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Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EC) No 192/1999 of 25 January 1999 extending the definitive 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 to imports of certain disposable refillable pocket flint lighters originating in the People's Republic of China or consigned from or originating in Taiwan and to imports of non-refillable lighters consigned from or originating in Taiwan, and terminating the proceeding in respect of imports of non-refillable lighters consigned from Hong Kong and Macao** 1
- ★ **Council Regulation (EC) No 193/1999 of 25 January 1999 amending Regulation (EC) No 1015/94 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan**..... 10
- ★ **Council Regulation (EC) No 194/1999 of 25 January 1999 imposing definitive anti-dumping duties on imports of hardboard originating in Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia and definitively collecting the provisional duties imposed** 16
- Commission Regulation (EC) No 195/1999 of 28 January 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables 33
- Commission Regulation (EC) No 196/1999 of 28 January 1999 fixing the export refunds on milk and milk products 35
- Commission Regulation (EC) No 197/1999 of 28 January 1999 on the issuing of system B export licences for fruit and vegetables 43

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(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Contents (continued)

Commission Regulation (EC) No 198/1999 of 28 January 1999 fixing the corrective amount applicable to the refund on cereals	45
Commission Regulation (EC) No 199/1999 of 28 January 1999 fixing the export refunds on malt	47
Commission Regulation (EC) No 200/1999 of 28 January 1999 fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 1078/98	49
Commission Regulation (EC) No 201/1999 of 28 January 1999 fixing the maximum export refund on rye in connection with the invitation to tender issued in Regulation (EC) No 1746/98	50
Commission Regulation (EC) No 202/1999 of 28 January 1999 fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1079/98	51
Commission Regulation (EC) No 203/1999 of 28 January 1999 fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 2007/98	52
Commission Regulation (EC) No 204/1999 of 28 January 1999 fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2004/98	53
Commission Regulation (EC) No 205/1999 of 28 January 1999 fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2849/98	54
Commission Regulation (EC) No 206/1999 of 28 January 1999 fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2850/98	55
Commission Regulation (EC) No 207/1999 of 28 January 1999 concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1564/98	56
Commission Regulation (EC) No 208/1999 of 28 January 1999 amending representative prices and additional duties for the import of certain products in the sugar sector	57
Commission Regulation (EC) No 209/1999 of 28 January 1999 on the issue of import licences for rice against applications submitted during the first 10 working days of January 1999 pursuant to Regulation (EC) No 327/98	59
Commission Regulation (EC) No 210/1999 of 28 January 1999 fixing the export refunds on products processed from cereals and rice	61
Commission Regulation (EC) No 211/1999 of 28 January 1999 fixing the export refunds on cereal-based compound feedingstuffs	63
Commission Regulation (EC) No 212/1999 of 28 January 1999 fixing production refunds on cereals and rice	65
Commission Regulation (EC) No 213/1999 of 28 January 1999 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.....	66

II *Acts whose publication is not obligatory*

Council

1999/70/EC:

- ★ **Council Decision of 25 January 1999 concerning the external auditors of the national central banks** 69

Commission

1999/71/EC:

- ★ **Commission Decision of 6 January 1999 accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of hard-board originating in Bulgaria, Estonia, Latvia, Lithuania and Poland and terminating the proceeding without measures in respect of such imports originating in Brazil (*notified under document number C(1998) 4533*)** 71

1999/72/EC:

Commission Decision of 22 January 1999 suspending the buying-in of butter in certain Member States (*notified under document number C(1999) 162*) 74

Corrigenda

- ★ **Corrigendum to Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on *in vitro* diagnostic medical devices (OJ L 331 of 7.12.1998)** 75

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 192/1999
of 25 January 1999**

extending the definitive 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 to imports of certain disposable refillable pocket flint lighters originating in the People's Republic of China or consigned from or originating in Taiwan and to imports of non-refillable lighters consigned from or originating in Taiwan, and terminating the proceeding in respect of imports of non-refillable lighters consigned from Hong Kong and Macao

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 13 thereof,

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

Whereas:

A. PROCEDURE

1. Existing measures

- (1) By Regulation (EEC) No 3433/91⁽²⁾, the Council imposed an anti-dumping duty of 16,9 % on imports of gas-fuelled, non-refillable pocket flint lighters (hereinafter referred to as 'disposable, non-refillable flint lighters') originating in the People's Republic of China. This duty was based on the dumping margin found.
- (2) In November 1993, the Commission received a request for a review, pursuant to Article 14 of Regulation (EEC) No 2423/88⁽³⁾, of these measures, lodged by the European Federation of Lighter Manufacturers (EFLM), alleging that there had been an increase in the dumping margin and, consequently, further injury. The ensuing investigation resulted in a finding of a dumping margin of

80,3 % and the imposition, by Regulation (EC) No 1006/95⁽⁴⁾, of a specific anti-dumping duty on imports of disposable non-refillable flint lighters from the People's Republic of China of ECU 0,065 per piece, (hereinafter referred to as the 'existing measures').

2. Request for the initiation of a circumvention investigation

- (3) On 24 March 1998, a request was lodged by the EFLM, concerning the circumvention of the existing measures (hereinafter referred to as 'the request'). According to the request, the anti-dumping duty is allegedly circumvented through a change in the pattern of trade between the People's Republic of China, Hong Kong, Macao and Taiwan, on the one hand, and the Community, on the other, stemming from the following practices for which there is insufficient economic justification other than the imposition of the duty:
 - imports of disposable, non-refillable flint lighters originating in the People's Republic of China, transhipped via Hong Kong, Macao and Taiwan respectively,
 - imports of disposable, non-refillable flint 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 flint lighters although, in practical terms, they are not.

⁽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 326, 28. 11. 1991, p. 1. Regulation as last amended by Regulation (EEC) No 423/97 (OJ L 65, 6. 3. 1997, p. 1).

⁽³⁾ OJ L 209, 2. 8. 1988, p. 1.

⁽⁴⁾ OJ L 101, 4. 5. 1995, p. 38.

- (4) Furthermore, a request was made to make these imports subject to registration by the customs authorities pursuant to Article 14(5) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation') and where justified, to extend the above anti-dumping duty to them.
- (5) The request contained sufficient *prima facie* evidence, in accordance with the requirements of Article 13 of the Basic Regulation, to initiate an investigation into the alleged circumvention of the existing measures. Therefore, by Regulation (EC) No 971/98⁽¹⁾, the Commission commenced an investigation.

B. INVESTIGATION

- (6) The Commission advised the representatives of the People's Republic of China, Hong Kong, Macao and Taiwan of the initiation of the investigation. Questionnaires were sent to Community importers and exporters who were mentioned in the request, as well as to exporters known from the previous investigation and other interested parties who came forward within the prescribed time limit. Replies to the questionnaires were received from one producer in Macao and its related exporter, one importing group with related purchasing companies located in, and exporting from, the Far East and three unrelated importers.

- (7) The Commission carried out verification visits at the premises of the following companies:

Producer

— Fábrica de Isqueiro Macau Lda (FDI) — Macao,

Related exporters

— Gladstrong Investments Limited — Hong Kong (related to FDI),

— Pollyflame Concept (HK) Ltd — Hong Kong (purchasing company for Polly Concept Group Europe),

Importer

— Heinz Tröber GmbH & Co — Germany.

- (8) The investigation period was from 1 January 1997 to 31 March 1998.

C. RESULTS OF THE INVESTIGATION

1. PEOPLE'S REPUBLIC OF CHINA

1.1. Practice at issue

- (9) The request alleged that producers of pocket flint lighters in China have added a refill valve to the basic disposable flint lighter, in order for it to be classified as a refillable flint lighter for customs

purposes and thereby fall under a different CN code which is not subject to the existing measures. It was further alleged that these lighters (hereinafter referred to as 'disposable, refillable flint lighters') are not, in practice, sold or used as refillable.

1.2. Like product

- (10) The disposable, refillable flint lighters from China were identical in all respects to the disposable, non-refillable flint lighters in the preceding investigation, except for the addition of a refill valve which was determined to be an ineffectual addition for a lighter which in practice was perceived and treated by consumers as disposable (see recitals 16 to 21). It was therefore determined that these were alike to the lighters subject to the existing measures.

1.3. Change in the pattern of trade

- (11) No data was received from lighter producers or exporters in the People's Republic of China. However, information was obtained from one cooperating importer which purchased disposable, refillable flint lighters during the investigation period and from a Hong Kong company, related to the cooperating producer in Macao, which exported them to the Community. Together, they accounted for 15 % of the total refillable flint lighter imports from the People's Republic of China to the Community during the investigation period. Given this low degree of cooperation, the change in the pattern of trade was examined by reference to Eurostat figures.

- (12) According to Eurostat, imports into the Community of refillable flint lighters from the People's Republic of China have increased substantially from 22,8 million units in 1994 to 144 million units in 1997. At the same time, imports of disposable, non-refillable lighters from the People's Republic of China decreased from 133,5 million units in 1994 to 6,8 million units in 1997.

- (13) Part of the imports of refillable flint lighters consist of refillable lighters which are clearly not disposable. However, the sharply declining average unit price, from ECU 0,37 in 1993 to ECU 0,19 in 1994 and to ECU 0,10 in 1997 provides strong evidence that disposable, refillable flint lighters represent the

⁽¹⁾ OJ L 135, 8. 5. 1998, p. 38.

vast majority of imports from 1994 onwards. Furthermore, this 1997 average price is even lower than the average unit price of disposable, non-refillable flint lighters from China in the same year.

- (14) This evolution of quantities and prices coincided in time with the start of the review investigation on Chinese disposable, non-refillable flint lighters at the end of 1993⁽¹⁾, and the imposition of a higher dumping duty in 1995.

1.4. Insufficient due cause or economic justification

- (15) The Commission examined whether the addition of a valve to the basic disposable flint lighter could be sufficiently justified for any reasons other than the avoidance of the existing anti-dumping duty. In examining this issue, it considered the following evidence.

- (16) There was a major change in the overall structure of imports of flint lighters, both refillable and non-refillable, into the Community during the period 1994 to 1997. Whereas in 1994 imports of Chinese refillable flint lighters accounted for only 7,6 % of total imports of flint lighters, by 1997 this share had increased to 44,2 %. Over the same period disposable, non-refillable flint lighter imports from the People's Republic of China decreased from 45,0 % to 2,1 % of total imports of flint lighters. This substitution of refillable flint lighters for non-refillable flint lighters did not arise in respect of imports into the Community from any other third country.

- (17) Total imports of flint lighters into the Community have remained relatively stable between 1994 and 1997 despite the high increase in the proportion of imports of disposable, refillable flint lighters during the same period. According to comments received from interested parties, total Community consumption of flint lighters (i.e. both refillable and non-refillable) appears to have remained relatively stable throughout this period. There is a strong likelihood that if the disposable, refillable flint lighters were actually being refilled, the total consumption of flint lighters would have decreased.

- (18) According to the samples obtained by the Commission from cooperating parties, the flints in disposable, refillable lighters are no longer than the flints in disposable, non-refillable lighters. There-

fore, the flint would, generally, require replacement if the lighter was refilled. However, the Commission found that, on the one hand, the flints were not readily available in all areas of the Community, while on the other, it was generally not practical, and often impossible, for an ordinary consumer to change the flint.

- (19) Notwithstanding the reservations above, for the average Community consumer, the maximum theoretical cost saving from refilling disposable, refillable flint lighters (taking into account the cost of gas containers) would be negligible (about ECU 2 per year). In these circumstances, it is unlikely that the Community consumer would be persuaded to go through the impractical process of flint replacement and refilling.

- (20) The results of tests performed by a customs authority and opinions expressed by several interested parties indicated that the disposable, refillable flint lighters could not always be refilled, and often failed to function properly even for the duration of one gas tank. Furthermore, they are often not sold with refilling instructions and warnings as required by the international standard for lighter safety, ISO 9994.

- (21) For marketing purposes, for example packaging, brochures and advertising, the disposable, refillable flint lighters are generally not distinguished from disposable, non-refillable flint lighters, and their distribution channels are identical.

- (22) The above points confirm the comments received from exporters and importers of disposable, refillable flint lighters that, in normal circumstances, Community consumers would not refill the disposable, refillable flint lighters.

- (23) The disposable, refillable flint lighters under investigation correspond to one of the earliest Japanese models of disposable, non-refillable flint lighters, adopted by Chinese manufacturers about 10 years ago. The basic design incorporates a plastic tank body. The Chinese producers have not attempted to introduce any additional features or improvements on this basic design, except for a child security mechanism for the US market (required by regulation since 1995) and the refill valve for the Community market.

⁽¹⁾ OJ C 343, 21. 12. 1993, p. 10.

- (24) In view of the above, no due cause or economic justification was found, for the addition of the refill valve to the basic disposable flint lighter, other than the imposition of the existing measures.

1.5. Undermining of the remedial effect of the existing measures

- (25) As indicated in the previous section, Chinese disposable, refillable flint lighters are competing in the disposable segment of the Community lighter market. Indeed, as shown above, the vast majority of these imports cannot be, and are not, used as refillable lighters.
- (26) In terms of quantities, total imports of Chinese refillable flint lighters accounted for about 25 % of estimated Community consumption and about 50 % of total imports of flint lighters during the investigation period. This was comparable to the proportions of Chinese disposable, non-refillable flint lighters consumed and imported in 1994 (i.e. immediately before the imposition of the increased duty following a full review covering dumping, injury and Community interest). Thus, a clear substitution pattern is shown, since the total import volume of refillable and non-refillable flint lighters from the People's Republic of China has remained at about the same level.
- (27) In terms of prices, the average import price, customs duty paid, for disposable, refillable flint lighters, reported by cooperating companies during the investigation period was ECU 0,047, while the equivalent price for all refillable flint lighters based on Eurostat figures was ECU 0,095. Despite the fact that the latter price is significantly higher than that established for cooperating parties, as it also includes genuinely refillable flint lighters, it is comparable to the dumped and injurious customs duty paid import price established for disposable, non-refillable flint lighters in the previous investigation (ECU 0,081). Furthermore, both import prices established in the current investigation are significantly lower than the import price of ECU 0,146 which was the price determined in the previous investigation at which the injurious effects of dumping would have been eliminated.

- (28) It can, therefore, be concluded that disposable, refillable flint lighter imports significantly undermine, both in terms of quantities and of prices, the remedial effects of the anti-dumping duty imposed on disposable, non-refillable flint lighters originating in the People's Republic of China.

1.6. Evidence of dumping

- (29) The average fob Chinese frontier export price of disposable refillable flint lighters from the two cooperating companies, referred to in recital 11, during the investigation period was ECU 0,044. The average cif Community border import price based on Eurostat figures for all Chinese refillable (disposable and non-disposable) flint lighters during the same period was ECU 0,094 which is equivalent to ECU 0,092 on a fob Chinese frontier basis. Both of these fob values are substantially below the normal value of ECU 0,144 established in the previous investigation and there is therefore clear evidence of dumping.

1.7. Conclusion

- (30) In these circumstances, the existing measures should be extended to disposable, refillable flint lighters originating in the People's Republic of China.
- (31) The existing measures should not be extended to all refillable lighters, but only to those which are clearly like disposable, non-refillable flint lighters. A value threshold, together with a physical description (i.e. plastic tank body), seems the most appropriate approach to define these lighters.
- (32) The investigation has shown that disposable, refillable flint lighters are being imported into the Community at an average cif price of ECU 0,046. However, it would not be appropriate to set the threshold below the normal value established in the previous investigation (adjusted to a cif Community frontier basis) which was lower than the injury threshold.
- (33) Accordingly, the existing duty should be extended to disposable, refillable flint lighters with a plastic tank body, falling within CN code ex 9613 20 90, imported from the People's Republic of China, with a free-at-Community frontier, duty unpaid value per piece of less than EUR 0,15.

2. TAIWAN

2.1. Practice at issue

- (34) The request alleged that imports of disposable, non-refillable flint lighters from Taiwan are circumventing the existing measures. The request submitted that there is no production of disposable, non-refillable flint lighters in Taiwan and therefore, that any such imports, into the Community, registered by Eurostat, consists of disposable, non-refillable lighters originating in the People's Republic of China which have been incorrectly declared as being of Taiwanese origin. This allegation was examined in the light of the provisions of Article 13(1) of the Basic Regulation.
- (35) At the outset, it is recalled that no company from Taiwan cooperated in the investigation, despite the fact that 29 questionnaires were sent to Taiwanese exporters and that the Taiwanese authorities were duly informed. The transactions reported by cooperating importers during the investigation period did not include any imports consigned from Taiwan. One importer came forward during the investigation claiming that there was production of the product concerned in Taiwan. The importer did not, however, give any details about his supplier, not even the name. The importer was requested to fill in a questionnaire but subsequently no response was received.
- (36) In the course of the investigation, the Commission examined Taiwanese export statistics of disposable non-refillable flint lighters. According to these statistics, during the investigation period, Taiwanese exports accounted for approximately half of the Community imports from Taiwan as shown in Eurostat.
- (37) In these circumstances, it was concluded, in accordance with Article 18 of the Basic Regulation, that the imports from Taiwan which could not be accounted for by Taiwanese export statistics, should be considered as being of People's Republic of China origin and transhipped through Taiwan. In this context, it should be noted that there was evidence of falsified certificates of origin relating to disposable lighters allegedly from the People's Republic of China which were wrongly declared to be of Taiwanese origin included in the complainants' request.
- (38) As far as the remaining imports from Taiwan are concerned, determinations also had to be made on the basis of the facts available, in accordance with Article 18 of the Basic Regulation. The statement

from the importer referred to above pointed to the existence of one producer of lighters in Taiwan. However, in the course of the investigation, cooperating parties indicated that, to their knowledge, there is no genuine production of disposable non-refillable flint lighters in Taiwan except, perhaps, for sale in the domestic market. Furthermore, they commented that production of this type of lighter, for export, is no longer economical in Taiwan, and that all exporting Taiwanese lighter manufacturers have moved their production of disposable non-refillable flint lighters to the People's Republic of China. On the basis of the foregoing, the Commission concluded that these other imports from Taiwan had also been transhipped through this country but were originating in the People's Republic of China. In this context it should also be noted that even if there is some production of lighters in Taiwan, there is no indication as to what proportion of exports that production would represent and furthermore, given that no producer in Taiwan co-operated during the investigation, it is considered that any production operation in Taiwan, examined with regard to the criteria of Article 13(2) of the Basic Regulation, would be circumventing the existing measures.

2.2. Change in the pattern of trade

- (39) Eurostat figures show that imports of disposable, non-refillable flint lighters from Taiwan increased from 7,5 million units in 1994 to 37 million units in 1995. This period covers basically the time from the initiation of the review investigation until the imposition of the substantially increased anti-dumping duty on imports from the People's Republic of China. Subsequently, imports from Taiwan decreased to 33 million units in 1996 and they further decreased to 16 million units in 1997. Taiwan's own export statistics show a similar evolution pattern, although, as indicated above, they only account for approximately half of the imports reported by Eurostat. At the same time, and as indicated above, import volumes of disposable, non-refillable flint lighters from the People's Republic of China decreased from 133,5 million units in 1994 to 6,8 million units in 1997.
- (40) There was, therefore, a change in the pattern of trade between Taiwan, the People's Republic of China and the Community, i.e. imports of disposable, non-refillable flint lighters from the People's Republic of China have been partially replaced by imports of such lighters from Taiwan.

2.3. Insufficient due cause or economic justification

(41) As mentioned above, the sharp increase in imports of disposable, non-refillable flint lighters from Taiwan, on the one hand, and a decrease in imports from the People's Republic of China, on the other, immediately followed the introduction of a significantly increased anti-dumping duty on imports of such lighters from the People's Republic of China, in May 1995.

(42) In view of the comment from cooperating parties that increasing production costs have rendered production of disposable, non-refillable flint lighters uncompetitive in Taiwan, and in the absence of any other information in this respect, it was concluded that there was no economic justification or due cause for the change in the pattern of trade other than the imposition of the existing measures.

2.4. Undermining of the remedial effect of the existing measures

(43) In the absence of information from cooperating parties, average unit values based on Eurostat figures were used, yielding an average import price, adjusted to a duty paid basis of ECU 0,098 from Taiwan for the investigation period. This is comparable to the equivalent dumped import price from the People's Republic of China found in the previous investigation (ECU 0,081). It is also substantially lower than the price in the previous investigation at which the injurious effects of dumping would have been eliminated, i.e. ECU 0,146. It should be noted that import prices from Taiwan were significantly lower than this in the period 1994 to 1996, and reached their lowest average level (ECU 0,038) in 1995.

(44) With regard to quantities, according to Eurostat, during the investigation period, imports from Taiwan represented 2,5 % of the total Community disposable flint lighter market, and 4,8 % of total imports (including Chinese refillable flint lighters) as compared to 0,3 % and 1,1 % respectively in 1993. At their highest point (1995) imports from Taiwan accounted for about 10 % of total imports, or 6 % of Community consumption of disposable flint lighters. The decrease of imports of disposable, non-refillable flint lighters into the Community from the People's Republic of China has already been shown in recital 39.

(45) Therefore, it was concluded that imports of disposable, non-refillable flint lighters from Taiwan partly replaced the imports of disposable, non-refillable flint lighters from the People's Republic of China and that they thereby undermined both in terms of quantities and of prices, the remedial effects of the anti-dumping duty imposed on disposable, non-refillable flint lighters originating in the People's Republic of China.

2.5. Evidence of dumping

(46) It was concluded, on the basis of the information available from the complainants and Eurostat, that disposable, non-refillable flint lighters of Chinese origin but consigned to the Community from Taiwan were imported at dumped prices, when compared to the normal value established in the previous investigation. In this respect it should be noted that the normal value established in the previous investigation was ECU 0,144 per unit, while the average import price adjusted to a fob Taiwan basis during the investigation period was ECU 0,092.

2.6. Conclusion

(47) In view of the above, the existing measures should be extended to imports of disposable flint lighters from Taiwan.

3. HONG KONG

3.1. Practice at issue

(48) The request alleged that imports of disposable, non-refillable flint lighters from Hong Kong are circumventing the existing measures. The request submitted that there is no production of disposable, non-refillable flint lighters in Hong Kong and therefore, that any such imports, into the Community, registered by Eurostat, consists of disposable, non-refillable flint lighters originating in the People's Republic of China which have been incorrectly declared as being of Hong Kong origin.

(49) No producers from Hong Kong made themselves known during the investigation. In the course of the investigation further information was received indicating that there is no production of disposable, non-refillable flint lighters in Hong Kong, due to security regulations which restrict the storage of gas in the territory. The allegation was therefore examined, with regard to the possibility of transshipment, in the light of the provisions of Article 13(1) of the Basic Regulation.

3.2. Undermining of the remedial effects of the existing measures

- (50) Imports recorded as originating in Hong Kong during the investigation period represented just over 1 % of Community consumption of disposable, non-refillable flint lighters and 3,8 % of total Community imports of disposable, non-refillable flint lighters.
- (51) In the course of the present investigation, it was determined that disposable, refillable flint lighters originating in the People's Republic of China were a like product to disposable, non-refillable flint lighters.
- (52) In order to analyse whether the remedial effects of the existing measures were being undermined, it was necessary to reflect the above finding and adjust the total import volume to include disposable, refillable flint lighters from the People's Republic of China with the total disposable, non-refillable flint lighters.
- (53) As a result, the Commission found that imports of disposable, non-refillable flint lighters from Hong Kong represented only 2 % of the total imports of non-refillable flint lighters, including Chinese refillable flint lighters, into the Community during the investigation period. Moreover, these imports account for only 4,1 % of the volume of lighters imported from the People's Republic of China into the Community in 1994, i.e. before circumvention started to take place. In view of the small import quantities imported from Hong Kong, the undermining, if any, of the remedial effects of the existing measures is not considered to be significant. It is therefore considered appropriate to terminate the circumvention investigation with regard to imports of disposable non-refillable flint lighters from Hong Kong.

3.3. Conclusion

- (54) On the basis of the above, the existing measures should not be extended to Hong Kong.

4. MACAO

4.1. Practice at issue

- (55) The request alleged that imports of disposable, non-refillable flint lighters from Macao are circumventing the existing measures. The request submitted that any such imports, into the

Community, registered by Eurostat, consists of disposable, non-refillable lighters originating in the People's Republic of China which have been incorrectly declared as being of Macao origin.

- (56) As mentioned in recitals 6 and 7 above, FDI, a producer located in Macao, made itself known, returned a completed questionnaire and was subsequently subject to a verification visit.
- (57) The allegation was, firstly, examined with respect to this producer, through consideration of the specific criteria laid down in Article 13(2) of the Basic Regulation which apply to assembly operations, *inter alia*, in a third country.
- (58) The allegation was then considered with regard to the possibility that disposable non-refillable flint lighters consigned from Macao to the Community are declared to Community customs authorities as having Macao origin although they originate in the People's Republic of China and that such imports are thus circumventing the existing anti-dumping measures. This was examined in the light of the provisions of Article 13(1) of the Basic Regulation taking into account the findings made with respect to the Macao producer.

4.2. Investigation of the operation carried out by the Macao producer in the context of Article 13(2) of the Basic Regulation

4.2.1(a) *The operation started or substantially increased since, or just before, the initiation of the anti-dumping investigation and the parts concerned are from the People's Republic of China*

- (59) FDI was registered in April 1991 and started production in January 1992. There was, therefore, a clear correlation in time between the start of the operation and the initiation in April 1990 of the original anti-dumping proceeding⁽¹⁾ on imports of disposable, non-refillable flint lighters originating, *inter alia*, in the People's Republic of China. At this time, however, the main market for FDI was the USA. Sales to the Community in the period 1992 to 1994 were not significant.
- (60) In December 1993 the Commission announced, by a notice, the initiation of a review of Regulation (EEC) No 3433/91 in respect of imports of disposable, non-refillable flint lighters originating in the People's Republic of China. Subsequently, exports from FDI into the Community substantially increased to over 60 million units in 1997. The principal criteria of Article 13(2)(a) of the Basic Regulation are therefore fulfilled.

⁽¹⁾ OJ C 89, 7. 4. 1990, p. 3.

4.2.2(b) *The parts (from the People's Republic of China) constitute 60 % or more of the total value of the parts of the assembled product*

- (61) In order to ascertain compliance with the criteria in this and the following test, the Commission based their findings on the financial statements of the calendar year 1997, which covered 80 % of the 15-month investigation period, as the data pertaining to this 12 month period were considered representative for the whole investigation period.
- (62) On the basis of a detailed analysis of the cost of the parts, it was determined that the parts from the People's Republic of China constituted less than 60 % of the value of the parts of the assembled product.
- (63) Therefore, FDI could not be considered to be circumventing the anti-dumping duties under investigation.

4.3. Allegation that disposable, non-refillable lighters consigned from Macao to the Community are declared to Community customs authorities as having Macao origin although they originate in the People's Republic of China

- (64) It was then considered whether there were exports allegedly originating in Macao, other than those produced by FDI, which could be considered to be circumventing the existing measures.
- (65) In this respect, it was found that the total imports into the Community from Macao, as recorded by Eurostat, during the period from 1994 to the end of the investigation period, could be accounted for by exports from FDI.
- (66) In addition, the on-the-spot investigation by the Commission and a representation submitted to the Commission by the Macao delegation of the Portuguese embassy indicated that the production capacity and the actual output of FDI was sufficient to account for the total exports originating in Macao.

4.3.1. Conclusion

- (67) In these circumstances the existing measures should not be extended to Macao.

D. REQUESTS FOR EXEMPTION FROM THE EXTENSION OF THE DUTY

- (68) The Commission received requests for exemption from the extension of the duty from two importers which approached the Commission after the deadline set in Regulation (EC) No 971/98 for interested parties to make themselves known.
- (69) One importer, JOJA, France, requested exemption from the measures for three of their products. The Commission examined these products and determined that they were like products to the products subject to the existing measures and therefore, no exemption should be granted.
- (70) A second importer, Samaco Ltd from the UK, requested exemption from the measures, on the grounds that their imports were genuinely produced in Taiwan. As this importer did not complete the questionnaire provided and as no questionnaire response was received from any exporting producer in Taiwan, it is not possible to consider the request further at this time.
- (71) Parties requesting exemption will normally be required to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted and the Commission would normally also carry out an on-the-spot verification visit.

E. MEASURES

1. Nature of the measures

- (72) In view of the findings made, the anti-dumping duty in force on gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China should be extended to imports of the same lighters consigned from or originating in Taiwan, and to imports of gas-fuelled, refillable lighters, with a plastic tank body, originating in the People's Republic of China or consigned from or originating in Taiwan, with a free-at-Community-frontier, duty unpaid, value per piece of less than EUR 0,15.
- (73) The investigation concerning Hong Kong and Macao should be terminated.

2. Collection of the duty on imports entered under registration

- (74) The duty on imports registered pursuant to Regulation (EC) No 971/98 should be collected only on those products which are described in recital 72.

F. PROCEDURE

- (75) Interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to propose the extension of the definitive anti-dumping duty in force to the products concerned and have been given the opportunity to comment.

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty imposed by Regulation (EEC) No 3433/91 and modified by Regulation (EC) No 1006/95 on imports of gas-fuelled, non-refillable pocket flint lighters falling within CN code 9613 10 00 (TARIC code CN 9613 10 00*11) originating in the People's Republic of China, is hereby extended to imports of the same lighters consigned from or originating in Taiwan and to imports of gas-fuelled, refillable pocket flint lighters, incorporating a plastic tank body, falling within CN code ex 9613 20 90 (TARIC code CN 9613 20 90*21), originating in the People's Republic of China or consigned from or originating in Taiwan.
2. Gas-fuelled, refillable pocket flint lighters, incorporating a plastic tank body, with a free-at-Community-frontier, duty unpaid, value per piece equal to or greater than EUR 0,15, shall not be subject to the duty extended by paragraph 1, if such a price is specified in an invoice issued by an exporter located in the People's Republic of China or Taiwan to an unrelated importer in the Community.
3. Subject to paragraph 2, the duty extended by paragraph 1 shall be collected on imports registered in accordance with Article 2 of Regulation (EC) No 971/98 and Article 14(5) of Regulation (EC) No 384/96.
4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

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

Done at Brussels, 25 January 1999.

Article 2

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the Community and must be signed by a person authorised to represent the applicant. The request must be sent to the following address:

European Commission
Directorate-General for External Economic Relations
Unit I/C-1
DEMOT 24, 8/38
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax (32-2) 295 65 05.

2. The Commission, after consulting the Advisory Committee, shall authorise, by decision, the exemption of imports which do not circumvent the anti-dumping duty imposed by Regulation (EC) No 1006/95 from the duty extended by Article 1.

Article 3

Customs authorities are hereby directed to discontinue registration, pursuant to Article 2 of Regulation (EC) No 971/98 and Article 14(5) of Regulation (EC) No 384/96, 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.

Article 4

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

For the Council
The President
J. FISCHER

COUNCIL REGULATION (EC) No 193/1999

of 25 January 1999

amending Regulation (EC) No 1015/94 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan

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⁾,

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

Whereas:

A. PREVIOUS PROCEDURES

- (1) By Regulation (EC) No 1015/94⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of television camera systems (hereinafter referred to as 'TCSs') originating in Japan.
- (2) The Council specifically excluded from the scope of the anti-dumping duty the professional TCSs listed in the Annex to that Regulation, representing high-end professional cameras technically falling within the product definition under Article 1(2) of Regulation (EC) No 1015/94, as amended by Regulation (EC) No 2474/95⁽³⁾, but which cannot be regarded as broadcast cameras.
- (3) In October 1995, the Council, by Regulation (EC) No 2474/95, amended Regulation (EC) No 1015/94, in particular as regards the like product definition and as regards certain models of professional TCSs explicitly exempted from the scope of the definitive anti-dumping duty.
- (4) In October 1997, the Council, by Regulation (EC) No 1952/97, amended the rates of the definitive anti-dumping duty for two companies concerned, namely for Sony Corporation and Ikegami Tsushinki in accordance with Article 12 of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation'). Furthermore, the Council

specifically excluded from the scope of the anti-dumping duty certain new models of professional cameras adding them to the Annex to Regulation (EC) No 1015/94 (hereinafter referred to as 'the Annex').

B. INVESTIGATION CONCERNING NEW MODELS OF PROFESSIONAL CAMERA SYSTEMS

1. Procedure

- (5) Subsequently, four Japanese producers/exporters informed the Commission that they intended to introduce new models of professional TCSs into the Community market and requested that these new models of professional TCSs and their accessories be added to the Annex, thus making them exempt from the scope of the anti-dumping duties.
- (6) The Commission informed the Community industry accordingly and commenced an investigation limited to the determination of whether the products under consideration fall within the scope of the anti-dumping duties and whether Regulation (EC) No 1015/94 should be amended accordingly.

2. Models under investigation

- (7) Applications were received for the following models of TCSs, supplied with the relevant technical information:
 - (i) *Ikegami Tsushinki Co. Ltd (hereinafter referred to as 'Ikegami')*
 - camera head HDL-37, which was presented as a successor to the camera head HDL-30MA and as a camera primarily used in the medical and technical sector;
 - (ii) *Hitachi Denshi, Ltd (hereinafter referred to as 'Hitachi')*
 - camera head Z-ONE.DA, which was presented as a successor model of camera head Z-ONE.D, and which was sold without a triax adaptor,

⁽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 111, 30. 4. 1994, p. 106. Regulation as last amended by Regulation (EC) No 1952/97 (OJ L 276, 9. 10. 1997, p. 20).

⁽³⁾ OJ L 255, 25. 10. 1995, p. 11.

- new accessories to Z-ONE.DA:
 - camera adaptor CA-Z1A, which was presented as the new version of camera adaptor CA-Z1 and which is to be connected with the camera head model Z-ONE.DA,
 - viewfinder GM-8A, which was presented as the standard viewfinder for camera head model Z-ONE.DA and a successor model of viewfinder GM-5-R2 already included in the Annex;

(iii) *Olympus Winter & IBE GmbH (hereinafter referred to as 'Olympus')*

- camera control unit OTV-S5,
- camera control unit OTV-SX 2,
- camera head MAJ-387N,
- camera head MAJ-387I.

All abovementioned models were represented as models used in the medical sector;

(iv) *Sony Logistics Europe BV (hereinafter referred to as 'Sony')*

new camera series DXC-D30WSPL, which was presented as a successor of DXC-D30P camera series, consisting of:

- camera head DXC-D30WSP,
 - viewfinder DXF-701WSCE,
 - adaptor VCT-U14,
- and which was sold without a triax adaptor.

3. Findings

- (8) The Commission carried out a technical examination including a detailed comparison of the models concerned with their predecessor models listed in the Annex and found that they were

almost completely identical. Furthermore, the small differences found did not affect the classification of these TCSs as professional TCSs. The Commission consequently concluded that all requests for exclusion should be granted. The Commission informed the Community producers and the exporters of TCSs of its findings and provided them with an opportunity to present their views. On this basis and in the light of the fact that the interested parties did not object to the Commission's conclusions, all models and related equipment listed in recital 7 are professional cameras. It follows that they should be exempted from the application of the anti-dumping duty applicable to certain TCSs originating in Japan, and that the Annex should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1015/94 shall be replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on the day following that 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, 25 January 1999.

For the Council

The President

J. FISCHER

ANNEX

List of professional camera systems not qualified as broadcast camera systems which are exempted from the measures

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adaptors
Sony	DXC-M7PK	DXF-3000CE	CCU-M3P	RM-M7G	—	CA-325P
	DXC-M7P	DXF-325CE	CCU-M5P			CA-325AP
	DXC-M7PH	DXF-501CE	CCU-M7P			CA-325B
	DXC-M7PK/1	DXF-M3CE				CA-327P
	DXC-M7P/1	DXF-M7CE				CA-537P
	DXC-M7PH/1	DXF-40CE				CA-511
	DXC-327PK	DXF-40ACE				CA-512P
	DXC-327PL	DXF-50CE				CA-513
	DXC-327PH	DXF-601CE				VCT-U14 (*)
	DXC-327APK	DXF-40BCE				
	DXC-327APL	DXF-50BCE				
	DXC-327AH	DXF-701CE				
	DXC-537PK	DXF-WSCE (*)				
	DXC-537PL					
	DXC-537PH					
	DXC-537APK					
	DXC-537APL					
	DXC-537APH					
	EVW-537PK					
	EVW-327PK					
	DXC-637P					
	DXC-637PK					
	DXC-637PL					
	DXC-637PH					
	PVW-637PK					
	PVW-637PL					
	DXC-D30PF					
	DXC-D30PK					
	DXC-D30PL					
	DXC-D30PH					
	DSR-130PF					
	DSR-130PK					
	DSR-130PL					
	PVW-D30PF					
	PVW-D30PK					
	PVW-D30PL					
	DXC-327BPF					
	DXC-327BPK					
	DXC-327BPL					
	DXC-327BPH					
	DXC-D30WSP (*)					

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adaptors
Ikegami	HC-340 HC-300 HC-230 HC-240 HC-210 HC-390 LK-33 HDL-30MA HDL-37	VF15-21/22 VF-4523 VF15-39	MA-200/230	RCU-240	—	CA-340 CA-300 CA-230 CA-390
Hitachi	SK-H5 SK-H501 DK-7700 DK-7700SX HV-C10 HV-C11 HV-C10F Z-ONE (L) Z-ONE (H) Z-ONE Z-ONE A (L) Z-ONE A (H) Z-ONE A (F) Z-ONE A Z-ONE B (L) Z-ONE B (H) Z-ONE B (F) Z-ONE B Z-ONE B (M) Z-ONE B (R) FP-C10 (B) FP-C10 (C) FP-C10 (D) FP-C10 (G) FP-C10 (L) FP-C10 (R) FP-C10 (S) FP-C10 (V) FP-C10 (F) FP-C10 FP-C10 A FP-C10 A (A) FP-C10 A (B) FP-C10 A (C) FP-C10 A (D) FP-C10 A (F)	GM-5 (A) GM-5-R2 (A) GM-5-R2 GM-50 GM-8A (1)	RU-C1 (B) RU-C1 (D) RU-C1 RU-C1-S5 RU-C10 (B) RU-C10 (C) RC-C1 RC-C10 RU-C10 RU-Z1 (B) RU-Z1 (C) RU-Z1 RC-C11 RU-Z2 RC-Z1 RC-Z11 RC-Z2 RC-Z21	—	—	CA-Z1 CA-Z2 CA-Z1SJ CA-Z1SP CA-Z1M CA-Z1M2 CA-Z1HB CA-C10 CA-C10SP CA-C10SJA CA-C10M CA-C10B CA-Z1A (1)

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adaptors
	FP-C10 A (G) FP-C10 A (H) FP-C10 A (L) FP-C10 A (R) FP-C10 A (S) FP-C10 A (T) FP-C10 A (V) FP-C10 A (W) Z-ONE C (M) Z-ONE C (R) Z-ONE C (F) Z-ONE C HV-C20 HV-C20M Z-ONE-D Z-ONE-D (A) Z-ONE-D (B) Z-ONE-D (C) Z-ONE-DA (*)					
Matsushita	WV-F700 WV-F700A WV-F700SHE WV-F700ASHE WV-F700BHE WV-F700ABHE WV-F700MHE WV-F350 WV-F350HE WV-F350E WV-F350AE WV-F350DE WV-F350ADE WV-F500HE (*) WV-F565HE	WV-VF65BE WV-VF40E WV-VF39E WV-VF65BE (*) WV-VF40E (*) WV-VF42E	WV-RC700/B WV-RC700/G WV-RC700A/B WV-RC700A/G WV-RC36/B WV-RC36/G WV-RC37/B WV-RC37/G WV-CB700E WV-CB700AE WV-CB700E (*) WV-CB700AE (*) WV-RC700/B (*) WV-RC700/G (*) WV-RC700A/B (*) WV-RC700A/G (*) WV-RC550/G WV-RC550/B	—	—	WV-AD700SE WV-AD700ASE WV-AD700ME WV-AD250E WV-AD500E (*)
JVC	KY-35E KY-27ECH KY-19ECH KY-17FITECH KY-17BECH KY-F30FITE KY-F30BE	VF-P315E VF-P550E VF-P10E VP-P115E VF-P400E VP-P550BE VF-P116	RM-P350EG RM-P200EG RM-P300EG RM-LP80E RM-LP821E RM-LP35U RM-LP37U	—	—	KA-35E KA-B35U KA-M35U KA-P35U KA-27E KA-20E KA-P27U

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adaptors
	KY-27CECH KH-100U KY-D29ECH		RM-P270EG			KA-P20U KA-B27E KA-B20E KA-M20E KA-M27E
Olympus	MAJ-387N MAJ-387I		OTV-SX2 OTV-S5			
	Camera OTV-SX					

(*) Also called master set-up unit (MSU) or master control panel (MCP).

(†) Models exempted under the condition that the corresponding triax adaptor is not sold on the EC market.

**COUNCIL REGULATION (EC) No 194/1999
of 25 January 1999**

**imposing definitive anti-dumping duties on imports of hardboard originating in
Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia and definitively collecting
the provisional duties 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:

A. GENERAL INFORMATION

1. Provisional measures

- (1) Provisional anti-dumping measures were imposed in the present proceeding on 6 August 1998 by Regulation (EC) No 1742/98⁽²⁾ (hereinafter referred to as the 'Provisional Regulation'). Undertakings were offered and accepted from the cooperating exporting producers in all the countries concerned except Russia.

2. Subsequent procedure

- (2) Following the imposition of the provisional measures, certain exporting producers, importers and Community users of the product concerned submitted comments in writing. Those parties who so requested were granted an opportunity to be heard.
- (3) Since the publication of the Provisional Regulation, investigations were carried out at the premises of the following companies which are users of the product concerned in the manufacture of doors:
- Svedex BV, Netherlands,
 - Swedoor, a division of Nobia Nordisk Bygginteriör AB, Sweden (two production plants),
 - Righini SA, France,
 - Huet SA, France,
 - Theuma Deurenindustrie NV, Belgium.

A non-complainant producer of eucalyptus hardboard was also visited, namely:

— Industria de Fibras de Madeira, Portugal,

as was the following unrelated importer of hardboard:

— Firma Christian Kröger GmbH & Co. KG, Germany.

**B. PRODUCT UNDER CONSIDERATION AND
LIKE PRODUCT**

1. Product under consideration

- (4) The product under consideration in this anti-dumping proceeding is hardboard. Hardboard is defined as fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances and with a density exceeding 0.8 g/cm³, currently classifiable under CN codes ex 4411 11 00 and ex 4411 19 00.

Hardboard is exclusively obtained from a 'wet production process' (as opposed to dry-process fibreboards as described below) and normally has a density of 800 to 1050 kg/m³ and is made in thicknesses between 1,8 to 6,0 mm.

Hardboard is typically used in the manufacture of furniture, in the construction and automotive industries, for door skins and for packaging, especially fruit and vegetable packaging.

2. 'Thin' dry-process fibreboards

- (5) After the imposition of the provisional anti-dumping measures, a number of importers and users continued to argue for an extension to the product scope of the proceeding. In particular, they argued that the so-called thin forms (less than 6 mm thickness) of dry-process fibreboards such as medium- and high-density fibreboard (thin MDF and HDF) and hardboard have essentially the same end uses, and therefore together form a single product. It was therefore alleged that the scope of the analysis of dumping, injury and Community interest should also include all these products.
- (6) On the basis of the information submitted up to the provisional stage, a preliminary assessment of the extent to which the end uses of hardboard and thin dry-process fibreboards overlap was made.

⁽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 218, 6. 8. 1998, p. 16.

Based on the information submitted since the Provisional Regulation a definitive assessment has been made and it has become clear that, theoretically, such overlap is substantial and that only for some market segments are the two products not at all interchangeable.

- (7) However, similarity of end uses does not alone determine the question of like product. The conclusions of the provisional investigation that hardboard and thin dry-process fibreboards were not a single product were based on differences of physical and chemical characteristics of the two products. Further investigation of the issues involved has allowed the following refinements of the analysis:

- it is confirmed that the thin HDF variant of dry-process fibreboards can be produced in densities comparable to or higher than the density of hardboard. With its density defined as being above 800 kg/m³, it is thin HDF which can be considered the closest to hardboard,
 - however, the average prices for thin HDF were higher than those for thin MDF (10 to 15 % on average) and for most hardboard of equivalent board thicknesses under 6 mm, so that over the period investigated it was mainly thin MDF (density lower than 800 kg/m³) which competed on the market with hardboard over a large part of its final uses, particularly in the furniture sector, in part of the packaging sector, in the picture-frames sector and in a part of the doors sector,
 - it was also pointed out that new, zero-emission, thin dry-process fibreboards are in production, i.e. thin dry-process fibreboards containing no formaldehyde. This development allows thin dry-process fibreboards to compete in the market of food packaging from which it has hitherto been excluded because of its formaldehyde content. However, these zero-emission products are a very recent innovation, and, although it is conceivable that thin dry-process fibreboards could in the future be used in the area of food packaging, their higher price would probably preclude this at the present time. As these developments relate to periods subsequent to the investigation period, they could not be investigated,
 - the fact that thin dry-process fibreboards and hardboard share a number of end uses does not imply that the market considers them as a single product. Indeed, most operators in the sectors involved have confirmed that, in practice, they do not use the different board types indiscriminately because of the different physical characteristics and technical performances of the two products; rather, they choose between them according to which best suits their technical requirements. As an example, thin MDF has an advantage when it has to be laminated, due to its more porous and matte surface. Moreover, its internal structure is smooth and not layered like hardboard, and it does not have the tendency to split when submitted to tension. As a consequence, thin MDF is generally preferred to hardboard for the manufacture of laminated doors and furniture elements. On the other hand, hardboard generally has a distinct advantage in those uses where density and/or suppleness of the panel are required, such as in lacquered and pre-painted doors or automobile parts, or where it is thought that the resins contained in thin dry-process fibreboards would have, as explained above, a possible impact on health, such as in fruit and vegetable packaging.
- (8) In conclusion, the definitive analysis confirms the provisional findings that hardboard and thin dry-process fibreboards, although they are theoretically interchangeable for many end uses, are not, in practice, a single product because of the differences in their physical and chemical characteristics.
- (9) Nevertheless, although thin dry-process fibreboards do not form a single product with hardboard, it was claimed that the extent of the overlap in their end-uses has important implications for the analysis of the causes of any injury suffered by the Community industry. This issue is addressed below under causation.

3. Plywood and chipboard

- (10) Submissions were received clarifying the arguments presented at the provisional stage of the investigation that plywood and chipboard panels were also interchangeable with hardboard in many of their applications. However, for the same reasons as were outlined for thin dry-process fibreboards above, theoretical similarity of end uses does not alone determine the question of single product.

Since the physical and chemical characteristics of hardboard are different to chipboard and plywood panels, it cannot be considered to be a single product with them.

The provisional findings are therefore confirmed.

4. Like product

- (11) The further investigation confirmed that there were no differences in the basic characteristics and uses of the hardboard imported into the Community from the countries concerned and the hardboard produced by the Community industry and sold on the Community market. The same is true with regard to hardboard produced and sold on the domestic markets of Brazil, Bulgaria, Estonia, Latvia, Lithuania and Poland (the last mentioned served also as an analogue country for imports from Russia). It was therefore concluded that both the hardboard produced and sold by the Community industry on the Community market and the hardboard produced and sold on the domestic markets of Brazil, Bulgaria, Estonia, Latvia, Lithuania and Poland were, within the meaning of Article 1(4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation'), alike to the hardboard imported into the Community from the seven countries subject to investigation.
- (12) However, the Brazilian exporting producers, as well as a number of users of hardboard, in particular manufacturers of doorskins, repeated their claims made at the provisional stage that Brazilian eucalyptus hardboard is not a like product with the product produced by the Community industry and should be excluded from the scope of the investigation.
- (13) Among the exporting producers concerned by this investigation, only the Brazilian exporting producers supply hardboard made from eucalyptus to the Community market. There are also two producers of eucalyptus hardboard in the Community, both situated in the Iberian peninsula, which did not participate in the complaint which led to the initiation of this proceeding.
- (14) These claims in respect of eucalyptus hardboard have been extensively investigated. Following the imposition of provisional measures, a number of door manufacturers across the Community were visited. In addition, one non-complainant Community producer of eucalyptus hardboard in Portugal was visited. These visits were aimed at clarifying the issues concerning the inclusion of Brazilian hardboard within the scope of this proceeding.

From these visits, the following became clear:

(a) *The technical properties and uses of eucalyptus hardboard*

- (15) Numerous technical submissions were received from the Brazilian exporting producers, Community door manufacturers, and the complainant concerning the properties of eucalyptus hardboard. The exporting producers and door manufacturers argue that eucalyptus hardboard has certain unique properties which set it apart from any other hardboard types, whether made from softwood or hardwood tree species other than eucalyptus. They claim further that no viable alternative product is produced by the Community industry. The door manufacturers in particular emphasise that the Community industry produces no eucalyptus hardboard for doorskins; indeed they point out that the only Community-based producer of eucalyptus hardboard which does make doorskin-quality boards, and is based in Portugal, is not one of the complainants.
- (16) It was found that hardboard made from eucalyptus wood has a number of technical characteristics which make it particularly well-suited for doorskins for high quality, finished doors. First, its especially short fibres give the finished hardboard a very regular appearance, high density and stronger tensile properties than non-eucalyptus hardboard. Second, the eucalyptus tree has hardly any bark, a factor which ensures that blemishes in the pressed board are minimal.
- (17) However, it should be borne in mind that the eucalyptus tree is not the only species to have short fibres. The complainants have submitted that there are 40 other species of tree growing in Western Europe which have fibres of about the same length as eucalyptus, and in some cases even shorter.
- (18) It should also be noted that the high quality required by the door manufacturers is not limited to the type of wood of which the hardboard is made. Some of the characteristics required, such as a constant and reliable thickness of the board they use, a high density, a good resistance to high temperatures (doors are assembled at above 100 °C) and humidity and the absence of surface defects are not necessarily linked to eucalyptus, but can also be obtained with other woods, with a strictly controlled production process. It can also be added that, as far as the suitability for lacquering is concerned, it was found that some hardboards made with wood other than eucalyptus can be lacquered with acceptable results, depending on the technique and the quantity of painting material

used. The advantage of eucalyptus and in general of hardwood hardboard is mainly in the smaller quantities of paint needed to achieve a smooth result.

- (19) Furthermore, the analysis of the door manufacturers' activities also confirmed that for unfinished doors, which are primed or pre-painted in white but which require finishing by the final customer, doorskins made with different types of wood are used. It was also found that some door producers used Community-produced hardboard, not made with eucalyptus wood, to make lacquered doors.
- (20) It was also found that during the investigation period, eucalyptus hardboard was also used for certain applications in the furniture, roofing and automobile industries and, as far as offcuts of hardboard sheets are concerned, for fruit and vegetable containers.

(b) Conclusion on eucalyptus hardboard as a like product

- (21) The examination of the interested parties' submissions confirms that the exceptional properties of eucalyptus hardboard do not technically rule out its use in those areas in which other hardboards are also used; indeed, the fact that it is not widely used outside the doorskin sector is simply a reflection of the relatively higher price at which this product is sold on the market, in comparison with other hardwood and softwood hardboards.

Although, therefore, the eucalyptus hardboard produced and exported by Brazilian exporting producers has certain special characteristics, these are not sufficient to lead to the conclusion that it is not a product alike to the hardboard produced by the Community industry with which it shares the same basic physical characteristics and uses within the meaning of Article 1(4) of the Basic Regulation.

C. DUMPING

1. Specific issues raised with regard to the establishment of dumping for each of the countries concerned

(a) BRAZIL

- (22) In view of the findings on causation in recitals 53 to 56, it is not considered necessary to set out any findings in respect of dumping of imports of the product concerned from Brazil.

(b) BULGARIA

- (23) The Bulgarian exporting producers made no comments following disclosure and the publication of the Provisional Regulation.

The dumping margins expressed as a percentage of the cif import price at the Community border established for the Bulgarian exporting producers remain unchanged, i.e.:

- Fazerles AD: 7,1 %
- Lessoplast AD: 7,2 %
- non-cooperating exporting producers: 7,2 %.

(c) ESTONIA

- (24) The Estonian exporting producer made no comments following disclosure and the publication of the Provisional Regulation.

The dumping margins expressed as a percentage of the cif import price at the Community border established for the Estonian exporting producers remain unchanged, i.e.:

- AS Repo Vabrikud: 6,0 %
- non-cooperating exporting producers: 6,0 %.

(d) LATVIA

General

(i) Product classification

- (25) Following the adoption of provisional measures, the Latvian exporting producer requested a revision of the classification of some of the company product codes into product control numbers. The claim was based on the grounds that some company product codes, which were originally incorrectly reported by the company as referring to standard products, should be considered as cut-to-size products.

This request has been granted, as the company product codes in question did indeed not cover standard dimensions.

Normal value

(i) Profit margin in constructed normal values

The Latvian exporting producer claimed that when constructing normal values, the profit earned on sales in the ordinary course of trade should be expressed as a percentage of the total domestic turnover of the like product of the company — including the turnover of non-profitable sales — instead of the turnover of the sales in the ordinary course of trade only. The approach adopted by the Commission in the Provisional Regulation inflates,

according to the producer, the profit margin. The Latvian producer furthermore asserted that there was a discrepancy between the methods used by the Commission to calculate, on the one hand, the profit margins by excluding non-profitable transactions as well as the dumping amounts by excluding negative dumping and, on the other hand, the calculation of the dumping margins expressed as a percentage of the total cif value.

This claim had to be rejected. The methods used by the Commission to construct normal values and to determine which sales had been made in the ordinary course of trade are described in recitals 29 and 31 of the Provisional Regulation and are in conformity with the rules set out in Articles 2(4) and (6) of the Basic Regulation. In particular, it should be added that: first, Article 2(6) of the Basic Regulation clearly specifies that 'the amounts (...) for profits shall be based on actual data pertaining to production and sales in the ordinary course of trade, of the like product...'; second, the aim is to establish a profit margin that could normally be attained for sales of a given product on the domestic market; third, Article 2(4) of the Basic Regulation provides as to when loss-making sales of a given product may be treated as being in the ordinary course of trade, i.e. if the quantity sold with a loss is below 20 % of the total quantity sold of that product. In that case, only the total turnover of a product including loss-making transactions is the basis of the profit margin calculation.

Comparison between normal value and export price

(i) Allowance for currency conversion

The Latvian exporting producer had claimed an allowance for currency conversion based on a comparison of the amount in lats the company would have obtained using the exchange rate applicable at the time of the conclusion of the respective contracts with their customers and the amount actually obtained. This claim is based on the assumption that the date of contract is the date of sale. In the Provisional Regulation, the Commission had rejected this claim on the basis that the contracts submitted did not reflect the material terms of sale and that the date of invoice more appropriately established these terms.

The exporting producer reintroduced this claim, adding that contracts could be amended. This confirms that the company could react to exchange

rate variations by amending export prices. Therefore, it is confirmed that such contracts do not more appropriately establish the material terms of sale as compared to invoices, in particular with regard to the price. The claim could not, therefore, be accepted.

(ii) Interest rates used for credit purposes

- (26) With regard to the credit cost allowance, the Latvian exporting producer claims that the deposit rate instead of the credit rate should be used on the grounds that, the company having sufficient liquidity, its credit costs are limited to the interest earnings not perceived on its bank deposit account.

Following the practice consistently applied by the Community institutions, it was not found appropriate to base the calculation of the credit cost allowance on the deposit rate on the grounds that these constitute opportunity costs as compared to actual costs.

In this context it is noted that the interests customers would have to pay in case of payment delays, as stated in the contracts submitted to the Commission, suggest that the company determined such interests on the basis of credit rates rather than deposit rates.

(iii) Depreciation of the machinery of the related domestic producer

- (27) The Latvian exporting producer claims that the depreciation of the machinery of the related domestic producer should have been calculated on the basis of a ten-year depreciation period instead of a five-year depreciation period.

Pursuant to Article 2(5) of the Basic Regulation, this claim could not be accepted as the amount used is in line with the amount declared in the audited financial statements of the year 1997 and the application of the 20 % depreciation amount per year seems therefore to reasonably reflect the depreciation costs associated with the production of the product under consideration.

Dumping

- (28) On the basis of the above, the following modified dumping margins expressed as a percentage of the cif import price at the Community border have been established for Latvian exporting producers:

— AS 'Bolderāja': 4,7 %
 — non-cooperating exporting producers: 4,7 %.

(e) LITHUANIA

- (29) The Lithuanian exporting producer made no comments following disclosure and the publication of the Provisional Regulation.

The dumping margins expressed as a percentage of the cif import price at the Community border established for Lithuanian exporting producers remain unchanged, i.e.:

- JSC Grigiskės: 11,4 %
 — non-cooperating exporting producers: 11,4 %.

(f) POLAND

Normal value

(i) *Profit margin in constructed normal values*

- (30) The Polish exporting producers made the same claim as the Latvian exporting producer with respect to the calculation of the profit margin when constructing normal value (see recital 25).

This request has been rejected for the reasons given in recital 25.

(ii) *Allocation of selling, general and administrative costs*

- (31) One Polish exporting producer claimed that the turnover-based allocation method which the Commission has used to allocate selling, general and administrative expenses relating to domestic sales should be revised and instead the method normally applied by the company and used in its questionnaire response should be utilised. This method was based on sales volumes in tonnes to which conversion factors (i.e. the factors used to convert tonnes into m²) relating to the thickness of a given hardboard type were applied.

The request was examined and it was concluded that the allocation method used in the questionnaire response is in line with the normal cost accounting practice of the company. Consequently, the allocation method for selling, general and administrative expenses has been changed in line with the request of the company.

(iii) *Exclusion of specific transactions*

- (32) One Polish exporting producer questioned the methodology employed by the Commission to determine normal value by excluding transactions of low quality hardboard. According to this company, the exclusion of these transactions causes the artificial overstatement of sales profitability and consequently affects their dumping margin.

As stated in recital 27 of the Provisional Regulation, it was established that only hardboard panels with the same characteristics and the same quality are directly comparable. This is so because the quality of the hardboard determines to a substantial degree its price and the suitability for certain uses. Therefore, and since this low quality hardboard was not exported to the Community, the request made by the company could not be accepted.

(iv) *Cost of production*

- (33) One Polish exporting producer proposed a different way of calculating the costs of cutting standard-size hardboard into cut-to-size boards as compared to this producer's questionnaire response. This new cost allocation also took into account the thickness of the panels cut and not only the number of square metres cut. This claim was justified on the grounds that the cutting machines can cut simultaneously up to 100 mm of panels. Therefore, it was claimed, in one cutting operation the company was able to cut a substantially different number of square metres depending on the thickness of the panels cut. Consequently, the claim was accepted.

Comparison of normal value and export price

(i) *Start-up costs*

- (34) One Polish exporting producer referred to in recital 65 of the Provisional Regulation disagreed with the Commission rejection of the start-up cost adjustment to its worked hardboard operations. However, as no new evidence was submitted by this producer, the findings set out in recital 65 of the Provisional Regulation are confirmed.

Dumping

- (35) One Polish exporting producer has put into question the methodology used by the Commission of calculating a single dumping margin for all hardboard product types instead of calculating a different dumping margin for raw hardboard and for worked hardboard.

This claim could not be accepted. It is the constant practice of the Community institutions, in accordance with the provisions of Articles 1 and 2 of the Basic Regulation, to establish a dumping margin for the product under consideration as a whole and not per category, type or model of the product concerned. The reason is that for a product like

hardboard, which exists in a wide variety of types, the implementation of anti-dumping measures, in particular anti-dumping duties, on a per type basis is from a customs point of view impractical.

- (36) On the basis of the above, the following modified dumping margins expressed as a percentage of the cif import price at the Community border duty unpaid have been established for Polish exporting producers:

— Ekopłyta SA:	20,6 %
— Zakłady Płyt Pilśniowych SA w Krosnie Odrzańskim:	11,0 %
— Czarna Woda Zakłady Płyt Pilśniowych:	34,8 %
— Alpex Karlino SA:	22,4 %
— Zakłady Płyt Pilśniowych SA, Przemysl:	9,1 %
— Konięcpolskie Zakłady Płyt Pilśniowych SA:	11,4 %
— non-cooperating exporting producers:	34,8 %.

With regard to Bulgaria, Estonia, Latvia, Lithuania and Poland, it was found that the overall level of cooperation was high. As mentioned in recital 35 of the Provisional Regulation, it was therefore considered appropriate to set the dumping margin for the non-cooperating companies in the countries with high cooperation at the level of the highest or the sole dumping margin established for a co-operating company in the country in question.

(g) RUSSIA

- (37) No Russian exporting producer made any comments following disclosure and the publication of the Provisional Regulation.

Normal value for Russia was calculated on the basis of the weighted average of the normal values established for cooperating Polish companies.

The dumping margin for Russia has been recalculated taking into account the changes in the normal values established for the Polish companies as described in recitals 30 to 33.

On this basis, a new single dumping margin expressed as a percentage of the cif import price at the Community border, duty unpaid, of 30,6 % has been established for the Russian exporting producers.

D. INJURY

1. Consumption

- (38) The provisional findings are confirmed.

2. Dumped imports

(a) Cumulation

- (39) The Brazilian exporting producers reiterated the claim that imports into the Community from Brazil should not be cumulated with imports from the other countries concerned in the proceeding. They argued that hardboard produced in Brazil and exported to the Community does not compete with imports originating in the other countries concerned in that:
- the level of its export prices is higher, on average, than the level found for the other countries concerned, as shown by the lower provisional undercutting margin found at the provisional stage,
 - the volume and market share of imports showed, during the period under examination, a divergent trend from that of the other countries concerned,
 - it is sold to different customers, mainly producers of lacquered doors.

- (40) An examination of these claims resulted in the following findings.

Almost all the imports from Brazil were destined for particular end uses especially the manufacture of lacquered doors, a sector where high prices are obtained and to which the other countries concerned do not sell. In fact, the users of Brazilian hardboard considered imports from these other sources as being wholly unsuitable for their needs, on both technical and economic grounds.

The above findings on end use are supported by Brazilian price levels, which are substantially above those of other imports from the other countries concerned. Furthermore, Brazilian import volumes are falling while others are rising.

- (41) In the light of the above, it is not unreasonable in this case to conclude that a cumulative assessment of the imports from Brazil with the effects of imports from other sources under investigation would be inappropriate.

The effects of imports from Brazil were therefore examined separately.

(b) Volume and price development of the dumped imports

- (42) The provisional findings are confirmed.

However, in the light of the decision to analyse the effects of imports from Brazil separately from the effects of imports from the other countries, the analysis of import volumes and price trends is as follows:

Imports from Brazil

	1993	1994	1995	1996	Investigation period
Quantity (t)	62 193	61 605	69 783	58 514	54 890
<i>Indexed</i>	<i>100</i>	<i>99</i>	<i>112</i>	<i>94</i>	<i>88</i>
Value (thousand ecus)	18 117	17 724	20 767	16 772	15 715
<i>Indexed</i>	<i>100</i>	<i>98</i>	<i>115</i>	<i>93</i>	<i>87</i>
Market share in %	6,3	5,4	6,0	5,2	4,6
<i>Indexed</i>	<i>100</i>	<i>86</i>	<i>95</i>	<i>82</i>	<i>73</i>
Price per tonne	291	288	298	287	286
<i>Indexed</i>	<i>100</i>	<i>99</i>	<i>102</i>	<i>98</i>	<i>98</i>

- (43) Import volumes and market share show a significant decrease between 1995 and the investigation period, while prices remained relatively stable throughout the period examined.

Imports from other countries concerned

	1993	1994	1995	1996	Investigation period
Quantity (t)	171 890	192 165	253 041	209 727	222 103
<i>Indexed</i>	<i>100</i>	<i>112</i>	<i>147</i>	<i>122</i>	<i>129</i>
Value (thousand ecus)	28 707	33 919	49 103	43 461	49 112
<i>Indexed</i>	<i>100</i>	<i>118</i>	<i>171</i>	<i>151</i>	<i>171</i>
Market share in %	17,4	16,9	21,7	18,5	18,7
<i>Indexed</i>	<i>100</i>	<i>97</i>	<i>125</i>	<i>107</i>	<i>108</i>
Price per tonne	167	177	194	207	221
<i>Indexed</i>	<i>100</i>	<i>106</i>	<i>116</i>	<i>124</i>	<i>132</i>

Import volumes and market shares substantially increased between 1993 and 1995, fell back in 1996, and increased again in the investigation period. Imports, both in absolute value and in terms of market share were higher in the investigation period than at the beginning of the period examined.

Although prices rose significantly over the period considered for the analysis of injury, imports from all these countries were still substantially undercutting the Community industry's prices in the investigation period.

exporting producers relating to the methodology used for the calculation of price undercutting.

It was pointed out that the price differential between the Brazilian export prices and Community industry's prices was mainly due to a small part of the transactions during the investigation period, accounting for less than 1 % of the Community production.

(c) Price comparison

- (44) Following the disclosure of the provisional findings, comments were made by the Brazilian

One of the Brazilian exporting producers requested that for the purpose of the comparison, where applicable, the price paid by the first independent customer in the Community to its related importer be used, as such a price was at the same level of trade as prices of the Community industry.

Furthermore, it was requested that the margins found be expressed as a percentage of the total value of imports in the investigation period, including those omitted from the comparison where no matching models had been sold by the Community producers.

- (45) The latter request was not accepted. It is standard practice of the Community institutions to use only the cif value of the imports during the investigation period for which an actual price-undercutting analysis has been performed and, consequently, for which matching Community-made product types existed when determining the margins found.
- (46) Furthermore, the product control numbers provided by both exporting producers and Community producers were carefully examined and revised where necessary to ensure a fair comparison. The comparison was then made at the same level of trade between the ex works prices of the Community producers and either cif export prices, Community frontier duty paid, when the sale was made directly by the exporting producers to an independent customer, or the ex warehouse resale prices of the related importer to the first independent customer.
- (47) The undercutting margin was calculated by weighting the type-by-type average undercutting rates by the quantities of the dumped imports times the average prices of the matching Community-produced products.
- The same criteria were applied to the price comparisons for the other countries concerned.
- (48) The export transactions used for the comparison represented at least 74 % of total exports for each country concerned.
- (49) The revised calculations confirmed the existence of price undercutting for all countries except Brazil, for which no price undercutting was found. The new levels of price undercutting are shown in the table below:

Summary of the undercutting margins

Country	Weighted average undercutting on a direct product type-to-type comparison
Brazil	—
Bulgaria	44 %
Estonia	65 %
Latvia	48 %
Lithuania	45 %

Country	Weighted average undercutting on a direct product type-to-type comparison
Poland	53 %
Russia	65 %

3. Situation of the Community industry

- (50) The provisional findings are confirmed.

4. Conclusion on injury

- (51) The Polish and Latvian exporting producers questioned the provisional conclusions on injury on the grounds that the developments of some injury factors, such as production, market share and sales turnover of the Community industry were not sufficiently negative to show the existence of material injury.

These contentions were examined, but could not be accepted. The overall analysis at the Community level of all indicators relating to the situation of the Community industry, in particular in the light of the substantial deterioration of its sales prices and of its increasing financial losses, confirms the existence of injury.

- (52) Therefore the provisional findings on injury are confirmed.

E. CAUSATION OF INJURY

1. Effect of the dumped imports from Brazil

- (53) The Brazilian exporting producers claimed that imports originating in Brazil could not have caused injury for the following reasons:

- the quantities imported from Brazil decreased by 20 % between 1995 and the investigation period,
- the Brazilian product does not compete with Community production since it is sold to specialised users, namely manufacturers of lacquered doors, table mats and the automotive industry which need Brazilian eucalyptus hardboard for their particular quality requirements, and cannot replace it, in spite of its higher prices, with other hardboard types,
- Brazilian exports do not undercut the Community industry's sales, particularly in the abovementioned specialised sectors.

(54) As to the first claim, the decrease in the quantities imported does not preclude that injury has been caused in the investigation period by those imports; indeed, the imports were still substantial and well above the *de minimis* limit as provided in Article 5(7) of the Basic Regulation.

(55) As to the other claims, it was found that:

— around 68 % of the imports from Brazil during the investigation period were destined for production, in the Community, of lacquered doors. The Community lacquered door industry has stringent quality requirements for which Brazilian eucalyptus hardboard is particularly well-suited. However, as pointed out at recital 18, the high quality required by the door manufacturers is not strictly linked to the species of wood used, in this case eucalyptus. Brazilian hardboard is well-suited to lacquered door manufacture, not only because it is made with eucalyptus wood, but also because the Brazilian producers carry out very severe quality controls on their exports to the Community,

— in the investigation period only very small quantities of hardboard produced by the Community industry were used for the manufacture of lacquered doors; the demand was almost completely satisfied by eucalyptus hardboard either imported from Brazil or supplied by the Portuguese non-complainant producer. The door manufacturers explained their choice on the grounds of the high quality guaranteed by those suppliers,

— the above argument on the special end uses is supported by the fact that there is no undercutting by Brazilian exports destined for the manufacture of door skins; in fact their prices are significantly above those of the Community industry,

— the evidence, therefore, does not support the Community producers' claim that market prices were depressed by Brazilian exports, and that it is price depression which prevents them from producing doorskins of a quality equal to that of the Brazilian product and suitable for the production of lacquered doors,

— as to the imports from Brazil not sold to the lacquered doors segment, they did not undercut, on average, the prices of Community production.

(56) The foregoing leads to the conclusion that Brazilian exports were not a cause of material injury to the Community industry, and that, as a consequence, the proceeding with respect to Brazil should be terminated without measures.

2. Effect of the dumped imports from the other countries subject to investigation

(57) The volume of imports from the other countries subject to investigation increased by 29 % between 1993 and the investigation period. Although their prices increased, on average, by 32 % over the same period, they still undercut substantially the prices of the Community industry in the investigation period. As a result of this undercutting, which ranged from 44 % to 67 %, the Community industry experienced a 16 % fall in its selling prices and a serious deterioration of its financial situation.

The provisional findings that the dumped imports from Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia caused material injury to the Community industry are therefore confirmed.

3. Effect of imports from other third countries

(58) Although certain exporting producers in the countries concerned reiterated claims that injury had been caused by the increase of imports from other third countries, no new information was made available in this respect which could alter the provisional findings.

The provisional findings are therefore confirmed.

4. Competition from non-complainant Community producers

(59) Some of the exporting producers concerned drew attention to the fact that, although not undercutting the Community industry's prices in the investigation period, non-complainant Community producers had been undercutting, on average, the Community industry's prices from 1993 to 1995, and that this may have been, in those years, a cause of injury.

(60) It should be noted that, although lower than those of the Community industry, non-complainant producers' prices were substantially higher than the average prices of imports from the countries concerned with the exception of Brazil: the average price of these imports was ECU 167 per tonne in 1993, while the average unit price for non-complainant producers was ECU 1,02 per m², corresponding to more than ECU 300 per tonne.

(61) In the light of these price relationships, it is considered unlikely that the pricing of non-complainant producers was a source of injury to the

Community industry; in any event, such pricing effect was considered insufficient to break the causal link between the dumped imports from the six countries and the injury suffered.

5. Effect of dry-process fibreboards

- (62) After the imposition of provisional measures, various exporting producers again argued that the injury suffered by the Community industry was not caused by the dumped imports, but by the competition from the thin dry-process fibreboards.
- (63) The investigation has shown that thin dry-process fibreboard could be used in most areas where hardboard is employed. Nevertheless, despite the strong growth in the dry-process fibreboard market in recent years, as shown by the growth in consumption for hardboard, this has not occurred at the expense of the hardboard sector.
- (64) Various interested parties have submitted estimates of the size of the thin dry-process fibreboards sector. On the basis of statistics provided by the European MDF industry, the volume of production of thin dry-process fibreboards is estimated at between 500 000 and 600 000 m³ in 1997, with an increase of around 50 % between 1993 and 1997. Separate statistics on imports of thin dry-process fibreboards are not available, but imports of dry-process fibreboards of all thicknesses were reported to be minor until 1997.
- (65) However, at the provisional stage it was shown that, since consumption of hardboard increased by 20 % between 1993 and the investigation period (it should be recalled that consumption was around 1,2 million tonnes in the investigation period, despite the rise of the thin dry-process fibreboards sector), it was unlikely that the increase in the demand of thin dry-process fibreboards was a major cause of injury. The injury to the Community industry did not consist of a loss in sales volumes, which might indicate that a substitution had occurred. Injury was mainly shown by financial losses, due to a strong downward pressure on prices exerted by the dumped imports.
- (66) Indeed, the data available show that the average price of thin dry-process fibreboards was above that of Community-produced hardboard of equivalent thickness for all of the period 1993 to 1996. Only during the investigation period is there some indication that one type of thin dry-process fibre-

board, namely thin MDF, may have reached the price level of Community-produced hardboard in parts of the Community. So even in this scenario, hardboard imported from the countries concerned during the investigation period was sold at significantly lower prices as outlined in recital 49.

- (67) Given the interchangeability between all types of wood-based products, thin dry-process fibreboards have established a presence on all markets for wood-based panels, including the hardboard market. However, the general increase in the demand for wood panels, and of fibreboards in particular, has allowed the demand for hardboard to grow in spite of the presence of the competing products.
- (68) No new information has been made available which changes the provisional finding that, despite the growth in demand for thin dry-process fibreboards, the dumped imports of hardboard from the countries subject to investigation, with the exception of Brazil, in isolation caused material injury to the Community industry, in terms of price depression and financial losses.

6. Conclusion on causation

- (69) In the light of the foregoing, the provisional findings on causation are confirmed, with the exception of those relating to imports from Brazil.

F. COMMUNITY INTEREST

1. The definitive investigation

- (70) Following the imposition of provisional measures, the analysis of the impact of anti-dumping measures on the various sectors involved in the investigation continued. Users of hardboard were visited, as indicated in recital 3, as well as a non-complainant Community producer of eucalyptus hardboard.

2. Impact on the Community industry

- (71) Subsequent to the imposition of provisional measures, several arguments were presented on the likely impact of any definitive measures on the Community industry.

These arguments concerned the relationship between hardboard and thin dry-process fibreboards, as follows.

(a) *Arguments presented by interested parties*

- (72) It was claimed by certain interested parties that the Community industry could not benefit from any anti-dumping measures as a result of the substitutability between thin dry-process fibreboards and hardboard.

In support of this view, it was alleged that the price level of thin dry-process fibreboards has reached the level of hardboard of equivalent thickness. According to these claims, the imposition of anti-dumping measures, with the intention of increasing the price of hardboard in the Community, would have the effect of raising its price above that of competing thin dry-process fibreboards. Where the two products are interchangeable, the effect of the anti-dumping measures would be that customers will choose to use thin dry-process fibreboards instead of hardboard. In other words, the anti-dumping measures would merely serve to reduce the consumption of hardboard by encouraging a switch to the consumption of thin dry-process fibreboards.

- (73) It was also claimed that thin dry-process fibreboards are a product in rising demand, with an increasing investment in production capacity and with the potential to replace hardboard in most end uses if a change in relative prices occurs.

(b) *The size of the thin dry-process fibreboards sector*

- (74) As mentioned in recital 64, production of thin dry-process fibreboards was between 500 000 and 600 000 m³ in 1997, with a growth of around 50 % between 1993 and 1997. However, the plants specialised in the production of these thin boards (that is, those equipped with the so-called calander press) are currently operating at near-full capacity, and most of the new investments in the sector of dry-process fibreboards relate to plants which are best employed in the production of 'middle' thicknesses, that is, between 6 and 30 mm, which are outside the scope of this investigation.

In the short run, therefore, an increase in output of thin dry-process fibreboards is unlikely.

(c) *The competition between hardboard and thin dry-process fibreboards*

- (75) As explained in recitals 5 to 9, hardboard and dry-process fibreboards are theoretically interchangeable in many end uses, but their different physical characteristics imply that each has its specific advantages and disadvantages for any particular end use.

- (76) The exporting producers claimed that if there is a sufficient change in the relative prices of the two competing products, the extra costs incurred by any technical problems associated with switching to the use of thin dry-process fibreboards can be overcome if the price advantage in comparison with hardboard becomes large enough.

- (77) The Community industry claimed, however, that the substitution of hardboard with dry-process fibreboards has already taken place in those end uses where they have a technical advantage, and that at present the competitive situation on the market has found an equilibrium, which is not going to be substantially altered by the proposed anti-dumping measures. Since consumption of hardboard continued to rise by 20 % over the period examined, the data suggest that hardboard has been able to compete effectively with thin dry-process fibreboards, lending weight to the arguments submitted by the Community industry. Continual technical progress in the manufacture of thin dry-process fibreboards, however, makes it difficult to assess the degree to which thin dry-process fibreboards might be used in fields hitherto dominated by hardboard in the future.

- (78) Thin dry-process fibreboards have been priced above hardboard of equivalent thickness for most of the period examined, but as technological progress has brought about cost reductions, their prices have declined steadily throughout the period, reaching approximately the levels of Community-produced hardboard of equivalent thickness by 1997.

It is unclear whether this trend decrease in the price of thin dry-process fibreboards, as technological progress leads to continued cost-reductions, is set to continue into the near future. The complainant states that further substantial reductions in the prices of thin dry-process fibreboards in the Community are not to be expected. The product is, it is claimed, now beyond the phase of rapid growth experienced in the last few years, which led to declining unit costs, and the mills are

approaching full capacity utilisation, with a cost structure which is similar to that of hardboard. Therefore, the price of thin dry-process fibreboards is expected to remain, if definitive anti-dumping measures are imposed, on the same level as the price of Community-produced hardboard.

- (79) On the other hand, the continuous-line and calander-press production processes which are used to manufacture thin dry-process fibreboards are said, by the dry-processed fibreboard industry, to be more efficient than the multi-daylight presses used in the production of hardboard. In particular, the levels of waste and offcuts from these MDF production processes are allegedly far lower than with multi-daylight presses, whilst the speed of manufacture is greater. Thus, it is claimed that the prices of Community-produced thin dry-process fibreboards can continue their declining trend. The same prediction is made by some of the interested parties concerning the price trend of imports of thin dry-process fibreboards from outside the Community.

These developments have implications for the use of hardboard in those sectors where its end uses overlap with those of dry-process fibreboards, such as in the furniture industry. If prices of dry-process fibreboards continue to decline after the imposition of definitive anti-dumping measures, it is possible that a switch in consumption away from hardboard in favour of thin dry-process fibreboards could follow in those market segments where dry-process fibreboards are interchangeable with hardboard.

(d) Conclusion on the impact of measures on the Community industry

- (80) In view of the above analysis, it was found that the measures proposed will most likely have a beneficial impact on the situation of the Community industry. In case anti-dumping measures are not imposed, the dumped imports will continue undercutting substantially the Community industry's prices. Given the financial difficulties highlighted by the injury analysis, the continuation of the business activity of the Community industry would be seriously threatened and a large part of Community production of hardboard, which guarantees at present the coverage of a wide range of customers' demands, would be put at risk, forcing users to choose among less than optimal alternatives, such as the dumped imports and other wood panel products.

It should also be borne in mind that, although it is possible that some of the benefits of anti-dumping measures may accrue to industries other than the hardboard industry, it is highly unlikely that the Community industry would have sought protection against unfair trade had it not expected benefits from measures.

The effectiveness of the measures, however, may be reduced depending on the future price relationship between hardboard and the dry-process fibreboards, and a review under Article 11(3) of the Basic Regulation may be justified should developments in this context warrant such a review.

3. Impact on upstream industries

- (81) As no further representations were received, the provisional findings are confirmed.

4. Impact on importers

- (82) In the absence of further representations, the provisional findings are confirmed.

5. Impact on users

- (83) All the users cooperating during the investigation were manufacturers of doors using only hardboard imported from Brazil. It was found that imports from Brazil have not caused injury to the Community industry and that no measures should be adopted in respect of that country.

The impact on other users is expected to be minor, given the rates of duty proposed and the small share of hardboard in the cost of production of most of such users.

6. Conclusion on Community interest

- (84) In the light of the foregoing, it is concluded that there is no reason to consider that the imposition of definitive anti-dumping measures on imports of hardboard originating in the countries for whom definitive measures are to be adopted would be against the overall interest of the Community.

G. MEASURES PROPOSED

1. Termination of the proceeding in respect of Brazil

- (85) Based on the conclusions of the definitive investigation, the proceeding concerning imports originating in Brazil is terminated by Commission

Decision 1999/71/EC⁽¹⁾ without the imposition of measures. The amounts secured by way of a provisional anti-dumping duty shall therefore be released. The undertakings provisionally accepted from the two exporting producers in Brazil will automatically lapse in accordance with Article 8(6) of the Basic Regulation.

2. Definitive measures

(a) Injury elimination level

- (86) The injury elimination level was calculated using the same methodology as described in the Provisional Regulation at recital 113 with a level of trade adjustment to reflect sales made via traders.
- (87) An injury margin was established for each of the exporting producers concerned as a result of these comparisons and this margin was expressed as a percentage of the cif value of their exports to the Community for product types for which there were Community-made matches.

(b) Form and level of the definitive measures

- (88) 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 on the Community market.

Definitive measures should take the form of *ad valorem* duties, which are deemed appropriate to remove the injury caused by the dumped imports.

In accordance with Article 9(4) of the Basic Regulation, as the injury margin was lower than the dumping margin found for one of the cooperating Polish exporting producers, the definitive anti-dumping duty for that company is set at the level of the former. For all other exporting producers, the injury margins are higher than the corresponding dumping margins and measures are

therefore based on the latter margins. The same applies for the residual duties.

(c) Undertakings

- (89) It will be recalled from recital 115 *et seq.* of the Provisional Regulation that undertakings had been offered by the cooperating exporting producers in Brazil, Bulgaria, Estonia, Latvia, Lithuania and Poland, and provisionally accepted by the Commission.

These undertakings, with the exception of those offered by the Brazilian companies, reflect the definitive findings of the investigation with respect to the minimum prices provided therein and have been definitively accepted by Commission Decision 1999/71/EC.

3. Collection of the provisional duties

- (90) In the light of the seriousness of the injury suffered by the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty under the Provisional Regulation should be definitively collected to the extent of the amount of the definitive duties levied,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of hardboard, defined as wet-processed fibre-board of wood or other ligneous materials, whether or not bonded with resins or other organic substances and with a density exceeding 0,8 g/cm³, falling under CN codes ex 4411 11 00 and ex 4411 19 00 (TARIC codes: 4411 11 00*10 and 4411 19 00*10) originating in Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia.

2. The rate of the definitive anti-dumping duty applicable to the net free-at-Community frontier price to the products manufactured by the companies listed below shall be as follows:

Country	Company	Rate of duty (%)	TARIC additional code
Bulgaria	Fazerles AD	7,1	8 461
	All other companies	7,2	8 900
Estonia	All companies	6,0	—
Latvia	All companies	4,7	—
Lithuania	All companies	11,4	—

⁽¹⁾ See page 71 of this Official Journal.

Country	Company	Rate of duty (%)	TARIC additional code
Poland	Alpex-Karlino SA	22,4	8 479
	Ekopłyta SA	7,0	8 480
	Zakłady Płyt Pilśniowych SA, Przemysł	9,1	8 481
	Konieczpolskie Zakłady Płyt Pilśniowych SA, Przemysł	11,4	8 494
	Zakłady Płyt Pilśniowych SA w Krosnie Odrzańskim	11,0	8 495
	All other companies	34,8	8 900
Russia	All companies	30,6	—

Article 2

1. Notwithstanding Article 1, the definitive duty shall not apply to imports of hardboard produced and directly exported and invoiced to an importing company in the Community by the companies listed in paragraph 3, provided that the conditions of paragraph 2 are met.

2. When the declaration for release for free circulation is presented, exemption from the duty shall be conditional upon presentation to the competent Member State's customs services of a valid undertaking invoice issued by one of the companies listed in paragraph 3. The undertaking invoice, the essential elements of which are listed in the Annex, shall conform to the requirements for such invoices set out in the undertaking accepted by Commission Decision 1999/71/EC.

3. Imports accompanied by an undertaking invoice shall be declared under the following TARIC additional codes:

Country	Company	TARIC additional code
Bulgaria	Fazerles AD	8 496
	Lessoplast AD	8 497
Estonia	AS Repo Vabrikud	8 498
Latvia	AS 'Bolderāja'	8 499
Lithuania	JSC Grigiskės	8 510
Poland	Alpex-Karlino SA	8 511
	Czarna Woda Zakłady Płyt Pilśniowych	8 600
	Ekopłyta SA	8 513
	Zakłady Płyt Pilśniowych SA, Przemysł	8 545
	Konieczpolskie Zakłady Płyt Pilśniowych SA	8 546
	Zakłady Płyt Pilśniowych SA w Krosnie Odrzańskim	8 547

Article 3

1. The amount provisionally secured by the Provisional Regulation with respect to imports originating in the countries mentioned in Article 1 shall be definitively collected to the extent of the amount of the definitive duties levied.

2. The amounts provisionally secured by the Provisional Regulation with respect to imports originating in Brazil shall be released.

Article 4

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, 25 January 1999.

For the Council

The President

J. FISCHER

*ANNEX***Elements to be indicated in the undertaking invoice referred to in Article 2(2)**

1. The product reporting code (as established in the undertaking offered by the producing exporter in question).
2. The exact description of the goods, including:
 - the company product code (CPC); whether the hardboard is unworked or worked; the thickness and the precise measures of the panel, indicating in brackets whether it has standard measures (STA) or cut-to-size ones (CTS),
 - CN code,
 - the TARIC additional code under which the goods on the invoice may be customs cleared at Community borders (as specified in the Regulation),
 - quantity (to be given in m²).
3. The description of the terms of the sale, including:
 - price per square metre ⁽¹⁾,
 - the applicable payment terms,
 - the applicable delivery terms,
 - total discounts and rebates.
4. Name of the importer to which the invoice is issued directly by the Company.
5. The name of the official of the Company that has issued the undertaking invoice and the following signed declaration:

'I, the undersigned, certify that the sale for direct export to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the undertaking offered by the Company, and accepted by the European Commission through Decision 1999/71/EC ⁽²⁾. I declare that the information provided in this invoice is complete and correct.'

⁽¹⁾ For undertaking invoices issued by the Latvian exporting producer AS 'Bolderāja', in the case of sales via sales agents established in the Community, the price per m² may appear on an additional invoice issued by the agent instead of on the undertaking invoice issued by AS 'Bolderāja'. In that event, the undertaking invoice should also mention the name of the agent.

⁽²⁾ See page 71 of this Official Journal.

COMMISSION REGULATION (EC) No 195/1999
of 28 January 1999
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 29 January 1999.

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

Done at Brussels, 28 January 1999.

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 28 January 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	139,3
	204	42,9
	999	91,1
0707 00 05	052	106,9
	999	106,9
0709 10 00	220	68,8
	999	68,8
0709 90 70	052	145,5
	204	193,8
	628	122,8
	999	154,0
0805 10 10, 0805 10 30, 0805 10 50	052	33,2
	204	39,2
	212	43,2
	600	41,3
	624	48,6
	999	41,1
0805 20 10	204	63,6
	999	63,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	49,7
	204	49,2
	464	86,1
	624	79,5
	999	66,1
0805 30 10	052	35,3
	600	77,8
	999	56,6
0808 10 20, 0808 10 50, 0808 10 90	052	64,8
	060	45,7
	400	65,1
	404	78,4
	720	81,1
	728	84,5
	999	69,9
	052	135,4
0808 20 50	064	62,3
	400	81,5
	624	51,9
	999	82,8

⁽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 196/1999
of 28 January 1999
fixing the export refunds on milk and milk products

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⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade 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 within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that

when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 2184/98 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; whereas one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; whereas the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as last amended by Regulation (EC) No 1148/98 ⁽⁶⁾; whereas, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community;

⁽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 275, 10. 10. 1998, p. 21.

⁽⁵⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽⁶⁾ OJ L 159, 3. 6. 1998, p. 38.

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than EUR 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 91, 1. 4. 1984, p. 71.

⁽²⁾ OJ L 28, 1. 2. 1988, p. 1.

ANNEX

to the Commission Regulation of 28 January 1999 fixing the export refunds on milk and milk products

(in EUR/100 kg net weight unless otherwise indicated)

Product code	Destination (°)	Amount of refund	Product code	Destination (°)	Amount of refund
0401 10 10 9000	970	2,327	0402 21 91 9900	+	151,96
	***	—	0402 21 99 9100	+	114,82
0401 10 90 9000	970	2,327	0402 21 99 9200	+	115,61
	***	—	0402 21 99 9300	+	117,04
0401 20 11 9100	970	2,327	0402 21 99 9400	+	125,09
	***	—	0402 21 99 9500	+	127,88
0401 20 11 9500	970	3,597	0402 21 99 9600	+	138,59
	***	—	0402 21 99 9700	+	144,87
0401 20 19 9100	970	2,327	0402 21 99 9900	+	151,96
	***	—	0402 29 15 9200	+	0,8250
0401 20 19 9500	970	3,597	0402 29 15 9300	+	1,0060
	***	—	0402 29 15 9500	+	1,0598
0401 20 91 9100	970	4,551	0402 29 15 9900	+	1,1402
	***	—	0402 29 19 9200	+	0,8250
0401 20 91 9500	+	—	0402 29 19 9300	+	1,0060
0401 20 99 9100	970	4,551	0402 29 19 9500	+	1,0598
	***	—	0402 29 19 9900	+	1,1402
0401 20 99 9500	+	—	0402 29 91 9100	+	1,1482
0401 30 11 9100	+	—	0402 29 91 9500	+	1,2509
0401 30 11 9400	970	10,50	0402 29 99 9100	+	1,1482
	***	—	0402 29 99 9500	+	1,2509
0401 30 11 9700	970	15,77	0402 91 11 9110	+	—
	***	—	0402 91 11 9120	+	—
0401 30 19 9100	+	—	0402 91 11 9310	+	11,31
0401 30 19 9400	+	—	0402 91 11 9350	+	13,85
0401 30 19 9700	970	15,77	0402 91 11 9370	+	16,84
	***	—	0402 91 19 9110	+	—
0401 30 31 9100	+	38,32	0402 91 19 9120	+	—
0401 30 31 9400	+	59,85	0402 91 19 9310	+	11,31
0401 30 31 9700	+	66,00	0402 91 19 9350	+	13,85
0401 30 39 9100	+	38,32	0402 91 19 9370	+	16,84
0401 30 39 9400	+	59,85	0402 91 31 9100	+	—
0401 30 39 9700	+	66,00	0402 91 31 9300	+	19,91
0401 30 91 9100	+	75,22	0402 91 39 9100	+	—
0401 30 91 9400	+	110,55	0402 91 39 9300	+	19,91
0401 30 91 9700	+	129,01	0402 91 51 9000	+	—
0401 30 99 9100	+	75,22	0402 91 59 9000	+	—
0401 30 99 9400	+	110,55	0402 91 91 9000	+	63,94
0401 30 99 9700	+	129,01	0402 91 99 9000	+	63,94
0402 10 11 9000	+	82,50	0402 99 11 9110	+	—
0402 10 19 9000	+	82,50	0402 99 11 9130	+	—
0402 10 91 9000	+	0,8250	0402 99 11 9150	+	—
0402 10 99 9000	+	0,8250	0402 99 11 9310	+	0,2689
0402 21 11 9200	+	82,50	0402 99 11 9330	+	0,3228
0402 21 11 9300	+	100,60	0402 99 11 9350	+	0,4291
0402 21 11 9500	+	105,98	0402 99 19 9110	+	—
0402 21 11 9900	+	114,00	0402 99 19 9130	+	—
0402 21 17 9000	+	82,50	0402 99 19 9150	+	—
0402 21 19 9300	+	100,60	0402 99 19 9310	+	0,2689
0402 21 19 9500	+	105,98	0402 99 19 9330	+	0,3228
0402 21 19 9900	+	114,00	0402 99 19 9350	+	0,4291
0402 21 91 9100	+	114,82	0402 99 31 9110	+	—
0402 21 91 9200	+	115,61	0402 99 31 9150	+	0,4467
0402 21 91 9300	+	117,04	0402 99 31 9300	+	0,3832
0402 21 91 9400	+	125,09	0402 99 31 9500	+	0,6600
0402 21 91 9500	+	127,88	0402 99 39 9110	+	—
0402 21 91 9600	+	138,59	0402 99 39 9150	+	0,4467
0402 21 91 9700	+	144,87	0402 99 39 9300	+	0,3832

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,6600	0404 90 29 9160	+	144,87
0402 99 91 9000	+	0,7522	0404 90 29 9180	+	151,96
0402 99 99 9000	+	0,7522	0404 90 81 9100	+	0,8250
0403 10 11 9400	+	—	0404 90 81 9910	+	—
0403 10 11 9800	+	—	0404 90 81 9950	+	0,2689
0403 10 13 9800	+	—	0404 90 83 9110	+	0,8250
0403 10 19 9800	+	—	0404 90 83 9130	+	1,0060
0403 10 31 9400	+	—	0404 90 83 9150	+	1,0598
0403 10 31 9800	+	—	0404 90 83 9170	+	1,1402
0403 10 33 9800	+	—	0404 90 83 9911	+	—
0403 10 39 9800	+	—	0404 90 83 9913	+	—
0403 90 11 9000	+	81,11	0404 90 83 9915	+	—
0403 90 13 9200	+	81,11	0404 90 83 9917	+	—
0403 90 13 9300	+	99,70	0404 90 83 9919	+	—
0403 90 13 9500	+	105,03	0404 90 83 9931	+	0,2689
0403 90 13 9900	+	112,98	0404 90 83 9933	+	0,3228
0403 90 19 9000	+	113,82	0404 90 83 9935	+	0,4291
0403 90 31 9000	+	0,8111	0404 90 83 9937	+	0,4467
0403 90 33 9200	+	0,8111	0404 90 89 9130	+	1,1482
0403 90 33 9300	+	0,9970	0404 90 89 9150	+	1,2509
0403 90 33 9500	+	1,0503	0404 90 89 9930	+	0,4601
0403 90 33 9900	+	1,1298	0404 90 89 9950	+	0,6600
0403 90 39 9000	+	1,1382	0404 90 89 9990	+	0,7522
0403 90 51 9100	970	2,327	0405 10 11 9500	+	165,85
	***	—	0405 10 11 9700	+	170,00
0403 90 51 9300	+	—	0405 10 19 9500	+	165,85
0403 90 53 9000	+	—	0405 10 19 9700	+	170,00
0403 90 59 9110	+	—	0405 10 30 9100	+	165,85
0403 90 59 9140	+	—	0405 10 30 9300	+	170,00
0403 90 59 9170	970	15,77	0405 10 30 9500	+	165,85
	***	—	0405 10 30 9700	+	170,00
0403 90 59 9310	+	38,32	0405 10 50 9100	+	165,85
0403 90 59 9340	+	59,85	0405 10 50 9300	+	170,00
0403 90 59 9370	+	66,00	0405 10 50 9500	+	165,85
0403 90 59 9510	+	75,22	0405 10 50 9700	+	170,00
0403 90 59 9540	+	110,55	0405 10 90 9000	+	176,22
0403 90 59 9570	+	129,01	0405 20 90 9500	+	155,49
0403 90 61 9100	+	—	0405 20 90 9700	+	161,71
0403 90 61 9300	+	—	0405 90 10 9000	+	216,00
0403 90 63 9000	+	—	0405 90 90 9000	+	170,00
0403 90 69 9000	+	—	0406 10 20 9100	+	—
0404 90 21 9100	+	82,50	0406 10 20 9230	037	—
0404 90 21 9910	+	—		039	—
0404 90 21 9950	+	11,31		099	22,83
0404 90 23 9120	+	82,50		400	22,83
0404 90 23 9130	+	100,60		***	37,68
0404 90 23 9140	+	105,98			
0404 90 23 9150	+	114,00	0406 10 20 9290	037	—
0404 90 23 9911	+	—		039	—
0404 90 23 9913	+	—		099	21,24
0404 90 23 9915	+	—		400	15,29
0404 90 23 9917	+	—		***	35,05
0404 90 23 9919	+	—			
0404 90 23 9931	+	11,31	0406 10 20 9300	037	—
0404 90 23 9933	+	13,85		039	—
0404 90 23 9935	+	16,84		099	9,329
0404 90 23 9937	+	19,91		400	7,834
0404 90 23 9939	+	20,81		***	15,39
0404 90 29 9110	+	114,82			
0404 90 29 9115	+	115,61			
0404 90 29 9120	+	117,04			
0404 90 29 9130	+	125,09			
0404 90 29 9135	+	127,88			
0404 90 29 9150	+	138,59			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 10 20 9610	037	—	0406 20 90 9990	+	—
	039	—	0406 30 31 9710	037	—
	099	30,98		039	—
	400	30,98		099	9,536
	***	51,11		400	8,346
0406 10 20 9620	037	—		***	17,88
	039	—	0406 30 31 9730	037	—
	099	31,42		039	—
	400	31,42		099	13,99
	***	51,83		400	12,25
0406 10 20 9630	037	—		***	26,24
	039	—	0406 30 31 9910	037	—
	099	35,06		039	—
	400	35,06		099	9,536
	***	57,86		400	8,346
0406 10 20 9640	037	—		***	17,88
	039	—	0406 30 31 9930	037	—
	099	51,54		039	—
	400	48,35		099	13,99
	***	85,03		400	12,25
0406 10 20 9650	037	—		***	26,24
	039	—	0406 30 31 9950	037	—
	099	42,95		039	—
	400	25,44		099	20,36
	***	70,86		400	17,81
0406 10 20 9660	+	—		***	38,17
0406 10 20 9830	037	—	0406 30 39 9500	037	—
	039	—		039	—
	099	15,93		099	13,99
	400	13,38		400	12,25
	***	26,28		***	26,24
0406 10 20 9850	037	—	0406 30 39 9700	037	—
	039	—		039	—
	099	19,31		099	20,36
	400	16,22		400	17,81
	***	31,87		***	38,17
0406 10 20 9870	+	—	0406 30 39 9930	037	—
0406 10 20 9900	+	—		039	—
0406 20 90 9100	+	—		099	20,36
0406 20 90 9913	037	—		400	17,81
	039	—		***	38,17
	099	35,62	0406 30 39 9950	037	—
	400	31,59		039	—
	***	58,77		099	23,02
0406 20 90 9915	037	—		400	21,14
	039	—		***	43,16
	099	47,01	0406 30 90 9000	037	—
	400	42,12		039	—
	***	77,56		099	24,15
0406 20 90 9917	037	—		400	21,14
	039	—		***	45,28
	099	49,94	0406 40 50 9000	037	—
	400	44,75		039	—
	***	82,41		099	81,00
0406 20 90 9919	037	—		400	32,98
	039	—		***	90,00
	099	55,82			
	400	50,02			
	***	92,10			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 40 90 9000	037	—	0406 90 33 9951	037	—
	039	—		039	—
	099	83,18		099	62,08
	400	32,98		400	20,01
	***	92,42		***	68,98
0406 90 13 9000	037	—	0406 90 35 9190	037	28,95
	039	—		039	28,95
	099	91,46		099	95,14
	400	60,16		400	61,40
	***	101,62		***	105,71
0406 90 15 9100	037	—	0406 90 35 9990	037	—
	039	—		039	—
	099	94,51		099	95,14
	400	62,17		400	40,19
	***	105,01		***	105,71
0406 90 17 9100	037	—	0406 90 37 9000	037	—
	039	—		039	—
	099	94,51		099	91,46
	400	62,17		400	60,16
	***	105,01		***	101,62
0406 90 21 9900	037	—	0406 90 61 9000	037	40,61
	039	—		039	40,61
	099	92,61		099	100,80
	400	44,53		400	57,27
	***	102,90		***	112,00
0406 90 23 9900	037	—	0406 90 63 9100	037	37,12
	039	—		039	37,12
	099	81,32		099	100,27
	400	18,57		400	63,89
	***	90,36		***	111,41
0406 90 25 9900	037	—	0406 90 63 9900	037	29,52
	039	—		039	29,52
	099	80,79		099	96,40
	400	21,16		400	48,93
	***	89,77		***	107,11
0406 90 27 9900	037	—	0406 90 69 9100	+	—
	039	—	0406 90 69 9910	037	—
	099	73,17		039	—
	400	18,57		099	96,40
	***	81,30		400	48,93
0406 90 31 9119	037	—		***	107,11
	039	—	0406 90 73 9900	037	—
	099	67,25		039	—
	400	25,56		099	83,95
	***	74,72		400	52,63
0406 90 33 9119	037	—		***	93,28
	039	—	0406 90 75 9900	037	—
	099	67,25		039	—
	400	25,56		099	84,51
	***	74,72		400	22,27
0406 90 33 9919	037	—		***	93,90
	039	—	0406 90 76 9300	037	—
	099	61,46		039	—
	400	20,33		099	76,21
	***	68,29		400	20,12
				***	84,68

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 76 9400	037	—	0406 90 85 9999	+	—
	039	—	0406 90 86 9100	+	—
	099	85,37	0406 90 86 9200	037	—
	400	23,22		039	—
	***	94,85		099	77,55
0406 90 76 9500	037	—		400	27,65
	039	—		***	86,17
	099	81,22	0406 90 86 9300	037	—
	400	23,22		039	—
	***	90,24		099	78,67
0406 90 78 9100	037	—		400	30,30
	039	—		***	87,41
	099	78,75	0406 90 86 9400	037	—
	400	18,14		039	—
	***	87,50		099	83,58
0406 90 78 9300	037	—		400	34,28
	039	—		***	92,87
	099	83,50	0406 90 86 9900	037	—
	400	20,12		039	—
	***	92,78		099	92,19
0406 90 78 9500	037	—		400	40,24
	039	—		***	102,43
	099	82,72	0406 90 87 9100	+	—
	400	23,22	0406 90 87 9200	037	—
	***	91,91		039	—
0406 90 79 9900	037	—		099	64,63
	039	—		400	24,78
	099	67,52		***	71,81
	400	19,23	0406 90 87 9300	037	—
	***	75,02		039	—
0406 90 81 9900	037	—		099	72,24
	039	—		400	28,02
	099	85,37		***	80,27
	400	47,61	0406 90 87 9400	037	—
	***	94,85		039	—
0406 90 85 9910	037	28,95		099	74,12
	039	28,95		400	30,66
	099	92,19		***	82,36
	400	59,27	0406 90 87 9951	037	—
	***	102,43		039	—
0406 90 85 9991	037	—		099	83,84
	039	—		400	42,19
	099	92,19		***	93,15
	400	40,19	0406 90 87 9971	037	—
	***	102,43		039	—
0406 90 85 9995	037	—		099	83,84
	039	—		400	34,41
	099	84,51		***	93,15
	400	21,16	0406 90 87 9972	099	35,72
	***	93,90		400	13,67
				***	39,68

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 87 9973	037	—	2309 10 19 9100	+	—
	039	—	2309 10 19 9200	+	—
	099	82,31	2309 10 19 9300	+	—
	400	24,08	2309 10 19 9400	+	—
	***	91,46	2309 10 19 9500	+	—
0406 90 87 9974	037	—	2309 10 19 9600	+	—
	039	—	2309 10 19 9700	+	—
	099	89,33	2309 10 19 9800	+	—
	400	24,08	2309 10 70 9010	+	—
	***	99,26	2309 10 70 9100	+	13,85
0406 90 87 9979	037	—	2309 10 70 9200	+	18,47
	039	—	2309 10 70 9300	+	23,09
	099	81,32	2309 10 70 9500	+	27,70
	400	24,08	2309 10 70 9600	+	32,32
	***	90,36	2309 10 70 9700	+	36,94
0406 90 88 9100	+	—	2309 10 70 9800	+	40,63
0406 90 88 9105	037	—	2309 90 35 9010	+	—
	039	—	2309 90 35 9100	+	—
	099	86,64	2309 90 35 9200	+	—
	400	30,30	2309 90 35 9300	+	—
	***	96,27	2309 90 35 9400	+	—
0406 90 88 9300	037	—	2309 90 35 9500	+	—
	039	—	2309 90 35 9700	+	—
	099	63,81	2309 90 39 9010	+	—
	400	30,30	2309 90 39 9100	+	—
	***	70,90	2309 90 39 9200	+	—
2309 10 15 9010	+	—	2309 90 39 9300	+	—
2309 10 15 9100	+	—	2309 90 39 9400	+	—
2309 10 15 9200	+	—	2309 90 39 9500	+	—
2309 10 15 9300	+	—	2309 90 39 9600	+	—
2309 10 15 9400	+	—	2309 90 39 9700	+	—
2309 10 15 9500	+	—	2309 90 39 9800	+	—
2309 10 15 9700	+	—	2309 90 70 9010	+	—
2309 10 19 9010	+	—	2309 90 70 9100	+	13,85
			2309 90 70 9200	+	18,47
			2309 90 70 9300	+	23,09
			2309 90 70 9500	+	27,70
			2309 90 70 9600	+	32,32
			2309 90 70 9700	+	36,94
			2309 90 70 9800	+	40,63

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 2317/97 (OJ L 321, 22.11.1997, p. 19). However:

— '099' covers all destination codes from 053 to 096 inclusive,

— '970' covers the exports referred to in Articles 34(1)(a) and (c) and 42(1)(a) and (b) of Commission Regulation (EEC) No 3665/87 (OJ L 351, 14.12.1987, p. 1).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1(2) and (3).

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

COMMISSION REGULATION (EC) No 197/1999
of 28 January 1999
on the issuing of system B export licences for fruit and vegetables

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

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1287/98 ⁽²⁾, and in particular Article 5(6) thereof,

Whereas Commission Regulation (EC) No 2379/98 ⁽³⁾, fixes the indicative quantities laid down for the issue of export licences other than those requested in the context of food aid;

Whereas, in the light of information now available to the Commission, the indicative quantities have been exceeded in the case of hazelnuts in shell, walnuts in shell, lemons and table grapes;

Whereas as a consequence, for system B licences applied for between 16 November 1998 and 14 January 1999, a rate of refund which is lower than the indicative rate

should be fixed for hazelnuts in shell, walnuts in shell, lemons and table grapes,

HAS ADOPTED THIS REGULATION:

Article 1

The percentages for the issuing of system B export licences, as referred to in Article 5 of Regulation (EC) No 2190/96, and applied for between 16 November 1998 and 14 January 1999, by which the quantities applied for and the rates of refund applicable must be multiplied, shall be as fixed in the Annex hereto.

The above subparagraph shall not apply to licences applied for in connection with food-aid operations as provided for in Article 10(4) of the Agreement on Agriculture concluded during the Uruguay Round of multi-lateral trade negotiations.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 178, 23. 6. 1998, p. 11.

⁽³⁾ OJ L 295, 4. 11. 1998, p. 15.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 16 November 1998 and 14 January 1999

Product	Destination or group of destinations	Percentage for the issuing of licences	Rate of refund (EUR/tonne net)
Tomatoes	F	100 %	15,9
Shelled almonds	F	100 %	50,0
Hazelnuts in shell	F	100 %	
Shelled hazelnuts	F	100 %	114,0
Walnuts in shell	F	100 %	73,0
Oranges	XYC	100 %	35,0
Lemons	F	100 %	20,0
Table grapes	F	100 %	23,2
Apples	XY	100 %	25,0
	ZD	100 %	54,0

COMMISSION REGULATION (EC) No 198/1999
of 28 January 1999
fixing the corrective amount applicable to the refund on cereals

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

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

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

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1)(c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 February 1999.

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

Done at Brussels, 28 January 1999.

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 313, 21. 11. 1998, p. 16.

ANNEX

to the Commission Regulation of 28 January 1999 fixing the corrective amount applicable to the refund on cereals

(EUR / tonne)

Product code	Destination ⁽¹⁾	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-2,00	-3,00	-3,00	—	—
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	-35,00	—	—
	02	0	0	0	0	-10,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	04	0	0	0	0	0	—	—
	02	0	-1,00	-2,00	-3,00	-4,00	—	—
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	0	0	0	-10,00	—	—
1103 11 10 9400	01	0	0	0	0	-10,00	—	—
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

04 Switzerland, Liechtenstein.

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 199/1999
of 28 January 1999
fixing the export refunds on malt

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular the third subparagraph of 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 within 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 2513/98⁽⁴⁾;

Whereas the refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question; whereas the said quantities are laid down 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 these rules to the present situation on markets 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 malt listed in Article 1 (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

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 313, 21. 11. 1998, p. 16.

ANNEX

to the Commission Regulation of 28 January 1999 fixing the export refunds on malt

(EUR/tonne)

Product code	Refund
1107 10 19 9000	44,00
1107 10 99 9000	64,70
1107 20 00 9000	75,90

COMMISSION REGULATION (EC) No 200/1999
of 28 January 1999

**fixing the maximum export refund on barley in connection with the invitation to
tender issued in Regulation (EC) No 1078/98**

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 2513/98 ⁽⁴⁾, and in particular Article 4 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 1078/98 ⁽⁵⁾;

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 22 to 28 January 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1078/98, the maximum refund on exportation of barley shall be EUR 50,94 per tonne.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

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 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 154, 28. 5. 1998, p. 20.

COMMISSION REGULATION (EC) No 201/1999
of 28 January 1999

**fixing the maximum export refund on rye in connection with the invitation to
tender issued in Regulation (EC) No 1746/98**

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 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1746/98 ⁽⁵⁾; 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 22 to 28 January 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1746/98, the maximum refund on exportation of rye shall be EUR 73,95 per tonne.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

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 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 219, 7. 8. 1998, p. 3.

COMMISSION REGULATION (EC) No 202/1999
of 28 January 1999

**fixing the maximum export refund on common wheat in connection with the
invitation to tender issued in Regulation (EC) No 1079/98**

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 2513/98 ⁽⁴⁾, and in particular Article 4 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries with the exception of certain ACP States was opened pursuant to Commission Regulation (EC) No 1079/98 ⁽⁵⁾, as amended by Regulation (EC) No 2005/98 ⁽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 22 to 28 January 1999, pursuant to the invitation to tender issued in Regulation (EC) No 1079/98, the maximum refund on exportation of common wheat shall be EUR 31,49 per tonne.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

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 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 154, 28. 5. 1998, p. 24.

⁽⁶⁾ OJ L 258, 22. 9. 1998, p. 8.

COMMISSION REGULATION (EC) No 203/1999**of 28 January 1999****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 2007/98**

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 2513/98 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 2007/98 of 21 September 1998 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾, as last amended by Regulation (EC) No 2599/98 ⁽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 2007/98;

Whereas Article 8 of Regulation (EC) No 2007/98 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 22 to 28 January 1999, pursuant to the invitation to tender issued in Regulation (EC) No 2007/98, the maximum refund on exportation of oats shall be EUR 58,90 per tonne.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

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 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 258, 22. 9. 1998, p. 13.

⁽⁶⁾ OJ L 325, 3. 12. 1998, p. 10.

COMMISSION REGULATION (EC) No 204/1999**of 28 January 1999****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2004/98**

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 2513/98 ⁽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 certain ACP States was opened pursuant to Commission Regulation (EC) No 2004/98 ⁽⁵⁾;

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 22 to 28 January 1999, pursuant to the invitation to tender issued in Regulation (EC) No 2004/98, the maximum refund on exportation of common wheat shall be EUR 36,98 per tonne.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

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 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 258, 22. 9. 1998, p. 4.

COMMISSION REGULATION (EC) No 205/1999**of 28 January 1999****fixing the maximum reduction in the duty on maize imported in connection
with the invitation to tender issued in Regulation (EC) No 2849/98**

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 12(1) thereof,

Whereas an invitation to tender for the maximum reduction in the duty on maize imported into Spain was opened pursuant to Commission Regulation (EC) No 2849/98⁽³⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as amended by Regulation (EC) No 1963/95⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix a maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Article 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty 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 22 to 28 January 1999 pursuant to the invitation to tender issued in Regulation (EC) No 2849/98, the maximum reduction in the duty on maize imported shall be EUR 74,86 per tonne and be valid for a total maximum quantity of 83 306 tonnes.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

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 358, 31. 12. 1998, p. 43.

⁽⁴⁾ OJ L 177, 28. 7. 1995, p. 4.

⁽⁵⁾ OJ L 189, 10. 8. 1995, p. 22.

COMMISSION REGULATION (EC) No 206/1999**of 28 January 1999****fixing the maximum reduction in the duty on maize imported in connection
with the invitation to tender issued in Regulation (EC) No 2850/98**

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 12(1) thereof,

Whereas an invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 2850/98⁽³⁾;

Whereas, pursuant to Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as amended by Regulation (EC) No 1963/95⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix maximum reduction in the import duty; whereas in fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty;

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

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

For tenders notified from 22 to 28 January 1999, pursuant to the invitation to tender issued in Regulation (EC) No 2850/98, the maximum reduction in the duty on maize imported shall be EUR 70,63 per tonne and be valid for a total maximum quantity of 151 100 tonnes.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

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 358, 31. 12. 1998, p. 44.

⁽⁴⁾ OJ L 177, 28. 7. 1995, p. 4.

⁽⁵⁾ OJ L 189, 10. 8. 1995, p. 22.

COMMISSION REGULATION (EC) No 207/1999
of 28 January 1999
concerning tenders notified in response to the invitation to tender for the export
of barley issued in Regulation (EC) No 1564/98

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 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund for the export of barley exported by Spain to all third countries was opened pursuant to Commission Regulation (EC) No 1564/98 ⁽⁵⁾, as amended by Regulation (EC) No 2309/98 ⁽⁶⁾;

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 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 22 to 28 January 1999 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1564/98.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

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 313, 21. 11. 1998, p. 16.

⁽⁵⁾ OJ L 203, 21. 7. 1998, p. 6.

⁽⁶⁾ OJ L 288, 27. 10. 1998, p. 11.

COMMISSION REGULATION (EC) No 208/1999
of 28 January 1999
amending representative prices and additional duties for the import of certain
products in the sugar sector

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

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses⁽³⁾, as last amended by Regulation (EC) No 624/98⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1379/98⁽⁵⁾, as last amended by Regulation (EC) No 181/1999⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

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 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ L 85, 20. 3. 1998, p. 5.

⁽⁵⁾ OJ L 187, 1. 7. 1998, p. 6.

⁽⁶⁾ OJ L 20, 27. 1. 1999, p. 36.

ANNEX

to the Commission Regulation of 28 January 1999 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(EUR)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	14,87	9,24
1701 11 90 ⁽¹⁾	14,87	15,54
1701 12 10 ⁽¹⁾	14,87	9,01
1701 12 90 ⁽¹⁾	14,87	15,02
1701 91 00 ⁽²⁾	18,10	17,74
1701 99 10 ⁽²⁾	18,10	12,29
1701 99 90 ⁽²⁾	18,10	12,29
1702 90 99 ⁽³⁾	0,18	0,46

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

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

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 209/1999

of 28 January 1999

on the issue of import licences for rice against applications submitted during the first 10 working days of January 1999 pursuant to Regulation (EC) No 327/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice⁽¹⁾, as amended by Regulation (EC) No 648/98⁽²⁾, and in particular Article 5(2) thereof,

Whereas, pursuant to Article 5(2) of Regulation (EC) No 327/98, within 10 days of the closing date for notification by the Member States of licence applications, the Commission must decide to what extent the applications may be accepted and fix the quantities available under the following tranche;

Whereas examination of the quantities for which applications have been submitted shows that licences should be issued for the quantities applied for reduced, where

appropriate, by the percentages set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences for rice against applications submitted during the first 10 working days of January 1999 pursuant to Regulation (EC) No 327/98 and notified to the Commission shall be issued for the quantities applied for reduced, where appropriate, by the percentages set out in the Annex hereto.

2. The quantities available under the following tranche shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 37, 11. 2. 1998, p. 5.

⁽²⁾ OJ L 88, 24. 3. 1998, p. 3.

ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for January 1999 and quantities available for the following tranche:

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

Origin	Reduction (%)	Quantity available for the additional tranche for April 1999 (in tonnes)
United States of America	0 ⁽¹⁾	20 870
Thailand	0 ⁽¹⁾	6 011,01
Australia	—	1 019
Other origins	—	1 805

⁽¹⁾ Issue for the quantity applied for.

(b) quantity referred to in Article 2: husked rice falling within CN code 1006 20

Origin	Reduction (%)	Quantity available for the additional tranche for April 1999 (in tonnes)
Australia	0 ⁽¹⁾	7 779
United States of America	0 ⁽¹⁾	3 881
Thailand	—	1 812
Other origins	—	117

⁽¹⁾ Issue for the quantity applied for.

(c) quantity referred to in Article 2: broken rice falling within CN code 1006 40 00

Origin	Reduction (%)	Quantity available for the July 1999 tranche (in tonnes)
Thailand	0 ⁽¹⁾	24 034,54
Australia	0 ⁽¹⁾	6 457
Guyana	0	8 503
United States of America	0 ⁽¹⁾	3 640
Other origins	0	9 703

⁽¹⁾ Issue for the quantity applied for.

COMMISSION REGULATION (EC) No 210/1999

of 28 January 1999

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 last amended by Regulation (EC) No 2072/98⁽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 265, 30. 9. 1998, p. 4.

⁽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 29 January 1999.

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

Done at Brussels, 28 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 28 January 1999 fixing the export refunds on products processed from cereals and rice

<i>(EUR/tonne)</i>		<i>(EUR/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	77,66	1104 23 10 9100	83,21
1102 20 10 9400 ⁽¹⁾	66,56	1104 23 10 9300	63,79
1102 20 90 9200 ⁽¹⁾	66,56	1104 29 11 9000	33,51
1102 90 10 9100	73,35	1104 29 51 9000	32,85
1102 90 10 9900	49,88	1104 29 55 9000	32,85
1102 90 30 9100	93,10	1104 30 10 9000	8,21
1103 12 00 9100	93,10	1104 30 90 9000	13,87
1103 13 10 9100 ⁽¹⁾	99,85	1107 10 11 9000	58,47
1103 13 10 9300 ⁽¹⁾	77,66	1107 10 91 9000	87,04
1103 13 10 9500 ⁽¹⁾	66,56	1108 11 00 9200	65,70
1103 13 90 9100 ⁽¹⁾	66,56	1108 11 00 9300	65,70
1103 19 10 9000	49,99	1108 12 00 9200	88,75
1103 19 30 9100	75,80	1108 12 00 9300	88,75
1103 21 00 9000	33,51	1108 13 00 9200	88,75
1103 29 20 9000	49,88	1108 13 00 9300	88,75
1104 11 90 9100	73,35	1108 19 10 9200	34,96
1104 12 90 9100	103,44	1108 19 10 9300	34,96
1104 12 90 9300	82,75	1109 00 00 9100	0,00
1104 19 10 9000	33,51	1702 30 51 9000 ⁽²⁾	104,11
1104 19 50 9110	88,75	1702 30 59 9000 ⁽²⁾	79,70
1104 19 50 9130	72,11	1702 30 91 9000	104,11
1104 21 10 9100	73,35	1702 30 99 9000	79,70
1104 21 30 9100	73,35	1702 40 90 9000	79,70
1104 21 50 9100	97,80	1702 90 50 9100	104,11
1104 21 50 9300	78,24	1702 90 50 9900	79,70
1104 22 20 9100	82,75	1702 90 75 9000	109,09
1104 22 30 9100	87,92	1702 90 79 9000	75,72
		2106 90 55 9000	79,70

⁽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 211/1999

of 28 January 1999

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 29 January 1999.

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

Done at Brussels, 28 January 1999.

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 28 January 1999 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefiting 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.

(EUR/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	55,47
Cereal products ⁽²⁾ excluding maize and maize products	40,88

⁽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 (unprocessed and not reconstituted) excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

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

COMMISSION REGULATION (EC) No 212/1999
of 28 January 1999
fixing production refunds on cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 7 (2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors ⁽⁵⁾, as last amended by Regulation (EC) No 87/99 ⁽⁶⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated

must be fixed once a month and may be altered if the price of maize and/or wheat changes significantly;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable;

Whereas the 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 refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, barley, oats, potatoes, rice or broken rice, shall be EUR 64,14 per tonne.

Article 2

This Regulation shall enter into force on 29 January 1999.

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

Done at Brussels, 28 January 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 265, 30. 9. 1998, p. 4.

⁽⁵⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁶⁾ OJ L 9, 15. 1. 1999, p. 8.

COMMISSION REGULATION (EC) No 213/1999**of 28 January 1999****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 last amended by Regulation (EC) No 2072/98⁽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 1352/98⁽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 87/1999⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

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 29 January 1999.

⁽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 265, 30. 9. 1998, p. 4.

⁽⁵⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ L 184, 27. 6. 1998, p. 25.

⁽⁷⁾ OJ L 275, 29. 9. 1987, p. 36.

⁽⁸⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁹⁾ OJ L 9, 15. 1. 1999, p. 8.

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

Done at Brussels, 28 January 1999.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 28 January 1999 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

(EUR/100 kg)

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	1,365 2,100
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	2,135 — 3,285
1002 00 00	Rye	4,999
1003 00 90	Barley	4,977
1004 00 00	Oats	5,172
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	1,538 5,547 0,972 4,982 5,547 1,538 5,547
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	10,800 10,800 10,800
1006 40 00	Broken rice	2,300
1007 00 90	Sorghum	4,977

⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 January 1999

concerning the external auditors of the national central banks

(1999/70/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank and in particular to Article 27.1 thereof,

Having regard to the Recommendation of the European Central Bank (hereinafter referred to as the 'ECB') of 12 November 1998 ⁽¹⁾,

Whereas the accounts of the ECB and of the national central banks (hereinafter referred to as the 'NCBs') are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council;

Whereas the ECB has recommended the reappointment of the current external auditors appointed by each participating NCB subject to a possible later decision,

HAS DECIDED AS FOLLOWS:

Article 1

1. KPMG Réviseurs d'Entreprises s.c., Antwerp, and Deloitte Touche Tohmatsu s.c., Brussels, are hereby approved as the external auditors of the Banque Nationale de Belgique/Nationale Bank van België.

2. KPMG Deutsche Treuhandgesellschaft AG and PwC Deutsche Revision AG are hereby approved as the external auditors of the Deutsche Bundesbank.

3. Coopers & Lybrand, belonging to the international firm PricewaterhouseCoopers, is hereby approved as the external auditor of the Banco de España.

4. Mazars & Guérard, Paris, and Deloitte Touche Tohmatsu-Audit, Neuilly, are hereby approved as the external auditors of the Banque de France.

5. PricewaterhouseCoopers, Dublin, is hereby approved as the external auditor of the Central Bank of Ireland.

6. Reconta Ernst and Young, spa, Rome, is hereby approved as the external auditor of the Banca d'Italia.

7. PricewaterhouseCoopers SARL (Société à responsabilité limitée), Réviseur d'Entreprises, Luxembourg, is hereby approved as the external auditor of the Banque centrale du Luxembourg.

8. Prof. Dr J.A. van Manen RA (Registered Accountant) is hereby approved as the external auditor of De Nederlandsche Bank, acting on a personal assignment, partner of PricewaterhouseCoopers.

9. Prof. DDr Kurt Neuner, Dr Pipin Henzl, Dr Peter Wolf, Mag. Christian Hofer, Dkfm. Dr Peter Christian Gormasz and Dkfm. Leopold Wundsam, all of whom are registered certified public accountants, are hereby approved as the external auditors of the Österreichische Nationalbank.

10. PricewaterhouseCoopers-Auditores e Consultores Lda., is hereby approved as the external auditor of the Banco de Portugal.

11. Arthur Anderson Oy is hereby approved as the external auditor of Suomen Pankki.

⁽¹⁾ OJ C 411, 31. 12. 1998, p. 11.

Article 2

This Decision shall be notified to the ECB.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 25 January 1999.

For the Council

The President

J. FISCHER

COMMISSION

COMMISSION DECISION

of 6 January 1999

accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of hardboard originating in Bulgaria, Estonia, Latvia, Lithuania and Poland and terminating the proceeding without measures in respect of such imports originating in Brazil

(notified under document number C(1998) 4533)

(1999/71/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as last amended by Regulation (EC) No 905/98⁽²⁾, and in particular Articles 8(1) and 9(2) thereof,

After consulting the Advisory Committee,

Whereas:

- (1) By Regulation (EC) No 1742/98⁽³⁾ the Commission imposed provisional anti-dumping duties on imports in the Community of hardboard originating in Brazil, Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia and provisionally accepted price undertakings offered by certain exporting producers in the countries concerned by the proceeding, with the exception of Russia.
- (2) Following the adoption of the provisional anti-dumping measures, in accordance with Article 8(6) of Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation'), the Commission continued the investigation of dumping, injury and Community interest. The definitive findings and conclusions of the investigation are set out in Council Regulation (EC) No 194/1999 imposing definitive duties⁽⁴⁾.
- (3) Based on the definitive findings of the investigation, it was concluded that the injury suffered by the Community industry was not caused by imports of hardboard originating in Brazil, that the proceeding should be terminated without the adoption of protective measures with regard to this country and that the undertakings provisionally accepted from the exporting producers in Brazil should lapse according to Article 8(6) of the Basic Regulation.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 128, 30. 4. 1998, p. 18.

⁽³⁾ OJ L 218, 6. 8. 1998, p. 16.

⁽⁴⁾ See page 16 of this Official Journal.

- (4) The investigation confirmed the provisional findings of injurious dumping relating to imports originating in Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia.
- (5) The Commission considers that the price undertakings offered by the exporting producers and provisionally accepted in Commission Regulation (EC) No 1742/98 are an effective measure to remove the injury caused by the dumped imports, since their prices are such as to eliminate the injurious effect of the dumping, they only cover imports of a reduced number of product types and only up to a certain quantity threshold. Indeed, without these three conditions effective monitoring would not be practicable and companies would be encouraged to circumvent the undertaking by declaring as covered by the undertaking product types outside its scope.
- (6) In accordance with the provisions of the undertakings, the minimum prices contained therein have been amended in line with the definitive findings of the investigation.
- (7) Having been informed of the main facts and considerations on the basis of which the Commission intended to accept the undertakings, the Community industry did not raise any objections to the acceptance of the proposed undertakings.
- (8) In the event of a breach or withdrawal of the undertaking a definitive anti-dumping duty may be imposed, pursuant to Article 8(9) and (10) of the Basic Regulation,

HAS ADOPTED THIS DECISION:

Article 1

1. The undertakings offered by the producers mentioned below, in the framework of the anti-dumping proceedings concerning imports into the Community of hardboard originating in Bulgaria, Estonia, Latvia, Lithuania and Poland are hereby accepted.

Country	Company	TARIC Additional Code
Bulgaria	Fazerles AD	8496
	Lessoplast AD	8497
Estonia	AS Repo Vabrikud	8498
Latvia	AS 'Bolderāja'	8499
Lithuania	JSC Grigiskės	8510
Poland	Alpex-Karlino S.A.	8511
	Czarna Woda Zakłady Płyt Pilśniowych	8600
	Ekopłyta SA	8513
	Zakłady Płyt Pilśniowych SA, Przemysł	8545
	Konieczpolskie Zakłady Płyt Pilśniowych SA	8546
	Zakłady Płyt Pilśniowych SA w Krosnie Odrzańskim	8547

2. The investigations in connection with the anti-dumping proceedings referred to in paragraph 1 are hereby terminated with regard to the parties named in that paragraph.

Article 2

The proceeding in respect of imports of hardboard originating in Brazil is hereby terminated without adoption of protective measures.

Article 3

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

Done at Brussels, 6 January 1999.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION
of 22 January 1999
suspending the buying-in of butter in certain Member States
(notified under document number C(1999) 162)

(1999/72/EC)

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⁾, and in particular the first subparagraph of Article 7a(1) and Article 7a(3) thereof,

Whereas Council Regulation (EEC) No 777/87 ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, sets out the circumstances under which the buying-in of butter and skimmed-milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;

Whereas Commission Regulation (EEC) No 1547/87 ⁽⁴⁾, as last amended by Regulation (EC) No 1802/95 ⁽⁵⁾, lays down the criteria for opening and suspending the buying-in of butter by invitation to tender in the Member States or, in the case of the United Kingdom and Germany, in a region thereof;

Whereas Commission Decision 97/785/EC ⁽⁶⁾ suspends the buying-in of butter in all Member States; whereas information on market prices shows that the condition laid down in Article 1(3) of Regulation (EEC) No 1547/87 is no longer met in Ireland; whereas the list of Member States in which that suspension applies must be adjusted accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The buying-in of butter by invitation to tender as provided for in Article 1(3) of Regulation (EEC) No 777/87 is hereby suspended in Belgium, Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden and Great Britain and Northern Ireland.

Article 2

Decision 97/785/EC is hereby repealed.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 January 1999.

For the Commission

Hans VAN DEN BROEK

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 78, 20. 3. 1987, p. 10.

⁽⁴⁾ OJ L 144, 4. 6. 1987, p. 12.

⁽⁵⁾ OJ L 174, 26. 7. 1995, p. 27.

⁽⁶⁾ OJ L 321, 22. 11. 1997, p. 43.

CORRIGENDA

Corrigendum to Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on *in vitro* diagnostic medical devices

(Official Journal of the European Communities L 331 of 7 December 1998)

On page 15, in Article 22(3), second sentence:

for: '... as from the entry force of this Directive.'

read: '... as from the entry into force of this Directive.'

and on page 20, in Annex I(B), point 8.1., add the following paragraph:

'The decision whether to translate the instructions for use and the label into one or more languages of the European Union shall be left to the Member States, except that, for devices for self-testing, the instructions for use and the label must include a translation into the official language(s) of the Member State in which the device for self-testing reaches its final user.'
