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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1965/98
of 9 September 1998**

**imposing a definitive anti-dumping duty on imports of polysulphide polymers
originating in the United States of America and collecting definitively the provi-
sional duty imposed**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Article 9(4) thereof,

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

Whereas:

— Kömmerling Chemische Fabrik GmbH & Co., Pirmasens, Germany,

— Chemetall GmbH, Frankfurt/Main, Germany.

- (5) The parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties and the definitive collection of amounts secured by way of provisional duties. They were also granted a period within which to make representations subsequent to this disclosure.
- (6) The oral and written comments submitted by the interested parties were considered, and, where deemed appropriate, taken into account in the definitive findings.

A. PROCEDURE

- (1) By Regulation (EC) No 617/98⁽²⁾ (hereinafter referred to as the 'provisional duty Regulation') the Commission imposed a provisional anti-dumping duty on imports into the Community of polysulphide polymers (hereinafter referred to as 'PSP') falling within CN code ex 4002 99 90 and originating in the United States of America (hereinafter referred to as 'USA').
- (2) Following the imposition of provisional anti-dumping measures, several interested parties submitted comments in writing.
- (3) The parties who so requested were granted an opportunity to be heard by the Commission.
- (4) The Commission continued to seek and verify all the information it deemed necessary for the purpose of its definitive findings. Verification visits were carried out at the premises of the following industrial users of PSP:

B. PRODUCT CONCERNED AND LIKE PRODUCT

- (7) The exporting producer in the USA requested that solid PSP be excluded from the scope of the present investigation. In this context it should be noted that the complaint lodged by the Community industry and the investigation carried out following this complaint did not distinguish between liquid and solid PSP, nor did it explicitly cover solid PSP. Given the significantly bigger market of liquid PSP and the fact that the Community industry produces only liquid PSP, the investigation carried out was exclusively based on the situation on the United States of America and Community market of liquid PSP.

The provisional duty Regulation, however, did not make a distinction between solid and liquid PSP, and anti-dumping measures were consequently applicable to all PSP. As the investigation carried

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30. 4. 1998, p. 18).

⁽²⁾ OJ L 82, 19. 3. 1998, p. 25.

out after the imposition of provisional measures has shown that solid PSP is a different product in terms of physical and technical characteristics from liquid PSP as a result of a different molecular structure and as it was established that solid PSP could not be converted into liquid PSP, solid PSP is excluded from the scope of the present investigation.

As no other argument has been raised on this subject, the conclusions reached in recital 12 of the provisional duty Regulation are confirmed.

C. DUMPING

1. Normal value

- (8) The exporting producer requested that the normal value be constructed for all PSP product types, since the particular market situation, in accordance with Article 2(3) of Regulation (EC) No 384/96 (hereinafter referred to as 'the basic Regulation'), did not allow for a proper comparison to be made. It claimed that this particular situation resulted from the fact that the product concerned was sold in a variety of market segments in the USA, such as construction, insulating glass sealant, aerospace and automotive, whereas it was predominantly sold in the insulating glass sealant market in the Community. This claim was not accepted since the fact that domestic and export sales are made into different market segments does not in itself constitute a particular market situation in the sense of Article 2(3) of the basic Regulation.
- (9) The exporting producer also claimed that the particular structure of the United States of America PSP market should be taken into account in order to determine the reasonable amount for profit to be used for the construction of normal value. It was claimed that this amount should be based only on this producer's sales on the insulating glass sealant market. This claim had to be rejected since, in accordance with Article 2(6) of the basic Regulation, the amount for profit should be based on actual data pertaining to production and sales, in the ordinary course of trade, of the like product, by the exporting producer under investigation and not to only a part of the production and sales as the producer concerned claimed.
- (10) As no other new arguments have been presented, the remaining findings set out in recitals 13 and 14 of the provisional duty Regulation are confirmed.

2. Export price

- (11) In the absence of new arguments from the exporting producer concerning the establishment of the export price, the provisional findings as set out in recital 15 of the provisional duty Regulation are confirmed.

3. Comparison

- (12) The exporting producer reiterated its request that its export prices in German marks be adjusted to take into consideration the currency conversion factor. This issue was re-examined and since it was established that a sustained movement of the exchange rate of the United States dollar to the German mark has indeed taken place, in accordance with Article 2(10)(j) of the basic Regulation, an adjustment for currency conversions was made to the export price. The adjustment was calculated on the basis that the exporting producer had 60 days to reflect the sustained movement in exchange rates for the transactions in question.

- (13) As no other new arguments concerning the comparison between export price and normal value have been brought forward, the remaining findings set out in recitals 16 and 17 of the provisional duty Regulation are confirmed.

4. Dumping margin

- (14) In the absence of new arguments concerning the determination of the dumping margin, the methodology set out in recitals 19 and 20 of the provisional duty Regulation is confirmed.
- (15) The dumping margin definitively established as a percentage of the cif price at Community frontier level is as follows:

— Morton International Inc., Chicago: 47,5 %.

As this company is deemed to represent 100 % of the US production of the product concerned, the residual dumping margin definitively established is also set at 47,5 %.

D. INJURY

1. Sales prices in the Community market

- (16) With reference to recital 28 of the provisional duty Regulation, it should be pointed out that, on the basis of the information available at that time, it was found, that during the whole period under examination prices charged by the exporting producer in the Community market decreased by 4 % on average. However, after the imposition of

provisional anti-dumping measures, the Commission was able to establish that the exporting producer had failed to list all credit notes issued to Community-based customers and the resulting net sales prices in the detailed transaction listing contained in its reply to the questionnaire. These credit notes reflected the fact that this producer granted significant price discounts.

- (17) Taking into account the net sales prices after adjusting for all the credit notes, the evolution of prices charged by both the Community industry and the exporting producer to certain large Community-based customers within the whole period under examination indicates that, contrary to the price evolution described in recital 28 of the provisional duty Regulation, the exporting producer decreased its prices by more than the Community industry. The decrease in sales prices started in 1996 when the exporting producer lowered its prices by 10 %. In the same year, the Community industry reduced its prices to the same customers by 6 %. At the beginning of 1997, the exporting producer again reduced its prices by a further 6 %, leading to an overall decrease in sales price of 16 %.

2. Price undercutting

- (18) As a rule, the methodology applied by the Commission when calculating price undercutting consists in using the exporting producer's sales prices charged to the first independent customers in the Community market, net of all types of rebates or discounts.

These prices are then compared with the Community industry's relevant selling prices, also net of all types of rebates or discounts. Applying this rule in the present case and in order to ensure a reliable undercutting exercise, sales prices of individual PSP-product types were compared by Member States and on a customer-by-customer basis. It follows that in cases where certain PSP-product types were sold in certain Member States by the exporting producer and not by the Community producer, or vice versa, actual price comparison was not possible — nor would it have been meaningful.

- (19) On the basis of the methodology described above, contrary to the claims made by the exporting producer, no arbitrary selection of transaction has been made. In fact, as much as 70 % of the volume of all transactions made by the exporting producer was compared with up to 90 % of the operations made by the Community industry in the Community market. This is considered to be a high degree of representativeness for the price-undercutting calculation.

- (20) Taking into account the exporting producer's credit notes to Community-based customers reflecting this producer's policy of price discounts, the resulting revised undercutting margins ranged from 0,5 to 36 % depending on the customer, the PSP-product type and the transaction. The average undercutting was found to be 3,7 %.

3. Situation of the Community industry

- (21) The exporting producer claimed that the Commission had failed to establish injury since, during the period under examination, the Community industry's production increased by 5 % and investments were made to increase production capacity by 28 %. The exporting producer also claimed that the Community industry had significantly increased its market share, which was only 4 % in 1988.
- (22) In this respect, it should be noted that the Community industry started its PSP activity in the Community in 1991. It is therefore normal that certain economic indicators such as production, production capacity, sales and market share have overall shown a positive development since 1991. It should also be noted that the volume of consumption increased by 5 % during the period under investigation and that the amount of investments which were necessary to increase production capacity were very limited. Furthermore, the investigation has confirmed that the Community industry's profitability had been highly negative during the whole period under investigation as a result of its highly depressed sales prices.

4. Conclusion

- (23) On the basis of the above, it was considered that the exporting producer had not supplied any evidence demonstrating that the provisional findings with respect to injury (recitals 24 to 45 of the provisional duty Regulation) were not valid. On the contrary, the findings made after the publication of the provisional duty Regulation with respect to export prices indicating that significant price undercutting had taken place, reinforce the provisional findings which are therefore confirmed.

E. CAUSATION OF INJURY

1. Effect of dumped imports on the Community industry

- (24) There are only two suppliers on the Community market. Whereas the Community industry is not able to supply the whole of the Community demand, the exporting producer has a production capacity in excess of Community demand. In addition, there are a few large users on the market who

require a greater volume of PSP than can be delivered by the Community industry. Given this situation and the price policy practised by the exporting producer, it was found that the Community industry faced particular difficulties in price negotiations.

- (25) As a matter of fact, large industrial users are obliged to rely on the exporting producer for a certain amount of their PSP needs. This leads to a situation where there is basically no competition for these volumes in the Community market and the exporting producer is able to obtain higher prices for this part of Community consumption.

The above situation underlines the fact that the true extent of the downward pressure of the Community industry's prices cannot be explained by the relatively low average price undercutting margins determined above. Rather the true extent of the downward pressure is revealed if the determination of price undercutting is limited to that part of the market for which competition existed between the two suppliers. A price undercutting margin on this basis is significantly higher than the one determined on the basis of all imports.

- (26) As a result, the exporting producer was able to maintain and even increase its market share. Although the value of consumption decreased by 1 % from 1994 up to the end of the investigation period, the exporting producer was able to increase its share in the value of the market by 2 %, while at the same time the Community industry's share decreased by 6 %.
- (27) On this basis, it can be concluded that low-priced dumped imports had caused the downward pressure on the Community industry's prices and had therefore caused the Community industry's profit shortfall, thus material injury.

2. Competition from substitute products, evolution of consumption

- (28) According to the exporting producer, the Commission failed to take into account the fact that the product concerned was a separate market within a larger market for alternative polymers. The larger market for alternative polymers had allegedly had a significant influence on the demand and prices for PSP, as users could easily switch from PSP to other polymers when PSP prices rose above a certain threshold. Certain PSP users claimed that the demand for polyurethane-based sealant, the main PSP competitor, had allegedly increased its share of

the Community sealant market from 9 to 12 % during the period under examination.

- (29) Despite this alleged increase in consumption for substitute products, it was concluded that competition therefrom had had a very limited impact, if any, on the situation of the Community industry. Although consumption of polyurethane-based sealant increased by 3 %, volume-wise PSP consumption increased more. Moreover, substitute products would only affect the consumption of PSP if the latter's price was increased above a certain threshold. The decreasing level of PSP prices indicated that this did not occur. Furthermore, the switch from PSP to other polymer-based sealant necessitates substantial investments, the recovery of which is likely to cause a substantial increase in the price of the sealant compounds using polymers other than PSP.
- (30) The exporting producer questioned the provisionally established development of Community PSP-consumption claiming that the market showed signs of steady growth from 1994 up to the end of the investigation period (March 1997). It was further argued that the loss of 20 % of the Community industry's sales value in 1996 was the result of a brief downturn in the construction industry.
- (31) In this respect it should be noted that to claim that there had been steady growth in PSP-consumption, that there was competition from substitute products and that the decrease in sales made by the Community industry was due to a brief downturn in the construction industry is contradictory. In actual fact, the investigation showed that the overcapacity in the glass insulation industry, the main market for PSP in the Community, had led to slight down- and upturns in consumption, as the evolution of consumption from 1994 to March 1997 indicates. However, it was considered that the market conjuncture, being equal for all the operators in the market, should have had similar effects on all of them.
- (32) The investigation has shown that this was not the case. Despite the downturn in the sales of the Community industry in 1996, the exporting producer's sales volume increased by 8 % and its sales value by 6 % in 1996 compared to 1995, its market share increased by 5 % in terms of volume and by 6 % in terms of value. These performances coincided with a decrease in the Community industry's market share both in terms of volume (– 16 %) and value (– 25 %).

- (33) Contrary to the exporting producer's statement, the decrease of 20 % in the value of sales made by the Community industry between 1994 and 1996 could not be attributed to the downturn in the construction industry. The evolution of consumption was positive between 1994 and 1996. Moreover, the investigation confirmed the findings set out in recital 34 of the provisional duty Regulation, namely that a major customer had not ordered any PSP from the Community industry in 1996 and preferred to rely entirely on low-priced supplies from the exporting producer.
- (34) Consequently, the Community industry's share of the Community market in 1996, both in terms of volume and value, was at its lowest. Market share in terms of volume recovered only at the end of the investigation period, whereas, as a result of the exporting producer's pricing policy, at the end of the investigation period as compared to 1994, 6 % of the value of the market had been lost. In addition, considering that consumption increased by 5 % or 838 tonnes during that period, the exporting producer obtained the major part of the new orders, namely around three-quarters.

3. Conclusion

- (35) The claims made by the exporting producer on the cause of the material injury to the Community industry were not considered to be founded. On the contrary, the continued investigation has revealed that price undercutting was more harmful because of the price policy applied by the exporting producer to Community-based users. Therefore, in the absence of any new material arguments in connection with the findings in recitals 47 to 61 of the provisional duty Regulation, the provisional conclusion that high volumes of low-priced dumped PSP had caused material injury to the Community industry is confirmed and that any possible negative effects that may have existed as a result of changes in the consumption are not such as to break the causal link.

F. COMMUNITY INTEREST

1. Community industry

- (36) Some interested parties argued that the Community producer was found to be competitive and viable and that even if no anti-dumping measures were imposed, this producer would not stop

the production of PSP in view, in particular, of the investments made and the positive developments expected in the Community market.

- (37) The investigation has shown that market conditions were not sound during the period under examination. Resale prices were lower than the relative costs of production and the accumulation of financial losses could not be sustained indefinitely by the Community industry. In the present case, despite its structural viability and competitiveness, the Community industry, being the minor player in the Community market, would be in a position to benefit from any improvement in the market situation only if effective competition conditions were restored.

2. Consequences for employment

- (38) Importers related to the exporting producer also argued that the Commission had failed to consider the impact of imposing anti-dumping measures on their business which was comparable to the Community industry's business.
- (39) During the whole period under investigation it was found that the number of people employed by the Community industry who were directly involved in the production and sale of PSP had decreased by 7 %. In the light of recitals 67 and 68 of the provisional duty Regulation, it was concluded that the consequences on employment of not taking measures would not be confined solely to a reduction in direct employment but would also make a considerable number of jobs uncertain in other related businesses.

On the other hand it is recalled that the measures proposed are not such as to close the Community market to the exporting producer. Therefore it is considered that employment in related sales companies in the Community, which in any event is lower than that of the Community industry, would not be unduly affected.

3. Interest of Community users

- (40) The importers related to the exporting producer claimed that users considered that the impact of anti-dumping measures on their costs and prices would be negative and that the fragile balance that existed between PSP and substitute products would be affected.

(41) The investigation has shown that the price level above which users may be likely to switch from PSP to alternative polymers is determined by the following factors: technically PSP is the most adequate polymer for insulating glass; it is easily workable and very reliable as a sealant for such applications, the PSP layer which is necessary to insulate glass requiring around 25 % less volume than alternative products such as polyurethane.

As a result, only if current PSP prices were increased by more than 20 % is it likely that consumption of PSP would be affected.

(42) Moreover, as stated in recital 29 above, substantial investments would be necessary to produce other polymer-based sealant compounds in order to replace PSP and this would certainly cause an increase in their resale price in the Community market. Therefore, it is considered that the level of the measures proposed is not such as to cause a switch from PSP to other polymers.

(43) As far as the impact of the anti-dumping duties on the users' activities is concerned, it was considered that the negative impact of these measures should be viewed in the light of the higher price level prevailing in the Community market when it was supplied by a single supplier, namely the exporting producer.

On the one hand, it is not foreseeable that the price level in the Community will increase by the full amount of the anti-dumping duty, as the Community industry would also benefit from an increase in its sales volume.

On the other hand, as indicated above, the possible return to a monopoly situation in the Community market, based on the experience gained since the entry into the market of the Community producer, would also have negative effects on sales prices. Such a situation may be encountered again should the Community industry be forced to leave this market as a result of injurious dumping by the exporting producer.

(44) On the basis of the above facts and considerations, it is considered that, in spite of the imposition of anti-dumping measures, the presence of two suppliers in the Community market would be largely beneficial to users in the long term.

(45) Among the comments received from users was one which argued that the imposition of anti-dumping duties would lead to an increase in their prices and thus endanger their competitiveness not only in the Community but also in the export markets such as Asia. As far as the Community market is concerned, it was claimed that anti-dumping duties will put certain users in an advantageous position compared to others, since anti-dumping duties will affect more those who relied on higher supplies from the exporting producer. This is particularly true for the main user in the Community market. Consequently, it was claimed that competition among users will be distorted.

(46) As far as the first argument is concerned, it should be recalled that anti-dumping duties cannot affect the competitiveness of exports to third countries. Indeed, anti-dumping duties are either not due when the product in question is imported under the inward processing regime or are reimbursed when it is re-exported as such or incorporated into another product. The fact that this would constitute an additional administrative burden cannot be considered as a valid argument against the imposition of anti-dumping duties.

As far as the dependence on imported PSP is concerned, it is considered that the decision of a user to rely more on one source of supply was taken according to individual interest regardless of any anti-dumping considerations. Therefore such an individual decision cannot provide guidance for assessing the general interest of users.

(47) It was also claimed that the imposition of anti-dumping duties could result in a product shortage with the main supplier, the exporting producer, retreating from the market or reverting to the sale of the end product incorporating PSP. It is considered that the first possibility seems extremely improbable: the Community market is the exporting producer's largest market. As to the second argument, it seems possible that the exporting producer might revert to the sale of the end product independently from the imposition of duties on PSP. However, there is no indication that the exporting producer has sufficient production capacity to supply the largest worldwide market, namely the Community market, with PSP based sealant mainly intended for glass insulation applications.

4. Conclusion

- (48) As apart from the above assessed arguments and claims, no new evidence and claims were received in connection with the Community interest investigation, it is confirmed that no compelling reasons have been found which would indicate that it is not in the Community interest to impose anti-dumping measures in the present proceeding.

G. ANTI-DUMPING MEASURES

1. Injury elimination level

- (49) The definitive measures should be such as to prevent further injury being caused to the Community industry by dumped imports from the USA. The injury margins established with reference to recitals 82 and 83 of the provisional duty Regulation were thus re-calculated in the light of the new findings concerning the exporting producer's resale prices in the Community market.
- (50) With reference to recital 82 of the provisional duty Regulation, it was still considered that the amount of duty necessary to remove the effects of injurious dumping should raise the prices of imports to a level corresponding to one at which the Community industry would be able to cover its costs of production and obtain a reasonable profit on sales.
- (51) The exporting producer argued that the target profit of 9 % used in the injury elimination calculation at the provisional stage had not been adequately justified and that the calculations had been based on an arbitrarily selected sample of transactions which favoured the conclusion that the exporting producer had been underselling. The values used in some transactions had been underestimated, with the result that the Commission arrived at an inflated injury margin.
- (52) It is considered that this minimum profit margin permits the Community industry to cover its needs when making long-term investments and enables it to recover from the accumulation of losses in the last few years. Moreover, this is a reasonable rate of return which the Community industry could expect in the absence of injurious dumping. Given the absence of any evidence to demonstrate that the target profit was too high and given that it was far below the profit margin that the exporting producer considered as reasonable to apply when constructing normal value in the USA, the target profit of 9 % is confirmed. As far as the alleged selection of sales transactions is concerned, the same argument has been put forward concerning the determination of price undercutting and has been answered in recital 19 above.

- (53) Accordingly, injury elimination levels determined on a PSP product-type basis were compared with the selling prices of corresponding PSP product types originating in the USA at industrial user level, taking due account of all discounts. The positive difference, expressed as a percentage of the cif, net Community frontier value of the transactions compared, was found to be 13,2 %.

2. Level and form of the anti-dumping measures

- (54) Based on the above conclusions on dumping, injury, causal link and Community interest, it was considered what form and level of anti-dumping measures would have to be taken in order to remove the trade-distorting effects of injurious dumping and to restore effective competitive conditions to the Community market.

1. Level of the anti-dumping measure

- (55) Since the injury margin determined was lower than the dumping margin found, in accordance with Article 9(4) of the basic Regulation, the former was used in order to determine the level of the measures.

2. Undertakings

- (56) After final disclosure was made, the exporting producer offered a price undertaking. This offer has been examined and it was found that the price increases offered in the price undertaking were not such as to remove the injury caused to the Community industry and therefore did not meet the requirements of Article 8(1) of the basic Regulation. Moreover, it is considered that given the duopolistic supply structure of the Community market, price undertakings are not appropriate. Furthermore, PSP originating in the USA is imported in a variety of types and packaging and is also sold to Community-based customers under different sales conditions which significantly affect the import and resale prices. This renders the monitoring of a price undertaking almost impractical and unmanageable.

Based on the foregoing, the Commission therefore decided, after consultation, that the price undertaking offered could not be accepted. The Commission has informed the exporting producer accordingly.

3. Definitive anti-dumping duty

- (57) On the above basis, definitive measures, in the form of an *ad valorem* duty of 13,2 %, should be imposed on imports of PSPs originating in the USA.

H. COLLECTION OF THE PROVISIONAL DUTIES

- (58) In view of the magnitude of the dumping margins found for the exporting producers and in the light of the seriousness of injury caused to the Community industry, it is considered necessary that the amounts secured by way of provisional anti-dumping duties for transactions involving the product concerned should be definitively collected,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of liquid polysulphide polymers originating in the United States of America. The product as described falls within CN code ex 4002 99 90 (TARIC code 4002 99 90 * 11).

Solid polysulphide polymers falling within CN code ex 4002 99 90 (TARIC code 4002 99 90 * 19) are not within the scope of this Regulation.

2. For the purpose of this Regulation, the rate of duty applicable to the net free-at-Community-frontier price before duty shall be 13,2 %.

Article 2

The amount provisionally secured by Regulation (EC) No 617/98 shall be definitively collected unless it was secured for imports of solid polysulphide polymers, in which case it shall be released.

Article 3

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

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

Done at Brussels, 9 September 1998.

For the Council

The President

W. SCHÜSSEL

COMMISSION REGULATION (EC) No 1966/98
of 16 September 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 1498/98 ⁽²⁾, and in particular Article 4 (1) thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 September 1998.

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

Done at Brussels, 16 September 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 16 September 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	060	117,9
	999	117,9
0709 90 70	052	98,6
	999	98,6
0805 30 10	388	74,6
	512	81,0
	524	73,5
	528	69,8
	999	74,7
0806 10 10	052	88,3
	064	54,3
	400	156,1
	624	101,9
	999	100,2
0808 10 20, 0808 10 50, 0808 10 90	388	51,9
	400	59,7
	508	42,5
	512	82,9
	524	31,2
	528	86,6
	800	199,9
	804	67,4
	999	77,8
	052	88,9
0808 20 50	064	57,1
	388	90,6
	528	81,6
	999	79,5
	052	91,1
0809 30 10, 0809 30 90	999	91,1
	052	54,7
0809 40 05	060	46,4
	064	59,2
	066	72,0
	068	50,8
	093	70,4
	400	86,6
	624	180,7
	999	77,6

⁽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 1967/98

of 16 September 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1148/98⁽²⁾,

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

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

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

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

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

whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

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

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

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

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 16 September 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,49	0,19	—
1703 90 00 ⁽¹⁾	7,83	0,00	—

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

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

COMMISSION REGULATION (EC) No 1968/98

of 16 September 1998

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 1 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

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

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽³⁾, as amended by Regulation (EC) No 3290/94 ⁽⁴⁾; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽⁵⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their

sucrose content and, accordingly, be fixed per 1 % of the said content;

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁶⁾, as last amended by Regulation (EC) No 150/95 ⁽⁷⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁸⁾, as last amended by Regulation (EC) No 961/98 ⁽⁹⁾;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 September 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 89, 10. 4. 1968, p. 3.

⁽⁴⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽⁵⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁶⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ L 135, 8. 5. 1998, p. 5.

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

Done at Brussels, 16 September 1998.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 16 September 1998 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	44,52 ⁽¹⁾
1701 11 90 9910	43,13 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	44,52 ⁽¹⁾
1701 12 90 9910	43,13 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4840
	— ECU/100 kg —
1701 99 10 9100	48,40
1701 99 10 9910	48,40
1701 99 10 9950	48,40
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4840

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

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

COMMISSION REGULATION (EC) No 1969/98
of 16 September 1998

fixing the maximum export refund for white sugar for the seventh partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1574/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1574/98 of 22 July 1998 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1574/98 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the seventh partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1574/98 the maximum amount of the export refund is fixed at ECU 51,534 per 100 kilograms.

Article 2

This Regulation shall enter into force on 17 September 1998.

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

Done at Brussels, 16 September 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 206, 23. 7. 1998, p. 7.

COMMISSION REGULATION (EC) No 1970/98
of 15 September 1998
establishing unit values for the determination of the customs value of certain
perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1677/98 ⁽⁴⁾, and in particular Article 173 (1) thereof,

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 September 1998.

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

Done at Brussels, 15 September 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ L 17, 21. 1. 1997, p. 1.

⁽³⁾ OJ L 253, 11. 10. 1993, p. 1.

⁽⁴⁾ OJ L 212, 30. 7. 1998, p. 18.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	31,78 189,84 291,96	438,85 209,13 1 286,54	62,37 24,92 21,91	237,75 61 612,52	10 776,92 70,37	5 296,96 6 393,25
1.30	Onions (other than seed) 0703 10 19	a) b) c)	15,13 90,38 139,00	208,93 99,56 612,50	29,69 11,86 10,43	113,19 29 332,83	5 130,73 33,50	2 521,81 3 043,73
1.40	Garlic 0703 20 00	a) b) c)	90,62 541,32 832,52	1 251,36 596,32 3 668,55	177,83 71,05 62,49	677,94 175 686,81	30 730,15 200,66	15 104,18 18 230,21
1.50	Leeks ex 0703 90 00	a) b) c)	39,59 236,49 363,71	546,69 260,52 1 602,71	77,69 31,04 27,30	296,18 76 753,92	13 425,36 87,67	6 598,70 7 964,40
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	75,84 453,03 696,74	1 047,27 499,06 3 070,22	148,83 59,46 52,29	567,37 147 032,52	25 718,10 167,93	12 640,71 15 256,88
1.70	Brussels sprouts 0704 20 00	a) b) c)	59,69 356,56 548,37	824,25 392,78 2 416,42	117,14 46,80 41,16	446,55 115 722,20	20 241,48 132,17	9 948,89 12 007,96
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	142,62 851,94 1 310,24	1 969,43 938,50 5 773,66	279,88 111,81 98,34	1 066,95 276 500,25	48 363,87 315,81	23 771,33 28 691,15
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 632,90 973,35	1 463,05 697,19 4 289,15	207,92 83,06 73,06	792,62 205 407,38	35 928,70 234,61	17 659,32 21 314,17
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	57,59 344,02 529,07	795,25 378,97 2 331,40	113,02 45,15 39,71	430,84 111 650,88	19 529,34 127,52	9 598,87 11 585,50
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	152,67 911,98 1 402,57	2 108,20 1 004,63 6 180,51	299,60 119,69 105,27	1 142,14 295 984,38	51 771,92 338,06	25 446,42 30 712,93
1.120	Endives ex 0705 29 00	a) b) c)	21,82 130,34 200,46	301,31 143,58 883,33	42,82 17,11 15,05	163,24 42 302,87	7 399,38 48,32	3 636,87 4 389,57
1.130	Carrots ex 0706 10 00	a) b) c)	42,68 254,95 392,10	589,36 280,85 1 727,81	83,76 33,46 29,43	319,29 82 744,57	14 473,21 94,51	7 113,73 8 586,02
1.140	Radishes ex 0706 90 90	a) b) c)	173,89 1 038,74 1 597,51	2 401,23 1 144,27 7 039,55	341,24 136,33 119,90	1 300,89 337 124,02	58 967,84 385,05	28 983,29 34 981,80
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	291,77 1 742,90 2 680,47	4 029,02 1 919,97 11 811,67	572,57 228,74 201,19	2 182,75 565 660,33	98 942,12 646,08	48 631,06 58 695,95

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	97,80 584,21 898,48	1 350,51 643,56 3 959,22	191,92 76,67 67,44	731,65 189 606,82	33 164,96 216,56	16 300,91 19 674,62
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	81,22 485,17 746,16	1 121,56 534,46 3 288,01	159,39 63,68 56,00	607,61 157 462,84	27 542,51 179,85	13 537,42 16 339,19
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 942,26 1 449,14	2 178,22 1 037,99 6 385,76	309,55 123,67 108,77	1 180,07 305 813,69	53 491,21 349,29	26 291,47 31 732,87
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	515,08 3 076,85 4 732,00	7 112,69 3 389,44 20 851,88	1 010,80 403,82 355,17	3 853,35 998 595,90	174 668,78 1 140,56	85 851,47 103 619,67
1.200.2	— other ex 0709 20 00	a) b) c)	208,81 1 247,33 1 918,32	2 883,44 1 374,06 8 453,21	409,77 163,70 143,98	1 562,12 404 824,12	70 809,56 462,37	34 803,62 42 006,73
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	65,70 392,46 603,58	907,24 432,33 2 659,72	128,93 51,51 45,30	491,51 127 373,90	22 279,53 145,48	10 950,61 13 217,00
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	38,40 229,38 352,78	530,26 252,69 1 554,54	75,36 30,11 26,48	287,27 74 446,85	13 021,82 85,03	6 400,36 7 725,00
1.230	Chantarelles 0709 51 30	a) b) c)	412,85 2 466,17 3 792,82	5 701,00 2 716,72 16 713,32	810,18 323,67 284,68	3 088,56 800 400,55	140 001,56 914,19	68 812,19 83 053,86
1.240	Sweet peppers 0709 60 10	a) b) c)	58,60 350,05 538,35	809,20 385,61 2 372,29	115,00 45,94 40,41	438,39 113 608,99	19 871,85 129,76	9 767,21 11 788,68
1.250	Fennel 0709 90 50	a) b) c)	73,55 439,35 675,70	1 015,64 483,99 2 977,51	144,34 57,66 50,72	550,23 142 592,86	24 941,54 162,86	12 259,02 14 796,20
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	81,84 488,87 751,86	1 130,12 538,54 3 313,11	160,60 64,16 56,43	612,25 158 664,84	27 752,76 181,22	13 640,76 16 463,92
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	140,29 838,03 1 288,83	1 937,25 923,17 5 679,33	275,31 109,99 96,74	1 049,52 271 983,03	47 573,74 310,65	23 382,98 28 222,42
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	105,20 628,42 966,46	1 452,70 692,26 4 258,79	206,45 82,48 72,54	787,01 203 953,34	35 674,37 232,95	17 534,32 21 163,29

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	149,08 890,53 1 369,59	2 058,63 981,01 6 035,18	292,56 116,88 102,80	1 115,28 289 024,38	50 554,52 330,11	24 848,06 29 990,72
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	120,27 718,44 1 104,91	1 660,80 791,43 4 868,87	236,02 94,29 82,93	899,75 233 169,85	40 784,76 266,32	20 046,12 24 194,96
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	40,93 244,50 376,02	565,20 269,34 1 656,96	80,32 32,09 28,22	306,20 79 351,81	13 879,77 90,63	6 822,05 8 233,97
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamou- tis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	42,25 252,38 388,15	583,43 278,02 1 710,40	82,91 33,12 29,13	316,08 81 910,92	14 327,40 93,56	7 042,06 8 499,52
2.60.3	— Others 0805 10 50	a) b) c)	46,21 276,04 424,53	638,11 304,08 1 870,71	90,68 36,23 31,86	345,70 89 588,25	15 670,27 102,32	7 702,10 9 296,16
2.70	Mandarins (including tangerines and satsu- mas), fresh; clementines, wilkings and simi- lar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	42,90 256,26 394,12	592,40 282,30 1 736,71	84,19 33,63 29,58	320,94 83 171,09	14 547,82 94,99	7 150,40 8 630,28
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	44,72 267,14 410,84	617,53 294,28 1 810,39	87,76 35,06 30,84	334,55 86 699,56	15 165,00 99,02	7 453,75 8 996,41
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	50,93 304,23 467,89	703,29 335,14 2 061,79	99,95 39,93 35,12	381,01 98 739,01	17 270,87 112,78	8 488,81 10 245,69
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	60,72 362,71 557,83	838,48 399,56 2 458,12	119,16 47,60 41,87	454,25 117 719,08	20 590,76 134,45	10 120,57 12 215,16
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	156,54 935,10 1 438,12	2 161,65 1 030,10 6 337,18	307,20 122,73 107,94	1 171,09 303 487,23	53 084,28 346,63	26 091,46 31 491,46
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	26,13 156,09 240,05	360,83 171,95 1 057,82	51,28 20,49 18,02	195,48 50 658,75	8 860,94 57,86	4 355,24 5 256,62
2.90.2	— pink ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	57,24 341,92 525,86	790,42 376,66 2 317,24	112,33 44,88 39,47	428,22 110 972,33	19 410,66 126,75	9 540,53 11 515,09
2.100	Table grapes ex 0806 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	20,31 121,32 186,59	280,46 133,65 822,21	39,86 15,92 14,00	151,94 39 375,40	6 887,32 44,97	3 385,19 4 085,80
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	52,88 315,88 485,80	730,21 347,97 2 140,73	103,77 41,46 36,46	395,60 102 519,51	17 932,14 117,09	8 813,83 10 637,98
2.120.2	— other ex 0807 19 00	a) b) c)	100,78 602,01 925,86	1 391,66 663,17 4 079,86	197,77 79,01 69,49	753,94 195 384,20	34 175,51 223,16	16 797,61 20 274,11
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.160	Cherries 0809 20 05 0809 20 95	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.170	Peaches 0809 30 90	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.180	Nectarines ex 0809 30 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.190	Plums 0809 40 05	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a) b) c)	152,83 912,93 1 404,04	2 110,41 1 005,68 6 186,99	299,92 119,82 105,38	1 143,33 296 294,58	51 826,18 338,42	25 473,09 30 745,12
2.205	Raspberries 0810 20 10	a) b) c)	341,59 2 040,50 3 138,16	4 716,98 2 247,80 13 828,52	670,34 267,80 235,54	2 555,46 662 247,36	115 836,58 756,39	56 934,85 68 718,34
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	218,02 1 302,35 2 002,93	3010,62 1 434,66 8 826,06	427,84 170,93 150,33	1 631,03 422 679,73	73 932,76 482,77	36 338,70 43 859,52
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 10 0810 50 20 0810 50 30	a) b) c)	132,74 792,93 1 219,47	1 832,99 873,48 5 373,69	260,49 104,07 91,53	993,04 257 345,69	45 013,46 293,93	22 124,57 26 703,57

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a)	156,12	2 155,85	306,37	1 167,95	52 941,85	26 021,46
		b)	932,59	1 027,33	122,40	302 672,97	345,70	31 406,97
		c)	1 434,26	6 320,17	107,65			
2.240	Khakis (including sharon fruit) ex 0810 90 85	a)	307,49	4 246,10	603,42	2 300,36	104 272,93	51 251,20
		b)	1 836,80	2 023,41	241,07	596 137,01	680,88	61 858,38
		c)	2 824,89	12 448,06	212,03			
2.250	Lychees ex 0810 90 30	a)	262,86	3 629,81	515,84	1 966,48	89 138,45	43 812,45
		b)	1 570,20	1 729,73	206,08	509 611,94	582,06	52 880,07
		c)	2 414,87	10 641,31	181,25			

COMMISSION REGULATION (EC) No 1971/98
of 16 September 1998

amending Regulation (EC) No 1579/98 increasing to 229 608 tonnes the quantity of rye held by the Danish intervention agency for which a standing invitation to tender for export has been opened

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 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 2193/96 ⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 1579/98 ⁽⁵⁾, as last amended by Regulation (EC) No 1792/98 ⁽⁶⁾, opened a standing invitation to tender for the export of 200 000 tonnes of rye held by the Danish intervention agency; whereas Denmark informed the Commission of the intention of its intervention agency to increase by 29 608 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of rye held by the Danish intervention agency for which a standing invitation to tender for export has been opened should be increased to 229 608 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store;

whereas Annex I to Regulation (EC) No 1579/98 must therefore be amended;

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

Regulation (EC) No 1579/98 is hereby amended as follows:

1. Article 2 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 229 608 tonnes of rye to be exported to all third countries.

2. The regions in which the 229 608 tonnes of rye are stored are stated in Annex I to this Regulation.

2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 16 September 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ L 293, 16. 11. 1996, p. 1.

⁽⁵⁾ OJ L 206, 23. 7. 1998, p. 21.

⁽⁶⁾ OJ L 228, 15. 8. 1998, p. 22.

*ANNEX**'ANNEX I**(tonnes)*

Place of storage	Quantity
Sjælland	25 600
Jylland	192 115
Fyn	11 893'

COMMISSION REGULATION (EC) No 1972/98
of 16 September 1998
fixing the import duties in the rice sector

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾,

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 September 1998.

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

Done at Brussels, 16 September 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 189, 30. 7. 1996, p. 71.

⁽⁴⁾ OJ L 194, 23. 7. 1997, p. 2.

ANNEX I

Import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾ ⁽⁷⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	83,41	121,01		188,03
1006 10 23	(7)	83,41	121,01		188,03
1006 10 25	(7)	83,41	121,01		188,03
1006 10 27	(7)	83,41	121,01		188,03
1006 10 92	(7)	83,41	121,01		188,03
1006 10 94	(7)	83,41	121,01		188,03
1006 10 96	(7)	83,41	121,01		188,03
1006 10 98	(7)	83,41	121,01		188,03
1006 20 11	258,46	86,12	124,89		193,85
1006 20 13	258,46	86,12	124,89		193,85
1006 20 15	258,46	86,12	124,89		193,85
1006 20 17	253,42	84,36	122,37	3,42	190,07
1006 20 92	258,46	86,12	124,89		193,85
1006 20 94	258,46	86,12	124,89		193,85
1006 20 96	258,46	86,12	124,89		193,85
1006 20 98	253,42	84,36	122,37	3,42	190,07
1006 30 21	465,02	150,36	217,60		348,77
1006 30 23	465,02	150,36	217,60		348,77
1006 30 25	465,02	150,36	217,60		348,77
1006 30 27	(7)	160,51	232,09		370,50
1006 30 42	465,02	150,36	217,60		348,77
1006 30 44	465,02	150,36	217,60		348,77
1006 30 46	465,02	150,36	217,60		348,77
1006 30 48	(7)	160,51	232,09		370,50
1006 30 61	465,02	150,36	217,60		348,77
1006 30 63	465,02	150,36	217,60		348,77
1006 30 65	465,02	150,36	217,60		348,77
1006 30 67	(7)	160,51	232,09		370,50
1006 30 92	465,02	150,36	217,60		348,77
1006 30 94	465,02	150,36	217,60		348,77
1006 30 96	465,02	150,36	217,60		348,77
1006 30 98	(7)	161,51	232,09		370,50
1006 40 00	(7)	49,58	72,38		114,00

(1) The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

(2) In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

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

(4) The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

(5) No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

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

(7) Duties fixed in the Common Customs Tariff.

(8) The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	253,42	(¹)	258,46	465,02	(¹)
2. Elements of calculation:						
(a) Arag cif price (ECU/tonne)	—	315,20	333,61	335,43	378,43	—
(b) fob price (ECU/tonne)	—	—	—	309,63	352,63	—
(c) Sea freight (ECU/tonne)	—	—	—	25,80	25,80	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1973/98
of 16 September 1998
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾, and in particular Article 3 (3) thereof,

Whereas Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72⁽³⁾, as last amended by Regulation (EEC) No 2962/77⁽⁴⁾;

Whereas Article 3 (3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 3 (4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market; whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period; whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 3 (3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender; whereas the tendering procedure should cover the amount of the

refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 3 (3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 961/98⁽⁸⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September 1998.

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 78, 31. 3. 1972, p. 1.

⁽⁴⁾ OJ L 348, 30. 12. 1977, p. 53.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 135, 8. 5. 1998, p. 5.

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

Done at Brussels, 16 September 1998.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 16 September 1998 fixing the export refunds on olive oil
(*ECU/100 kg*)

Product code	Amount of refund (¹)
1509 10 90 9100	6,00
1509 10 90 9900	0,00
1509 90 00 9100	5,50
1509 90 00 9900	0,00
1510 00 90 9100	0,00
1510 00 90 9900	0,00

(¹) For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ L 351, 14. 12. 1987, p 1), as well as for exports to third countries.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 1974/98
of 16 September 1998

fixing the maximum export refunds for olive oil for the 19th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 1978/97⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EC) No 1978/97 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the abovementioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 19th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 September 1998.

Article 2

This Regulation shall enter into force on 17 September 1998.

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

Done at Brussels, 16 September 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 278, 11. 10. 1997, p. 7.

ANNEX

to the Commission Regulation of 16 September 1998 fixing the maximum export refunds for olive oil for the 19th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 9100	—
1509 10 90 9900	—
1509 90 00 9100	—
1509 90 00 9900	—
1510 00 90 9100	—
1510 00 90 9900	—

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 1975/98**of 16 September 1998****altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular Article 17 (5) thereof,

Whereas the rates of the refunds applicable from 1 September 1998 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 1873/98 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 1873/98 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1873/98 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September 1998.

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

Done at Brussels, 16 September 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 242, 1. 9. 1998, p. 21.

ANNEX

to the Commission Regulation of 16 September 1998 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,57	10,17
— in all other cases	43,80	48,40
Raw sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,12	9,36
— in all other cases	40,30	44,53
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	$\frac{5,57^{(1)} \times S^{(1)}}{100}$	$\frac{10,17^{(1)} \times S^{(1)}}{100}$
— in all other cases	$\frac{43,80^{(1)} \times S^{(1)}}{100}$	$\frac{48,40^{(1)} \times S^{(1)}}{100}$
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion:	the rate fixed above for 100 kg of white or raw sugar used for the dissolution	
Molasses	—	—
Isoglucose ⁽²⁾		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,57 ⁽³⁾	10,17 ⁽³⁾
— in all other cases	43,80 ⁽³⁾	48,40 ⁽³⁾

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

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

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

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

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

COMMISSION REGULATION (EC) No 1976/98

of 16 September 1998

altering the corrective amount applicable to the refund on cereals

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (8) thereof,

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 1784/98⁽³⁾, as last amended by Regulation (EC) No 1887/98⁽⁴⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 961/98⁽⁸⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of amended Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September 1998.

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

Done at Brussels, 16 September 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 227, 14. 8. 1998, p. 11.

⁽⁴⁾ OJ L 244, 3. 9. 1998, p. 16.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 135, 8. 5. 1998, p. 5.

ANNEX

to the Commission Regulation of 16 September 1998 altering the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination ⁽¹⁾	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2	6th period 3
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	0	0	0	—	—
1002 00 00 9000	01	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	03	0	-25,00	-25,00	-25,00	-25,00	—	—
	02	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	0	0	—	—
1101 00 15 9130	01	0	0	0	0	0	—	—
1101 00 15 9150	01	0	0	0	0	0	—	—
1101 00 15 9170	01	0	0	0	0	0	—	—
1101 00 15 9180	01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	0	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	-1,50	-3,00	-4,50	-6,00	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:

01 all third countries

02 other third countries

03 United States of America, Canada and Mexico.

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 1977/98
of 16 September 1998
altering the export refunds on syrups and certain other sugar sector products
exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾, and in particular Article 17 (5) thereof,

Whereas the refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 1870/98 ⁽³⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 1870/98 to the information at present available to the Commis-

sion that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, as fixed in the Annex to Regulation (EC) No 1870/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September 1998.

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

Done at Brussels, 16 September 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 242, 1. 9. 1998, p. 15.

ANNEX

to the Commission Regulation of 16 September 1998 altering the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 9100	48,40 ⁽²⁾
1702 60 10 9000	48,40 ⁽²⁾
1702 60 80 9100	91,96 ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 95 9000	0,4840 ⁽¹⁾
	— ECU/100 kg dry matter —
1702 90 30 9000	48,40 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,4840 ⁽¹⁾
1702 90 71 9000	0,4840 ⁽¹⁾
1702 90 99 9900	0,4840 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 9000	48,40 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,4840 ⁽¹⁾

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

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

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

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

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

COMMISSION REGULATION (EC) No 1978/98
of 16 September 1998
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2092/97⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 1867/98⁽⁵⁾, as last amended by Regulation (EC) No 1886/98⁽⁶⁾;

Whereas Article 2, (1,) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1867/98,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1867/98 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 17 September 1998.

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

Done at Brussels, 16 September 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 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

⁽⁵⁾ OJ L 242, 1. 9. 1998, p. 8.

⁽⁶⁾ OJ L 244, 3. 9. 1998, p. 13.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	48,10	38,10
1001 90 91	Common wheat seed	61,24	51,24
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	61,24	51,24
	medium quality	89,30	79,30
	low quality	102,61	92,61
1002 00 00	Rye	106,98	96,98
1003 00 10	Barley, seed	106,98	96,98
1003 00 90	Barley, other ⁽³⁾	106,98	96,98
1005 10 90	Maize seed other than hybrid	111,70	107,67
1005 90 00	Maize other than seed ⁽³⁾	111,70	107,67
1007 00 90	Grain sorghum other than hybrids for sowing	111,70	107,83

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

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

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

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

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

ANNEX II

Factors for calculating duties

(for 15 September 1998)

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	103,08	90,69	83,33	71,45	127,50 ⁽¹⁾	68,18 ⁽¹⁾
Gulf premium (ECU/tonne)	—	3,97	— 1,97	5,69	—	—
Great Lakes premium (ECU/tonne)	10,84	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 10,78 per tonne; Great Lakes — Rotterdam: ECU 19,14 per tonne.
3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96 : ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).