comparison was based was made available to the Chinese exporters.

(c) *Export price*

- (46) In the absence of any comments on the establishment of export prices the provisional determinations are hereby confirmed.

(d) *Comparison*

- (47) Since Indonesia was the analogue country used to establish the normal value for the People's Republic of China, the single margin for the People's Republic of China was also adjusted downwards to reflect the granting of the allowance for credit

costs, to Indonesian normal values referred to in recitals 38 and 40 of this Regulation.

(e) *Dumping margin*

- (48) The Chinese exporters questioned, in some instances, the Commission's comparison of weighted average normal values to Chinese export prices of individual export transactions to the Community. They claimed that export prices did not sufficiently differ amongst different purchasers, regions or time periods and that consequently, in accordance with Article 2 (11) of the Basic Regulation, both export price and normal value should be compared on a weighted average basis. Having reviewed its calculations, the Commission found that the differences in prices were small and that for the purposes of definitive determinations weighted average normal values should indeed be compared with weighted average export prices.

On that basis, with due account being given to the restriction in the product coverage mentioned in recital 8, the single dumping margin calculated for the People's Republic of China, expressed as a percentage of the cif price at Community frontier, was found to be 133,2 %.

E. COMMUNITY INDUSTRY

- (49) Certain parties have reiterated and expanded their allegations that the Commission has failed to establish the representative nature of the Community industry providing evidence of injury. This was based on the alleged non-reliability of the 'total Community production' figure used and entailed a criticism of the sampling technique applied by the Commission. The justification of the 'anonymous treatment' granted to certain Community producers was also questioned.

1. Total Community production

- (50) It should be recalled that the level of support for the complaint was checked before initiation. The total estimated Community production volume of the like product on which the standing of the 68 complaining Community producers was assessed, was subsequently re-examined (in respect of 1991 until 1994) at the premises of national footwear federations and confirmed to be accurate.

Moreover, it has to be stressed that the 'total production' figure on the like product on which the standing was assessed was set at the maximum possible production in the Community. Indeed, due to the lack of reliable data, no examination could be carried out in order to determine, in accordance with the provisions of Article 4 (1) (a) of

the Basic Regulation, whether the production volume of certain non-complaining producers should have been excluded from the 'total production' figure, on the grounds that their core business was importing rather than producing within the Community.

Such would-be Community producers, of which some are known to have made considerable imports, are also known to produce a relatively large number of pairs in the Community. Had sufficient information in this respect been made available, it is likely that part of this Community-produced volume would have been excluded from the total production figure. Conversely, the 'core business' test was carried out *vis-à-vis* the 28 companies in the 'first group' as defined at recital 6 of the provisional duty Regulation and all were found (as explained at recital 55 of the provisional duty Regulation) to have their core business in the Community.

- (51) The representative nature of the investigated Community industry, assessed in a reasonable way and on the basis of fully accurate figures, is therefore confirmed.

2. Sampling

(a) Initial investigation

- (52) In this respect, it should be recalled that given the very large number of potential parties to the proceeding, the notice of initiation of the present proceeding mentioned that the investigation might have recourse to sampling. As a result, from the beginning of the investigation, cooperation was sought (via national federations) from a limited number of Community producers selected amongst the 68 companies supporting the complaint.

Meaningful replies were received from 28 producers, amongst which, for verification purposes, 9 were selected and their replies subjected to in-depth on-the-spot verifications (this latter group of producers is referred to as 'the verification sample' in the provisional duty Regulation).

The 28 companies in the first group do account for slightly more than 25 % of Community output of the like product, thus qualifying, in the absence of declared opposition to the complaint, as the Community industry.

(b) Subsequent developments

- (53) As has been mentioned in recital 8 of this Regulation, it was decided to restrict the scope of the present proceeding to footwear intended for outdoor use and to exclude slippers. A separate examination of information relating exclusively to outdoor footwear covered by the present proceeding was thus deemed necessary. This examination has shown that 17 out of the abovementioned 28 Community producers in the first group and 8 out of the 9 Community producers in the verification sample produce footwear intended for outdoor use. It was established that, in line with the criteria used in assessing the representativity of the first group (see recital 59 of the provision duty Regulation), the 17 producers mentioned are equally representative of the Community industry producing outdoor footwear. The fact that these 17 Community producers were found to represent 22,3 % of Community output of the like product, the definition of which had been restricted in the course of the present investigation, does not alter the abovementioned conclusion on the representativity of the Community industry.

Indeed, in a situation such as the present, where the number of Community producers is such as to justify recourse to sampling, it is almost inevitable that the sample selected, whilst being representative of the Community industry, will not reach the 25 % threshold.

- (54) Concerning the representativity of the investigated Community industry, it has to be stressed that the injury findings were based on verified information collected from various appropriate sources, all representative of the Community industry:

- production, sales, market share and employment in the Community were established at the level of each national footwear federation and thus cover the entire Community production of the like product. This fact clearly contradicts the allegation made by an interested party further to the final disclosure according to which figures relating to the Italian footwear federation had been omitted when overall injury indicators were established,
- general trends concerning prices, costs and profitability were established at the level of the cooperating producers in the first group,
- undercutting and underselling exercises were carried out on the basis of fully verified price and cost data collected from the companies in the verification sample, which are representative in terms of size and product range as well as located in major producing Member States.

3. Anonymous treatment of the companies in the verification sample

- (55) Certain parties have reiterated and expanded their allegations that the Commission was unjustified in granting 'anonymous treatment' to the companies in the verification sample. These parties have claimed that complaining domestic industries should be prepared to face any kind of 'commercial retaliation' and have requested that at least the names of the companies in the first group be disclosed.
- (56) In this respect, it has to be stressed again that the anonymous treatment was granted because the threat exerted went far beyond what could be considered as 'normal' in commercial relations. The limited protection so granted was moreover considered particularly appropriate in the context of a sampling exercise, where a few selected companies are particularly exposed, although they represent, and act for the benefit of, a much larger group.
- (57) As regards the companies in the first group, the company names on the non-confidential questionnaire responses were generally replaced by an identification symbol and most national footwear federations (which transmitted the answers) listed separately the names of the companies having replied, without of course disclosing the correspondence between the identification symbols and the names in the list. It should thus be stressed that all interested parties have had access to the non-confidential data provided by both the producers in the first group and, in a separate file, to the verified and confirmed data of the companies in the verification sample.
- (58) Given that the questionnaire responses of the companies in the first group as well as the lists established by federations was made accessible to all parties before the Commission became aware of the above pressures, it was considered that the files in question, which permitted the identification of most companies, could not be made anonymous *ex post* and should thus continue to be accessible in an unaltered form. Under these circumstances, it was considered appropriate to include, in the final disclosure sent to all parties, the list of companies in the first group, whilst the name of the companies in the verification sample was kept undisclosed.

F. INJURY

1. Cumulative assessment of the effects of the dumped imports

- (59) Certain parties have claimed that the impact of Indonesian and Chinese imports should not be

cumulatively assessed. In particular, it has been alleged that two conditions, which ought to be fulfilled to make cumulation possible, were not met.

- (60) Firstly, it has been argued that in order to determine, for the purpose of applying Article 3 (4) of the Basic Regulation, whether the margin of dumping established in relation to the imports from each country (for which cumulation with others is considered) was more than *de minimis*, the Institutions should not take account of residual margins but should rather rely on the margins found for cooperating exporters. This assertion cannot be accepted, in particular in consideration of the low level of cooperation obtained from Indonesian exporters. In addition, it is also worth noting that the margins of dumping established in respect of two Indonesian cooperating exporters (out of three selected in the sample) were more than *de minimis*.
- (61) Secondly, it has been argued that certain differences in conditions of competition (allegedly evidenced by average import prices per pair, said to be markedly higher in the case of Indonesia when compared to the People's Republic of China) were such as to make cumulation unwarranted. In this respect, although the alleged differences are somewhat confirmed at Eurostat level, it was considered that:
- these differences are not such as to allow a clear distinction to be made between the Indonesian and Chinese pricing policies, (in particular when the average prices of both Indonesia and the People's Republic of China are compared to the average price of the other third countries supplying the Community market, which is much higher than the average prices of both countries under investigation),
 - a detailed examination of the available information shows that imports from Indonesia, as well as those from the People's Republic of China, cover the full range of prices, and
 - on the basis of the information available, the most plausible explanation of the existing difference is a slightly different product mix rather than a clearly different pricing policy.

- (62) Further to the exclusion of slippers from the single category of products under consideration, the conclusions as to whether the cumulative assessment of imports from both countries was warranted were reexamined. In 1994, the volume of footwear imported under CN code 6404 19 90 originating in the People's Republic of China stood at 101,1 million pairs, and that originating in Indonesia at 24 million pairs. The market shares of these dumped imports for the same period stood at 50,5 % and 12 % respectively.

Moreover, substantial dumping margins have been confirmed in respect of these products, and the conclusions set out in recital 68 of the provisional duty Regulation as regards the conditions of competition on the market could be confirmed after the exclusion of slippers from the proceeding. On this basis, it was considered that the cumulative assessment of the effects of the dumped imports of outdoor footwear from the two countries concerned was warranted. Accordingly, the provisional findings in this respect (as set out in recitals 64 to 69 of the provisional duty Regulation) should be confirmed in respect of the restricted category of outdoor footwear.

- (63) The total volume of imports of outdoor footwear from the People's Republic of China and from Indonesia taken together increased from 65,4 million pairs in 1991 to 125,1 million pairs in 1994, a significant increase of more than 90 %. This corresponds to an increase in combined market share from 40,5 % in 1991 to 62,4 % in 1994.

2. Undercutting calculation

- (64) It has been alleged that undercutting was not always practised, if at all, at the level indicated in the provisional duty Regulation. During the hearings certain parties have shown samples of allegedly comparable models where imported models (generally manufactured in accordance with the importer's own specifications and design) were more expensive than Community-produced ones.

Although these claims may be true in some particular cases, it has to be stressed that they were not confirmed on a broader basis by the investigation into both the exporters' prices for certain models and Eurostat prices. In these circumstances, the Commission considered it appropriate, for the purpose of establishing definitive findings, to continue to rely exclusively on the detailed and/or global information collected (and verified to the maximum extent possible) in the course of the investigation, on the basis of which the existence of price undercutting has been positively established.

- (65) It has been claimed that the adjustment for differences in level of trade was insufficient and ought to be revised. In particular, evidence was provided showing that the 13 % adjustment granted at the provisional stage to take account of differences in the level of trade between importers and Com-

munity producers' clients, only covered intra-Community transport and other ancillary costs.

A further analysis was carried out, concentrating on the importers for which corroborated data relating to this adjustment had been provided, i.e. the five cooperating importers named in the provisional duty Regulation. These importers had been the subject of a verification visit and together represented 12,5 % of the import volume concerned during the investigation period.

It could be verified that three of them had not sourced the product concerned in a significant way from Community producers during the investigation period, but had rather the same customers as the Community producers. It was therefore concluded that, to be compared in a fair way, import prices had to be adjusted for the costs incurred between importation and the point when the products actually reached the customers, and for a reasonable profit. For this purpose, all costs which could be allocated to the product concerned were taken into account, with the exception of those which appeared to be part of the production costs (such as raw materials provided by the importer to the producer in the exporting country) and thus to have been included in the customs value of the goods as reported in Eurostat.

Conversely, two of the five importers appeared to be customers of the Community producers, and thus only their costs from CIF to delivered duty paid at their warehouse level (DDP) were taken into account, as this corresponded to the level of trade where the Community producers' prices and costs had been established.

For each importer, the relation between the average import price for the product concerned and the costs mentioned above was examined. It resulted from this analysis that, to adjust the CIF price to a level of trade comparable to that of the Community producers' deliveries, two elements had to be taken into account. Indeed, although a part of the costs can be considered as proportional to the value of the goods, an adequate adjustment was found to require also a fixed amount per pair, to reflect the costs incurred inevitably by any importation, independently of the goods' value.

- (66) On the basis of the evidence examined it was found that, in order to be compared in a fair way to the Community producers' prices and costs, the CIF import price for the product concerned had to be adjusted 20 % upwards and then increased by an amount of ECU 0,2 per pair, plus the normal customs duty rate.

- (67) Calculations have been amended accordingly, resulting in the confirmation of the existence of the undercutting practices established in the provisional duty Regulation. On the basis of Eurostat, as for the cooperating exporters subject to a provisional anti-dumping duty, average undercutting margins, expressed as a percentage of the Community industry's prices, were found to be in excess of 7 % for Indonesia and 18 % for the People's Republic of China.

3. General injury factors

- (68) Since no new representations were made by any interested parties as regards the provisional assessment of general injury factors (such as, *inter alia*, consumption on the Community market, production, sales, profitability and employment of the Community industry), no re-examination of the findings concerned was undertaken.

- (69) However, given the exclusion of slippers from the single category of products under consideration, the main findings relating to the market and the Community industry manufacturing outdoor footwear, which were not detailed in the provisional duty Regulation, are outlined below:

- total Community consumption increased from 161,3 million pairs in 1991 to 200,4 million pairs in 1994,
- production decreased from 40,4 million pairs in 1991 to 30,8 million pairs in 1994, a 24 % drop,
- sales experienced a decrease of 45 % in volume terms and 32 % in value terms over the same period, corresponding to a fall in market share from 20,8 % to 9,2 %,
- profitability on sales of outdoor footwear for companies in the first group experienced a decrease from 12,3 % in 1991 to 2,8 % in 1994, this downward trend being confirmed by that established in relation with the companies in the control sample,
- as far as employment and company closures are concerned, due to the ability of most companies in the sector to produce both indoor and outdoor footwear, no absolute figures limited to outdoor footwear production were established in the course of the investigation. In view, however, of the indicators presented above, when compared to those established in the provisional duty Regulation, the negative trend of employment and the significant number of company closures could be confirmed in respect of the Community industry manufacturing outdoor footwear.

4. Conclusion on injury

- (70) In the light of the above and in the absence of other arguments, it is confirmed that, as was established in recital 84 of the provisional duty Regulation for the Community industry producing both outdoor and indoor footwear, the Community industry producing outdoor footwear has suffered material injury within the meaning of Article 3 of the Basic Regulation.

G. CAUSATION

- (71) Most exporters and importers again raised the case of imports from Vietnam as being a cause of the injury suffered by the Community industry. In this respect, it has to be stressed that at the time of the lodging of the complaint Vietnam's known share of the outdoor footwear market was relatively limited. The increase which took place afterwards was already noticeable during the investigation period, where the market share held by the products originating in Vietnam was, however, much more limited than that of Chinese products. It follows from the above that the effects of Vietnamese imports could not have broken the causal link established between the imports subject to the current investigation and the injury suffered by the Community industry.
- (72) Since no other potential cause of injury has been put forward with substantiated evidence, the provisional findings in this respect as set out at recitals 85 to 95 of the provisional duty Regulation are therefore confirmed. Furthermore, in view of the above trends, it is considered that the above conclusion applies equally to outdoor footwear.

H. COMMUNITY INTEREST

1. Impact on consumers

- (73) Although no representations have been received either from consumers or consumer organizations following the publication of the provisional duty Regulation, some parties have argued that anti-dumping measures would seriously affect Community consumers and, among these, in particular those with the lowest income.

This argument concerning the foreseeable impact of measures on the consumers' buying price has been examined in detail. The results of this examination are as follows.

(a) Impact in absolute terms

- (74) Firstly, as far as footwear prices to distributors are concerned, it is likely that the Community industry, with a 9,2 % market share and an ECU 5,1 per pair average price, would not be able to increase its prices above the 4,2 % necessary to reach the reasonable profit as defined in the provisional duty Regulation (recital 106) without running the risk of worsening its current strong downward trend in terms of market share. In addition, imports from countries not concerned by this proceeding represent 28,4 % of the market for the product concerned and it is expected that producers in these third countries will not be willing or able to command significant price increases.

As for Indonesia, it should be recalled that the injury elimination level foreseen for this country is considerably lower than for the People's Republic of China, the average price of the imports being ECU 2,57 per pair. The market share of footwear originating in the People's Republic of China being 50,5 %, (with an average price of ECU 1,83 per pair) and in view of the duty rate proposed, the average maximum foreseeable impact of the measures proposed on the market of the footwear concerned as a whole amounts to ECU 0,5 % per pair.

Thus, only if distribution chooses to keep its margins unchanged and charges the entirety of its increased costs to the consumers would the latter have in turn to pay the corresponding amount of ECU 0,5 per pair. Since the average per head consumption of the footwear concerned in the Community is below one pair per person per year, the impact of the proposed measures for the consumer remains clearly marginal.

(b) Impact in relative terms, effect of price on consumption

- (75) In relative terms, the basis of the calculations was the average price of the footwear concerned at delivered-warehouse distributor level, namely ECU 3,6 per pair, which takes into account, for the imports, the adjustment for differences in level of trade referred to in recital 65 of this Regulation. Using the lowest mark-up found among the distribution channels analysed below, i.e. 125 %, it is estimated that the average price for the consumer of the product concerned is above ECU 8,1 per pair. As a consequence, the impact on the consumer price of fully reflected duties would be below 6,5 %.

This percentage should, as explained above, be examined in light both of the absolute value of the increase (ECU 0,5 per pair) and the general evolu-

tion of prices. Indeed, over the four years examined, and due to the penetration of the dumped imports, the average market price at delivered-warehouse distributor level decreased by more than 16 % when corrected for the general inflation rate.

- (76) In the absence of any other element or reaction from consumer organizations, it was therefore concluded that the impact of the proposed measures on the consumer of the footwear concerned was likely to be minimal. It could as a consequence be concluded that to significant contraction in demand was to be foreseen as a result of a possible full reflection of the duty on the consumer price.

2. Impact on distribution

(a) Impact on distribution as a whole

- (77) It has been argued that the imposition of measures would have a strong negative impact on importers. More globally, diverging views have been expressed on the situation of the whole distribution chain which, it has been argued, was an activity with a far greater significance in the Community than footwear production, in terms of both turnover and employment.

It should be recalled first that, by its very nature, for a given quantity of footwear, the distribution chain will have a higher turnover than the manufacturing companies it buys from, simply by virtue of its distribution margin. Secondly, the employment figures for footwear distribution in general, where all types of footwear are sold, cannot be compared with those of the Community production of the product concerned only.

As consumers do not buy shoes in significant quantities outside the Community, negative consequences of anti-dumping duties for distribution as a whole could only result from a significant reduction of consumption and therefore of turnover, or a downward pressure on distribution margins in order to minimize an increase in consumer prices (and a decrease in consumption).

As explained above, in the light of the foreseeable impact of possible measures on the consumers of the product concerned, it can be considered as highly unlikely that consumption of the product concerned would drop significantly, even if the distribution sector were to maintain its current margins.

Taken as a whole, it can therefore be concluded that the effects of possible measures on the distribution chain will be very limited. Care was however taken to make an in-depth analysis in the light of the structure of footwear distribution in the Community.

(b) Structure of footwear distribution in the Community

- (78) Within footwear distribution in the Community, four different channels of sale to the end customer are generally identified. These are the branded chains, the independent retailers, the non-specialized supermarkets, and, as a fourth category, the other types of generally non-specialized distribution (clothing and general stores for example).

(i) The independent retailers

- (79) The traditional distribution channel consists of independent retailers, generally buying from wholesalers. In the evolution of the distribution however, wholesalers tend to disappear as retailers enter into a closer relationship with a more limited number of producers, or tend to group in purchase associations while retaining their independence.

As far as the retailers themselves are concerned, they face an adverse competitive situation due to both their individual lack of price control on suppliers and the high margins they require to cover the fairly high costs of the city centres retail outlets from which they predominantly operate (150 % to 200 %). In fact, they have lost ground in certain Member States to more recently developed forms of distribution falling within the other three categories, in particular the branded chains.

However, as a consequence of their strong presence in some other Member States and their situation at the upper end of the market where they maintain a continuous commercial relationship with their customers, it should be noted that independent retailers are still, at least in terms of value added and employment (over 250 000 persons), the most important distribution channel in the Community, although probably not the largest one in terms of market share (in volume).

(ii) The branded chains

- (80) These chains, which are sometimes involved in production activity in the Community, are generally owned by one or two large companies in each country, which own several brands and

operate across the whole market range. They operate from out-of-town super or discount stores, which, because of their sales volume, prices and specialization, can resist the non-specialized supermarkets' pressure.

The branded chains also sell through in-town shops replacing the independent retailers with less costly, standardized shops which accommodate the need, on the part of some customers, for an alternative retail buying environment to discount halls. Due to their purchasing power, their access to world supply (they import on their own account) and the relatively low margins they operate with, generally around 25 % of the cost of sales for the central trading arm and 100 % on average for the shops, they are able to gain market share rapidly once they enter a market and to achieve growth rates in excess of 5 % per year.

(iii) The non-specialized supermarkets

- (81) Important in terms of volume, but less in terms of value on the total footwear market due to the low average price of their sales, non-specialized supermarkets have a strong influence at the lower end of the market. Although they sometimes buy directly from suppliers located outside the Community, they usually rely on specialized importers for their imports, which constitute an important part of their footwear sales. Their traditional mark-up is around 100 %, but it can range from around 60 % on promotional operations to over 130 % on some Community products. Due to the supplementary step of the importer and the fixed part of the costs incurred, imports from the countries concerned through this sales channel usually reach the consumer at a price three times higher than the CIF level.

(iv) Other sales channels

- (82) Other sales channels, such as mail order companies or garment stores, gained significance in certain Member States but none of these has individually acquired importance on a Community-wide basis. In certain Member States, specialized mail-order firms have a cost structure similar to the branded chains. Community-wide apparel chains of 'small' shops also introduce footwear in their stores as a fashion branded item, generally with higher margins than on their usual articles. Due to the fashion aspect of these sales, they are in competition with the branded chains, although to a lesser extent than the large general city centre stores.

(c) *Specific impact of the proposed measures on the various sales channels*

- (83) As regards the independent retailers, which still constitute the largest source of employment in Community footwear distribution, the general conclusion presented in recital 77 of this Regulation is strengthened by the fact that they usually have a low proportion of their supplies of the product concerned originating in Indonesia or the People's Republic of China. It should be added that they are grouped in a confederation representing eight Member States on a representative level, and that no submission opposing the possible imposition of anti-dumping measures was received from this source or any other.
- (84) The companies owning branded chains have contested the need for the imposition of anti-dumping duties. Although the general conclusion is also applicable to them, the fact that some of them rely more than the independent retailers on the dumped imports for the supply of the product concerned explains why, within the distribution chain, they could fear a negative effect of the measures on their comparative competitive situation.

The direct effect of possible measures on the financial situation of these companies would be negligible if the amount of the duty were to be fully passed on to the consumer. Indirect financial effects could only be expected if, due to this price increase, consumers were to significantly reduce their purchases of the product concerned. However, should this happen, it would be only to a limited extent, as explained in recital 76.

Moreover, the product concerned is never sold separately in specialized shops and, due to its particularly low prices, represents less than 10 % of the turnover of the cooperating companies operating branded chains. In this perspective, even a small contraction in the demand for the product concerned, which appears unlikely, would have a negligible impact on the companies as a whole, in particular if the demand is at least partly re-oriented to footwear with a higher price, with probably a higher margin in absolute terms.

- (85) As far as non-specialized supermarkets or other non-specialized stores are concerned, in view of the even more limited extent to which their sales rely on the product concerned, their situation should not be affected by the imposition of measures even in the case of the market evolution envisaged above.
- (86) The situation of the importers supplying these non-specialized distribution channels was examined, as they imported in some cases a more important portion of their turnover from the coun-

tries concerned than their clients. These companies are generally run with a very limited and flexible structure allowing them to sell only when the trading margin they foresee covers the costs incurred. Their expertise on the market and their ability to design and sell are not affected by the country of origin of the goods. The anti-dumping measures having an impact on footwear distribution as a whole, these importers will be able to benefit from any market situation, and continue to supply their clients with Chinese or Indonesian imports, or any non-dumped product, as well as Community-produced ones.

- (87) In conclusion, it could not be established that the imposition of anti-dumping measures on the footwear concerned would be such as to affect significantly the financial situation of either the footwear distribution chain as a whole or of a part of it.

3. Impact on the Community industry and its suppliers

- (88) The argument according to which the measures would have no positive effect on the situation of the Community industry due to the shift of supply to other third countries has been presented again. It has been argued moreover that the situation of the textile footwear industry in this respect was comparable to that of the synthetic handbags manufacturers and that accordingly the Council should also in the present case refrain from taking measures (¹).

Shift of supply between various countries has been an important factor on the footwear market for a number of years. In this regard, it should be noted that the Community industry has been able, by its automation and rationalization, partly to compensate, by its own increase in exports, for the constant change of country from which varying volumes were imported in the Community. This could however not be the case for the massive surge in dumped imports from the two countries concerned in the present proceeding. As far as the alleged parallelism between the present proceeding and the synthetic handbags case is concerned, it should be stressed that the significant market share still held by the complainant Community industry in this case, the nature of the capital holders in most exporting companies, as well as the important industrial investment necessary to produce footwear, clearly exclude any reasonable and meaningful comparison between the two industries. The Council cannot accept therefore that for the sake of consistency, it should refrain from taking measures in the present case.

(¹) See recitals 105 and 106 of Council Regulation (EC) No 1567/97 (OJ L 208, 2. 8. 1997, p. 31).

- (89) It has been argued again that, should measures be imposed, this would have negative consequences on footwear machine manufacturers which would be limited in their sales to Indonesia and the People's Republic of China.

As far as the machine suppliers are concerned, it should be noted that the Community industry is clearly investing in automation, and in the injection process in particular. This automation is linked with investments in machines and in moulds produced in the Community, which continue to create a virtuous circle of technological improvement. No evidence has been received on the other hand showing that exporters in Indonesia or the People's Republic of China are main clients of the Community equipment manufacturers.

- (90) No new evidence having been submitted in respect of these arguments, the conclusions presented in recitals 99 and 104 of the provisional duty Regulation are accordingly confirmed.

4. Conclusion concerning Community interest

- (91) As a conclusion, and having examined all the various interests involved, it is considered that there are no compelling reasons not to take action against the dumped imports in question. The conclusions set out in recital 105 of the provisional duty Regulation are therefore confirmed.

1. ANTI-DUMPING MEASURES

1. Injury elimination level

(a) *General considerations*

- (92) It should be recalled that the calculations used to establish the injury elimination level at the provisional stage were based on two different sets of price comparisons. As far as the cooperating exporters were concerned, the prices of the most exported models were compared to the Community industry's corresponding non-injurious prices on the basis of a grouping into 16 so-called families of footwear, of which 13, relating to outdoor footwear, were considered for the purpose of the definitive determination. For the vast majority of imports, however, in the absence of cooperation from any exporters, the injury elimination level had to be calculated on an average basis for the CN code concerned, this approach having been called the category comparison.

- (93) It has been argued that, in performing these comparisons, the Commission failed to take into

account the alleged differences between vulcanized and injected footwear. Further to what has been explained at recitals 26 to 30 of this Regulation, it is considered that there are no differences between vulcanized and injected footwear which are such as to significantly affect global price comparisons.

Indeed, the difference in the manufacturing processes used for the production of the soles of two comparable models does not result in a different consumer perception. As far as the cooperating exporters are concerned, in the case where imported vulcanized models were compared to Community-produced injected footwear because these were the most similar models found, the exporters were given the opportunity to comment on the basis of the documents and non-confidential files available to them, and none of them contested the comparison made.

- (94) Exporters from the People's Republic of China claimed that the descriptive elements of the Community-produced models used for comparison purposes were insufficient. In this respect, it should be recalled that the exporters were provided with copies of the non-confidential files where photographs of the Community-produced models used as a reference in each family were provided. This was done in addition to the written explanations given and the calculation sheets included in the disclosure.

- (95) Following the claim made by importers, and in order to perform the price comparisons in the calculation of the injury elimination level, CIF import prices were adjusted to the duty-paid, customer-delivered price level by using the adjustment methodology used for the undercutting assessment, as presented at recital 66 of this Regulation.

- (96) It was argued by certain importers that, even if it could be admitted that injurious dumping in respect of footwear with an import price below three US dollars was taking place, this was not the case for more sophisticated footwear. The latter category, according to the importers in question, should be attributed a 0 % injury elimination level.

In this respect, it should be recalled that, although huge volumes of outdoor footwear are indeed imported below ECU 2,5 (equivalent to US\$ 3), these imports covered, in the sample of the importers' transactions examined, only 45 % of the value of the imports concerned. The fact that a majority of the import turnover was above the alleged price break shows that, in reality, the imports of the product concerned, though made at extremely low prices when compared to what they would be if normal competitive conditions prevailed, are spread over a wide price range.

Moreover, the non-injurious price levels established for the investigated Community producers were also both below and above the alleged price break, adjusted to the appropriate customer-delivered level (ECU 3,7), depending on the shoe type. In the absence of any other evidence relating to this aspect of the market, this claim should therefore be rejected.

- (97) No other remarks having been submitted, the general injury elimination level methodology, as established in recitals 106 to 112 of the provisional duty Regulation, are therefore confirmed.

The reduction in the product coverage of the proceeding and the change in the level of trade adjustment, however, affect the provisional findings, as set out below.

(b) *Indonesia*

- (98) In conformity with the methodology set out in the provisional duty Regulation, the revised injury elimination levels for the cooperating companies in the sample for Indonesia, expressed as a percentage of the CIF import price, ranged from 0 to 31,5 %, with an average to be applied to cooperating companies outside the sample of 14,1 %. As regards the calculation of the residual injury elimination margin, it was considered that, in the case of a market economy country such as Indonesia, the most reasonable basis was to use the average level found on the basis of verified data established in respect of the cooperating exporters in the sample, i.e. 14,1 %.

(c) *People's Republic of China*

- (99) In accordance with the methodology set out in the provisional duty Regulation, the revised single injury elimination level for the People's Republic of China was found to be 49,2 %.

2. **Duty**

- (100) One of the cooperating Indonesian companies not included in the sample objected to the fact that it had been attributed a duty based on the weighted average dumping margin found for the sample.

This argument could not be accepted since Article 9 (6) of the Basic Regulation provides that, where the Commission has limited its examination in accordance with Article 17, any anti-dumping duty imposed on cooperating companies not included in the sample shall not exceed the weighted average margin of dumping established for the parties in the sample. Moreover, it will be recalled from recital 23 of the provisional duty Regulation that the Indonesian companies concerned had agreed to this methodology.

- (101) Since the residual injury elimination level for Indonesia and the People's Republic of China, as well as the individual level for PT Sindoll Pratama, is lower than the corresponding dumping margins, the anti-dumping duty should be based on these levels. For the other cooperating exporters in Indonesia, the anti-dumping duty should be based on the dumping margins established above.

- (102) The anti-dumping duty rates, applicable to the net, free-at-Community-frontier price before duty should therefore be as follows:

Country	Manufacturer and exporter	Rate of duty
PEOPLE'S REPUBLIC OF CHINA	All companies	49,2 %
INDONESIA	PT Dragon	4,0 %
	PT Emperor Footwear Indonesia	0,0 %
	PT Sindoll Pratama	0,0 %
	PT Bosaeng Jaya	14,1 %
	PT Volmacarol	14,1 %
	All other companies	14,1 %

J. COLLECTION OF THE PROVISIONAL DUTIES

- (103) In view of the magnitude of the dumping margins found for the exporting producers and countries, and in the light of the seriousness of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of provisional anti-dumping duty under Regulation (EC) No 165/97 should be defin-

itively collected at the rate of the duty definitively imposed. However, to the extent to which it can be established, to the satisfaction of the customs authorities, that imports related to footwear falling within CN Code 6404 19 10 (slippers) or shoes excluded from the scope of the present proceeding, as described under Article 1 (3) (b), (c) and (d) of this Regulation, the amounts secured by way of provisional anti-dumping duty should be released in their totality,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of footwear falling within CN code ex 6404 19 90 (Taric code 6404 19 90*90), originating in the People's Republic of China and Indonesia, except as regards the footwear described in paragraph 3.

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

Country	Products manufactured by	Rate of duty (%)	Taric additional codes
PEOPLE'S REPUBLIC OF CHINA	All companies	49,2 %	
INDONESIA	All companies	14,1 %	8900
	with the exception of:		
	PT Dragon	4,0 %	8941
	PT Emperor Footwear Indonesia	0,0 %	8942
	PT Sindoll Pratama	0,0 %	8942

3. The duty shall not apply to:

(a) shoes sometimes known as 'espadrilles', which, for the purpose of the present Regulation, are shoes with canvas uppers and unheeled plaited fibre soles, whether or not strengthened with rubber or plastics over a variable surface, which are not thicker than 2,5 cm (Taric code 6404 19 90*10);

(b) shoes sometimes known as 'diving boots' or 'water sports boots', which, for the purpose of the present Regulation, are shoes with an upper made of neoprene, whether laminated on one or both sides with textile material, where the neoprene thickness is of 2,5 mm or more, covering the entirety of the foot, with an abrasion-resistant sole, and designed for certain water sports such as diving (Taric code 6404 19 90*20);

(c) shoes sometimes known as 'medical shoes', which, for the purpose of the present Regulation, are shoes which, although not manufactured according to the individual medical need of one person, are designed for easing the recovery during or after therapy or a medical operation, as for example shoes to walk in while having a plastered or bandaged foot. These shoes do not cover the foot entirely and have a wide opening which enables even a bandaged foot to fit

inside. They are sold not per pair, but individually, and show at the same time more than one of the following characteristics:

- the closing device can be adjusted to the bandage or plaster size,
- special internal soles or pads can be inserted for medical purposes,
- the design of the sole is such that it prevents harmful contact of the foot with the ground, at the same time preventing non-medical use of the shoe,
- the design is functional and does not include decorations or other fashionable accessories,

(Taric code 6404 19 90*30);

(d) shoes sometimes known as 'beach shoes', which, for the purpose of the present Regulation, are shoes the upper of which is limited to a strip of textile material, this upper being attached on both sides to a thick, lightweight alveolar plastic sole, in contact both with the foot and the ground. This textile strip leaves the front as well as the rear part of the foot uncovered, and its width does not exceed one third of the shoe's length. As the back of the foot is not enclosed by the shoe, the wearer's heel lifts from the sole when

walking. Beach shoes are designed to be worn with wet or sandy feet on the beach or around swimming pools, and their design excludes any practical use for walking over a longer distance (Taric code 6404 19 90*40).

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

Article 2

1. The amounts secured by way of provisional anti-dumping duty under Regulation (EC) No 165/97 shall be definitively collected at the rate of the duty definitively

imposed, with the exception of the amounts for which it can be established, to the satisfaction of the customs authorities, that they related to imports of footwear falling within CN code 6404 19 10 or shoes described in Article 1 (3) (b), (c) and (d) of this Regulation, which amounts shall be released.

2. Amounts secured in excess of the definitive rate of anti-dumping duty shall be released.

Article 3

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

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

Done at Brussels, 29 October 1997.

For the Council

The President

J. POOS

COMMISSION REGULATION (EC) No 2156/97
of 31 October 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 last amended by Regulation (EC) No 2092/97⁽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 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 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

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⁾	0,00	0,00
1001 90 91	Common wheat seed	29,31	19,31
1001 90 99	Common high quality wheat other than for sowing ⁽²⁾	29,31	19,31
	medium quality	44,46	34,46
	low quality	52,41	42,41
1002 00 00	Rye	72,06	62,06
1003 00 10	Barley, seed	72,06	62,06
1003 00 90	Barley, other ⁽¹⁾	72,06	62,06
1005 10 90	Maize seed other than hybrid	72,62	62,62
1005 90 00	Maize other than seed ⁽³⁾	72,62	62,62
1007 00 90	Grain sorghum other than hybrids for sowing	72,06	62,06

⁽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 17 October 1997 to 30 October 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)	130,22	123,71	120,12	100,44	213,53 (1)	102,13 (1)
Gulf premium (ECU/tonne)	—	14,72	10,37	9,83	—	—
Great Lakes premium (ECU/tonne)	14,66	—	—	—	—	—

(1) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 13,39 per tonne; Great Lakes — Rotterdam: ECU 22,10 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 2157/97
of 31 October 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 2066/97 ⁽³⁾, as amended by Regulation (EC) No 2122/97 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2066/97 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 amended Regulation (EC) No 2066/97 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 290, 23. 10. 1997, p. 10.

⁽⁴⁾ OJ L 296, 30. 10. 1997, p. 3.

ANNEX

to the Commission Regulation of 31 October 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	37,31 ⁽¹⁾
1701 11 90 9910	33,94 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	37,31 ⁽¹⁾
1701 12 90 9910	33,94 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4056
	— ECU/100 kg —
1701 99 10 9100	40,56
1701 99 10 9910	40,56
1701 99 10 9950	40,56
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4056

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

COMMISSION REGULATION (EC) No 2158/97

of 31 October 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 refund 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 November 1997.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁴⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁵⁾ OJ 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, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 31 October 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	40,56 ⁽²⁾
1702 60 10 9000	40,56 ⁽²⁾
1702 60 90 9200	77,06 ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 90 9800	0,4056 ⁽¹⁾
	— ECU/100 kg dry matter —
1702 90 30 9000	40,56 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,4056 ⁽¹⁾
1702 90 71 9000	0,4056 ⁽¹⁾
1702 90 99 9900	0,4056 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 9000	40,56 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,4056 ⁽¹⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

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

⁽⁴⁾ Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

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

COMMISSION REGULATION (EC) No 2159/97

of 31 October 1997

determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995⁽²⁾ laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as amended by Regulation (EC) No 1584/96⁽³⁾, and in particular Articles 3, 4 and 5 thereof,

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton⁽⁴⁾, as last amended by Regulation (EC) No 1740/97⁽⁵⁾; whereas if it cannot be determined in this way it is to be based on the last price determined;

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect dif-

ferences in product quality and the nature of offers and quotations; whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Whereas Article 5 (3) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1670/97⁽⁶⁾ determined estimated production for the 1997/98 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

Article 1

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at ECU 37,235 per 100 kilograms.
2. Advance payment of the aid as indicated in Article 5 (3) of Regulation (EC) No 1554/95 shall be at the rate of:
 - ECU 30,159 per 100 kilograms in Spain,
 - ECU 36,218 per 100 kilograms in Greece,
 - ECU 69,065 per 100 kilograms in other Member States.

Article 2

This Regulation shall enter into force on 1 November 1997.

⁽¹⁾ OJ L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ L 206, 16. 8. 1996, p. 16.

⁽⁴⁾ OJ L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ L 244, 6. 9. 1997, p. 1.

⁽⁶⁾ OJ L 237, 28. 8. 1997, p. 1.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2160/97

of 31 October 1997

establishing the standard import values for determining the entry price of
certain fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 31 October 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 45	064	59,9
	204	51,7
	999	55,8
0709 90 79	052	69,2
	999	69,2
0805 30 40	052	88,4
	388	53,7
	524	67,8
	528	55,5
	999	66,4
0806 10 50	052	76,9
	064	62,8
	400	219,3
	999	119,7
0808 10 92, 0808 10 94, 0808 10 98	060	45,3
	064	43,2
	388	88,0
	400	89,1
	404	86,3
	528	43,1
	800	135,5
	999	75,8
0808 20 67	052	90,8
	064	80,1
	400	70,4
	999	80,4

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

COMMISSION REGULATION (EC) No 2161/97

of 31 October 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 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 31 October 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	10,00
1002 00 00 9000	26,00
1003 00 90 9000	13,00
1004 00 00 9400	23,00
1005 90 00 9000	25,00
1006 30 92 9100	210,00
1006 30 92 9900	210,00
1006 30 94 9100	210,00
1006 30 94 9900	210,00
1006 30 96 9100	210,00
1006 30 96 9900	210,00
1006 30 98 9100	210,00
1006 30 98 9900	210,00
1006 40 00 9000	—
1007 00 90 9000	25,00
1101 00 15 9100	13,00
1101 00 15 9130	13,00
1102 20 10 9200	25,96
1102 20 10 9400	22,25
1102 30 00 9000	—
1102 90 10 9100	17,67
1103 11 10 9200	0
1103 11 90 9200	0
1103 13 10 9100	33,37
1103 14 00 9000	—
1104 12 90 9100	26,88
1104 21 50 9100	23,56

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

COMMISSION REGULATION (EC) No 2162/97
of 31 October 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 1870/97 ⁽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 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 26.

⁽⁴⁾ OJ L 265, 27. 9. 1997, p. 17.

ANNEX

to the Commission Regulation of 31 October 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)	13,00
Barley	(1003 00 90)	16,00
Maize	(1005 90 00)	28,00
Durum wheat	(1001 10 00)	8,00
Oats	(1004 00 00)	26,00

COMMISSION REGULATION (EC) No 2163/97
of 31 October 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 1871/97 ⁽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 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ L 265, 27. 9. 1997, p. 19.

ANNEX

to the Commission Regulation of 31 October 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

		<i>(Ecu/tonne)</i>	
Product (CN code)		Amount of aid	
		Destination	
		Azores	Madeira
Common wheat	(1001 90 99)	13	13
Barley	(1003 00 90)	16	16
Maize	(1005 90 00)	28	28
Durum wheat	(1001 10 00)	8	8

COMMISSION REGULATION (EC) No 2164/97**of 31 October 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 1869/97 ⁽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 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ L 265, 27. 9. 1997, p. 15.

ANNEX

to the Commission Regulation of 31 October 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)	16,00	16,00	16,00	19,00
Barley (1003 00 90)	19,00	19,00	19,00	22,00
Maize (1005 90 00)	31,00	31,00	31,00	34,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 2165/97

of 31 October 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 2052/97⁽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 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 31 October 1997 fixing the corrective amount applicable
to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4	6th period 5
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	0	0	0	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	—	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	—	—	—	—	—	—	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
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 L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 2166/97

of 31 October 1997

fixing the corrective amount applicable to the refund on malt

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽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, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾, allows for the fixing of a corrective amount for the malt referred to in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽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 13 (4) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 31 October 1997 fixing the corrective amount applicable to the refund on malt

(ECU/tonne)

Product code	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3	5th period 4
1107 10 11 9000	0	0	0	0	0	0
1107 10 19 9000	0	0	0	0	0	0
1107 10 91 9000	0	0	0	0	0	0
1107 10 99 9000	0	0	0	0	0	0
1107 20 00 9000	0	0	0	0	0	0

(ECU/tonne)

Product code	6th period 5	7th period 6	8th period 7	9th period 8	10th period 9	11th period 10
1107 10 11 9000	0	0	0	0	0	0
1107 10 19 9000	0	0	0	0	0	0
1107 10 91 9000	0	0	0	0	0	0
1107 10 99 9000	0	0	0	0	0	0
1107 20 00 9000	0	0	0	0	0	0

COMMISSION REGULATION (EC) No 2167/97**of 31 October 1997****fixing the production refund for olive oil used in the manufacture of certain preserved foods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾, and in particular Article 20a thereof,

Whereas Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry; whereas under paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months;

Whereas by virtue of Article 20a (2) of the above-mentioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the

reference period; whereas it is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund; whereas the above amount is to be increased by an amount equal to the consumption aid in force on the day that the said refund is applied;

Whereas the application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of November and December 1997, the amount of the production refund referred to in Article 20a (2) of Regulation No 136/66/EEC shall be ECU 67,18 per 100 kilograms.

Article 2

This Regulation shall enter into force on 1 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

COMMISSION REGULATION (EC) No 2168/97**of 31 October 1997****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 147, 30. 6. 1995, p. 55.

⁽⁵⁾ OJ L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 1 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 31 October 1997 fixing the export refunds on products processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	25,96	1104 23 10 9100	27,81
1102 20 10 9400 ⁽¹⁾	22,25	1104 23 10 9300	21,32
1102 20 90 9200 ⁽¹⁾	22,25	1104 29 11 9000	3,32
1102 90 10 9100	17,67	1104 29 51 9000	3,25
1102 90 10 9900	12,02	1104 29 55 9000	3,25
1102 90 30 9100	24,19	1104 30 10 9000	0,81
1103 12 00 9100	24,19	1104 30 90 9000	4,64
1103 13 10 9100 ⁽¹⁾	33,37	1107 10 11 9000	5,79
1103 13 10 9300 ⁽¹⁾	25,96	1107 10 91 9000	20,97
1103 13 10 9500 ⁽¹⁾	22,25	1108 11 00 9200	6,50
1103 13 90 9100 ⁽¹⁾	22,25	1108 11 00 9300	6,50
1103 19 10 9000	27,90	1108 12 00 9200	29,66
1103 19 30 9100	18,26	1108 12 00 9300	29,66
1103 21 00 9000	3,32	1108 13 00 9200	29,66
1103 29 20 9000	12,02	1108 13 00 9300	29,66
1104 11 90 9100	17,67	1108 19 10 9200	35,01
1104 12 90 9100	26,88	1108 19 10 9300	35,01
1104 12 90 9300	21,50	1109 00 00 9100	0,00
1104 19 10 9000	3,32	1702 30 51 9000 ⁽²⁾	30,76
1104 19 50 9110	29,66	1702 30 59 9000 ⁽²⁾	23,55
1104 19 50 9130	24,10	1702 30 91 9000	30,76
1104 21 10 9100	17,67	1702 30 99 9000	23,55
1104 21 30 9100	17,67	1702 40 90 9000	23,55
1104 21 50 9100	23,56	1702 90 50 9100	30,76
1104 21 50 9300	18,85	1702 90 50 9900	23,55
1104 22 20 9100	21,50	1702 90 75 9000	32,23
1104 22 30 9100	22,85	1702 90 79 9000	22,37
		2106 90 55 9000	23,55

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

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

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

COMMISSION REGULATION (EC) No 2169/97

of 31 October 1997

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 31 October 1997 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

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

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	18,54
Cereal products ⁽²⁾ excluding maize and maize products	7,52

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

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

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

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

COMMISSION REGULATION (EC) No 2170/97
of 31 October 1997
fixing production refunds on cereals and rice

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 7 (3) thereof,

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, potatoes, rice or broken rice, shall be ECU 2,62 per tonne.

2. The refund referred to in Article 3 (3) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from barley and oats, shall be ECU 1,84 per tonne.

Article 2

This Regulation shall enter into force on 1 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁵⁾ OJ L 147, 30. 6. 1995, p. 49.

COMMISSION REGULATION (EC) No 2171/97

of 31 October 1997

fixing the maximum buying-in price and the quantities of beef to be bought in under the 191st 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 1956/97 ⁽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 2089/97 ⁽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 13 (2) of that Regulation, a decision may be taken not to proceed with the tendering procedure; 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 191st 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 and prices, it has been decided not to proceed

with the tendering procedure for category A and to fix the maximum buying-in price and the quantities which may be accepted into intervention for category C;

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 191st partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

- (a) for category A, it has been decided not to proceed with the tendering procedure;
- (b) for category C:
 - the maximum buying-in price shall be ECU 261,9 per 100 kg of carcasses or half-carcasses of quality R3,
 - the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 2 095 tonnes,
 - the quantities offered at a price less than or equal to ECU 259,5 shall be multiplied by a coefficient of 50 %,
 - the quantities offered at a price greater than ECU 259,5 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 3 November 1997.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ L 276, 9. 10. 1997, p. 34.

⁽⁵⁾ OJ L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ L 292, 25. 10. 1997, p. 4.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2172/97

of 31 October 1997

fixing the rates of the refunds applicable to certain cereal and rice-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 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

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

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 13 (1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the 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 the criteria for fixing the amount of such refunds⁽⁴⁾, as last amended by Regulation (EC) No 1909/97⁽⁵⁾, 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 B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

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, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁶⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

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 Commission Regulation (EEC) No 1722/93⁽⁷⁾, as last amended by Regulation (EC) No 1516/95⁽⁸⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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 rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁵⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁶⁾ OJ L 275, 29. 9. 1987, p. 36.

⁽⁷⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁸⁾ OJ L 147, 30. 6. 1995, p. 49.

ANNEX

to the Commission Regulation of 31 October 1997 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases	0,211 — 0,325
1002 00 00	Rye	2,790
1003 00 90	Barley	1,178
1004 00 00	Oats	1,344
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (3): — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — in other cases	1,502 1,854 1,120 1,472 1,854 1,502 1,854
1006 20	Husked rice: — round grain — medium grain — long grain	15,500 13,800 13,800
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	20,000 20,000 20,000
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed)	1,932 2,303 2,303

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	1,178
1101 00	Wheat or meslin flour:	
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,260
	– in other cases	0,400
1102 10 00	Rye flour	3,432
1103 11 10	Groats and durum wheat meal:	
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—
	– in other cases	—
1103 11 90	Common wheat groats and spelt:	
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,260
	– in other cases	0,400

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

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

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

COMMISSION REGULATION (EC) No 2173/97

of 31 October 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 1909/97⁽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 November 1997.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁵⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ 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, 31 October 1997.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 31 October 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	8,57	8,57
— in all other cases	40,56	40,56
Raw sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	7,89	7,89
— in all other cases	37,31	37,31
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	$\frac{8,57 (*) \times S (*)}{100}$	$\frac{8,57 (*) \times S (*)}{100}$
— in all other cases	$\frac{40,56 (*) \times S (*)}{100}$	$\frac{40,56 (*) \times S (*)}{100}$
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	8,57 ⁽¹⁾	8,57 ⁽¹⁾
— in all other cases	40,56 ⁽¹⁾	40,56 ⁽¹⁾

(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 2174/97**of 31 October 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 1909/97⁽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 measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

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 November 1997.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁵⁾ OJ L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ 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, 31 October 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

to the Commission Regulation of 31 October 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	— 68,00
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	67,92 102,60
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	55,50 187,75 180,50

**COMMISSION REGULATION (EC) No 2175/97
of 31 October 1997**

**amending for the fourth time Regulation (EC) No 913/97 adopting exceptional
support measures for the market in pigmeat in Spain**

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas because of the outbreak of classical swine fever in certain production regions in Spain, exceptional support measures for the market in pigmeat in that Member State were adopted by Commission Regulation (EC) No 913/97 ⁽³⁾, as last amended by Regulation (EC) No 1934/97 ⁽⁴⁾;

Whereas, because of the continuing veterinary and trade restrictions adopted by the Spanish authorities, the number of fattening pigs that may be delivered to the competent authorities should be increased, thereby permitting continuation of the exceptional measures in the weeks to come;

Whereas the list of eligible areas in Annex II to that Regulation should be amended to reflect the current veterinary situation;

Whereas the rapid and effective application of exceptional market support measures is one of the best means of

combating the spread of classical swine fever; whereas this Regulation should therefore apply from 15 October 1997;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 913/97 is hereby amended as follows:

1. Annex I is replaced by Annex I hereto;
2. Annex II is replaced by Annex II hereto.

Article 2

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

It shall apply with effect from 15 October 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 131, 23. 5. 1997, p. 14.

⁽⁴⁾ OJ L 272, 4. 10. 1997, p. 14.

*ANNEX I**ANNEX I*

Maximum total number of animals from 6 May 1997:

Fattening pigs	400 000 head
Piglets	110 000 head
Cull sows	8 000 head'

*ANNEX II**ANNEX II*

In the province of Lerida, the protection and surveillance zones as defined in Annexes I and II to the Order of the *Generalitat de Catalunya* dated 2 October 1997, published in the Official Journal of the *Generalitat* of 14 October 1997, page 11663.'

COMMISSION REGULATION (EC) No 2176/97

of 31 October 1997

amending Regulation (EEC) No 2026/92 on detailed rules for the application of the specific supply measures for Madeira as regards olive oil and establishing the forecast supply balance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 2026/92⁽³⁾, as last amended by Regulation (EC) No 2104/96⁽⁴⁾, fixes the forecast supply balance for olive oil for Madeira for the period 1 November 1996 to 31 October 1997; whereas, in order to permit supplies of olive oil to be made to Madeira during the 1997/98 marketing year, a forecast supply balance must be established for the period 1 November 1997 to 31 October 1998;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2026/92 is hereby amended as follows:

1. In the first subparagraph of Article 1 (1), '1 November 1996 to 31 October 1997' is replaced by '1 November 1997 to 31 October 1998'.
2. The Annex is replaced by the Annex hereto.

Article 2

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

It shall apply from 1 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 207, 23. 7. 1992, p. 18.

⁽⁴⁾ OJ L 282, 1. 11. 1996, p. 48.

ANNEX

Forecast supply balance for olive oil for Madeira for the period 1 November 1997 to 31 October 1998

<i>(in tonnes)</i>		
Code	Description	Quantity
1509 10 90 100	Virgin olive oil in immediate containers holding no more than 5 litres	100
1509 10 90 900	Virgin olive oil in immediate containers holding more than 5 litres	—
1509 90 00 100	Olive oil ('Riviera') in immediate containers holding no more than 5 litres	650
1509 90 00 900	Olive oil ('Riviera') in immediate containers holding more than 5 litres	—
1510 00 90 100	Olive-residue oil in immediate containers holding no more than 5 litres	—
1510 00 90 900	Olive-residue oil in immediate containers holding more than 5 litres	—
Total		750

COMMISSION REGULATION (EC) No 2177/97

of 31 October 1997

providing for an increase of a Community tariff quota bound in GATT for
newsprint coming from Canada (1997)

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

Having regard to Council Regulation (EC) No 1808/95 of
24 July 1995 opening and providing for the administra-
tion of Community tariff quotas bound in GATT and
certain other Community quotas for certain agricultural,
industrial and fisheries products and establishing the
detailed provisions for adapting these quotas ⁽¹⁾, as last
amended by Regulation (EC) No 1340/97 ⁽²⁾, and in par-
ticular Articles 9 and 10 thereof,

Whereas, for newsprint, the Community has reached an
agreement which provides in particular for the opening of
a Community tariff quota of 650 000 tonnes, of which
600 000 tonnes are reserved, until 30 November of each
year, exclusively for products from Canada, in accordance
with Article XIII of the GATT; whereas this agreement
provides equally for the obligation to increase, by 5 %,
that part of the quota reserved for imports from Canada,
in the event of that share being exhausted before the end
of a given year;

Whereas the tariff quota for newsprint from Canada has
been exhausted; whereas the volume of that part of quota

reserved for these imports should be increased, therefore,
by 30 000 tonnes;

Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Customs Code
Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The quota volume for order No 09.0015 is increased by
30 000 tonnes for the year 1997.

Article 2

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

It shall apply with effect from 1 January 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 176, 27. 7. 1995, p. 1.

⁽²⁾ OJ L 184, 12. 7. 1997, p. 10.

COMMISSION REGULATION (EC) No 2178/97

of 31 October 1997

establishing the allocation of export licences for cheeses to be exported in 1998 to the United States of America under the additional quota resulting from the GATT Agreements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

interested operator making a request and lodging a security,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 1913/97⁽²⁾, and in particular Article 9a (3) thereof,

Article 1

Whereas Commission Regulation (EC) No 1876/97⁽³⁾ opens the procedure for the allocation of export licences for cheese to be exported in 1998 to the United States of America under the additional quota resulting from the GATT Agreements;

Whereas, in the case of applications for provisional licences lodged pursuant to Regulation (EC) No 1876/97 relating to quantities of products in each product group greater than those available, the allocation of licences may take into account the quantity of the same products exported to the United States of America by the applicant in the past and preference may be given to applicants whose designated importers are subsidiaries; whereas licences should be allocated to applicants who exported the cheeses in question to the United States of America in at least one of the preceding three years; whereas a preference should be accorded to those applicants whose designated importers are subsidiaries by fixing higher allocation coefficients for such applicants; whereas all other applications should be rejected;

Whereas in the case of products groups for which the applications lodged are for quantities less than those available it is appropriate to provide for the allocation of the remaining quantities to the applicants in proportion to the quantities applied for; whereas the allocation of such further quantities should be conditional upon the

1. Applications for provisional export licences lodged pursuant to Regulation (EC) No 1876/97 in respect of the product groups identified by Note Nos 16, 17, 20, 21 and 25 in column 1 of the Annex hereto,

— by applicants which show an export to the United States of America of the products in question during at least one of the preceding three years and whose designated importers are subsidiaries shall be accepted in so far as the allocation coefficients indicated in column 4 of the Annex allow,

— by applicants other than those provided for under the first indent which show an export to the United States of America of the products in question during at least one of the preceding three years shall be accepted in so far as the coefficients in column 5 of the Annex allow,

— by applicants other than those provided for under the first and second indents above shall be rejected.

2. Applications for provisional export licences lodged pursuant to Regulation (EC) No 1876/97 in respect of the product groups identified by Note Nos 18 and 22 in column 1 of the Annex hereto shall be accepted for the quantities requested. On the further application of the trader within three working days of the entry into force of this Regulation and subject to the lodging of the security applicable, provisional export licences may be issued for further quantities in so far as the coefficients in column 6 of the Annex allow.

Article 2

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

⁽¹⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽²⁾ OJ L 268, 1. 10. 1997, p. 27.

⁽³⁾ OJ L 265, 27. 9. 1997, p. 28.

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

Done at Brussels, 31 October 1997.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonised Tariff Schedule of the United States of America		Quantities available for 1998	Allocation coefficients provided for in:		
Note No	Group	Tonnes	Article 1 (1)		Article 1 (2)
			First indent	Second indent	
(1)	(2)	(3)	(4)	(5)	(6)
16	Not specifically provided for (NSPF)	2 472,877	0,427434	0,284956	
17	Blue Mould	200,000	0,401075	0,267384	
18	Cheddar	666,667	1,0	1,0	1,333334
20	Edam/Gouda	666,667	0,511902	0,341268	
21	Italian Type	466,667	0,287483	0,191655	
22	Swiss or Emmenthaler other than with eye formation	646,339	1,0	1,0	1,205856
25	Swiss or Emmenthaler with eye formation	4 916,506	0,473150	0,315433	

COMMISSION REGULATION (EC) No 2179/97**of 31 October 1997****amending Regulation (EC) No 1466/95 laying down special detailed rules of application for export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17 (14) thereof,

Whereas Commission Regulation (EC) No 1466/95 ⁽³⁾, as last amended by Regulation (EC) No 1913/97 ⁽⁴⁾, lays down special detailed rules of application for export refunds on milk and milk products; whereas Article 9a of the Regulation lays down that the export licences for cheeses exported to the United States of America as part of the additional quota under the Agreements concluded during the Uruguay Round of multilateral trade negotiations can be allocated under a special procedure designating the preferential importers in the United States of America; whereas experience has shown the need to make some technical amendments to ensure the sound working of the procedure;

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

Article 1

The following paragraph 3b is added to Article 9a of Regulation (EC) No 1466/95:

'3b. The provisional licence referred to in the first subparagraph of paragraph 2 shall include the following in Section 20:

Provisional export licence referred to in the first subparagraph of Article 9a (2) of Regulation (EC) No 1466/95: not valid for exports'.

Article 2

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

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 27.

COMMISSION REGULATION (EC) No 2180/97

of 31 October 1997

amending representative prices and additional duties for the import of certain products 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 markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 1143/97 ⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1222/97 ⁽⁵⁾, as last amended by Regulation (EC) No 2150/97 ⁽⁶⁾;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.
⁽³⁾ OJ L 141, 24. 6. 1995, p. 16.
⁽⁴⁾ OJ L 165, 24. 6. 1997, p. 11.
⁽⁵⁾ OJ L 173, 1. 7. 1997, p. 3.
⁽⁶⁾ OJ L 297, 31. 10. 1997, p. 111.

ANNEX

to the Commission Regulation of 31 October 1997 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	24,87	3,86
1701 11 90 ⁽¹⁾	24,87	9,10
1701 12 10 ⁽¹⁾	24,87	3,69
1701 12 90 ⁽¹⁾	24,87	8,67
1701 91 00 ⁽²⁾	26,29	12,09
1701 99 10 ⁽²⁾	26,29	7,57
1701 99 90 ⁽²⁾	26,29	7,57
1702 90 99 ⁽³⁾	0,26	0,39

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10. 4. 1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

CORRIGENDA**Corrigendum to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein**

(Official Journal of the European Communities L 61 of 3 March 1997)

On page 12 in Article 15 (6), first line:

for: '6. In accordance with Council Directive 90/313/EEC...',

read: '6. Without prejudice to Council Directive 90/313/EEC...'

Corrigendum to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed

(Official Journal of the European Communities 125 of 11 July 1966)

On page 2302/66, Article 5 should be replaced by the following:

'Article 5

Member States may, as regards the conditions laid down in Annexes I and II, impose additional or more stringent requirements for the certification of seed and also for the examination of commercial seed, which is produced in their own territory.'

Corrigendum to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants

(Official Journal of the European Communities L 169 of 10 July 1969)

On page 4, Article 5 should be replaced by the following:

'Article 5

Member States may, as regards the conditions laid down in Annexes I and II, impose additional or more stringent requirements for the certification of seed and also for the examination of commercial seed, which is produced in their own territory.'
