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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 958/98
of 7 May 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 Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 May 1998.

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

Done at Brussels, 7 May 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 7 May 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0707 00 05	052	109,7
	999	109,7
0709 90 70	052	76,5
	999	76,5
0805 10 10, 0805 10 30, 0805 10 50	052	41,3
	204	36,8
	212	64,6
	600	65,1
	624	46,3
	999	50,8
	382	60,5
0805 30 10	388	60,5
	999	60,5
	382	60,5
0808 10 20, 0808 10 50, 0808 10 90	060	41,9
	388	77,8
	400	92,7
	404	95,3
	508	84,4
	512	85,8
	524	84,1
	528	77,4
	720	138,0
	804	107,9
	999	88,5

⁽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 959/98
of 7 May 1998
on the issuing of export licences for wine-sector products

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

Having regard to Commission Regulation (EC) No 1685/95 of 11 July 1995 on arrangements for issuing export licences for wine-sector products ⁽¹⁾, as last amended by Regulation (EC) No 1354/97 ⁽²⁾, and in particular Article 3(3) thereof,

Whereas Article 55(7) of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽³⁾, as last amended by Regulation (EC) No 2087/97 ⁽⁴⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations;

Whereas Article 3 of Regulation (EC) No 1685/95 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement;

Whereas, on the basis of information on export licence applications available to the Commission on 6 May 1998, the quantity still available for the period until 30 June

1998 referred to in Article 1a(1) of Regulation (EC) No 1685/95, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted; whereas, therefore, a single percentage for the acceptance of applications submitted between 1 May and 5 May 1998 should be applied and the submission of applications and the issue of licences suspended until 30 June 1998,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted between 1 May and 5 May 1998 under Regulation (EC) No 1685/95 shall be issued for 29,7 % of the quantities requested.

2. The issue of export licences for wine-sector products for which applications are submitted from 6 May 1998 and the submission of export licence applications from 8 May 1998 shall be suspended until 30 June 1998.

Article 2

This Regulation shall enter into force on 8 May 1998.

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

Done at Brussels, 7 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 161, 12. 7. 1995, p. 2.

⁽²⁾ OJ L 186, 16. 7. 1997, p. 9.

⁽³⁾ OJ L 84, 27. 3. 1987, p. 1.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 1.

COMMISSION REGULATION (EC) No 960/98

of 7 May 1998

amending for the fourth time Regulation (EEC) No 3590/85 on the certificate and analysis report required for the importation of wine, grape juice and grape must

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

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 2087/97 ⁽²⁾, and in particular Article 70(8) thereof,

Whereas, pursuant to Article 4(2)(c) of Council Regulation (EEC) No 2390/89 of 24 July 1989 laying down general rules for the import of wines, grape juice and grape must ⁽³⁾, as last amended by Regulation (EC) No 2611/97 ⁽⁴⁾, wine or grape juice in labelled containers of not more than five litres fitted with a non-reusable closing device imported into the Community from third countries in total annual quantities of less than 1 000 hectolitres is exempt from the requirement regarding the certificate and analysis report; whereas the third countries benefiting from this exemption for exports to the Community are listed in Annex V to Commission Regulation (EEC) No 3590/85 on the certificate and analysis report required for the importation of wine, grape juice and grape must ⁽⁵⁾, as last amended by Regulation (EC) No 1648/

96 ⁽⁶⁾; whereas Bolivia has asked the Commission that it be granted this exemption, declaring that it will comply with the relevant conditions; whereas, this third country should therefore be added to the list given in Annex V to the abovementioned Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following third country is hereby added to Annex V to Regulation (EEC) No 3590/85:

‘— Bolivia’.

Article 2

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

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

Done at Brussels, 7 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ L 292, 25. 10. 1997, p. 1.

⁽³⁾ OJ L 232, 9. 8. 1989, p. 7.

⁽⁴⁾ OJ L 353, 24. 12. 1997, p. 1.

⁽⁵⁾ OJ L 343, 20. 12. 1985, p. 20.

⁽⁶⁾ OJ L 207, 17. 8. 1996, p. 7.

COMMISSION REGULATION (EC) No 961/98

of 7 May 1998

amending Regulation (EEC) No 1068/93 on detailed rules for determining and applying the agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the value of the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, as last amended by Regulation (EC) No 150/95⁽²⁾, and in particular Article 6(2a) and Article 12 thereof,

Whereas Article 13(3) of Commission Regulation (EEC) No 1068/93⁽³⁾, as last amended by Regulation (EC) No 1482/96⁽⁴⁾, provides that where the agricultural conversion rate is fixed in advance, the relevant certificate is only valid in a single Member State; whereas the limitation on the validity of certificates fixing the agricultural conversion rate in advance to the territory of a single Member State constitutes a derogation from the general rule whereby certificates are valid and can be used throughout the Community; whereas that limitation on the validity of certificates to a single Member State was introduced to prevent risks of speculation following the fixing in advance of the agricultural conversion rate;

Whereas it transpires that the objective can be achieved by less restrictive measures than those laid down by the arrangements in force; whereas the limitation of the validity of certificates fixing the agricultural conversion rate in advance to the territory of a single Member State should therefore be lifted and provision should be made at the same time for suitable measures to prevent speculation;

Whereas Article 14 of Regulation (EEC) No 1068/93 lays down the indications to be entered in certificate applications and in certificates relating to the limitation of the validity of certificates fixing the agricultural conversion rate in advance; whereas those indications should be deleted;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

Article 1

Regulation (EEC) No 1068/93 is hereby amended as follows:

1. Article 13(3) is replaced by the following:

‘3. During the term of validity of advance fixing of the agricultural conversion rate and in order to qualify for the rate fixed in advance, certificates must be used in the Member State specified by the applicant at the time the application for advance fixing of the agricultural conversion rate is submitted.

Where certificates are used in the Member State other than that specified on the certificate by the applicant, the agricultural conversion rate to be applied shall be:

- the lowest rate applied in the Member State of utilisation of the certificate from the date of advance fixing of the rate until the date of utilisation of the certificate, less 5 %, where an amount to be granted to the operators is concerned,
- the highest rate applied in the Member State of utilisation of the certificate from the date of advance fixing of the rate until the date of utilisation of the certificate, plus 5 %, where an amount to be paid by the operator is concerned.

Section 20 of applications for import and export licences and the relevant certificates shall bear one of the following:

- Estado miembro designado para la utilización: — aplicación del apartado 3 del artículo 13 del Reglamento (CEE) n° 1068/93
- Medlemsstat angivet for licensudnyttelsen: — anvendelse af artikel 13, stk. 3, i forordning (EØF) nr. 1068/93
- Bestimmungsmitgliedstaat gemäß Artikel 13 Absatz 3 der Verordnung (EWG) Nr. 1068/93 ist
- Ορισθέν κράτος μέλος χρησιμοποίησεως: — εφαρμογή του άρθρου 13 παράγραφος 3 του κανονισμού (ΕΟΚ) αριθ. 1068/93
- Member State of utilisation specified: — Article 13(3) of Regulation (EEC) No 1068/93
- État membre d'utilisation désigné: — application de l'article 13 paragraphe 3 du règlement (CEE) n° 1068/93
- Stato membro di utilizzazione designato: — in virtù dell'articolo 13, paragrafo 3, del regolamento (CEE) n. 1068/93

⁽¹⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁴⁾ OJ L 188, 27. 7. 1996, p. 22.

- Voor gebruik van het certificaat opgegeven lidstaat: — Toepassing van artikel 13, lid 3, van Verordening (EEG) nr. 1068/93
- Estado-membro de utilização designado: — Aplicação do nº 3 do artigo 13º do Regulamento (CEE) nº 1068/93
- Nimetty jäsenvaltio, jossa todistus käytetään: — asetuksen (ETY) N:o 1068/93 13 artiklan 3 kohdan mukaisesti
- Angiven medlemsstat där licensen skall användas: — tillämpning av artikel 13.3 i förordning (EEG) nr 1068/93'.

2. Article 14 is amended as follows:

- (a) In paragraph 1, the second subparagraph is deleted.
- (b) In paragraph 2, the second sub-indent of the entry in the 11 Community languages is deleted.

Article 2

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

However, at the request of the party concerned, Article 1 shall apply to applications still pending on the day of entry into force of this Regulation.

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

Done at Brussels, 7 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION No 962/98/ECSC

of 7 May 1998

repealing Decisions No 1751/94/ECSC and No 55/96/ECSC with respect to the imposition of definitive anti-dumping duties on imports of hematite pig iron originating in Brazil, the Czech Republic, Poland, Russia and the Ukraine

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2277/96/ECSC of 28 November 1996 on protection against dumped imports from countries not members of the European Coal and Steel Community ⁽¹⁾, and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) In July 1994, a definitive anti-dumping duty was imposed by Commission Decision No 1751/94/ECSC ⁽²⁾ on imports into the Community of hematite pig iron originating in Brazil, Poland, Russia and the Ukraine. The amount of the duty was the difference between the price of ECU 149/tonne and the free-at-Community-frontier value in all cases where this value was less than the above price.
- (2) In January 1996, a definitive anti-dumping duty was imposed by Commission Decision No 55/96/ECSC ⁽³⁾, with regard to imports into the Community of hematite pig iron originating in the Czech Republic, and an undertaking was accepted from a specified exporter. The amount of the duty was set as mentioned above.
- (3) In recital 14 of Decision No 1751/94/ECSC and recital 52 of Decision No 55/96/ECSC it was stated that in view of the evolutionary character of the market situation with regard to the product concerned, and of the Community interest in safeguarding the competitiveness of users of the product concerned, it appeared necessary to monitor further developments and possible negative effects on such users and to review the anti-

dumping measures if the market situation so warranted.

B. REVIEW INVESTIGATION

- (4) In the light of an apparent increase in export prices which could have repercussions on the dumping margin and the Community market situation, the Commission, on 10 April 1996, announced by a notice published in the *Official Journal of the European Communities* ⁽⁴⁾ its decision to initiate, on its own initiative, an interim review pursuant to Article 11(3) of Decision No 2277/96/ECSC (hereinafter referred to as the 'Basic Decision').
- (5) The Commission officially advised the Community industry, exporters/producers, importers and user industries known to be concerned and their representative associations, as well as the representatives of the exporting countries. All parties directly concerned were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.
- (6) In view of the large number of exporters/producers in Brazil, the Commission decided, in accordance with Article 17 of the Basic Decision, to apply sampling techniques for the determination of dumping in that country. The Commission contacted all Brazilian exporters/producers known from the previous anti-dumping proceeding, as well as their representative association. Those companies which declared the highest volume of exports to the Community during 1995 and expressed their willingness to cooperate were selected, that is to say a sample of six exporters/producers was initially considered from the 16 replies received. No comments were received from any interested party with regard to the proposed sample which was therefore selected as proposed. The companies eventually included in the sample represented a major proportion of the total volume of exports to the Community during 1995.
- (7) The Commission sent questionnaires to the selected parties in Brazil and to all parties known to be concerned in the other exporting countries covered by the investigation, as well as in the

⁽¹⁾ OJ L 308, 29. 11. 1996, p. 11.

⁽²⁾ OJ L 182, 16. 7. 1994, p. 37.

⁽³⁾ OJ L 12, 17. 1. 1996, p. 5.

⁽⁴⁾ OJ C 104, 10. 4. 1996, p. 11.

Community. Replies were received from selected Brazilian companies, one Czech and two Polish exporters/producers, two Community producers, three unrelated importers, six Community user companies, and two associations of Community user industries. No Russian or Ukrainian exporters/producers cooperated in the investigation.

- (8) The Commission sought and verified all information it deemed necessary for the purpose of a determination of dumping and injury and carried out verification visits at the premises of the following companies:

(a) *Community producers:*

- DK Recycling und Roheisen GmbH, Duisburg (Germany),
- Servola Spa, Trieste (Italy).

(b) *Exporters/producers:*

Brazil:

- Calsete, Sete Lagoas,
- Plantar Siderúrgica SA, Sete Lagoas,
- Sicafe, Sete Lagoas,
- Siderúrgica Ita-Min Ltda, Sete Lagoas;

Poland:

- Zakład Wielkopiecowy Szczecin SPZOO Szczecin,
- Huta Szczecin S.A., Szczecin;

Czech Republic:

- Vítkovice as, Ostrava.

(c) *Unrelated importers:*

- Frank & Schulte GmbH, Essen (Germany).

(d) *User companies in the Community:*

- Compagnie Française des Fontes en Coquille, Rochefort (France),
- La Fonte Ardennaise, Vivier-au-Court (France),
- Starkey's Technicast Ltd, Hull (United Kingdom).

- (9) The investigation of dumping covered the period 1 January 1995 to 31 March 1996 (hereinafter referred to as 'the investigation period'). The examination of injury covered the period from 1992 up to the end of the investigation period.

C. PRODUCT CONCERNED AND LIKE PRODUCT

- (10) The product concerned is the same as in the previous investigations, that is non-alloy pig iron containing by weight 0,5 % or less of phosphorus and currently falling within CN code 7201 10 19 (containing by weight not less than 0,4 % of manganese and more than 1 % of silicon), and called hematite pig iron.

Hematite pig iron is used for the production of cast iron with flake graphite (grey cast iron), in particular for high quality machine and machine-tool castings as well as for castings with thermal and chemical uses.

- (11) The Commission found that hematite pig iron produced and sold by the Community industry has the same essential physical, chemical, technical characteristics and uses as that imported from the countries concerned. Similarly, hematite pig iron sold on the domestic markets in Brazil, Poland and the Czech Republic and that exported to the Community from the five countries concerned have the same physical, chemical and technical characteristics and uses. It was therefore concluded that hematite pig iron produced and sold in the exporting countries concerned is, within the meaning of Article 1(4) of the Basic Decision, alike to that exported from those countries to the Community and that produced and sold in the Community.

D. DUMPING

1. Normal value

(a) *Brazil*

- (12) As mentioned under recital 6, sampling was used for the determination of normal value. A company which was initially included in the sample comprising six companies failed to provide essential information. That company was therefore excluded from the sample and considered to be a non-cooperating company.

- (13) In the course of the investigation it was found that one company included in the sample had a close relationship with another company which also produced and sold the product concerned and which was not included in the initial sample. In view of these corporate links and in order to avoid circumvention of any anti-dumping measures, that related company was therefore included in the final sample, which comprised six companies.

- (14) In order to establish normal value, the Commission analysed whether domestic sales of each selected exporter/producer in the sample were representative in accordance with Article 2(2) of the Basic Decision. For five Brazilian exporters/producers it was established that the total domestic sales volume of the product concerned represented at least 5 % of the sales volume exported to the Community.
- (15) For those five exporters/producers, it was then examined whether their domestic sales were made in the ordinary course of trade as described in Article 2(4) of the Basic Decision. Where the weighted average selling price was equal to or higher than the weighted average unit production cost and where the volume of sales below unit production cost was less than 20 % of sales being used to determine normal value, all sales were regarded as being made in the ordinary course of trade and normal value was established on the basis of the weighted average prices actually paid for all domestic sales. Where the weighted average selling price was lower than the weighted average unit production cost or where the volume of sales made at a loss was equal to or higher than 20 % of sales being used to determine normal value, normal value was established on the basis of the weighted average prices actually paid for the remaining profitable domestic sales, which represented at least 10 % of domestic sales of the product.
- (16) The remaining Brazilian exporter/producer in the sample did not sell the product concerned on the domestic market during the investigation period. Therefore, pursuant to Article 2(1) of the Basic Decision, its normal value was based on the weighted average of those domestic prices which were charged by the other five exporters/producers and which were used to establish normal value for them.

(b) *Russia and the Ukraine*

Analogue country

- (17) Since both Russia and the Ukraine are considered to be non-market economy countries, an analogue market economy country had to be selected for the establishment of normal value in accordance with Article 2(7) of the Basic Decision. Brazil was suggested as an appropriate choice, notably for

reasons of similarity of access to raw materials and energy. Moreover, the Brazilian domestic market is sufficiently representative in terms of volume. The Brazilian market also appears to be sufficiently competitive given the high number of companies present. Finally, it should be noted that the fact that Brazil had already been used as the analogue country in the original anti-dumping investigation was also taken into consideration. No comments on the choice of Brazil as an analogue country were received from any interested party in Russia or the Ukraine.

Domestic sales

- (18) The investigation established that there were sufficient domestic sales made in the ordinary course of trade of the product concerned by the cooperating companies in the analogue country within the meaning of Article 2(2) of the Basic Decision. The normal value for Russia and Ukraine was therefore calculated on the basis of the actual prices paid or payable for sales of the product concerned in the analogue country, that is Brazil, as described in recital 15.

(c) *Poland*

- (19) In order to establish normal value, the Commission made the analysis set out in recital 14. For both Polish exporters/producers it was established that the total domestic sales volume of the product concerned represented at least 5 % of the sales volume exported to the Community.
- (20) It was then examined whether their domestic sales were made in the ordinary course of trade pursuant to Article 2(4) of the Basic Decision. For one exporter/producer, profitable domestic sales represented less than 10 % of its total domestic sales and they were therefore considered insufficient as a basis for normal value. In these circumstances, it was considered appropriate to construct normal value on the basis of Article 2(3) of the Basic Decision by adding to the manufacturing cost of the product concerned a reasonable amount for selling, general and administrative expenses and for profit by adding to the manufacturing cost of the product concerned a reasonable amount for selling, general and administration expenses and for profit (which was established on the basis of profitable sales).

- (21) For the second exporter/producer, the information concerning its costs was considered unreliable, notably because the allocation of certain extraordinary costs was not duly justified and was therefore disregarded. The profitability analysis for this exporter/producer was made by comparing its domestic selling prices with the unit production cost established for the first exporter/producer since, in fact, both exporters/producers used the same production facilities. On this basis, it was established that there were sufficient domestic sales of the product concerned made in the ordinary course of trade and normal value was established on the basis of the weighted average prices actually paid for all domestic sales.

(d) *Czech Republic*

- (22) In order to establish normal value, the Commission made the analysis set out in recitals 14 and 15. For the only Czech exporter/producer cooperating in the investigation, it was established that the total domestic sales volume of the product concerned represented more than 5 % of the sales volume exported to the Community. It was then established that the volume of sales made at a loss by this exporter/producer was higher than 20 % of sales being used to determine normal value. Consequently, normal value was established on the basis of the weighted average prices actually paid for the remaining profitable domestic sales, which represented more than 10 % of domestic sales of the product concerned.

2. Export price

(a) *Brazil, Poland, Czech Republic*

- (23) As all cooperating exporters/producers in Brazil, Poland and the Czech Republic made export sales in the Community directly to independent importers, export prices were established on the basis of the prices actually paid or payable by these independent importers, in accordance with Article 2(8) of the Basic Decision.

(b) *Russia and the Ukraine*

- (24) As none of the companies concerned in Russia and the Ukraine cooperated in the proceeding (see recital 7) the export prices were established on the basis of the facts available, in accordance with Article 18 of the Basic Decision. In this context, in

the absence of any other information, it was found that Eurostat data constituted an appropriate basis for the determination of export prices.

3. Comparison

(a) *Brazil*

- (25) For the purpose of ensuring a fair comparison between normal value and the export prices of the companies in the sample, due allowance in the form of adjustments was made in accordance with Article 2(10) of the Basic Decision for differences affecting price comparability, whenever these were claimed and duly justified. In consequence, adjustments were made for differences in transport, insurance, handling, loading and ancillary costs, credit costs, and commissions.

(b) *Russia and the Ukraine*

- (26) In accordance with Article 2(10) of the Basic Decision, adjustments were made to the Russian and Ukrainian export prices, which were provided at a cif at-Community-frontier level, in order to determine export prices at an fob national-frontier level. These adjustments duly reflect the average shipping and insurance costs incurred in transporting the product concerned from the border of the countries concerned to the Community border.

(c) *Poland*

- (27) For the purpose of ensuring a fair comparison between normal value and the export prices of the cooperating companies, due allowance in the form of adjustments was made in accordance with Article 2(10) of the Basic Decision for differences affecting price comparability, whenever these were claimed and duly justified. In consequence, adjustments were made for differences in transport, insurance, handling, loading, ancillary costs and credit costs.

(d) *Czech Republic*

- (28) For the purpose of ensuring a fair comparison between normal value and the export prices of the cooperating company, due allowance in the form of adjustments was made in accordance with Article 2(10) of the Basic Decision for differences affecting price comparability, whenever these were claimed and duly justified. In consequence, adjustments were made for differences in credit costs.

4. Dumping margin

(a) *Brazil*

- (29) In general, the Commission made a comparison between weighted average normal values and the weighted average export prices of the exporters/producers.

However, in accordance with Article 2(11) of the Basic Decision, with regard to three Brazilian companies, the weighted average normal value was compared to prices of all export transactions to the Community because it was found that there was a pattern of export prices which differed significantly between different time periods. Consequently, a comparison between weighted average normal values and the weighted average export prices would not have reflected the full degree of dumping being practised.

The definitive dumping margins established for the cooperating Brazilian exporters/producers included in the sample, expressed as a percentage of the cif price at Community-frontier level, are as follows:

— Calsete	3,3 %
— Sama	3,3 %
— Itasider	0 %
— Plantar Siderúrgica SA	0 %
— Sicafe	6,4 %
— Siderúrgica Ita-Min Ltda	0 %.

- (30) As indicated in recital 13, during the investigation it was found that one company in the sample had a close relationship with another company which also produced and sold the product concerned. The first company owned almost half the shares of the second, and both companies have common directors and used the same sales channels. In view of the close relationship between these two companies there was a high risk that anti-dumping measures could be circumvented by channelling exports to the Community through the company with the lower dumping margin if two different margins were established. It was therefore concluded that only one dumping margin, based on the weighted average of the dumping margin found for both, should be established for the two companies.
- (31) The dumping margin for the Brazilian companies which expressed their willingness to cooperate with the Commission's investigation but were not included in the sample was established, according to Article 9(6) of the Basic Decision, on the basis of the weighted average dumping margin found for the companies in the sample, disregarding zero or *de minimis* dumping margins. It was determined at

4,2 %, expressed as a percentage of the cif price at Community-frontier level.

Those companies are:

- Siderúrgica Alterosa Ltda,
- Insivi,
- Interlagos Siderúrgica Ltda,
- Companhia Siderúrgica Lagoa da Prata,
- Metalsider Ltda,
- Companhia Siderúrgica Pitangui,
- Siderpa,
- Siderúrgica Valinho SA,
- Siderúrgica União Bondespachense,
- Viena Siderúrgica do Maranhão SA.

- (32) The dumping margin for the non-cooperating companies, including the company referred to in recital 12, was established on the basis of the facts available, in accordance with Article 18 of the Basic Decision. Given that a comparison of the data concerning exports to the Community provided by all the cooperating Brazilian exporters/producers and the Eurostat statistics indicated a very high level of cooperation, the Commission considered that the most reasonable facts available were those established in the investigation and that, since there was no reason to believe that a non-cooperating exporter-producer had dumped at a lower level than the highest found, the highest dumping margin for an exporter/producer included in the sample was the most appropriate for these purposes. This approach was also considered necessary in order to avoid creating a bonus for non-cooperation. Thus, for non-cooperating exporters/producers in Brazil the dumping margin was determined at 6,5 % expressed as a percentage of the cif price at Community-frontier level.

(b) *Russia and the Ukraine*

- (33) Pursuant to Article 2(11) of the Basic Decision, the weighted average normal value established for Brazil was compared with the weighted average export price for Russia and the Ukraine as determined above.

The dumping margins established for Russia and for the Ukraine were determined to be 2,6 % and 4,0 % respectively, expressed as a percentage of the cif price at Community-frontier level.

(c) *Poland*

- (34) The Commission made a comparison between weighted average normal values and the weighted average export prices of the exporters/producers in accordance with Article 2(11) of the Basic Decision.

The two Polish companies which cooperated with the present anti-dumping proceeding, Zakład Wielkopiecowy Szczecin SPZOO and Huta Szczecin SA, claimed that they were two independent entities. However, it was found that they were closely related since they shared managers and workers, production facilities, offices, and one of the companies holds almost half the shares of the other. In view of the close relationship between the two companies there was a high risk that anti-dumping measures could be circumvented by channelling exports to the Community through the company with the lower dumping margin if two different margins were established. It was therefore concluded that only one dumping margin, based on the weighted average of the dumping found for both, should be established for the two companies. The definitive dumping margin established for these companies, expressed as a percentage of the cif price at Community-frontier level, is as follows:

— Zakład Wielkopiecowy Szczecin SPZOO	12,8 %
— Huta Szczecin SA	12,8 %.

- (35) For any Polish exporter which neither replied to the Commission's questionnaire nor otherwise made itself known, the dumping margin was determined on the basis of the facts available in accordance with Article 18(1) of the Basic Decision. Given that a comparison of the data concerning exports to the Community provided by the cooperating Polish exporters/producers and the Eurostat statistics indicated a very high level of cooperation, the Commission considered, following the approach set out in recital 31, that the dumping margin determined for the cooperating companies was the most appropriate to establish a dumping margin for non-cooperating companies. Thus, for non-cooperating exporters/producers in Poland the dumping margin was fixed at 12,8 % expressed as a percentage of the cif price at Community-frontier level.

(d) *Czech Republic*

- (36) Pursuant to Article 2(11) of the Basic Decision, the weighted average normal value was compared to prices of all export transactions to the Community because it was found that there was a pattern of export prices which differed significantly among regions in the Community. Consequently, a comparison between weighted average normal values and the weighted average export prices

would not have reflected the full degree of dumping being practised.

The definitive dumping margin established for the only cooperating exporter in the Czech Republic, expressed as a percentage of the cif price at Community-frontier level, is as follows:

— Vítkovice as 7,4 %.

- (37) For any Czech exporter which neither replied to the Commission's questionnaire nor otherwise made itself known, the dumping margin was determined on the basis of the facts available in accordance with Article 18(1) of the Basic Decision. Given that a comparison of the data concerning exports to the Community provided by the cooperating Czech exporter and the Eurostat statistics indicated a very high level of cooperation, the Commission considered, following the approach set out in recital 31, that the dumping margin determined for the cooperating company was the most appropriate to establish a dumping margin for non-cooperating companies. Thus, for non-cooperating exporters/producers in the Czech Republic the dumping margin was determined at 7,4 % expressed as a percentage of the cif price at Community-frontier level.

E. COMMUNITY INDUSTRY

- (38) The Commission requested and received information from all producers in the Community. The cooperating producers constitute, therefore, the Community industry within the meaning of Article 4(1) of the Basic Decision.

F. INJURY

1. Preliminary remarks

- (39) For the purposes of analysing injury in the present review investigation, the Commission analysed data relating to the period from 1992 to 31 March 1996. Since the investigation period covered 15 months (1 January 1995 to 31 March 1996) the Commission adjusted the data for this period to 12 months, in order to ensure a proper comparison. The geographical scope of the investigation was the Community composed of 15 Member States. It should be noted, however, that prior to 1995, information relating to certain injury factors (for example, consumption and market share) was extrapolated for the three new Member States (Austria, Finland and Sweden).

2. Cumulation

- (40) The Commission examined whether imports of hematite pig-iron imported from Brazil, Poland, Russia, Ukraine and the Czech Republic should be assessed cumulatively in accordance with Article 3(4) of the Basic Decision.
- (41) The Commission considered that all conditions for the cumulation of imports from the five countries concerned set out in Article 3(4) of the Basic Decision were met, that is the margin of dumping from each exporting country was more than *de minimis*, the volume of imports from each country was not negligible, and a cumulative assessment of the volume of imports was appropriate in the light of the conditions of competition between the imported product and the like Community product. The Commission concluded that hematite pig-iron originating in the five countries concerned is alike in all respects, is interchangeable and is marketed in the Community through comparable sales channels and under similar commercial conditions as the product produced and sold in the Community. The imported hematite pig-iron is considered, therefore, to compete with the like product imported from each country concerned and with hematite pig-iron produced and sold in the Community.

The imports from the five countries concerned were therefore examined cumulatively.

3. Community consumption

- (42) The apparent Community consumption was determined as the sum of sales by the Community industry on the Community market plus imports into the Community from all third countries. While consumption increased overall between 1992 and the investigation period, from 826 961 to 989 622 tonnes, the trend was somewhat erratic from year to year.

4. Volume and market shares of the dumped imports

- (43) The volume of dumped imports from all the countries concerned increased substantially from 441 226 tonnes in 1992 to 746 251 tonnes in the investigation period.
- (44) The Eurostat data on which these findings are based did not distinguish between the imports from the Czech Republic and those from the Slovak Republic until the beginning of 1993. However, available evidence indicates that there is no pig-iron exporter/producer in the Slovak Republic.

In addition, complete segregation by Eurostat of imports from the former USSR did not take place until after 1992.

- (45) The market share of the dumped imports from all countries concerned increased from 53 % in 1992 to 75 % in the investigation period.

5. Prices of the dumped imports

- (46) The weighted average cif prices of all imports increased from 1992 up to the investigation period. The cif prices of the Brazilian and Ukrainian imports were above the minimum price of ECU 149/tonnes from the time of the imposition of provisional measures (January 1994) onwards. The prices of the Polish imports were below the minimum price in 1994 and increased significantly thereafter. The prices of the Russian imports were below the level of the minimum price in 1994 but increased thereafter. As regards the Czech Republic, definitive anti-dumping measures were only imposed in January 1996 and an undertaking accepted from a specified exporter/producer at the level of the minimum price (ECU 149/tonne). Therefore, the measures concerning the Czech Republic had only been in force for less than three months at the end of the investigation period of the present review investigation (31 March 1996).
- (47) In order to determine whether the exporters/producers were undercutting the prices of the Community producers, the Commission compared the weighted average prices of the Community producers on the Community market with the comparable weighted average prices of each exporting country, at a comparable level of trade, that is on an ex-warehouse importer/trader and ex-works Community industry level, customs duty paid, and an allowance in respect of post importation expenses and profit on the basis of the information available. The sales prices of the Community producers considered were those to independent customers and adjusted, where necessary, to ex-works level.
- (48) The results of this comparison revealed the following undercutting margins during the investigation period for each country concerned:
- | | |
|-------------------|-------|
| — Brazil: | 3 % |
| — Poland: | 7 % |
| — Russia: | 4 % |
| — Ukraine: | 7 % |
| — Czech Republic: | 21 %. |

6. Situation of the Community industry

Preliminary remarks

- (49) During the anti-dumping investigation which resulted in measures being imposed on imports of the product concerned originating in Brazil,

Poland, Russia and Ukraine, seven Community producers were active on the market. Five of those producers ceased production since 1993.

Four of those five companies are major Community steel producers, for which the production of hematite pig iron was very much ancillary to their main activity. In the framework of a rationalisation process, those companies decided to concentrate on their major product lines and ceased producing hematite pig iron. For the fifth company the product concerned represented 33 % of its total production and ferro-manganese 67 % (using the same blast furnace). The principle reason for ceasing production was the company's decision to obtain ferro-manganese from other sources and thus discontinue the operation of the blast furnace.

Therefore, at the end of the investigation period of the current review investigation, only two Community producers remained, one of which was in protective administration throughout most of the period considered (from 1992 to September 1995) and was effectively bankrupt. The second company was in a better financial position but nonetheless was loss making.

- (50) Due to the situation described above, the injury factors are described separately for the Community producers as a whole and for the two remaining Community producers.

Production

- (51) Overall production levels of the product concerned decreased from 443 724 tonnes in 1992 to 297 527 in 1994 and to 238 154 tonnes in the investigation period, a decrease of 46 % over the period considered and a decrease of 20 % between 1994 and the investigation period. The closure of production facilities by five Community producers has to be taken into account when viewing the above data.
- (52) For the two remaining Community producers, production decreased from 273 187 tonnes in 1992 to 253 527 in 1994 and to 232 314 tonnes in the investigation period, a decrease of 15 % over the period considered and a decrease of 8 % between 1994 and the investigation period. It should be noted that the company operating under protective administration did not produce the product concerned for the first nine months of the investigation period.

Sales volume of the Community industry

- (53) The sales volume of all Community producers on the Community market decreased from 363 882 tonnes in 1992 to 269 867 in 1994 and to 219 693

tonnes in the investigation period, while the sales volume of the two remaining Community producers decreased from 246 476 tonnes in 1992 to 230 867 in 1994 and to 201 673 tonnes in the investigation period.

Market share

- (54) The development of sales volume compared to that of apparent Community consumption shows that the market share held by the Community producers decreased during the period considered, from 44 % in 1992 to 27 % in 1994 and to 22 % in the investigation period. The market share held by the two remaining producers decreased from 30 % in 1992 to 23 % in 1994 and to 20 % during the investigation period.

Capacity and capacity utilisation

- (55) Due to the closure of production facilities, total production capacity decreased from 1 817 000 tonnes to 991 334 tonnes over the period considered, a decrease of 45 %. The capacity of the two remaining producers remained constant at 890 000 tonnes.
- (56) Capacity utilisation rates are not particularly meaningful due to the closure of facilities and the special situation of the producer under protective administration.

Stocks

- (57) The level of stocks held by the Community producers decreased from 151 485 tonnes in 1992 to 33 207 tonnes in the investigation period. However, those figures are not considered meaningful due to the closure of production facilities and the subsequent sale of stocks held. The level of stocks held by the two remaining producers shows a decline from 43 417 to 33 207 tonnes over the period considered. The producer under protective administration continued to sell from stock for a period of several months during the investigation period, while production had ceased.

Price evolution

- (58) The selling prices of the product concerned over the whole period considered are only available for the two remaining Community producers. The weighted average selling prices of the product concerned sold on the Community market

decreased from ECU 167/tonne in 1992 to ECU 144/tonne in 1993, increased to ECU 158/tonne in 1994, after the introduction of anti-dumping measures, and to ECU 174/tonne in the investigation period. Expressed in percentage terms, the price increase between 1992 and the investigation period is 4 % and the increase between 1993 and the investigation period is 21 %.

Profitability

- (59) Profitability figures are only available for the two remaining companies. The available data shows that the two companies achieved negative, though improving, results throughout the period considered, with weighted average losses of 36 % of turnover in 1992, 19 % in 1994 and 7 % during the investigation period.

Employment

- (60) Employment levels for the two remaining companies decreased from 444 in 1992 to 384 in the investigation period, a decrease of 14 %.

Conclusion on injury

- (61) The investigation has shown that despite the introduction of anti-dumping measures the Community industry experienced the closure of production facilities (although this was mainly due to reasons other than the dumped imports), decreases in production and sales and loss of market share. The Community industry did not recover sufficiently to achieve profits.

G. CAUSATION

1. Preliminary remark

- (62) The Commission had, in Decisions No 1751/94/ECSC and No 55/96/ECSC, established that the Community industry had suffered injury caused by dumped imports originating in Brazil, Poland, Russia, Ukraine and the Czech Republic. In the present review investigation it was necessary to examine whether the imports in question continued to cause material injury to the Community industry.

2. Effects of the dumped imports

- (63) Although a significant increase in the volume of imports from the countries concerned and in their market share occurred between 1992 and the investigation period, the price levels of those imports show, in general, substantial increases after the

imposition of measures in 1994, reaching levels above the minimum price.

- (64) It should be noted that demand in the Community has always been far greater than the ability of the Community producers to supply. At best, before the closure of production facilities, Community producers could supply 45 to 50 % of demand. The Community industry's main concern was about the price levels of the imports from the countries concerned rather than their volume or market share.

- (65) The nature of the Community industry has changed during the period examined, with five producers having ceased producing the product concerned since 1993. While the price of imported hematite pig-iron may have had an influence, the decision of those companies to discontinue producing the product concerned was not primarily determined by the imports under consideration.

- (66) The production of hematite pig-iron is the main source of revenue for the two remaining Community producers. The investigation has shown that, as previously stated, one company was in protective administration throughout most of the period considered and was effectively bankrupt. The company stopped producing the product concerned in January 1995 for a period of nine months.

The second company, although in a better financial position, was nevertheless loss making throughout the period considered, mainly because of very high social costs, due to previous restructuring. A recalculation of the profitability of this company with the elimination of these social costs revealed that, although losses were evident in both 1992 and 1993, the company achieved modest profits in 1994, 1995 and in the investigation period.

3. Conclusion

- (67) In conclusion, during the present review, the Commission has established that the nature of the Community industry has substantially changed with only two producers of hematite pig-iron remaining. The investigation has further shown that the remaining producers were experiencing difficulties before, and throughout, the period considered and continued to have negative, though improving, financial results. However, the difficulties of the Community producers were of a structural nature and existed independently from the dumped imports. Despite a significant increase in the price of the imported product after the imposition of anti-dumping measures, the Community industry remained in difficulty.

- (68) It is, therefore, concluded that the injury suffered by the Community industry is not caused by the dumped imports to any significant degree as it can be largely attributed to factors other than the imports from the countries concerned.

H. COMMUNITY INTEREST

1. Preliminary remarks

- (69) The Commission examined whether or not it is in the Community interest to maintain the measures in force or whether it can be concluded that it is in the interest of the Community to alter or repeal the measures.
- (70) To this end the Commission sent questionnaires to all known interested parties, including the Community industry, importers/traders and the user industry. The Commission received only limited replies from the users and from importers/traders of the product concerned.

2. Interests of the Community industry

(a) *Nature and structure of the Community industry*

- (71) The Community industry essentially transforms raw material (normally iron ore and coke) into hematite pig-iron in a blast furnace at temperatures in excess of 1 000 °C. The liquid iron is then cast into 'pigs' and cooled before storage and subsequent sale. Hematite pig-iron is a basic, low technology, iron product and is itself a raw material used in the manufacture of grey iron castings.
- (72) The Community industry consists of two companies, one located in the north-east of Italy and the second in the north west of Germany. Both companies are relatively small, employing a total of 393 people in the investigation period. Hematite pig-iron is the main product of these companies: it represented approximately 85 % of the turnover of each company in the investigation period.
- (73) Total production of the product concerned in the investigation period was approximately 230 000 tonnes, which were sold almost exclusively on the Community market. At best, the Community

industry can supply approximately 30 % of Community consumption.

(b) *Effects of the maintenance or termination of the measures*

- (74) It has been determined that in view of the nature of the difficulties experienced by the Community producers, it is unlikely that the Community industry could benefit from these measures.
- (75) It should be further stressed that in spite of the imposition of anti-dumping measures and the consequent substantial price increase, the companies which had formerly ceased the production of pig-iron have not resumed this production.

3. Interests of other parties

- (76) In the light of the above conclusions it is not considered necessary to examine further the impact of the measures on other interested parties in this particular case.

I. CONCLUSION

- (77) Given the above findings on injury, causation and Community interest, the anti-dumping proceeding concerning imports of hematite pig iron originating in Brazil, the Czech Republic, Poland, Russia and the Ukraine should be terminated and the measures should be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

The anti-dumping proceeding concerning imports of hematite pig iron originating in Brazil, the Czech Republic, Poland, Russia and the Ukraine is hereby terminated.

Article 2

Decisions No 1751/94/ECSC and No 55/96/ECSC are hereby repealed.

Article 3

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

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

Done at Brussels, 7 May 1998.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 963/98

of 7 May 1998

laying down marketing standards for cauliflowers and artichokes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97⁽²⁾, and in particular Article 2(2) thereof,

Whereas cauliflowers and artichokes are listed in Annex I to Regulation (EC) No 2200/96 as products for which standards must be adopted; whereas Annex II/1 to Council Regulation No 23 of 4 April 1962 on the progressive establishment of a common organisation of the market in fruit and vegetables⁽³⁾, as last amended by Commission Regulation (EC) No 888/97⁽⁴⁾, lays down common quality standards for cauliflowers; whereas Annex I/6 to Commission Regulation No 58⁽⁵⁾, as last amended by Regulation (EC) No 888/97, laying down common quality standards for certain products listed in Annex I B to Regulation No 23 lays down standards for artichokes; whereas those standards no longer reflect market requirements;

Whereas the rules concerned must therefore be redrafted and Regulation No 23 and Annex I/6 to Regulation No 58 repealed, taking account, for the sake of transparency on the world market, of the standards recommended for the products concerned by the United Nations Economic Commission for Europe;

Whereas the application of the standards should eliminate poor quality products from the market, direct production to meet consumer requirements and facilitate trade on the basis of fair competition, so helping to improve profitability;

Whereas the standards are applicable at all marketing stages; whereas long-distance transport storage for a

certain period and the handling which the products undergo may result in some deterioration owing to the products' biological development and perishability; whereas account must be taken of such deterioration when the standards are applied at the marketing stages following dispatch; whereas, since products in the 'Extra' class must be sorted and packed with special care, allowance should be made only for some loss of freshness and turgidity;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The marketing standards for cauliflowers falling within CN code 0704 10, and artichokes falling within CN code 0709 10 00, shall be as set out in Annexes I and II hereto.

2. The standards shall apply at all marketing stages in accordance with the conditions laid down in Regulation (EC) No 2200/96.

At the stages following dispatch, however, the products may show, compared with the standards:

- a slight loss of freshness and turgidity,
- slight deterioration in the case of products in classes other than 'Extra', owing to their development and perishability.

Article 2

Regulation No 23 is hereby repealed and Annex I/6 to Regulation No 58 deleted.

Article 3

This Regulation shall enter into force on 1 July 1998.

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ 30, 20. 4. 1962, p. 965/62.

⁽⁴⁾ OJ L 126, 17. 5. 1997, p. 11.

⁽⁵⁾ OJ 56, 7. 7. 1962, p. 1606/62.

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

Done at Brussels, 7 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

STANDARD FOR CAULIFLOWERS

I. DEFINITION OF PRODUCE

This standard applies to cauliflowers of varieties (cultivars) grown from *Brassica oleracea* L. *convar. botrytis* (L.) Alef. var. *botrytis* to be supplied fresh to the consumer, cauliflowers for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements of cauliflowers after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the heads must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free from any visible foreign matter,
- fresh in appearance,
- practically free from pests,
- practically free from damage caused by pests,
- free from abnormal external moisture,
- free from any foreign smell and/or taste.

The development and condition of the cauliflowers must be such as to enable them:

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Classification

The cauliflowers are classified in three classes defined below:

(i) 'Extra' Class

Cauliflowers in this class must be of superior quality. They must be characteristic of the shape, development and colouring of the variety.

The heads must be:

- well formed, firm, compact,
- of very close texture,
- uniformly white or slightly creamy in colour⁽¹⁾,
- free from defects with the exception of very slight superficial defects, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

In addition, if the cauliflowers are put on sale 'with leaves' or 'trimmed' the leaves must have a fresh appearance.

(ii) Class I

Cauliflowers in this class must be of good quality. They must be characteristic of the variety.

⁽¹⁾ However, the marketing of cauliflowers with a definite violet/purple or green colour is allowed provided they are characteristic of the chosen class.

The heads must be:

- firm,
- of close texture,
- white or ivory or creamy in colour⁽¹⁾,
- free from defects, such as blemishes, protruding leaves in the head, traces of frost, bruising.

Heads may have the following slight defects, provided that these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape or development,
- a slight defect in colouring,
- and a very slight woolliness.

In addition, if the cauliflowers are put on sale 'with leaves' or 'trimmed', the leaves must have a fresh appearance.

(iii) *Class II*

This class includes cauliflowers which do not qualify for inclusion in the higher classes, but satisfy the minimum requirements specified above.

The heads may be:

- slightly deformed,
- slightly loose in texture,
- yellowish in colour⁽¹⁾.

They may have:

- slight traces of sun scorching,
- not more than five pale green leaves,
- a slight woolliness (but not wet or greasy to the touch).

They may also have two for the following defects provided the heads retain their essential characteristics as regards the quality, the keeping quality and presentation:

- slight traces of damage by pests or disease,
- slight superficial damage due to frost,
- slight bruising.

III. PROVISIONS CONCERNING SIZING

Size is determined by the maximum diameter of the equatorial section. The minimum diameter is fixed at 11 cm; the difference in size between the smallest and the largest head in each package may not exceed 4 cm.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) *'Extra' class*

Five per cent by number of cauliflowers not satisfying the requirements of the class but meeting those of Class I or, exceptionally, coming within the tolerances of that class.

(ii) *Class I*

Ten per cent by number of cauliflowers not satisfying the requirements of the class but meeting those of Class II or, exceptionally, coming within the tolerances of that class.

(iii) *Class II*

Ten per cent by number of cauliflowers satisfying neither the requirements of the class nor the minimum requirements, with the exception of produce affected by rotting or any other deterioration rendering it unfit for consumption.

⁽¹⁾ However, the marketing of cauliflowers with a definite violet/purple or green colour is allowed provided they are characteristic of the chosen class.

B. Size tolerances

For all classes: 10 % by number of cauliflowers not satisfying the requirements as regards sizing and the size indicated but conforming to the size immediately below and/or that stated on the package, the minimum diameter for heads in the smallest size grade being 10 cm.

V. PROVISIONS CONCERNING PRESENTATION**A. Uniformity**

The contents of each package must be uniform and contain only cauliflowers of the same origin, commercial type, quality and size. In addition, each package of 'Extra' Class cauliflowers must also be uniformly made up as to colour.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

Cauliflowers must be packed in such a way so as to protect the produce properly.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps, bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Packages must be free of all foreign matter.

C. Presentation

Cauliflowers may be presented:

- (i) *with leaves*: cauliflowers covered with healthy green leaves, sufficient in number and long enough to cover and protect the head entirely. The stalk must be cut off slightly below the protecting leaves;
- (ii) *without leaves*: cauliflowers with all the leaves and the non-edible portion of the stalk removed. At most, there may be five small and tender pale green leaves, untrimmed, close to the head;
- (iii) *trimmed*: cauliflowers with a sufficient number of leaves left on to protect the head. These leaves must be healthy and green and trimmed to not more than 3 cm from the top of the head. The stem must be cut off slightly below the protecting leaves.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

A. Identification

Packer and/or Dispatcher: Name and address or officially issued or accepted code mark. However, in the case where a code mark is used, the reference 'packer and/or dispatcher (or equivalent abbreviations)' has to be indicated in close connection with the code mark.

B. Nature of produce

- 'Cauliflowers', if the contents are not visible from the outside
- Name of the commercial type for violet/purple or green cauliflowers

C. Origin of produce

- Country of origin and, optionally, district where grown, or national, regional or local place name.

D. Commercial specifications

- Class
- Size expressed in minimum and maximum diameters or number of units

E. Official control mark (optional)

ANNEX II

STANDARD FOR ARTICHOKES

I. DEFINITION OF PRODUCE

This standard applies to artichoke heads of varieties (cultivars) grown from *Cynara scolymus* L. to be supplied fresh to the consumer, artichokes for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements of artichokes after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the artichokes must be:

- intact,
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded,
- clean, practically free of any visible foreign matter,
- fresh in appearance, and in particular showing no sign of withering,
- practically free from pests,
- practically free from damage caused by pests,
- free of abnormal external moisture,
- free of any foreign smell and/or taste.

The stems must be cut off cleanly and must not be longer than 10 cm. (This latter provision is not applicable to artichokes packed in bunches, that is made up of a certain number of heads fastened together around the stems, or to artichokes of the variety 'Spinoso').

The development and condition of the artichokes must be such as to enable them:

- to withstand transport and handling, and
- to arrive in satisfactory condition at the place of destination.

B. Classification

Artichokes are classified in three classes defined below:

(i) *'Extra' Class*

Artichokes in this class must be of superior quality. They must be characteristic of the variety and/or commercial type. The central bracts must be well closed, in accordance with the variety.

They must be free from defects with the exception of very slight superficial defects of the skin of the bracts provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

The ducts in the base must show no incipient woodiness.

(ii) *Class I*

Artichokes in this class must be of good quality. They must be characteristic of the variety and/or commercial type. The central bracts must be well closed, in accordance with the variety.

The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- slight defect in shape,
- slight deterioration due to frost (cracks),
- very slight bruising.

The ducts in the base must show no incipient woodiness.

(iii) *Class II*

This class includes artichokes which do not qualify for inclusion in the higher classes but satisfy the minimum requirements specified above. They may be slightly open.

The following defects may be allowed provided the artichokes retain their essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape,
- deterioration due to frost ('nipped' artichokes),
- slight bruising,
- slight staining on the outer bracts,
- incipient woodiness of the ducts in the base.

III. PROVISIONS CONCERNING SIZING

Size is determined by the maximum diameter of the equatorial section of the head.

The minimum diameter is fixed at 6 cm.

The scale given below is compulsory for the 'Extra' Class and Class I and optional for Class II:

- diameter of 13 cm and over,
- diameter from 11 cm up to but excluding 13 cm,
- diameter from 9 cm up to but excluding 11 cm,
- diameter from 7,5 cm up to but excluding 9 cm,
- diameter from 6 cm up to but excluding 7,5 cm.

In addition, a diameter from 3,5 cm up to but excluding 6 cm is allowed for artichokes of the 'Poivrade' type and the 'Bouquet' type.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each package for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) *'Extra' Class*

Five per cent by number of artichokes not satisfying the requirements of the class, but meeting those of Class I or, exceptionally, coming within the tolerances of that class.

(ii) *Class I*

Ten per cent by number of artichokes not satisfying the requirements of the class, but meeting those of Class II or, exceptionally, coming within the tolerances of that class.

(iii) *Class II*

Ten per cent by number of artichokes satisfying neither the requirements of the class nor the minimum requirements, with the exception of produce affected by rotting or any other deterioration rendering it unfit for consumption.

B. Size tolerances

For all classes: 10 % by number of artichokes not satisfying the requirements as regards sizing and the size indicated, but conforming to the size immediately above and/or below that specified, with a minimum of 5 cm in diameter for artichokes classified in the smallest size (6 to 7,5 cm).

No size tolerance is allowed for artichokes of the 'Poivrade' type or 'Bouquet' type.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only artichokes of the same origin, variety or commercial type, quality and size (if sized).

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

The artichokes must be packed in such a way as to protect the produce properly.

The materials used inside the package must be new, clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Packages must be free of all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

A. Identification

Packer and/or Dispatcher: Name and address of officially issued or accepted code mark. However, in the case where a code mark is used, the reference 'packer and/or dispatcher (or equivalent abbreviations)' has to be indicated in close connection with the code mark.

B. Nature of produce

- 'Artichokes', if the contents are not visible from the outside
- Name of the variety for the 'Extra' Class
- 'Poivrade' or 'Bouquet', where appropriate
- 'Spinoso', where appropriate

C. Origin of produce

Country of origin and, optionally, district where grown, or national, regional or local place name.

D. Commercial specifications

- Class
- Number of heads
- Size (if sized) expressed in minimum and maximum diameters of the heads

E. Official control mark (optional)

COMMISSION REGULATION (EC) No 964/98

of 7 May 1998

temporarily suspending the issuing of export licences for certain milk products
and determining what proportion of the amounts covered by pending
applications for export licences may be allocated

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 897/98 ⁽⁴⁾, and in particular Article 8(3) thereof,

Whereas the market in certain milk products is currently subject to uncertainty; whereas licence applications of a speculative nature should be avoided which may lead to distortions of competition between operators and potentially disrupt the continuity of exports of these products for the remainder of the period in question; whereas the issue of export licences for the products involved should be temporarily suspended, and licences for some of these products should not be issued in respect of applications pending,

HAS ADOPTED THIS REGULATION:

Article 1

1. The issue of export licences for milk products referred to in the Annex is hereby suspended for the period 8 to 14 May 1998, excluding licences for destination '970'.
2. Licences shall be issued for milk products referred to as annexed for which applications submitted on 4 May 1998 are still pending and against which licences would have been issued from 11 May 1998.
3. No licences shall be issued for milk products referred to in the Annex for which applications submitted from 5 May 1998 are still pending and against which licences would have been issued from 12 May 1998.

Article 2

This Regulation shall enter into force on 8 May 1998.

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

Done at Brussels, 7 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ L 126, 28. 4. 1998, p. 22.

ANNEX

Product code	Product code	Product code	Product code
0401 10 10 9000	0402 21 99 9700	0402 99 39 9300	0404 90 23 9917
0401 10 90 9000	0402 21 99 9900	0402 99 39 9500	0404 90 23 9919
0401 20 11 9100	0402 29 15 9200	0402 99 91 9000	0404 90 23 9931
0401 20 11 9500	0402 29 15 9300	0402 99 99 9000	0404 90 23 9933
0401 20 19 9100	0402 29 15 9500	0403 10 11 9400	0404 90 23 9935
0401 20 19 9500	0402 29 15 9900	0403 10 11 9800	0404 90 23 9937
0401 20 91 9100	0402 29 19 9200	0403 10 13 9800	0404 90 23 9939
0401 20 91 9500	0402 29 19 9300	0403 10 19 9800	0404 90 29 9110
0401 20 99 9100	0402 29 19 9500	0403 10 31 9400	0404 90 29 9115
0401 20 99 9500	0402 29 19 9900	0403 10 31 9800	0404 90 29 9120
0401 30 11 9100	0402 29 91 9100	0403 10 33 9800	0404 90 29 9130
0401 30 11 9400	0402 29 91 9500	0403 10 39 9800	0404 90 29 9135
0401 30 11 9700	0402 29 99 9100	0403 90 11 9000	0404 90 29 9150
0401 30 19 9100	0402 29 99 9500	0403 90 13 9200	0404 90 29 9160
0401 30 19 9400	0402 91 11 9110	0403 90 13 9300	0404 90 29 9180
0401 30 19 9700	0402 91 11 9120	0403 90 13 9500	0404 90 81 9100
0401 30 31 9100	0402 91 11 9310	0403 90 13 9900	0404 90 81 9910
0401 30 31 9400	0402 91 11 9350	0403 90 19 9000	0404 90 81 9950
0401 30 31 9700	0402 91 11 9370	0403 90 31 9000	0404 90 83 9110
0401 30 39 9100	0402 91 19 9110	0403 90 33 9200	0404 90 83 9130
0401 30 39 9400	0402 91 19 9120	0403 90 33 9300	0404 90 83 9150
0401 30 39 9700	0402 91 19 9310	0403 90 33 9500	0404 90 83 9170
0401 30 91 9100	0402 91 19 9350	0403 90 33 9900	0404 90 83 9911
0401 30 91 9400	0402 91 19 9370	0403 90 39 9000	0404 90 83 9913
0401 30 91 9700	0402 91 31 9100	0403 90 51 9100	0404 90 83 9915
0401 30 99 9100	0402 91 31 9300	0403 90 51 9300	0404 90 83 9917
0401 30 99 9400	0402 91 39 9100	0403 90 53 9000	0404 90 83 9919
0401 30 99 9700	0402 91 39 9300	0403 90 59 9110	0404 90 83 9931
0402 21 11 9200	0402 91 51 9000	0403 90 59 9140	0404 90 83 9933
0402 21 11 9300	0402 91 59 9000	0403 90 59 9170	0404 90 83 9935
0402 21 11 9500	0402 91 91 9000	0403 90 59 9310	0404 90 83 9937
0402 21 11 9900	0402 91 99 9000	0403 90 59 9340	0404 90 89 9130
0402 21 17 9000	0402 99 11 9110	0403 90 59 9370	0404 90 89 9150
0402 21 19 9300	0402 99 11 9130	0403 90 59 9510	0404 90 89 9930
0402 21 19 9500	0402 99 11 9150	0403 90 59 9540	0404 90 89 9950
0402 21 19 9900	0402 99 11 9310	0403 90 59 9570	0404 90 89 9990
0402 21 91 9100	0402 99 11 9330	0403 90 61 9100	2309 10 70 9100
0402 21 91 9200	0402 99 11 9350	0403 90 61 9300	2309 10 70 9200
0402 21 91 9300	0402 99 19 9110	0403 90 63 9000	2309 10 70 9300
0402 21 91 9400	0402 99 19 9130	0403 90 69 9000	2309 10 70 9500
0402 21 91 9500	0402 99 19 9150	0404 90 21 9100	2309 10 70 9600
0402 21 91 9600	0402 99 19 9310	0404 90 21 9910	2309 10 70 9700
0402 21 91 9700	0402 99 19 9330	0404 90 21 9950	2309 10 70 9800
0402 21 91 9900	0402 99 19 9350	0404 90 23 9120	2309 90 70 9100
0402 21 99 9100	0402 99 31 9110	0404 90 23 9130	2309 90 70 9200
0402 21 99 9200	0402 99 31 9150	0404 90 23 9140	2309 90 70 9300
0402 21 99 9300	0402 99 31 9300	0404 90 23 9150	2309 90 70 9500
0402 21 99 9400	0402 99 31 9500	0404 90 23 9911	2309 90 70 9600
0402 21 99 9500	0402 99 39 9110	0404 90 23 9913	2309 90 70 9700
0402 21 99 9600	0402 99 39 9150	0404 90 23 9915	2309 90 70 9800

COMMISSION REGULATION (EC) No 965/98

of 7 May 1998

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

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

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

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

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

Whereas possibilities exist for a quantity of 100 000 tonnes of maize to be exported to certain destinations under invitations to tender issued by the World Food Programme; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95⁽⁵⁾, as last amended by Regulation (EC) No 444/98⁽⁶⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of

cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

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

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

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 May 1998.

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

Done at Brussels, 7 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁶⁾ OJ L 56, 26. 2. 1998, p. 12.

ANNEX

to the Commission Regulation of 7 May 1998 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU / tonne)			(ECU / tonne)		
Product code	Destination (1)	Amount of refund	Product code	Destination (1)	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	—	—	1101 00 15 9100	01	23,00
1001 90 91 9000	—	—	1101 00 15 9130	01	21,75
1001 90 99 9000	03	12,00	1101 00 15 9150	01	20,00
	02	0	1101 00 15 9170	01	18,50
1002 00 00 9000	03	25,00	1101 00 15 9180	01	17,25
	02	35,00	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	40,00	1102 10 00 9500	01	47,50
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	—	— ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1005 90 00 9000	04	31,00 ⁽³⁾	1103 11 10 9900	—	—
	03	21,00	1103 11 90 9200	01	0 ⁽²⁾
	02	—	1103 11 90 9800	—	—
1007 00 90 9000	—	—			
1008 20 00 9000	—	—			

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein,
- 04 Tanzania, Burundi, Republic of Congo (Brazzaville), Democratic Republic of Congo.

(2) No refund is granted when this product contains compressed meal.

(3) Refund fixed under the procedure laid down in Article 7 (4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 100 000 tonnes of maize to be exported to Tanzania, Burundi, the Republic of Congo (Brazzaville) and the Democratic Republic of Congo, under invitations to tender issued by the World Food Programme.

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

COMMISSION REGULATION (EC) No 966/98
of 7 May 1998
concerning tenders notified in response to the invitation to tender for the export
of barley issued in Regulation (EC) No 1337/97

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1337/97 ⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC)

No 1766/92 and on the basis of the tenders notified, to make no award;

Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund or a minimum tax should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 1 to 7 May 1998 in response to the invitation to tender for the refund or the tax for the export of barley issued in Regulation (EC) No 1337/97.

Article 2

This Regulation shall enter into force on 8 May 1998.

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

Done at Brussels, 7 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 1.

COMMISSION REGULATION (EC) No 967/98**of 7 May 1998****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1339/97**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries was opened pursuant to Commission Regulation (EC) No 1339/97 ⁽⁵⁾, as amended by Regulation (EC) No 507/98 ⁽⁶⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 1 to 7 May 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1339/97, the maximum refund on exportation of common wheat shall be ECU 20,94 per tonne.

Article 2

This Regulation shall enter into force on 8 May 1998.

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

Done at Brussels, 7 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 7.

⁽⁶⁾ OJ L 63, 4. 3. 1998, p. 20.

COMMISSION REGULATION (EC) No 968/98**of 7 May 1998****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1773/97**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 1773/97 of 12 September 1997 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾, as last amended by Regulation (EC) No 837/98 ⁽⁶⁾, and in particular Article 8 thereof,

Whereas an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1773/97;

Whereas Article 8 of Regulation (EC) No 1773/97 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid

down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 1 to 7 May 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1773/97, the maximum refund on exportation of oats shall be ECU 44,94 per tonne.

Article 2

This Regulation shall enter into force on 8 May 1998.

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

Done at Brussels, 7 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 250, 13. 9. 1997, p. 1.

⁽⁶⁾ OJ L 119, 22. 4. 1998, p. 14.

COMMISSION REGULATION (EC) No 969/98**of 7 May 1998****fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, as amended by Regulation (EC) No 192/98⁽⁴⁾, and in particular Article 13 (3) thereof,

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

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 1909/97⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

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

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Regulation (EC) No 1516/95⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 May 1998.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁷⁾ OJ L 275, 29. 9. 1987, p. 36.

⁽⁸⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁹⁾ OJ L 147, 30. 6. 1995, p. 49.

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

Done at Brussels, 7 May 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 7 May 1998 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases	1,119 1,007 1,721
1002 00 00	Rye	3,983
1003 00 90	Barley	4,151
1004 00 00	Oats	2,218
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (3): — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — in other cases	 1,929 2,822 1,654 2,547 2,822 1,929 2,822
1006 20	Husked rice: — round grain — medium grain — long grain	 3,178 2,829 2,829
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	 4,100 4,100 4,100
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed)	 1,260 2,200 2,200

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	4,151
1101 00	Wheat or meslin flour: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	1,376
	— in other cases	2,117
1102 10 00	Rye flour	4,750
1103 11 10	Groats and durum wheat meal: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—
	— in other cases	—
1103 11 90	Common wheat groats and spelt: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	1,376
	— in other cases	2,117

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

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

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

COMMISSION REGULATION (EC) No 970/98
of 7 May 1998
on the issue of import licences for garlic originating in China

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97 ⁽²⁾,

Having regard to Council Regulation (EC) No 903/97 of 21 May 1997 concerning a protective measure applicable to imports of garlic from China ⁽³⁾, and in particular Article 1(3) thereof,

Whereas pursuant to Commission Regulation (EEC) No 1859/93 ⁽⁴⁾, as amended by Regulation (EC) No 1662/94 ⁽⁵⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

Whereas Article 1(1) of Regulation (EC) No 903/97, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 1 June 1997 to 31 May 1998;

Whereas, given the criteria laid down in Article 1(2) of that Regulation and the import licences already issued, the quantity applied for on 5 May 1998 is in excess of the

maximum monthly quantity given in the Annex to that Regulation for the month of May 1998; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to applications lodged after 5 May 1998 and before 31 May 1998 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for on 5 May 1998 pursuant to Article 1 of Regulation (EEC) No 1859/93 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,07264 % of the quantity applied for, having regard to the information available to the Commission on 7 May 1998.

For the abovementioned products applications for import licences lodged after 5 May 1998 and before 31 May 1998 shall be refused.

Article 2

This Regulation shall enter into force on 8 May 1998.

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

Done at Brussels, 7 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ L 130, 22. 5. 1997, p. 6.

⁽⁴⁾ OJ L 170, 13. 7. 1993, p. 10.

⁽⁵⁾ OJ L 176, 9. 7. 1994, p. 1.

COMMISSION REGULATION (EC) No 971/98

of 7 May 1998

initiating an investigation concerning the alleged circumvention of the anti-dumping duty imposed by Regulation (EEC) No 3433/91 on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China by imports of the same lighters consigned from Hong Kong, Macao and Taiwan and by imports of certain disposable refillable pocket flint lighters originating in the People's Republic of China and making such imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 905/98 ⁽²⁾, and in particular Articles 13 and 14 thereof,

After consulting the Advisory Committee,

Whereas:

(a) REQUEST

(1) The Commission has received a request pursuant to Article 13(3) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation') to investigate the alleged circumvention of the anti-dumping duty imposed by Council Regulation (EEC) No 3433/91 ⁽³⁾, as last amended by Regulation (EC) No 423/97 ⁽⁴⁾, on imports of gas-fuelled, non-refillable pocket flint lighters (hereinafter also 'disposable lighters') originating in the People's Republic of China. According to the request, the aforementioned anti-dumping duty is allegedly circumvented by:

- (i) imports of disposable lighters originating in the People's Republic of China which have been transhipped via Hong Kong, Macao and Taiwan respectively;
- (ii) imports of disposable lighters originating in the People's Republic of China which, after having been the subject of slight modifications, are declared as refillable and/or refintable lighters although, in practical terms, they are not.

Furthermore, a request was made to make these imports subject to registration by the customs authorities pursuant to Article 14(5) of the Basic

Regulation and where justified, to extend the above anti-dumping duty to them.

(b) APPLICANT

(2) The request was lodged by the European Lighters Manufacturers' Federation on 24 March 1998 on behalf of the following Community producers:

- Bic SA, Clichy Cedex, France,
- Flamagas SA, Barcelona, Spain,
- Tokai Seiki GmbH, Mönchengladbach, Germany.

According to the request, these companies are all manufacturers of disposable lighters and their collective output represents approximately 60 % of the total Community production of the like product.

(c) PRODUCT

(3) The product concerned in the original investigation and in the review investigation (hereinafter 'the previous investigation'), which resulted in an amendment of the anti-dumping duty in force by Council Regulation (EC) No 1006/95 ⁽⁵⁾, was gas-fuelled, non-refillable pocket flint lighters or disposable lighters. Disposable lighters are currently classifiable under CN code ex 9613 10 00. This CN code is given for information only.

As described in more detail below, the request to initiate the current investigation alleges, *inter alia*, that the existing measures are being circumvented by altering disposable lighters originating in the People's Republic of China and the only purpose of these alterations is to cause custom authorities to classify such imported lighters under a customs tariff heading different from that covering disposable lighters.

(d) REGISTRATION

(4) In view of the fact that circumvention is alleged to take place, *inter alia*, by imports of disposable lighters originating in the People's Republic of China which are declared as refillable and/or refintable lighters although in practical terms, they

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 128, 30. 4. 1998, p. 18.

⁽³⁾ OJ L 326, 28. 11. 1991, p. 1.

⁽⁴⁾ OJ L 65, 6. 3. 1997, p. 1.

⁽⁵⁾ OJ L 101, 4. 5. 1995, p. 38.

are not, registration of imports falling within CN code ex 9613 20 90 (refillable lighters) should be limited to lighters with an average free-at-Community-frontier, duty unpaid value per piece of less than ECU 0,5 (low-value lighters). This limitation of registration appears reasonable since it can be assumed that lighters with a price per piece of ECU 0,5 and more are non-disposable.

Registration should also cover imports into the Community of disposable lighters from Hong Kong, Macao and Taiwan.

The purpose of registration is to ensure that, should the anti-dumping duty applicable to imports of disposable lighters originating in the People's Republic of China be extended to imports of altered low-value lighters declared as non-disposable and originating in the People's Republic of China and/or to disposable lighters consigned from Hong Kong, Macao and Taiwan, it may be collected from the date of such registration.

(e) EVIDENCE

- (5) The request contains sufficient *prima facie* evidence, in accordance with the requirements of Article 13 of the Basic Regulation, to indicate that the anti-dumping duty on imports of disposable lighters originating in the People's Republic of China is being circumvented.

- (6) The evidence submitted is as follows:

A. *With regard to imports of disposable lighters allegedly originating in the People's Republic of China which have been transhipped via Hong Kong, Macao or Taiwan:*

- (i) According to the request, there has been a change in the pattern of trade between third countries and the Community resulting from a practice for which there is insufficient due cause or economic justification other than the imposition of the anti-dumping duty.

The request contains evidence, based on Eurostat figures, that direct imports of disposable lighters originating in the People's Republic of China have decreased by more than 70 % between 1994 and 1997 (first nine months of 1997 extrapolated to an annual basis), i.e. after initiation of the previous investigation. These imports appear to have been partially replaced by imports of lighters from Hong Kong, Macao and Taiwan which have more than trebled over the same period.

Allegedly, these latter imports are of Chinese origin and are simply transhipped

through Hong Kong, Macao and Taiwan respectively. This allegation is strengthened by the coincidence in time between the substantial decrease of imports directly from the People's Republic of China and the increase of imports, apparently, from three new origins.

- (ii) Furthermore, the applicant provided evidence that the disposable lighters imported from Hong Kong, Macao and Taiwan respectively are sold at lower prices than those exported from the People's Republic of China to the Community during the investigation period concerning the previous investigation. Therefore, it is alleged that dumping is taking place at an even higher level than was found in the previous investigation and that the remedial effects of the anti-dumping duty are being undermined in terms of prices and quantities of the disposable lighters imported via Hong Kong, Macao and Taiwan respectively.

B. *With regard to alterations in the disposable lighters which causes them to be classified under a different customs tariff heading*

- (i) The request contains evidence that part of the change in the pattern of trade results from the fact that imports of Chinese disposable lighters have been replaced to a large extent by lighters which have been modified in such a way that they appear to be classifiable under the Tariff heading for non-disposable lighters. Imports of so-called non-disposable lighters originating in the People's Republic of China have increased significantly (by more than 400 %) over the period 1994 to 1997 (first nine months of 1997 extrapolated to an annual basis).

The complaint alleges that, in fact, the disposable lighters have been simply altered by the addition of a valve, which should allow for the product to be refilled and, therefore, re-used. However, technical tests show that it is neither practical nor economically viable to refill and re-use these altered lighters. Finally, Community importers do not advertise such lighters as refillable to their buyers.

According to the request, under these circumstances, there is no economic justification for the process of adding a valve to the lighter. The only reason for altering the lighters would be the existence of an anti-dumping duty on imports of disposable lighters originating in the People's Republic of China.

- (ii) Furthermore, the request contains evidence that the remedial effects of the anti-dumping duty are being undermined, in terms of prices and quantities, by imports of the so-called non-disposable lighters, i.e. altered as described above, originating in the People's Republic of China, and that there is dumping in relation to the normal value established in the previous investigation. Indeed, the applicant provided evidence that the so-called non-disposable lighters are sold to the Community at lower prices than the normal values established in the previous investigation. This is despite the addition of a valve which should normally increase production costs and prices.

(f) PROCEDURE

- (7) In the light of the evidence contained in the request, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13(3) of the Basic Regulation, and to make imports of the lighters mentioned in recital 4 subject to registration in accordance with Article 14(5) of the said Regulation.

(i) Questionnaires

- (8) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the exporters and the producer mentioned in the request, and the two exporters as well as the producer in the People's Republic of China who participated in the previous investigation. Information, as appropriate, may also be sought from Community producers and importers.
- (9) Other interested parties which can show that they are likely to be affected by the outcome of the investigation, should request a questionnaire from the Commission within 15 days of the publication of this Regulation in the *Official Journal of the European Communities*. Any request for questionnaires must be made in writing to the address mentioned in Article 3(3), and should indicate the name, address, telephone and fax numbers of the requesting party.

The authorities of the Peoples's Republic of China, Hong Kong, Macao and Taiwan will be notified of the initiation of the investigation and provided with a copy of the questionnaire and the request.

(ii) Certificates of non-circumvention

- (10) In accordance with Article 13(4) of the Basic Regulation, certificates, exempting the imports of the product concerned from registration or measures, may be issued by the customs authorities to importers when the importation does not constitute circumvention.

Since the issue of this certificate requires the prior authorisation of the Community institutions, requests for such authorisations should be addressed to the Commission as early as possible in the course of the investigation so that they may be considered on the basis of a thorough appraisal of their merits.

(g) TIME LIMIT

- (11) In the interest of sound administration, a period should be fixed within which interested parties, provided they can show that they are likely to be affected by the results of the investigation, may make their views known in writing. A period should also be fixed within which interested parties may make a written request for a hearing and show that there are particular reasons why they should be heard.

(h) NON-COOPERATION

- (12) Furthermore, it should be stated that, in cases in which any interested party refuses access to, or otherwise does not provide necessary information within the time limit, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the Basic Regulation, on the basis of the facts available,

HAS ADOPTED THIS REGULATION:

Article 1

An investigation, pursuant to Article 13 of Regulation (EC) No 384/96, is hereby initiated concerning imports into the Community of

- (a) refillable pocket flint lighters falling within CN code ex 9613 20 90 originating in the People's Republic of China; and
- (b) gas-fuelled, non-refillable pocket flint lighters falling within CN code ex 9613 10 00 consigned from Hong Kong, Macao and Taiwan.

Article 2

The customs authorities are hereby directed, pursuant to Articles 13(3) and 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports into the Community of

- (a) refillable pocket flint lighters with a free-at-Community-frontier, duty unpaid value per piece of less than ECU 0,5 falling within CN code ex 9613 20 90 (TARIC code 9613 20 90 10) and originating in the People's Republic of China; and
- (b) gas-fuelled, non-refillable pocket flint lighters falling within CN code ex 9613 10 00 (TARIC code 9613 10 00 10) consigned from Hong Kong, Macao and Taiwan.

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

Imports shall not be subject to registration where they are accompanied by a customs certificate issued in accordance with Article 13(4) of Regulation (EC) No 384/96.

Article 3

1. All interested parties, if their representations are to be taken into account during the investigation, must make themselves known, present their views in writing, submit information and apply to be heard by the Commission within 40 days from the date of publication of this Regulation in the *Official Journal of the European Communities*. This time limit applies to all interested parties, including the parties not named in the request, and it is consequently in the interest of these parties to contact the Commission without delay.

2. Questionnaires should be requested from the Commission within 15 days of publication of this Regula-

tion in the *Official Journal of the European Communities*.

3. Any information relating to the matter, any request for a hearing or for a questionnaire as well as any request for authorisation of certificates of non-circumvention should be sent to the following address:

European Commission,
Directorate-General for External Relations (Unit I-C-1),
DM 24 8/38
Rue de la Loi/Wetstraat 200,
B-1049 Brussels
Fax No: (32 2) 295 65 05.

Article 4

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

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

Done at Brussels, 7 May 1998.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 972/98**of 7 May 1998****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, as amended by Regulation (EC) No 192/98⁽⁴⁾, and in particular Article 13 (3) thereof,

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

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

Whereas Article 4 of Commission Regulation (EC) No 1518/95⁽⁵⁾, as amended by Regulation (EC) No 2993/95⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 147, 30. 6. 1995, p. 55.

⁽⁶⁾ OJ L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 8 May 1998.

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

Done at Brussels, 7 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 7 May 1998 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	39,51	1104 23 10 9100	42,33
1102 20 10 9400 ⁽¹⁾	33,86	1104 23 10 9300	32,45
1102 20 90 9200 ⁽¹⁾	33,86	1104 29 11 9000	17,55
1102 90 10 9100	62,27	1104 29 51 9000	17,21
1102 90 10 9900	42,34	1104 29 55 9000	17,21
1102 90 30 9100	39,92	1104 30 10 9000	4,30
1103 12 00 9100	39,92	1104 30 90 9000	7,06
1103 13 10 9100 ⁽¹⁾	50,80	1107 10 11 9000	30,63
1103 13 10 9300 ⁽¹⁾	39,51	1107 10 91 9000	73,89
1103 13 10 9500 ⁽¹⁾	33,86	1108 11 00 9200	34,42
1103 13 90 9100 ⁽¹⁾	33,86	1108 11 00 9300	34,42
1103 19 10 9000	39,83	1108 12 00 9200	45,15
1103 19 30 9100	64,34	1108 12 00 9300	45,15
1103 21 00 9000	17,55	1108 13 00 9200	45,15
1103 29 20 9000	42,34	1108 13 00 9300	45,15
1104 11 90 9100	62,27	1108 19 10 9200	33,44
1104 12 90 9100	44,36	1108 19 10 9300	33,44
1104 12 90 9300	35,49	1109 00 00 9100	0,00
1104 19 10 9000	17,55	1702 30 51 9000 ⁽²⁾	53,23
1104 19 50 9110	45,15	1702 30 59 9000 ⁽²⁾	40,75
1104 19 50 9130	36,69	1702 30 91 9000	53,23
1104 21 10 9100	62,27	1702 30 99 9000	40,75
1104 21 30 9100	62,27	1702 40 90 9000	40,75
1104 21 50 9100	83,02	1702 90 50 9100	53,23
1104 21 50 9300	66,42	1702 90 50 9900	40,75
1104 22 20 9100	35,49	1702 90 75 9000	55,77
1104 22 30 9100	37,71	1702 90 79 9000	38,71
		2106 90 55 9000	40,75

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

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

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

COMMISSION REGULATION (EC) No 973/98
of 7 May 1998
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

the quantity of cereal products present in the compound feedingstuff;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 May 1998.

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

Done at Brussels, 7 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 7 May 1998 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

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

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	28,22
Cereal products ⁽²⁾ excluding maize and maize products	29,36

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

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

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

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

II

(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT

DECISION OF THE BUREAU OF THE EUROPEAN PARLIAMENT

of 17 April 1998

implementing, as regards the provisions concerning the fee to be paid for the delivery of very large documents, Decision 97/632/ECSC, EC, Euratom of the European Parliament, and in particular Article 3(1) thereof

(98/306/EC, ECSC, Euratom)

THE BUREAU OF THE EUROPEAN PARLIAMENT,

Having regard to the Treaties establishing the European Communities, and in particular Article 142 of the Treaty establishing the European Community,

Having regard to Rule 22(2) of the European Parliament's Rules of Procedure ⁽¹⁾,

Having regard to the Decision 97/632/ECSC, EC, Euratom of the European Parliament of 10 July 1997 on public access to European Parliament documents ⁽²⁾, and in particular Article 3(1) thereof,

Whereas the aforesaid Decision lays down provisions requiring the payment of a fee;

Whereas it is necessary to fix, on a case-by-case basis, charges for other means of transmitting the documents concerned;

Whereas it is necessary to fix translation charges in respect of languages other than official languages of the European Communities,

HEREBY DECIDES:

Article 1

A fee of ECU 10 plus ECU 0,036 per sheet of paper may be required as an advance payment for the delivery of copies of a document on paper exceeding 30 pages.

The amount of the above fee may be reviewed by decision of the Bureau of the European Parliament on a proposal by the Secretary-General.

Charges for other media or forms of transmission shall be determined by the Secretary-General on a case-by-case basis and shall not exceed a reasonable sum.

Published documents shall not be affected by this Decision and shall continue to be available at their published prices.

Article 2

Where translation into a language other than an official language of the European Communities is required in accordance with Article 2(2) of Decision 97/632/ECSC, EC, Euratom, the rate in force within the institution for external translations under the freelance scheme shall be applied.

Article 3

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

Done at Brussels, 17 April 1998.

For the Bureau

The President

José María GIL-ROBLES

⁽¹⁾ OJ L 293, 7. 12. 1995, p. 1.

⁽²⁾ OJ L 263, 25. 9. 1997, p. 27.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 444/98 of 25 February 1998 amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice

(Official Journal of the European Communities L 56 of 26 February 1998)

On page 13, in Article 1(1), category 2:

for: '1108 12 9300',

read: '1108 12 00 9300'.
