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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 138/98
of 21 January 1998
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 22 January 1998.

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

Done at Brussels, 21 January 1998.

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 21 January 1998 establishing the standard import values
for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	44,0	0805 20 10	052	60,1
	212	94,1		204	59,8
	624	165,0		624	68,9
	999	101,0		999	62,9
0707 00 05	052	159,1	0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	72,1
	624	201,3		204	74,2
	999	180,2		624	87,5
0709 10 00	220	72,1		999	77,9
	999	72,1	0805 30 10	052	85,2
0709 90 70	052	133,5		400	73,1
	204	126,2		600	90,2
	999	129,8		999	82,8
0805 10 10, 0805 10 30, 0805 10 50	052	43,5	0808 10 20, 0808 10 50, 0808 10 90	060	49,5
	204	40,6		400	92,0
	212	36,5		404	85,7
	220	47,3		720	101,7
	400	54,1		728	82,4
	448	23,8		800	100,7
	600	51,7	0808 20 50	999	85,3
	624	44,0		052	139,4
	625	32,0		064	90,2
	999	41,5		388	102,0
				400	104,1
				999	108,9

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 139/98

of 21 January 1998

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68⁽³⁾, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68⁽⁴⁾; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small quantity that is not representative of the market; whereas offer prices which can be regarded as not rep-

resentative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out 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 representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 January 1998.

⁽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. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 21 January 1998.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,14	—	0,07
1703 90 00 ⁽¹⁾	10,69	—	0,00

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 140/98

of 21 January 1998

fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 1 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 point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 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) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽³⁾, as amended by Regulation (EC) No 3290/94⁽⁴⁾; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in 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⁽⁵⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾, as last amended by Regulation (EC) No 150/95⁽⁷⁾, 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⁽⁸⁾, as last amended by Regulation (EC) No 1482/96⁽⁹⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should 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 Sugar,

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, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 January 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 89, 10. 4. 1968, p. 3.

⁽⁴⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽⁵⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁶⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 21 January 1998.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 21 January 1998 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	36,66 ⁽¹⁾
1701 11 90 9910	33,91 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,66 ⁽¹⁾
1701 12 90 9910	33,91 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,3985
	— ECU/100 kg —
1701 99 10 9100	39,85
1701 99 10 9910	39,46
1701 99 10 9950	39,46
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,3985

⁽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 141/98**of 21 January 1998****fixing the maximum export refund for white sugar for the 23rd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97**

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 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1408/97 of 22 July 1997 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1408/97 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 23rd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

For the 23rd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 42,520 per 100 kilograms.

Article 2

This Regulation shall enter into force on 22 January 1998.

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

Done at Brussels, 21 January 1998.

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 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 142/98

of 21 January 1998

laying down detailed rules for granting the compensatory allowance for tuna intended for the processing industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products⁽¹⁾, as last amended by Regulation (EC) No 3318/94⁽²⁾, and in particular Article 18(6) thereof,

Whereas Article 18 of Regulation (EEC) No 3759/92 provides for an allowance to be paid to producers' organisations if it is found that the prices of given products, during a given quarter, are below a specified triggering threshold;

Whereas, for the purposes of applying the allowance system, the selling price referred to in Article 18(1) of Regulation (EEC) No 3759/92 should be defined;

Whereas, for the quantities for which entitlement to the allowance has been established, rules should be laid down governing the submission of applications for and payment of the allowance, including conditions relating to furnishing proof of the Community origin and the Community nature of the products;

Whereas the framework and objectives of the control procedure should be laid down, while it should be left to the Member States' control authorities to adopt suitable provisions for effective regular monitoring of the system introduced;

Whereas the allowance system is open to specific risks of fraud, in particular on account of the fact that the allocation and payment of the allowance are decided after the expiry of the quarterly periods concerned; whereas, with a view to minimising such risks, in the case of a false declaration made intentionally or by serious negligence, the beneficiary should pay the Member State an amount equal to 50 % of the allowance concerned without prejudice to the recovery of the allowance and payment of interest; in the case of a second infringement, the organisation or the member concerned shall also be ineligible for the allowance for the eight quarters following the quarter concerned;

Whereas it should be laid down that an infringement of the tuna allowance scheme with limited implications does not entail the total withdrawal of the right to the allowance but only a standard reduction thereof;

Whereas, to ensure the correct functioning of the system in question, certain rules should be laid down regarding the notifications to be made by the Member States;

Whereas Commission Regulation (EEC) No 2381/89 of 2 August 1989 laying down detailed rules for granting compensation to producers of tuna for the canning industry⁽³⁾ should be repealed;

Whereas the Management Committee for Fishery Products could not express an opinion as regards the measures provided for in this Regulation within the time required by its President,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules for granting the allowance referred to in Article 18 of Regulation (EEC) No 3759/92, hereinafter referred to as the 'Basic Regulation'.

Article 2

1. The grant of the allowance and its maximum amount shall be determined by means of a Regulation adopted in accordance with the procedure laid down in Article 32 of the Basic Regulation, where it has been ascertained that the conditions laid down in Article 18(1) of the Basic Regulation are met for the quarter in question.

2. The allowance shall be granted to producers' organisations, subject to the limits laid down in Article 18(3) of the Basic Regulation, for the products listed in Annex III to the said Regulation, caught by its members and sold and delivered to processors established within the customs territory of the Community for complete and definitive processing into products falling within CN code 1604.

Article 3

The average selling price recorded on the Community market referred to in the first indent of Article 18(1) of the Basic Regulation shall be determined by the

⁽¹⁾ OJ L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ L 350, 31. 12. 1994, p. 15.

⁽³⁾ OJ L 225, 3. 8. 1989, p. 33.

Commission on the basis of the monthly average prices notified by the Member States pursuant to Article 7(1)(b) of Commission Regulation (EEC) No 2210/93 ⁽¹⁾.

Member States shall determine the monthly average prices on the basis of the selling prices during the reference month as invoiced by the producers' organisations or their members, at the stage of the first-hand sale in the Community. The selling price shall be determined:

- in the case of products sold at landing, for merchandise on board, alongside quay,
- in the case of products sold following storage by the producers' organisation or its members, at warehouse.

Article 4

Within the limits of the volumes as laid down in Article 18(3) of the Basic Regulation, the competent authorities of the Member State concerned shall grant the allowance to producers' organisations in accordance with Article 18(4) of the said Regulation.

Article 5

The operations to be taken into account for determining entitlement to the allowance shall be sales which have invoice dates within the relevant quarter and which have been taken into account for calculating the average monthly selling price referred to in Article 3.

Article 6

1. Applications for payment of the allowance, accompanied by the supporting documents referred to in paragraph 2, shall be submitted by the producers' organisation concerned, for all the operations taken into account pursuant to Article 5, to the competent authorities of the Member State in which the producers' organisation is established, not later than 45 days after the entry into force of the Regulation provided for in Article 2(1).

2. The supporting documents shall be as follows:

- (a) a copy of the invoice for the sale of the products, showing at least the names and addresses of the buyer and seller, as referred to in Article 2(2) and, for each consignment of a given category of product:
 - the quantity sold,
 - the selling price actually charged,
 - the date of delivery,
 - the place of delivery;
- (b) proof of the Community origin and hence of the Community nature of the products;

(c) proof of delivery of the products in question to a processor established in the customs territory of the Community;

(d) proof of payment for the goods at the price referred to in the second indent of point (a);

(e) a declaration by the processor that the quantity purchased is intended for processing in accordance with Article 2(2).

3. Proof of Community origin and of Community nature as required by paragraph 2(b) shall be furnished by:

- the T2M document in accordance with Articles 325 to 337 of Commission Regulation (EEC) No 2454/93 ⁽²⁾.

To that end, the customs office which validated the entry of the products into the customs territory of the Community in accordance with Article 334 of Regulation (EEC) No 2454/93 shall provide the applicant with a single copy of the T2M document bearing the words 'SINGLE COPY FOR COMPENSATORY ALLOWANCES'.

The applicant specified in box 1 of the T2M document must be the producer who caught the products for which the allowance application is submitted,

- where the customs authorities at the port where the products are landed have waived production of the T2M document within the meaning of Article 326(2) of Regulation (EEC) No 2454/93, proof of Community origin shall be established by the declaration provided for in Article 8(1) of Council Regulation (EEC) No 2847/93 ⁽³⁾ or by a document duly endorsed by the competent authorities of the Member State of landing certifying landing in the customs territory of the Community,
- the document furnished as proof of origin of the products must clearly indicate the species, presentation and weight of products. If necessary, it will be supplemented by a certificate of weighing on landing in the customs territory of the Community issued by the competent authorities of the Member State of landing.

Article 7

1. The allowance shall be paid to the producer's organisation by the Member State concerned within 75 days of receipt of the complete file as referred to in Article 6(1), except where an administrative inquiry into entitlement to the allowance has been initiated.

2. The allowance shall be passed on by the producers' organisation to its members within 90 days of receipt of the amount from the Member State.

⁽¹⁾ OJ L 197, 6. 8. 1993, p. 8.

⁽²⁾ OJ L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ L 261, 20. 10. 1993, p. 1.

3. The Member States concerned shall notify the Commission each quarter, not later than one month after the end of the quarter in question, of the payments made by producers' organisations and the period for which they are granted under paragraph 1 and the quantities of each relevant species.

Article 8

1. The Member States concerned shall set up a control system for checking that the products for which the allowance is claimed qualify for it and that all other relevant Community rules are observed.

2. Detailed rules governing the control system must provide at least for the following:

- provisions concerning verification of the Community origin and Community nature of the products, particularly on the basis of ship's documents,
- identification in the sales records of the producers' organisations or of their members or their service providers of the operations taken into account under these arrangements and, for each quantity in question, the reference to the T2M document or document replacing it, the date of sale and delivery, the buyer of the product, the price at which the said quantity was sold and the reference number of the invoice. The sales records will therefore be accordingly,
- unannounced inspections at the premises of producers' organisations or their members or their service providers in order to verify on the spot that the data mentioned in Article 6(2) and (3) correspond to the actual situation,
- direct inspections of the processing establishments, in particular with the aim of verifying on the spot that products purchased under these arrangements have in fact been sent for processing in accordance with Article 2(2).

3. Inspections shall be covered by a detailed report on the extent to which the recipient of the allowance has fulfilled the commitments, as well as on the nature and scope of the checks carried out.

4. The Member States shall notify the Commission each quarter of the inspections undertaken and their outcome.

Article 9

1. Where an infringement of the allowance scheme has been committed as a result of serious negligence or with intention to defraud by a producers' organisation or one of its members, the Member State shall withhold an

amount equal to 50 % of the allowance applicable to the quantities concerned by the infringement and in respect of which the allowance was or was to be granted. In the case of a second infringement, the organisation or the member concerned shall also be ineligible for the allowance for the eight quarters following the quarter concerned.

2. Where an infringement of the allowance scheme, with limited implications, has been committed by a recipient of the allowance and where it is shown by the said recipient, to the satisfaction of the Member State concerned, that such infringement was not committed with intention to defraud or as the result of serious negligence, the Member State shall withhold an amount equal to 10 % of the allowance applicable to the quantities concerned by the infringement and in respect of which the allowance was or was to be granted.

3. The amount withheld shall be credited to the European Agricultural Guidance and Guarantee Fund (EAGGF).

4. Where undue payment is made the recipient shall be required to repay the allowance in accordance with Article 8 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, plus interest corresponding to the inter-bank interest rate plus 1 % applicable from the date of payment of the allowance until its recovery.

5. Member States shall notify the Commission each quarter not later than one month after the end of the quarter concerned of the cases to which this Article applies.

Article 10

The Member States concerned shall notify the Commission of the control measures set up pursuant to Article 8 not later than three months after the date of entry into force of this Regulation and of any adjustments to those measures within three months of their introduction.

Article 11

The conversion rate applicable to the allowance shall be that set in Article 5 of Commission Regulation (EC) No 3516/93⁽²⁾.

Article 12

Regulation (EEC) No 2381/89 is hereby repealed.

Article 13

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1998.

⁽¹⁾ OJ L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ L 320, 22. 12. 1993, p. 10.

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

Done at Brussels, 21 January 1998.

For the Commission

Emma BONINO

Member of the Commission

COMMISSION REGULATION (EC) No 143/98
of 20 January 1998
establishing unit values for the determination of the customs value of certain
perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 82/97 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 75/98 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 January 1998.

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

Done at Brussels, 20 January 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ L 17, 21. 1. 1997, p. 1.

⁽³⁾ OJ L 253, 11. 10. 1993, p. 1.

⁽⁴⁾ OJ L 7, 13. 1. 1998, p. 3.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	58,57 350,41 508,71	814,70 387,99 2 389,09	115,80 45,83 38,78	441,02 113 980,15	18 250,29 130,49	9 813,70 11 840,80
1.30	Onions (other than seed) 0703 10 19	a) b) c)	85,56 511,89 743,13	1 190,13 566,78 3 490,03	169,17 66,95 56,65	644,25 166 504,04	26 660,32 190,61	14 336,01 17 297,24
1.40	Garlic 0703 20 00	a) b) c)	93,33 558,38 810,61	1 298,21 618,25 3 806,97	184,53 73,03 61,79	702,76 181 624,85	29 081,44 207,93	15 637,91 18 868,06
1.50	Leeks ex 0703 90 00	a) b) c)	41,65 249,18 361,75	579,35 275,91 1 698,92	82,35 32,59 27,58	313,62 81 052,98	12 978,06 92,79	6 978,67 8 420,17
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	75,84 453,74 658,70	1 054,93 502,39 3 093,54	149,95 59,34 50,21	571,06 147 588,43	23 631,59 168,96	12 707,37 15 332,19
1.70	Brussels sprouts 0704 20 00	a) b) c)	91,88 549,70 798,02	1 278,04 608,65 3 747,82	181,66 71,90 60,83	691,84 178 803,07	28 629,62 204,69	15 394,95 18 574,92
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	25,51 152,62 221,57	354,84 168,99 1 040,56	50,44 19,96 16,89	192,08 49 643,74	7 948,86 56,83	4 274,33 5 157,23
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 633,88 920,22	1 473,75 701,85 4 321,74	209,48 82,91 70,15	797,78 206 184,00	33 013,81 236,04	17 752,45 21 419,38
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	107,96 645,90 937,68	1 501,71 715,17 4 403,73	213,46 84,48 71,48	812,92 210 095,56	33 640,12 240,52	18 089,24 21 825,73
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	152,67 913,40 1 326,01	2 123,62 1 011,34 6 227,47	301,86 119,46 101,08	1 149,57 297 103,45	47 571,67 340,13	25 580,62 30 864,53
1.120	Endives ex 0705 29 00	a) b) c)	21,82 130,54 189,52	303,51 144,54 890,05	43,14 17,07 14,45	164,30 42 462,81	6 799,07 48,61	3 656,05 4 411,24
1.130	Carrots ex 0706 10 00	a) b) c)	37,45 224,06 325,27	520,93 248,08 1 527,60	74,05 29,30 24,80	281,99 72 879,57	11 669,35 83,43	6 274,93 7 571,08
1.140	Radishes ex 0706 90 90	a) b) c)	156,39 935,65 1 358,32	2 175,37 1 035,99 6 379,21	309,21 122,38 103,54	1 177,58 304 342,76	48 730,81 348,41	26 203,93 31 616,58
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	603,97 3 613,44 5 245,75	8 401,16 4 000,93 24 636,18	1 194,16 472,61 399,88	4 547,77 1 175 355,82	188 195,84 1 345,55	101 198,19 122 101,60

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	147,05 879,77 1 277,19	2 045,45 974,12 5 998,23	290,74 115,07 97,36	1 107,26 286 166,65	45 820,49 327,61	24 638,96 29 728,36
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	83,97 502,38 729,32	1 168,01 556,25 3 425,17	166,02 65,71 55,60	632,28 163 409,82	26 164,88 187,07	14 069,59 16 975,80
1.180	Broad beans ex 0708 90 00	a) b) c)	92,83 555,38 806,27	1 291,26 614,94 3 786,57	183,54 72,64 61,46	698,99 180 651,82	28 925,64 206,81	15 554,13 18 766,98
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	696,10 4 164,63 6 045,93	9 682,68 4 611,23 28 394,20	1 376,31 544,70 460,88	5 241,49 1 354 645,41	216 903,37 1 550,81	116 635,04 140 727,06
1.200.2	— other ex 0709 20 00	a) b) c)	333,39 1 994,61 2 895,64	4 637,42 2 208,50 13 599,11	659,17 260,88 220,73	2 510,36 648 793,61	103 883,66 742,74	55 861,16 67 399,79
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	162,51 972,27 1 411,47	2 260,50 1 076,53 6 628,85	321,31 127,16 107,60	1 223,67 316 252,59	50 637,79 362,05	27 229,36 32 853,83
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	79,16 473,60 687,54	1 101,11 524,39 3 228,97	156,51 61,94 52,41	596,06 154 049,32	24 666,10 176,36	13 263,65 16 003,38
1.230	Chantarelles 0709 51 30	a) b) c)	1 631,93 9 763,53 14 174,03	22 699,98 10 810,52 66 567,08	3 226,62 1 276,99 1 080,49	12 288,09 3 175 817,38	508 506,12 3 635,70	273 438,03 329 919,13
1.240	Sweet peppers 0709 60 10	a) b) c)	156,43 935,89 1 358,66	2 175,93 1 036,25 6 380,84	309,29 122,41 103,57	1 177,89 304 420,60	48 743,28 348,50	26 210,63 31 624,67
1.250	Fennel 0709 90 50	a) b) c)	73,55 440,04 638,81	1 023,07 487,22 3 000,13	145,42 57,55 48,70	553,82 143 131,98	22 918,03 163,86	12 323,67 14 869,24
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	66,13 395,64 574,37	919,86 438,07 2 697,47	130,75 51,75 43,78	497,95 128 692,29	20 605,98 147,33	11 080,41 13 369,17
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	140,29 839,33 1 218,48	1 951,42 929,33 5 722,49	277,38 109,78 92,88	1 056,35 273 011,35	43 714,08 312,55	23 506,29 28 361,73
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	56,31 336,89 489,08	783,27 373,02 2 296,91	111,34 44,06 37,28	424,00 109 582,08	17 546,08 125,45	9 435,02 11 383,91

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	98,55 589,61 855,95	1 370,82 652,83 4 019,89	194,85 77,12 65,25	742,06 191 783,23	30 707,98 219,55	16 512,55 19 923,36
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	152,64 913,22 1 325,75	2 123,21 1 011,15 6 226,25	301,80 119,44 101,06	1 149,35 297 045,07	47 562,32 340,06	25 575,60 30 858,47
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamou- tis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsu- mas), fresh; clementines, wilkings and simi- lar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	150,55 900,71 1 307,59	2 094,14 997,30 6 140,99	297,66 117,81 99,68	1 133,61 292 977,83	46 911,08 335,40	25 225,41 30 435,94
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	37,16 222,32 322,75	516,89 246,16 1 515,77	73,47 29,08 24,60	279,81 72 315,22	11 578,98 82,79	6 226,34 7 512,45
2.90.2	— pink ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	47,59 284,72 413,34	661,97 315,25 1 941,22	94,09 37,24 31,51	358,34 92 612,52	14 828,95 106,02	7 973,94 9 621,03
2.100	Table grapes 0806 10 21 0806 10 29 0806 10 61 0806 10 30 0806 10 69	a) b) c)	228,87 1 369,29 1 987,84	3 183,56 1 516,12 9 335,70	452,52 179,09 151,53	1 723,34 445 392,46	71 315,43 509,89	38 348,31 46 269,50

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	49,47 295,97 429,67	688,12 327,71 2 017,90	97,81 38,71 32,75	372,50 96 271,09	15 414,75 110,21	8 288,95 10 001,10
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	64,39 385,23 559,26	895,66 426,54 2 626,49	127,31 50,39 42,63	484,84 125 306,16	20 063,80 143,45	10 788,87 13 017,40
2.120.2	— other ex 0807 19 00	a) b) c)	199,59 1 194,11 1 733,53	2 776,28 1 322,16 8 141,36	394,63 156,18 132,15	1 502,87 388 412,12	62 191,84 444,66	33 442,30 40 350,11
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 41	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 41	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 10 0809 10 50	a) b) c)	142,03 849,74 1 233,59	1 975,62 940,86 5 793,46	280,82 111,14 94,04	1 069,46 276 397,48	44 256,26 316,42	23 797,84 28 713,49
2.160	Cherries 0809 20 05 0809 20 95	a) b) c)	296,82 1 775,82 2 578,01	4 128,74 1 966,25 12 107,41	586,87 232,26 196,52	2 234,99 577 626,56	92 488,52 661,27	49 733,68 60 006,62
2.170	Peaches 0809 30 90	a) b) c)	132,31 791,59 1 149,17	1 840,42 876,47 5 396,98	261,60 103,53 87,60	996,27 257 481,88	41 227,53 294,77	22 169,20 26 748,45
2.180	Nectarines ex 0809 30 10	a) b) c)	205,62 1 230,19 1 785,90	2 860,15 1 362,11 8 387,32	406,55 160,90 136,14	1 548,28 400 146,80	64 070,78 458,09	34 452,66 41 569,17
2.190	Plums 0809 40 05	a) b) c)	131,83 788,71 1 145,00	1 833,74 873,29 5 377,40	260,65 103,16 87,28	992,65 256 547,77	41 077,96 293,70	22 088,78 26 651,41
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a) b) c)	463,26 2 771,60 4 023,62	6 443,90 3 068,81 18 896,56	915,95 362,50 306,72	3 488,25 901 527,12	144 350,89 1 032,07	77 621,53 93 654,96
2.205	Raspberries 0810 20 10	a) b) c)	1 537,72 9 199,89 13 355,77	21 389,53 10 186,44 62 724,21	3 040,35 1 203,27 1 018,11	11 578,71 2 992 480,01	479 150,48 3 425,81	257 652,67 310 873,16
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	982,92 5 880,62 8 537,09	13 672,32 6 511,24 40 093,70	1 943,41 769,14 650,78	7 401,18 1 912 811,47	306 275,91 2 189,80	164 693,16 198 712,02
2.220	Kiwi fruit (<i>Actinidia chinensis Planch.</i>) 0810 50 10 0810 50 20 0810 50 30	a) b) c)	130,44 780,40 1 132,93	1 814,41 864,08 5 320,70	257,90 102,07 86,36	982,19 253 842,76	40 644,84 290,60	21 855,87 26 370,40

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a) b) c)	129,22 773,10 1 122,33	1 797,44 856,00 5 270,94	255,49 101,11 85,56	973,00 251 468,58	40 264,69 287,88	21 651,46 26 123,76
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	104,37 624,43 906,50	1 451,78 691,39 4 257,29	206,36 81,67 69,10	785,88 203 109,24	32 521,48 232,52	17 487,72 21 099,96
2.250	Lychees ex 0810 90 30	a) b) c)	175,60 1 050,58 1 525,16	2 442,58 1 163,24 7 162,79	347,19 137,41 116,26	1 322,23 341 726,38	54 716,61 391,21	29 422,66 35 500,17

**COMMISSION REGULATION (EC) No 144/98
of 21 January 1998**

**on applications for import licences for rice and broken rice submitted in the
first five working days of January 1998 pursuant to the arrangements provided
for in Council Regulation (EC) No 1522/96**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1522/96 of 24 July 1996 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽¹⁾, as amended by Commission Regulation (EC) No 112/97 ⁽²⁾, and in particular Article 5 (2) thereof,

Whereas, pursuant to Article 5 (2) of Regulation (EC) No 1522/96, the Commission must decide within 10 days of the closing date for the submission of licence applications the extent to which applications can be granted and must fix the available quantities for the following tranche;

Whereas, in the light of the quantities for which applications are submitted during the first five working days of

January 1998 and the quantities available, licences may be issued subject to the application of a reduction percentage,

HAS ADOPTED THIS REGULATION:

Article 1

Reduction percentages to be applied to quantities covered by applications for import licences submitted for rice and broken rice pursuant to the arrangements provided for in Regulation (EC) No 1522/96 in the first five working days of January 1998 and which have been notified to the Commission shall be as laid down in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 January 1998.

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

Done at Brussels, 21 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 190, 31. 7. 1996, p. 1.

⁽²⁾ OJ L 20, 23. 1. 1997, p. 23.

ANNEX

Article 5 (2) of Regulation (EC) No 1522/96

Percentage reductions to be applied to the quantities applied for and the quantities available under the following tranche:

- (a) Quota referred to in Article 2 (1) (a), wholly-milled and semi-milled rice falling within CN code 1006 30

Origin	Percentage reduction	Quantity available under the tranche for April 1998 (tonnes)
Thailand	0	(¹)
Australia	—	1 019
Other countries	—	1 805

(¹) To be fixed as part of the decision on the issue of licences for the additional tranches for January 1998 to be opened shortly.

- (b) Quota referred to in Article 2 (1) (b), husked rice falling within CN code 1006 20

Origin	Percentage reduction	Quantity available under the tranche for April 1998 (tonnes)
Australia	0	7 822
Thailand	—	1 812
Other countries	—	117

- (c) Quota referred to in Article 2 (1) (c), broken rice falling within CN code 1006 40 00

Origin	Percentage reduction	Quantity available under the tranche for April 1998 (tonnes)
Thailand	0	(¹)
Australia	11,51	(¹)
Guyana	0	(¹)
USA	0	(¹)
Other countries	0	(¹)

(¹) To be fixed as part of the decision on the issue of licences for the additional tranches for January 1998 to be opened shortly.

COMMISSION REGULATION (EC) No 145/98
of 21 January 1998
fixing the import duties in the rice sector

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

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

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽²⁾, as last amended by Regulation (EC) No 1403/97 ⁽³⁾, and in particular Article 4 (1) thereof,

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 January 1998.

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

Done at Brussels, 21 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 189, 30. 7. 1996, p. 71.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 2.

ANNEX I

to the Commission Regulation of 21 January 1998 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾			
	Third countries (except ACP and Bangladesh) ⁽²⁾ ⁽⁷⁾	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	⁽⁷⁾	130,91		202,88
1006 10 23	⁽⁷⁾	130,91		202,88
1006 10 25	⁽⁷⁾	130,91		202,88
1006 10 27	⁽⁷⁾	130,91		202,88
1006 10 92	⁽⁷⁾	130,91		202,88
1006 10 94	⁽⁷⁾	130,91		202,88
1006 10 96	⁽⁷⁾	130,91		202,88
1006 10 98	⁽⁷⁾	130,91		202,88
1006 20 11	324,86	158,09		243,65
1006 20 13	324,86	158,09		243,65
1006 20 15	324,86	158,09		243,65
1006 20 17	225,56	108,44	0,00	169,17
1006 20 92	324,86	158,09		243,65
1006 20 94	324,86	158,09		243,65
1006 20 96	324,86	158,09		243,65
1006 20 98	225,56	108,44	0,00	169,17
1006 30 21	⁽⁷⁾	251,59		399,75
1006 30 23	⁽⁷⁾	251,59		399,75
1006 30 25	⁽⁷⁾	251,59		399,75
1006 30 27	⁽⁷⁾	251,59		399,75
1006 30 42	⁽⁷⁾	251,59		399,75
1006 30 44	⁽⁷⁾	251,59		399,75
1006 30 46	⁽⁷⁾	251,59		399,75
1006 30 48	⁽⁷⁾	251,59		399,75
1006 30 61	⁽⁷⁾	251,59		399,75
1006 30 63	⁽⁷⁾	251,59		399,75
1006 30 65	⁽⁷⁾	251,59		399,75
1006 30 67	⁽⁷⁾	251,59		399,75
1006 30 92	⁽⁷⁾	251,59		399,75
1006 30 94	⁽⁷⁾	251,59		399,75
1006 30 96	⁽⁷⁾	251,59		399,75
1006 30 98	⁽⁷⁾	251,59		399,75
1006 40 00	⁽⁷⁾	78,38		123,00

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

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

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	225,47	533,00	321,82	533,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (ECU/tonne)	—	374,74	309,68	305,07	351,29	—
(b) fob price (ECU/tonne)	—	—	—	277,34	323,56	—
(c) Sea freight (ECU/tonne)	—	—	—	27,73	27,73	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 146/98
of 21 January 1998
on issuing A2 export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 610/97⁽²⁾, and in particular Article 3(4) thereof,

Whereas Commission Regulation (EC) No 8/98⁽³⁾ sets the indicative refund rates and the indicative quantities for A2 export licences, other than those applied for in the context of food aid;

Whereas, for oranges, tomatoes, lemons and apples, in view of the economic situation in the various destination groups indicated in the Annex to Regulation (EC) No 8/98 and taking account of information received by operators via their applications for A2 licences, the definitive refund rates should be set at a different rate from the indicative rates; whereas the percentages for the issuing of licences for the quantities applied for should also be set; whereas the definitive rates may not be more than double the indicative rates;

Whereas, pursuant to Article 3(5) of Regulation (EC) No 2190/96, applications for rates in excess of the corre-

sponding definitive rates shall be considered null and void,

HAS ADOPTED THIS REGULATION:

Article 1

1. For A2 export licences for which applications have been submitted pursuant to Article 1 of Regulation (EC) No 8/98, the actual date of application referred to in the second subparagraph of Article 3(1) of Regulation (EC) No 2190/96 is hereby set at 22 January 1998.

2. The licences referred to in the first paragraph shall be issued at the definitive refund rates and at the percentages for the quantities applied for as indicated in the Annex to this Regulation.

3. Pursuant to Article 3(5) of Regulation (EC) No 2190/96, applications referred to in the first paragraph for rates in excess of the corresponding definitive rates set out in the Annex shall be considered null and void.

Article 2

This Regulation shall enter into force on 22 January 1998.

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

Done at Brussels, 21 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 93, 8. 4. 1997, p. 16.

⁽³⁾ OJ L 3, 7. 1. 1998, p. 5.

ANNEX

Product	Destination or group of destinations ⁽¹⁾	Definitive refund rates (ECU/tonne net)	Percentages for the issuing of licences
Tomatoes	F	12	51 %
Oranges	XYC	25	86 %
Lemons	F	29	100 %
Table grapes	F	—	—
Apples	X	23	94 %
	Y	6	73 %

(¹) The destination codes are defined as follows:

X: Norway, Iceland, Greenland, Faeroes, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia (Serbia and Montenegro), Malta.

Y: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, destinations mentioned in Article 34 of Commission Regulation (EEC) No 3665/87, as amended.

Z: African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia.

C: Switzerland, Czech Republic, Slovakia.

D: Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica.

E: All destinations except Switzerland.

F: All destinations.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 9 January 1998

authorising the Member States exceptionally to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of *Vitis* L., other than fruits, originating in Croatia

(98/86/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Directive 97/14/EC⁽²⁾, and in particular Article 14(1) thereof,

Having regard to the request made by Italy, in respect of plants of *Vitis* L., other than fruits, originating in Croatia,

Whereas, pursuant to the provisions of Directive 77/93/EEC, plants of *Vitis* L., other than fruits originating in third countries, may in principle not be introduced into the Community;

Whereas by Decision 97/78/EC⁽³⁾ the Commission authorised Member States to provide for derogations in respect of plants of *Vitis* L., other than fruits, originating in Croatia or Slovenia under specified conditions in the 1997 season;

Whereas there have been no confirmed findings of harmful organisms during the inspections on the plants introduced pursuant to Decision 97/78/EC;

Whereas the circumstances justifying the authorisation for Croatia still obtain;

Whereas therefore a derogation should be authorised for a limited period, provided that it includes specific conditions and without prejudice to Council Directive 68/193/EEC⁽⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States are hereby authorised to provide, under the conditions laid down in paragraph 2, for exceptions from Article 4(1) of Directive 77/93/EEC, with regard to the prohibitions referred to in Part A, point 15 of Annex III thereto for plants of *Vitis* L., other than fruits, originating in Croatia.

2. The following specific conditions shall be satisfied:

(a) the plants shall be propagating material in the form of dormant bud material of the following varieties:

— Babic,

— Plavac Mali,

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ L 87, 2. 4. 1997, p. 17.

⁽³⁾ OJ L 22, 24. 1. 1997, p. 35.

⁽⁴⁾ OJ L 93, 17. 4. 1968, p. 15.

- Plavina,
 - Debit,
 - Kuc,
 - Krvatica;
- (b) the buds shall be intended to be grafted in the Community at premises referred to in point (h), on to rootstocks produced in the Community;
- (c) the buds intended for the Community shall be:
- harvested from propagating material grown in vineyards, which are officially registered. The lists of the registered vineyards shall be made available to the Member States making use of the derogation and to the Commission, at the latest by 15 January 1998. These lists shall include the name(s) of the varieties, the number of rows planted with these varieties, the number of plants per row for each of these vineyards, as far as they are deemed suitable for dispatch to the Community in 1998, under the conditions laid down in this Decision,
 - properly packed and the packaging made recognisable with a marking, enabling the identification of the registered nursery and the variety,
 - accompanied by a phytosanitary certificate issued in Croatia in accordance with Article 7 of Directive 77/93/EEC, on the basis of the examination laid down in Article 6 thereof, in particular freedom from the following harmful organisms:
 - *Daktulosphaira vitifoliae* (Fitch),
 - *Xylophilus ampelinus* (Panagopoulos) Willems *et al.*,
 - Grapevine Flavescence dorée MLO,
 - *Xylella fastidiosa* (Well et Raju),
 - *Trechispora brinkmannii* (Bresad.) Rogers,
 - Tobacco ringspot virus,
 - Tomato ringspot virus,
 - Blueberry leaf mottle virus,
 - Peach rosette mosaic virus.
- The certificate shall state under 'Additional Declaration', the indication 'this consignment meets the conditions laid down in Decision 98/86/EC';
- (d) the official plant protection organisation of Croatia shall ensure the identity of the buds from the time of harvesting as referred to in point (c), first indent, until the time of loading for export to the Community;
- (e) the inspections required pursuant to Article 12 of Directive 77/93/EEC shall be made by the responsible official bodies, referred to in the said Directive, of the Member States making use of this derogation, and where appropriate, in cooperation with the said bodies of the Member State in which the buds will be grafted. Without prejudice to the monitoring referred to in Article 19a(3) second indent, first possibility, the Commission shall determine to which extent the inspections referred to in Article 19a(3) second indent, second possibility of the said Directive shall be integrated into the inspection programme in accordance with Article 19a(5)(c) of that Directive;
- (f) the buds shall be introduced through points of entry situated within the territory of a Member State making use of this derogation and designated for the purposes of this derogation by that Member State;
- (g) prior to introduction into the Community, the importer shall notify each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State shall without delay convey the details of the notification to the Commission, indicating:
- the type of material,
 - the variety and quantity,
 - the declared date of introduction and confirmation of the point of entry,
 - the names, addresses and the locations of the premises referred to in point (h) where the buds will be grafted and/or where subsequently, the grafted plants will be planted.
- At the time of import the importer shall provide confirmation of the details of the aforementioned advance notification.
- The importer shall be officially informed, prior to the introduction, of the conditions laid down in (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j);
- (h) the buds shall be grafted on to rootstocks and the grafted material subsequently planted only at premises for which the names, addresses and the locations have been notified by the person who intends to use the buds imported pursuant to this Decision, to the said responsible official bodies of the Member State in which the premises are situated; in those cases where the place of grafting or planting is situated in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State making use of this derogation, at the moment of receipt of the aforementioned advance notification from the importer, shall inform the said responsible official bodies of the Member State in which the plants will be grafted or planted giving the names, addresses and the locations of the premises where the plants will be grafted or planted;

- (i) at the premises referred to in point (h):
- the buds shall be bench grafted and the grafted plants shall be planted and further grown in fields belonging to the premises referred to in point (h) where they should remain until they are moved to a destination outside the Community as referred to in point (j);
 - in the growing period following importation, the grafted plants shall be visually inspected by the said responsible official bodies of the Member State in which the grafted plants are planted, at appropriate times, for harmful organisms or symptoms caused by any harmful organism; in order to identify the harmful organisms having caused such symptoms an appropriate testing on any symptom observed in the visual inspection shall be carried out. Any plant which has not been found free during the said inspections or testing, from harmful organisms listed under point (c), third indent, shall be immediately destroyed;
- (j) any grafted plant resulting from a successful grafting using the buds referred to in point (a) shall be moved in 1999 to a destination outside the Community. The said responsible official bodies shall ensure that any plant not so moved shall be officially destroyed. Records shall be kept available to the Commission on the amounts of successfully grafted plants, of officially destroyed plants and of plants sold as well as on the country of destination of the plants sold.

Article 2

Member States shall inform the other Member States and the Commission by means of the notification referred to in Article 1(2)(g) first sentence of any use of the authorisation. They shall provide the Commission and the other

Member States, before 1 November 1998, with the information on amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1(2)(i). Furthermore any other Member State in which the buds are grafted on to rootstocks and in which the grafted plants are planted, after the import, shall also provide the Commission and the other Member States, before 1 November 1998, with a detailed technical report of the official examination referred to in Article 1(2)(i).

Article 3

Without prejudice to the provisions laid down in Article 14(3) of Directive 77/93/EEC, the Member States concerned shall notify the Commission and the other Member States of all cases of consignments introduced pursuant to this Decision which do not comply with the conditions laid down herein.

Article 4

This Decision shall apply during the period between 15 January 1998 and 30 March 1998. It shall be revoked if it is established that the conditions laid down in Article 1(2) are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 15 January 1998

amending Commission Decision 97/252/EC drawing up provisional lists of third country establishments from which the Member States authorise imports of milk and milk products for human consumption

(Text with EEA relevance)

(98/87/EC)

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

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, as last amended by Decision 97/34/EC⁽²⁾, and in particular Article 2 (4) thereof,

Whereas Commission Decision 95/340/EC⁽³⁾, as last amended by Decision 96/584/EC⁽⁴⁾, determines the countries from which Member States are to authorise imports of milk and milk-based products;

Whereas health and veterinary certification requirements for imports of milk and milk-based products from the countries on that list were set by Commission Decision 95/343/EC⁽⁵⁾, as last amended by Decision 97/115/EC⁽⁶⁾;

Whereas Commission Decision 97/252/EC⁽⁷⁾, as last amended by Decision 98/71/EC⁽⁸⁾, determines provisional lists of third country establishments from which Member States are to authorise imports of milk and milk products for human consumption;

Whereas the Commission has received lists of establishments from Latvia, Lithuania, Singapore and Turkey with

guarantees that they meet the appropriate Community health requirements and that should an establishment fail to do so its exports to the Community may be suspended;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 97/252/EC is supplemented by the Annex to this Decision covering Latvia, Lithuania, Singapore and Turkey.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ L 200, 24. 8. 1995, p. 38.

⁽⁴⁾ OJ L 255, 9. 10. 1996, p. 20.

⁽⁵⁾ OJ L 200, 24. 8. 1995, p. 52.

⁽⁶⁾ OJ L 42, 13. 2. 1997, p. 16.

⁽⁷⁾ OJ L 101, 18. 4. 1997, p. 46.

⁽⁸⁾ OJ L 11, 17. 1. 1998, p. 39.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO — LIITE — BILAGA*

**País: LETONIA / Land: LETLAND / Land: LETTLAND / Χώρα: ΛΕΤΟΝΙΑ / Country: LATVIA /
Pays: LETTONIE / Paese: LETTONIA / Land: LETLAND / País: LETÓNIA / Maa: LATVIA /
Land: LETTLAND**

1	2	3	4	5
LV-P-0193-002	A/S 'Rigas piensaimnieks'	RIGA	RIGA	
LV-P-0195-001	A/S 'Rigas PK'	RIGA	RIGA	
LV-P-7601-006	A/S 'Preilu siers'	PREILI	PREILI	
LV-P-8060-003	A/S 'AGM Agro Eksports'	GARKALNES VILLAGE	RIGA	
LV-P-9601-014	A/S 'Vidzemes piens'	VALMIERA	VALMIERA	
LV-P-9601-015	A/S 'VALRIT'	VALMIERA	VALMIERA	

**País: LITUANIA / Land: LITAUEN / Land: LITAUEN / Χώρα: ΛΙΘΟΥΑΝΙΑ / Country:
LITHUANIA / Pays: LITUANIE / Paese: LITUANIA / Land: LITOUWEN / País: LITUÂNIA /
Maa: LIETTUA / Land: LITAUEN**

1	2	3	4	5
LT 11-01 P	AB 'Alytaus pienine'	ALYTUS	ALYTUS	
LT 18-01 P	Marijampoles valstybine pieno konservu imone	MARIJAMPOLE	MARIJAMPOLE	
LT 27-01 P	AB 'Panevezio pienas'	PANEVEZYS	PANEVEZYS	
LT 29-01 P	AB 'Siauliu pienas'	SIAULIAI	SIAULIAI	
LT 36-01 P	Birzu akeine pieno bendrove	BIRZAI	BIRZAI	
LT 57-01 P	ZUK 'Aukštaitijos pienas'	KUPISKIS	KUPISKIS	
LT 61-01 P	AB 'Mazeikiu pienine'	MAZEIKIAI	MAZEIKIAI	
LT 73-01 P	AB 'Rokiskio suris'	ROKISKIS	ROKISKIS	
LT 78-01 P	AB 'Zemaitijos pienas'	TELSIAI	TELSIAI	
LT 82-01 P	AB 'Utenos pienas'	UTENA	UTENA	
LT 89-01 P	UAB 'Surmenos pienas'	SIRVINTOS	SIRVINTOS	

País: SINGAPUR / Land: SINGAPORE / Land: SINGAPUR / Χώρα: ΣΙΓΚΑΠΟΥΡΗ / Country: SINGAPORE / Pays: SINGAPOUR / Paese: SINGAPORE / Land: SINGAPORE / País: SINGAPURA / Maa: SINGAPORE / Land: SINGAPORE

1	2	3	4	5
VPH-DE-001	Malaysia Dairy Industries Pte Ltd	SINGAPORE		
VPH-DE-002	Pokka Corporation (Singapore) Limited	SINGAPORE		

País: TURQUÍA / Land: TYRKIET / Land: TÜRKİE / Χώρα: ΤΟΥΡΚΙΑ / Country: TURKEY / Pays: TURQUIE / Paese: TURCHIA / Land: TURKIJE / País: TURQUIA / Maa: TURKKI / Land: TURKIET

1	2	3	4	5
10.ST.01	Yorsan Gıda Mam. San. ve Tic. A.Ş.		BALIKESİR	
10.ST.03	Mis Süt San. A.Ş.		BALIKESİR	
10.ST.04	Teksüt Mam. San. ve Tic. A.Ş.		BALIKESİR	
22.ST.01	Tarım Taç A.Ş.	IPSALA	EDİRNE	
22.ST.02	Mamsan Gıda San. ve Tic. A.Ş.	HAVSA	EDİRNE	
34.ST.01	Mis Süt San. A.Ş.	ÜMRANIYE	İSTANBUL	
35.ST.01	Pinar Süt Mam. San. A.Ş.	PINARBASI	İZMİR	
35.ST.02	Kiraz Süt Mamülleri San. A.Ş.		İZMİR	
39.ST.01	Bahcivan Gıda Mam. San. ve Tic. A.Ş.		KIRKLARELİ	
39.ST.02	Tikvesli Makina San. ve Tic. A.Ş.	LÜLEBURGAZ	KIRKLARELİ	
46.ST.01	Yasar Dondurma Gıda Maddeleri A.Ş.		K.MARAS	
59.ST.01	Unilever San. ve Tic. A.Ş.		TEKİRDAĞ	
59.ST.02	Kars Karper Peynir ve Gıda San. Tic. A.Ş.		TEKİRDAĞ	

COMMISSION DECISION

of 15 January 1998

amending Commission Decision 97/252/EC drawing up provisional lists of third country establishments from which the Member States authorise imports of milk and milk products for human consumption

(Text with EEA relevance)

(98/88/EC)

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

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, as last amended by Decision 97/34/EC⁽²⁾, and in particular Article 2(1) thereof,

Whereas Commission Decision 95/340/EC⁽³⁾, as last amended by Decision 96/584/EC⁽⁴⁾, determines the countries from which Member States are to authorise imports of milk and milk-based products;

Whereas health and veterinary certification requirements for imports of milk and milk-based products from the countries on that list were set by Commission Decision 95/343/EC⁽⁵⁾, as last amended by Decision 97/115/EC⁽⁶⁾;

Whereas Commission Decision 97/252/EC⁽⁷⁾, as last amended by Decision 98/87/EC⁽⁸⁾, determines provisional lists of third country establishments from which Member States are to authorise imports of milk and milk products for human consumption;

Whereas the Commission has received lists of establishments from Croatia with guarantees that they meet the

appropriate Community health requirements and that should an establishment fail to do so its exports to the Community may be suspended;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 97/252/EC is supplemented by the Annex to this Decision covering Croatia.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ L 200, 24. 8. 1995, p. 38.

⁽⁴⁾ OJ L 255, 9. 10. 1996, p. 20.

⁽⁵⁾ OJ L 200, 24. 8. 1995, p. 52.

⁽⁶⁾ OJ L 42, 13. 2. 1997, p. 16.

⁽⁷⁾ OJ L 101, 18. 4. 1997, p. 46.

⁽⁸⁾ See page 28 of this Official Journal.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO — LIITE — BILAGA*

**País: CROACIA / Land: KROATIEN / Land: KROATIEN / Χώρα: Κροατία / Country:
CROATIA / Pays: CROATIE / Paese: CROAZIA / Land: KROATIË / País: CROÁTIM /
Maa: KROATIA / Land: KROATIEN**

1	2	3	4	5
5	'Vindija' d.d.	VARAZDIN	ZUPANIJA VARAZDINSKA	
7	'Paska Sirana' d.d.	PAG	ZUPANIJA ZADARSKA	
11	'Ledo' d.d.	ZAGREB	ZUPANIJA ZAGREBACKA	
56	IPK 'Osijek' d.d.	OSIJEK	ZUPANIJA OSJECKOBARANJSKA	
79	PPI 'Zdenka' d.d.	VELIKI ZDENCI	ZUPANIJA BJELOVARSKO-BILOGORSKA	
145	'Sirela' d.d.	BJELOVAR	ZUPANIJA BJELOVARSKO-BILOGORSKA	
146	'Kim' d.d.	KARLOVAC	ZUPANIJA KARLOVACKA	
159	'Dukat' d.d.	ZAGREB	ZUPANIJA ZAGREBACKA	

COMMISSION DECISION

of 16 January 1998

amending Decision 97/252/EC drawing up provisional lists of third country establishments from which the Member States authorise imports of milk and milk products for human consumption

(Text with EEA relevance)

(98/89/EC)

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

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, as last amended by Decision 97/34/EC⁽²⁾, and in particular Article 2(4) thereof,

Whereas Commission Decision 95/340/EC⁽³⁾, as last amended by Decision 96/584/EC⁽⁴⁾, determines the countries from which Member States are to authorize imports of milk and milk-based products;

Whereas health and veterinary certification requirements for imports of milk and milk-based products from the countries on that list were set by Commission Decision 95/343/EC⁽⁵⁾, as last amended by Decision 97/115/EC⁽⁶⁾; whereas Commission Decision 97/252/EC⁽⁷⁾, as last amended by Decision 98/88/EC⁽⁸⁾, determines provisional lists of third country establishments from which Member States are to authorize imports of milk and milk products for human consumption;

Whereas the Commission has received a list of establishments from the United States of America with guarantees

that they meet the appropriate Community health requirements and that should an establishment fail to do so its exports to the Community may be suspended;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 97/252/EC is supplemented by the Annex to this Decision covering the United States of America.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ L 200, 24. 8. 1995, p. 38.

⁽⁴⁾ OJ L 255, 9. 10. 1996, p. 20.

⁽⁵⁾ OJ L 200, 24. 8. 1995, p. 52.

⁽⁶⁾ OJ L 42, 13. 2. 1997, p. 16.

⁽⁷⁾ OJ L 101, 18. 4. 1997, p. 46.

⁽⁸⁾ See page 31 of this Official Journal.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO — LIITE — BILAGA*

**País: ESTADOS UNIDOS / Land: AMERIKAS FORENEDE STATER / Land: VEREINIGTE
STAATEN / Χώρα: ΗΝΩΜΕΝΕΣ ΠΟΛΙΤΕΙΕΣ / Country: UNITED STATES OF AMERICA /
Pays: ÉTATS-UNIS D'AMÉRIQUE / Paese: STATI UNITI / Land: VERENIGDE STATEN / País:
ESTADOS UNIDOS / Maa: YHDYSVALLAT / Land: FÖRENTA STATERNA**

1	2	3	4	5
1022407	Armour Food Ingredient Co.	Springfield	KY	
1023088	Mid-America Dairyman, Inc.	Greenville	TN	
1025365	Farm Stores	Miami	FL	
1033769	Coastlog Industries Limited/Savannah Manufacturing	Savannah	GA	
1051386	Natural Fruit Corp.	Hialeah	FL	
1110088	Baltimore Spice Inc.	Owing Mills	MD	
1111239	Jack bJill Ice Cream Co./East Coast Ice Cream	Laurel	MD	
1117177	McCormick bCo.	Hunt Valley	MD	
1125219	Lee's Ice Cream, Inc.	Baltimore	MD	
1210304	Friendly Ice Cream Corporation	Wilbraham	MA	
1211136	Nestle USA/Fidco. Industrial Division	New Milford	CT	
1211335	Agri-Mark/Cabot Creamery	Cabot	VT	
1212146	Agri-Mark/Cabot Creamery	Troy	VT	
1212965	Agri-Mark/Cabot Creamery	W. Springfield	MA	
1218098	Agri-Mark/Cabot Creamery	Middlebury	VT	
1220050	Vermont Whey Company	Georgia	VT	
1220886	Wyeth Nutritionals, Inc.	Georgia	VT	
1222292	Ben bJerry's	Springfield	VT	
1224843	Ben bJerry's	St Albans	VT	
1280059	Down East Frozen Desserts, LLC/Deering Ice Cream bStonyfield Farms/Deering Ice Cream	Portland	ME	
1293229	Ben bJerry's	Waterbury	VT	
1310124	Quest International Flavors bFood Ingredients Co.	Norwich	NY	
1310838	Mehadrin Dairy/Bison Foods Co. bJ bJ Dairy Products/Bison Foods Co.	Buffalo	NY	
1310904	Dairylea Co-op, Inc./North Country Dairy, Inc.	Pierrepont Manor	NY	
1310958	McCadam Cheese Company, Inc./Valio International USA	Heuvelton	NY	
1310992	DMV International Nutritionals	Fraser	NY	
1310994	McCadam Cheese Company, Inc./Valio International USA	Chateaugay	NY	

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1311032	Fieldbrook Farms	Dunkirk	NY	
1311193	Emkay Trading Corp.	Arcade	NY	
1311468	Mehadrin Dairy/O-AT-KA Milk Producers bO-AT-KA Milk Products Co-op, Inc.	Batavia	NY	
1312022	Kraft Foods, Inc.	Lowville	NY	
1314517	Perry's Ice Cream	Akron	NY	
1317418	Leprino Foods Company	Waverly	NY	
1320300	Sorrento Cheese Company, Inc.	Cheektowaga	NY	
1320483	Tuscan/Lehigh Dairies L.P.	Fraser	NY	
1414225	Dean Foods, Amboy Speciality Division	Dixon	IL	
1418235	Roney Oatman	Aurora	IL	
1420805	M bM Mars	Burr Ridge	IL	
1422465	R. J. Van Drunen Farms bAmerican Outdoor Products	Momence	IL	
1482236	Berner Cheese Corporation	Dakota	IL	
1484468	Eli's Cheesecake	Chicago	IL	
1511104	Cloverland Dairy, Inc.	Flushing	OH	
1513768	Ross Products Division/Abbott Laboratories	Columbus	OH	
1519495	Smith Dairy Products	Orrville	OH	
1519603	Jack bJill Ice Cream Co./Simco. Manufacturing	Cuyahoga Falls	OH	
1519937	Jack bJill Ice Cream Co./Frostbite Brands	Toledo	OH	
1520250	John Morrell bCo./Yorkshire Farm	Newberry	OH	
1527208	Total Ultimate Foods, Inc.	Columbus	OH	
1528765	Luigino's Inc.	Jackson	OH	
1530059	Dippin' Dots	Paducah	KY	
1530290	Farbest Brands	Plain City	OH	
1616526	McCormick bCo	Irving	TX	
1640785	Bresler's Industries, Inc./Kayla Foods Inc.	Carrollton	TX	
1641157	Frozfruit Corporation	Clovis	NM	
1641872	TCBY International/Americana Foods bCascadian Farm, Inc.	Dallas	TX	
1645789	Pillsbury/Milwaukee Seasoning	Irving	TX	
1710282	Dairy America	Amalga	UT	
1713558	Jackson-Mitchell Inc./Gossner Foods	Logan	UT	
1716434	Mid-America Dairymen, Inc.	Pollock	SD	
1723182	Leprino Foods Company	Roswell	NM	
1723466	Mid-America Dairymen, Inc.	Portales	NM	

1	2	3	4	5
1723711	Leprino Foods Company	FT Morgan	CO	
1810166	Michigan Milk Producers Association	Constantine	MI	
1810532	Michigan Milk Producers Association	Ovid	MI	
1810534	Comstock Michigan Fruit Division	Benton Harbor	MI	
1812170	Mead Johnson bCompany	Zeeland	MI	
1815692	Ross Products Division/Abbott Laboratories	Sturgis	MI	
1819485	Bresler's Industries, Inc.	Indianapolis	IN	
1820311	Smith Dairy Products/Wayne Dairy Products, Inc.	Richmond	IN	
1822780	Bresler's Industries, Inc.	Indianapolis	IN	
1829920	House of Flavors, Inc.	Ludington	MI	
1833004	Leprino Foods Company	Remus	MI	
1833724	Leprino Foods Company	Allendale	MI	
1910094	Foremost Farms USA	Cresco	IA	
1911814	Anderson Erickson Dairy Company	Des Moines	IA	
1911911	Meadow Gold Dairy	Des Moines	IA	
1913245	Maytag Dairy Farms, Inc.	Newton	IA	
1913247	Associated Milk Producers, Inc.	Arlington	IA	
1913332	Beatrice Cheese, Inc.	Fredericksburg	IA	
1913374	Foremost Farms USA	Waukon	IA	
1913604	Associated Milk Producers, Inc.	Sibley	IA	
1914067	Associated Milk Producers, Inc.	Hillsboro'	KS	
1914418	Wapsie Valley Creamery, Inc.	Independence	IA	
1919072	Mid-America Dairywomen, Inc.	Norfolk	NE	
1919223	Swiss Valley Farms	Maquoketa	IA	
1920953	Swiss Valley Farms	Luana	IA	
1921123	Mid-America Dairywomen, Inc.	El Dorado Springs	MO	
1921383	New Zealand Milk Products, Inc.	Allerton	IA	
1921422	Mid-America Dairywomen, Inc.	Ravenna	NE	
1922602	Associated Milk Producers, Inc.	Sanborn	IA	
1926739	Meadow Gold Dairy	Perry	IA	
1928188	Associated Milk Producers, Inc.	Mansfield	MO	
1930038	Mid-America Dairywomen, Inc.	Monett	MO	
1930351	AE Farms, Inc./Anderson Erickson Farms, Inc.	Des Moines	IA	

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1930721	Well's Dairy, Inc.	Le Mars	IA	
1931147	Mid-America Dairy, Inc.	Clinton	MO	
1940358	Mid-America Dairy, Inc.	Cabool	MO	
2023540	Challenge Dairy Products	Artesia	CA	
2025006	Experimental bApplied Science, Inc.	Garden Grove	CA	
2025603	Thrifty Ice Cream	El Monte	CA	
2110570	Foremost Farms USA	Sparta	WI	
2111438	Kerry Ingredient	Beloit	WI	
2111644	Purity Farms/Westby Creamery	Westby	WI	
2111783	Burt Lewis, Inc./Grassland Dairy Products, Inc.	Greenwood	WI	
2113378	Mid-America Dairy, Inc.	Chili	WI	
2113537	Mid-America Dairy, Inc.	Greenwood	WI	
2115246	Firmenich	New Ulm	MN	
2116532	Davisco. Foods International/Le Sueur Cheese	Le Sueur	MN	
2118007	Land O'Lakes	Perham	MN	
2118425	Mid-America Dairy, Inc.	Bruce	WI	
2119455	Land O'Lakes	Spencer	WI	
2119514	Foremost Farms USA	Richland Center	WI	
2120065	Burt Lewis, Inc./Madison Dairy Produce Co.	Madison	WI	
2120092	John Morrell bCo./Yorkshire Farm	Wilson	WI	
2120510	Lov-It Creamery	Green Bay	WI	
2120598	Alto Dairy	Black Creek	WI	
2120608	Gehl's Guernsey Farms, Inc. bLa Preferida/Gehl's Guernsey Farms, Inc.	Germantown	WI	
2120613	Stella Foods, Inc.	Lena	WI	
2120615	John Morrell bCo./Yorkshire Farm	Waupaca	WI	
2120622	Schreiber Foods, Inc.	Green Bay	WI	
2120866	Alto Dairy bLand O'Lakes/Alto Dairy	Waupun	WI	
2120943	Grande Cheese Company/Grande Custom Ingredients Group	Brownsville	WI	
2120945	Speciality Cheese Company, Inc.	Lowell	WI	
2121025	John Morrell bCo./Yorkshire Farm	Fremont	WI	
2121041	Land O'Lakes	Kiel	WI	
2121062	Foremost Farms USA	Appleton	WI	

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2121098	Level Valley Dairy Co.	West Bend	WI	
2121380	Speciality Cheese Company, Inc.	Reeseville	WI	
2121402	Graf Creamery, Inc.	Zachow	WI	
2122405	Kerry Ingredient	Vesper	WI	
2122504	Anchor Food Products, Inc.	Appleton	WI	
2123036	Associated Milk Producers, Inc. bBurt Lewis Inc./Associated Milk Producers, Inc.	Dawson	MN	
2123060	Foremost Farms USA	Plover	WI	
2123263	Old Fashioned Foods	Mayville	WI	
2123481	Associated Milk Producers, Inc.	Turtle Lake	WI	
2123522	Land O'Lakes	Faribault	MN	
2123531	Land O'Lakes bBruce Foods	Clear Lake	WI	
2123544	Land O'Lakes	Pine Island	MN	
2123545	Mid-America Dairywomen, Inc.	Winsted	MN	
2123549	Grande Cheese Company/Grande Custom Ingredients Group	Friendship	WI	
2123550	Speciality Cheese Company, Inc.	Lebanon	WI	
2123581	Associated Milk Producers, Inc.	Paynesville	MN	
2123582	Mid-America Dairywomen, Inc.	Fergus Falls	MN	
2123596	Land O'Lakes	Luverne	MN	
2123669	Avonmore Ingredients/Avonmore Cheese, Inc.	Monroe	WI	
2123678	Davisco. Foods International/Nicollet Food Ingredient	Nicollet	MN	
2123695	Mid-America Dairywomen, Inc.	Winthrop	MN	
2123788	Associated Milk Producers, Inc.	Rochester	MN	
2123818	Mid-America Dairywomen, Inc.	Zumbrota	MN	
2123922	Mid-America Dairywomen, Inc.	Bloomer	WI	
2124122	Associated Milk Producers, Inc.	Blair	WI	
2124499	Associated Milk Producers, Inc.	New Ulm	MN	
2125889	Associated Milk Producers, Inc.	Portage	WI	
2126045	Sargento Foods, Inc.	Plymouth	WI	
2127681	Foremost Farms USA	Preston	MN	
2127814	Foremost Farms USA	Rothschild	WI	

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2127974	Sargento Foods, Inc.	Hilbert	WI	
2128425	Mid-America Dairyman, Inc.	Juda	WI	
2128453	John Morrell bCo./Yorkshire Farm	South Wayne	WI	
2128891	Bruce Foods	Arden Hills	MN	
2129372	Mid-America Dairyman, Inc.	Arcadia	WI	
2129852	Kerry Ingredient	Jackson	WI	
2130682	Davisco. Foods International//Lake Norden Food Ingredients	Lake Norden	SD	
2131711	Main Street Foods	La Crosse	WI	
2132058	Geneva Ingredients Inc.	Waunake	WI	
2132681	Bruce Foods	Arden Hills	MN	
2132729	Century Foods International	Sparta	WI	
2133533	Kerry Ingredient	Owen	WI	
2133561	Davisco. Foods International/Le Sueur Foods Ingredient	Le Sueur	WI	
2133896	Sargento Foods, Inc.	Kiel	WI	
2210919	Tuscan/LeHigh Dairies L. P.	Union	NJ	
2212551	Stonyfield Farms/Welsh Farms	Long Valley	NJ	
2220013	Pillsbury	Vineland	NJ	
2220195	American Casein Co./American Dairy Specialities Co.	Burlington	NJ	
2221683	Farmland Dairies	Wallington	NJ	
2243086	Haagen Dazs/Pillsbury	Woodbridge	NJ	
2248858	Robin Packing, Co.	Fairfield	NJ	
2314010	Kajun Kettle Foods, Inc.	New Orleans	LA	
2314326	Coleman Dairy	Little Rock	AR	
2510091	Major Smith, Inc.	New Holland	PA	
2522224	Sweet Street Desserts	Reading	PA	
2522329	John Morrell bCo./Yorkshire Farm	Winfield	PA	
2910562	Dairy America bChallenge Dairy Products	Fresno	CA	
2911001	Challenge Dairy Products bBurt Lewis, Inc./Dairyman's Co-op Creamery	Tulare	CA	
2915962	Leprino Foods Company	Lemoore	CA	
2915969	Leprino Foods Company	Newman	CA	

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2915989	Leprino Foods Company	Tracy	CA	
2918259	Sonoma Foods, Inc.	Sonoma	CA	
2918666	Kraft Foods, Inc.	Tulare	CA	
2918675	Challenge Dairy Products bBurt Lewis, Inc./Dairyman's Co-op Creamery	Tulare	CA	
2924040	Burt Lewis, Inc./Foster Farms Dairy	Modesto	CA	
2937180	Haagen Dazs/Pillsbury	Tulare	CA	
2938203	Jackson-Mitchell, Inc.	Turlock	CA	
2938498	AMPC bHilmar Cheese Company/Hilmar Whey Protein, Inc.	Hilmar	CA	
2938758	Champion Performance Products	Concord	CA	
2939502	Nestlé Ice Cream Company	Bakersfield	CA	
3010368	Darigold bBurt Lewis, Inc./Darigold, Inc.	Issaquah	WA	
3012585	Burt Lewis, Inc./Farmers Co-op Creamery	McMinnville	OR	
3013821	Tillamook County Creamery Association	Tillamook	OR	
3014260	Darigold	Lynden	WA	
3014762	John Morrell bCo./Yorkshire Farm	Arpin	WI	
3015965	Darigold	Chehalis	WA	
3016072	Avonmore Ingredients/Avonmore West, Inc.	Richfield	ID	
3016119	Darigold bBurt Lewis, Inc./Darigold, Inc.	Caldwell	ID	
3023285	Otis McAllister, Inc./International Yogurt Inc. bCascadian Farm. Inc.	Portland	OR	
3026719	Davisco. Foods International/Jerome Cheese bLand O'Lakes	Jerome	ID	
3027994	Darigold bBurt Lewis, Inc./Darigold, Inc.	Sunnyside	WA	
3080586	Larson's Creamery	Oregon City	OR	
42-406	Holly Milk	Carlisle	PA	
46-206	Associated Milk Producers, Inc.	Freeman	SD	
48-105	Associated Milk Producers, Inc.	Stephensville	TX	
48-905	Associated Milk Producers, Inc.	Muenster	TX	
48-0943	Burt Lewis, Inc./Associated Milk Producers, Inc.	Winnsboro'	TX	

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48-943	Associated Milk Producers, Inc.	Winnsboro'	TX	
48-0950	Douwe Egberts Coffee/Kohler Mix Specialties	Sulphur Springs	TX	
53-301	Associated Milk Producers, Inc.	Jim Falls	WI	
55-54	Schreiber Foods, Inc.	Wisconsin Rapids	WI	
55-425	John Morrell bCo./Yorkshire Farm	Portage	WI	
55-648	John Morrell bCo./Yorkshire Farm	Comstock	WI	
S-0223	Key Ingredient	Harrisburg	PA	
S-367	Shady Glen Dairy Stores	Manchester	CT	
S-7356	Michael Angelo's Gourmet Foods	Austin	TX	
S-20108	Pierre's French Ice Cream	Cleveland	OH	
S-26622	McCain Foods, Inc.	Grand Island	NE	
S-19-105	Associated Milk Producers, Inc.	Mason City	IA	
S-29-021	Burt Lewis, Inc./Madison Farms Butter Co.	St Louis	MO	
S-29-031	Associated Milk Producers, Inc.	Mountain View	MO	
S-36-4024	Egg Farm Dairy	Peekskill	NY	
S-48-908	Associated Milk Producers, Inc.	Sulphur Springs	TX	
S-48-1010	Associated Milk Producers, Inc. bBurt Lewis, Inc./Associated Milk Producers, Inc.	El Paso	TX	
S-55-364	Wisconsin Whey International, Inc.	Juda	WI	
S-55-1539	Simon's Speciality Cheese/Pleasant View Cheese Factory	Little Chute	WI	
S-55-1785	Sartori Foods	Plymouth	WI	
T1	(The) Cheesecake Factory	Calabasas Hills	CA	
T2	Chef Fresh Frozen, Inc.	Waupaca	WI	
T3	Golden Cheese Company/Calpro Ingredients	Corona	CA	
T4	Ingretec	Lebanon	PA	
T5	McCain Foods, Inc.	Fort Atkinson	WI	
T6	Sport One	Wallingford	CT	
T7	Systems Bio-Industries, Inc.	Waukesha	WI	
T8	Worldwide Sport Nutritional Supplements Inc.	Grand Rapids	MI	

COMMISSION DECISION

of 21 January 1998

terminating the anti-dumping proceeding concerning imports of dihydrostreptomycin originating in the People's Republic of China

(98/90/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as amended by Council Regulation (EC) No 2331/96⁽²⁾, and in particular Article 9(2) thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) Following a complaint lodged by the European Council of Chemical Manufacturers Federations (CEFIC) acting on behalf of the sole known producer of dihydrostreptomycin in the European Community, the Council, by Regulation (EEC) No 3836/91⁽³⁾, imposed a definitive anti-dumping duty on imports of dihydrostreptomycin (hereinafter referred to as DHS) falling within CN code 2941 20 10, originating in the People's Republic of China.

The rate of duty imposed was ECU 20,16 per kilogram of base DHS or the difference between the cif price and ECU 58,4 per kilogram of base DHS, whichever is the higher.

For two Chinese companies, specifically mentioned in the operative part of the Regulation, the duty amounted to ECU 14,9 per kilogram of base dihydrostreptomycin or the difference between the CIF price and ECU 53,16 per kilogram of base DHS, whichever is the higher.

B. REVIEW INVESTIGATION

- (2) The Commission subsequently received a request by an importer in the Community, acting on behalf of a Chinese exporter, to repeal the measures in force. The applicant alleged that there was no longer a Community DHS industry which could be injured by the imports concerned. The

evidence of changed circumstances contained in the application was considered sufficient to justify the opening of a review investigation pursuant to Article 11(3) of Regulation (EC) No 384/96 (the 'Basic Regulation').

- (3) By a notice published in the *Official Journal of the European Communities*, the Commission accordingly announced the review of Regulation (EEC) No 3836/91 pursuant to Article 11(3) of the Basic Regulation. Given that no change of circumstances regarding dumping had been claimed in the request, the review, initiated on 4 January 1996⁽⁴⁾, was initially limited to aspects of injury.
- (4) A preliminary examination of the situation showed that there was one producer of DHS remaining in the Community. However, it emerged that the circumstances of the case had changed sufficiently to warrant a full review of both dumping and injury. The changed circumstances included an alteration in the composition of the domestic industry (the original sole complainant producer, Rhône-Poulenc, had ceased production but there was one other producer in the Community) and information that Japan, the analogue country used in the original investigation, no longer produced DHS. Furthermore, Chinese export prices appeared to have considerably increased. The implications of these developments were thought to justify the extension of the scope of the review to cover a full examination of both dumping and injury.
- (5) Having consulted the Advisory Committee on the matter, the Commission decided, on its own initiative, to extend the initial scope of the review to cover both dumping and injury. An investigation was initiated by a notice published in the *Official Journal of the European Communities*⁽⁵⁾, pursuant to Article 11(3) of the Basic Regulation. The Commission officially advised the producer, exporters and importers known to be concerned as well as users of the product.
- (6) The investigation initially covered the year 1995 and, following the extension of the scope of the review, the investigation period for dumping was 1 January to 30 November 1996.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ L 362, 31. 12. 1991, p. 1.

⁽⁴⁾ OJ C 1, 4. 1. 1996, p. 4.

⁽⁵⁾ OJ C 386, 20. 12. 1996, p. 9.

- (7) Since the review was in progress at the end of the period of application of the measures, it also covered the circumstances mentioned in Article 11(2) and (7) of the Basic Regulation.
- (8) The Commission sought and verified all the information it deemed necessary to its determination. Questionnaires were sent to all the companies known to be concerned and replies were received from the companies listed below. Verification visits were carried out at the premises of the Community producer, the cooperating unrelated importers and two user companies including one related to the Community producer.

All parties which so requested were granted a hearing.

(a) *Community producer*

Norbrook Manufacturing Ltd (NML, Ireland);

(b) *Producers/Exporters in the People's Republic of China*

- Long March Pharmaceutical Plant,
- Shanghai No 4 Pharmaceutical Plant;

(c) *Importers in the Community*

- Helm AG (Germany),
- Tocelo Chemicals BV (Netherlands);

(d) *Community users*

- Intervet International (Akzo-Nobel group, Netherlands),
- Sanofi-SNA (France),
- Laboratoires Virbac (France),
- Laboratorios Syva (Spain),
- Norbrook Laboratories Ltd (Northern Ireland, related to NML).

C. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Product under consideration

- (9) The product concerned by this investigation is the same as the one covered by the initial investigation, i.e. DHS, an anti-infective agent obtained from the hydrogenation of streptomycin and generally combined with other antibiotics such as penicillin-procain for the production of basic veterinary medicines (injectable pen-strep doses). These end-products have become commodities and are widely used as preventive medicine in cattle, pig and sheep breeding. Minor applications include a number of other veterinary products such as ointments and oily suspensions.

2. Like product

- (10) DHS is mainly exported as powdered sulphate by Chinese exporters/producers but is also produced in a liquid form in the Community. Both forms are derived from one single raw material, strepto-

mycin, which is obtained by a fermentation process and mostly produced in the People's Republic of China. Both forms are intended for the same applications, mainly pen-strep formulations used in veterinary medicine.

A number of users claimed that the liquid formulation produced and sold by the Community industry could not be compared with the DHS powder produced and exported by the People's Republic of China because they cannot be processed in the same way. However, the Commission has found that, although traded in liquid form, the DHS produced and sold by the Community industry and the one imported in dry form from the People's Republic of China have the same chemical formula and properties and have exactly the same uses (basically the production of pen-strep medicines) and are generally interchangeable.

Therefore these products are considered as like products, in accordance with Article 1(4) of the Basic Regulation, for the purpose of this investigation.

D. DEVELOPMENT OF THE COMMUNITY MARKET

1. Community industry

- (11) The investigation showed that Rhône-Poulenc, the sole complainant Community producer in the original 1990 investigation, had ceased production of DHS in May 1994. At present, Norbrook Manufacturing Ltd, in Ireland, is the sole producer of DHS in the Community. Nearly all the output of Norbrook Manufacturing Ltd is transferred internally to its related company, Norbrook Laboratories Ltd (NLL), for the manufacture of pen-strep medicines. The global Community market share of Norbrook Manufacturing Ltd, (i.e. comprising both sales to the open market as well as transfers of products used captively within the Norbrook group) was 24 % in 1995 and during the investigation period. As far as Norbrook's open market share is concerned, less than 1 % of the respective sales were made to independent customers, mainly in Spain, thus representing a negligible part of the Community open market.

2. Consumption

- (12) In the investigation period, the estimated apparent global Community consumption of DHS amounted to 234 tonnes. On an indexed basis, consumption fell from 100 in 1993 to 87 in the investigation period.

3. Imports

- (13) It should be noted that in addition to Rhône-Poulenc, in the Community, Meiji in Japan ceased production of DHS in 1993. The Chinese producers seem to be enjoying a worldwide dominance of the DHS market now that the major chemical groups have stopped producing DHS sulphate. China is the main supplier of the Community's market (98 % of direct imports into the Community and 75 % of the total Community consumption in the investigation period) and virtually the only supplier on the Community's open market. It should be noted that, following the imposition of the anti-dumping duty on CN code 29 41 20 10 in 1991, Chinese imports of DHS have largely been made under other codes not subject to the duty, thus evading the anti-dumping measures.

The Chinese exports to the Community amounted to 176 tonnes, of a value of ECU 7,9 million (1) in the investigation period. Chinese average prices showed an increase of 25 % in 1994 and 5 % in 1995. They increased by another 7 % in the investigation period. Other imports (Romania, Switzerland) are presently negligible.

E. DUMPING

1. Analogue country

- (14) Since the People's Republic of China is considered a non-market economy country, the Commission undertook to find a market economy third country in which DHS was produced in sufficient quantities during the investigation period in order to establish a normal value for the Chinese exports. Producers of the product concerned in Brazil, India, Romania and the United States of America were considered, but none was willing or able to co-operate in the Commission investigation. In the absence of any available third country, there was no other option than to use the Community as the analogue market for the establishment of the normal value, in accordance with Article 2(7) of the Basic Regulation.

2. Normal value

- (15) Since the sole Community producer did not sell the product concerned in sufficient quantities to independent customers on the Community market, normal value had to be constructed on the basis of

(1) Estimated on the basis of Eurostat, CN codes 2941 20 10 and 2941 20 20.

its cost of manufacture plus a reasonable margin for SG&A and profit.

However, since its sales of the like product or of the same general category of products were not made in sufficient quantities, and in the absence of any other reliable source of information, the Commission services examined whether or not the amounts for SG&A costs and for profit could be determined on the same basis as in the original investigation.

In the original investigation, Japan served as an analogue country and the SG&A costs were determined by reference to those incurred by the sole cooperating Japanese producer. As far as the profit margin is concerned, a rate of 5 % was applied in the original investigation, the product in question being a raw material used in a mature generic pharmaceutical product in the agricultural sector. Since there were no indications that this method was no longer appropriate, it was decided to determine SG&A costs and profit accordingly.

3. Export price

- (16) The two Chinese producers/exporters which replied to the questionnaire represented nearly all Chinese exports of the product concerned to the Community. As the cooperating Chinese exporters made export sales to the Community directly to independent importers, export prices were established on the basis of the prices actually paid or payable by independent importers, in accordance with Article 2(8) of the Basic Regulation, as provided by the cooperating exporters.

4. Comparison

- (17) For the purpose of a fair comparison, the export price was adjusted to fob Chinese harbour level and normal value was similarly adjusted to fob national border level.

The comparison between the export price and the normal value on a weighted average to weighted average basis showed a dumping margin of 1,5 %, i.e. *de minimis*.

F. RECURRENCE OF DUMPING

- (18) In examining whether dumping is likely to recur, it should be noted that Chinese unit prices of DHS have been increasing since 1993, with an overall increase of 40 % up to and including the investigation period. During this period the volume of imports also grew to the extent that it now represents 98 % of the direct imports into the Community.

These developments are mainly due to China now being virtually the only source of supply on the Community open market. These circumstances reflect the fact that competition on the market for DHS is now limited. There are no indications that this situation will change, which has led the Commission to deem the recurrence of dumping of Chinese imports unlikely. No arguments to the contrary have been presented.

G. INJURY AND COMMUNITY INTEREST

- (19) In view of the conclusions concerning dumping, it was not considered necessary to develop injury and Community interest aspects arising from the investigation since this would not alter the conclusions reached. The Community producer was informed of the Commission's findings and contested the figures used for the evolution of Chinese prices, which the Commission had established on the basis of Eurostat. However, no other substantiated information was submitted which would alter the Commission's conclusions in this respect.

H. CONCLUSION

- (20) Given the above findings, it was concluded that the proceeding concerning imports of DHS originating in the People's Republic of China should be terminated and that the anti-dumping duty in force should be allowed to lapse.

DECIDES:

Sole Article

The anti-dumping proceeding concerning imports of dihydrostreptomycin falling within CN codes 2941 20 10 and 2941 20 20 and originating in the People's Republic of China is hereby terminated.

Done at Brussels, 21 January 1998.

For the Commission

Leon BRITTAN

Vice-President
