

Official Journal

of the European Communities

ISSN 0378-6978

L 49

Volume 42

25 February 1999

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EC) No 397/1999 of 22 February 1999 imposing a definitive anti-dumping duty on imports of bicycles originating in Taiwan and collecting definitively the provisional duty imposed** 1
- Commission Regulation (EC) No 398/1999 of 24 February 1999 establishing the standard import values for determining the entry price of certain fruit and vegetables 15
- Commission Regulation (EC) No 399/1999 of 24 February 1999 fixing the maximum export refund for white sugar for the 28th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1574/98..... 17
- Commission Regulation (EC) No 400/1999 of 24 February 1999 altering the export refunds on white sugar and raw sugar exported in the natural state 18
- Commission Regulation (EC) No 401/1999 of 24 February 1999 fixing the representative prices and the additional import duties for molasses in the sugar sector.... 20
- Commission Regulation (EC) No 402/1999 of 24 February 1999 altering the export refunds on milk and milk products 22
- Commission Regulation (EC) No 403/1999 of 24 February 1999 determining the extent to which import licence applications submitted in February 1999 under the tariff quotas for beef provided for by Regulation (EC) No 1926/96 for Estonia, Latvia, and Lithuania may be accepted 24
- Commission Regulation (EC) No 404/1999 of 24 February 1999 fixing the production refund for olive oil used in the manufacture of certain preserved foods..... 25

Contents (continued)	Commission Regulation (EC) No 405/1999 of 24 February 1999 amending Regulation (EC) No 328/1999 suspending the buying-in of butter in certain Member States	26
★	Commission Regulation (EC) No 406/1999 of 16 February 1999 establishing unit values for the determination of the customs value of certain perishable goods	27
II Acts whose publication is not obligatory		
Council		
1999/149/EC:		
★	Decision No 1/1999 of the Association Council between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, of 28 January 1999 amending Protocol 4 to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part	33
Commission		
1999/150/EC:		
★	Commission Decision of 4 February 1999 amending Decision 93/160/EEC drawing up a list of third countries from which Member States authorise the importation of semen of domestic animals of the porcine species and Decision 95/94/EC establishing a list of semen collection centres approved for the export to the Community of semen of domestic animals of the porcine species from certain third countries ⁽¹⁾ (notified under document number C(1999) 230)	40
1999/151/EC:		
★	Commission Decision of 10 February 1999 on the clearance of the accounts of Greece and Spain in respect of expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 1997 financial year and amending Decision 98/324/EC (notified under document number C(1999) 215)	42
Corrigenda		
★	Corrigendum to Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/559/EEC concerning the application of Regulations (EEC) No 3820/84 and (EEC) No 3821/85 (OJ L 274 of 9.10.1998)	46
★	Corrigendum to Decision No 182/1999/EC of the European Parliament and of the Council of 22 December 1998 concerning the fifth framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002) (OJ L 26 of 1.2.1999)	46
★	Corrigendum to Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (OJ L 46 of 17.2.1997)	46

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 397/1999

of 22 February 1999

imposing a definitive anti-dumping duty on imports of bicycles originating in Taiwan and collecting definitively the provisional duty imposed

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

A. PROVISIONAL MEASURES

- (1) By Commission Regulation (EC) No 1833/98⁽²⁾ (hereinafter referred to as 'the Provisional Duty Regulation'), provisional anti-dumping duties were imposed on imports into the Community of bicycles falling within CN code 8712 00 10, 8712 00 30, 8712 00 80 and originating in Taiwan.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of provisional anti-dumping duties, several interested parties submitted comments in writing.
- (3) The parties who so requested were granted an opportunity to be heard by the Commission.
- (4) The Commission continued to seek and verify all the information it deemed necessary for the purpose of its definitive findings. A verification visit was carried out at the premises of the following importer not related to any Taiwanese exporting producer and located in the Community:
- Bikeurope BV, Utrecht, The Netherlands.
- (5) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of defini-

tive anti-dumping duties and the definitive collection of amounts secured by way of provisional duties. They were also granted a period within which to make representations subsequent to this disclosure.

- (6) The oral and written comments submitted by the parties were considered, and, where deemed appropriate, the definitive findings have been changed accordingly.

C. PRODUCT CONCERNED AND LIKE PRODUCT

- (7) Since no comments with regard to the definition of the product concerned and the like product were received, the contents of recitals 13 to 19 of the Provisional Duty Regulation are hereby confirmed.

D. NEW EXPORTING PRODUCERS IN TAIWAN

- (8) As explained in the Provisional Duty Regulation, in view of the large number of exporting producers in Taiwan, the Commission decided to apply sampling techniques in accordance with Article 17 of Regulation (EC) No 384/96 (hereafter referred to as 'the Basic Regulation'). No arguments have been advanced concerning the selection of the sample of exporting producers which was made with the consent of the association representing them.

One month before the adoption of provisional measures, a number of exporting producers in Taiwan made themselves known and requested new exporting producer status. Following the adoption of provisional measures the Commission, by means of a special questionnaire, examined whether these companies did not export the product concerned to the Community during the

⁽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 238, 26. 8. 1998, p. 10.

investigation period, whether they had started to export to the Community after this period or whether they had entered into an irrevocable contractual obligation to export a significant quantity to the Community, and whether they were not related to any of the exporters or producers in Taiwan which are subject to the anti-dumping measures on the product concerned. The exporting producers which have shown that they fulfil the abovementioned criteria were considered as new exporting producers and should be granted the same treatment, in terms of definitive measures, as the cooperating exporting producers not included in the sample, i.e. an anti-dumping duty calculated in accordance with Article 9(6) of the Basic Regulation.

- (9) The same treatment should be granted to any other new exporting producer who, following the adoption of definitive measures, submits sufficient evidence showing that it fulfils the abovementioned criteria.

E. DUMPING

1. Normal value

1. *Methodology for the construction of normal value*

- (10) As no arguments have been advanced concerning the methodology used for the determination of constructed normal value following the adoption of provisional measures, the findings as set out in recitals 27 to 31 of the Provisional Duty Regulation are hereby confirmed.

2. *Cost of production*

- (11) Following the adoption of provisional measures, one company contested the use of the manufacturing cost as set out in its own accounting records for the determination of constructed normal value. It claimed that the manufacturing cost reported in its response to the questionnaire should be used instead because this was more accurate. It also claimed that since certain customs duties incurred for the product when sold domestically were allocated together with the manufacturing overheads on all products in its accounting records, a different allocation should be made for the dumping calculations.
- (12) During the on-the-spot investigation it was found that the company's accounting records provided a much more detailed cost of manufacturing per model than that requested in the questionnaire. The investigation also revealed that there was a

significant discrepancy between the manufacturing cost reported in the response to the questionnaire and that in the company's accounting records. Overall, the company underestimated in its response to the questionnaire the manufacturing cost of the models exported to the Community and overestimated the manufacturing cost of the domestic models.

The company did not provide any reason why the cost reported in the response to the questionnaire reflected more reasonably the cost associated with the production of the product than the cost in its accounting records. With regard to the allocation of certain customs duties together with the manufacturing overheads, the company was not able to explain, on the basis of information available from the reply to the Commission's questionnaire and the on-the-spot investigation, how those customs duties were treated in its accounts and how they were allocated to the different models. Therefore it was concluded that the per model manufacturing cost obtained from the company's accounting records should be used for the construction of normal value.

- (13) Another company claimed that in constructing normal value the Commission should not have rejected the allocation of direct labour and manufacturing overheads made in the questionnaire response. It argued that since it had no precise allocation method for these cost items, it was compelled to create such an allocation method for the dumping investigation. However, the investigation revealed that the company had historically utilised an allocation method for direct labour and manufacturing overheads. It was also found that the ad hoc allocation used in the questionnaire response systematically raised the cost of high manufacturing cost models and reduced the cost of low manufacturing cost models as compared to the cost allocation historically utilised in its accounting records. According to this ad hoc allocation method, direct labour and manufacturing overheads were allocated on the basis of various factors, e.g. the size or type of parts used. However, the company did not show that these ad hoc allocation factors provided a more appropriate allocation of direct labour and manufacturing overheads as compared to the historically used allocation. It was therefore considered that there is no reason to deviate from the allocation method historically utilised by the company and that the latter method should be used in calculating the manufacturing cost for the construction of normal value.

2. Export price

- (14) Since no arguments have been advanced concerning the determination of export price following the adoption of provisional measures, the findings as set out in the Provisional Duty Regulation are hereby confirmed.

3. Comparison

- (15) One exporting producer claimed that certain payments made to a related company in order to prevent it from becoming insolvent were wrongly deducted as commissions from the export price.
- (16) The on-the-spot investigation revealed that the exporting producer in question had actually paid certain commissions directly linked to specific export sales to the Community which have not been reported in the response to the questionnaire. In addition, it should be noted that the exporting producer had not disclosed in the response to the questionnaire the existence of the related company which received the commissions and was involved in export sales to the Community although such information was explicitly requested in the questionnaire. Consequently, the claim was rejected and these commissions were deducted from the relevant export prices.
- (17) No other arguments have been advanced concerning the adjustments made to ensure a fair comparison as set out in the Provisional Duty Regulation and the findings as set out in the Provisional Duty Regulation are therefore confirmed.

4. Dumping margins

1. Methodology

- (18) As explained in the Provisional Duty Regulation, the weighted average constructed normal value by model was compared on an ex factory basis with the weighted average export price by model. Since no change was made to the dumping calculations, the provisional dumping margins are hereby confirmed as follows.

2. Dumping margins for companies in the sample

- (19) The comparison of the normal value and the export price duly adjusted showed the existence of

dumping in respect of all companies which were included in the sample. The dumping margins of the various models established vary and, therefore, the Commission calculated a weighted average dumping margin for each exporting producer. In view of the significant differences in export prices of the various models, the weighting was done on the basis of their export quantity. The definitive dumping margins expressed as a percentage of the cif import prices at the Community frontier duty unpaid are the following:

— Fritz Jou Manufacturing Co. Ltd:	10,2 %
— Giant Manufacturing Co. Ltd:	2,4 %
— Merida Industry Co. Ltd:	2,5 %
— Ming Cycle Ind. Co. Ltd:	2,5 %
— Overlord Industries Corp.:	18,2 %.

3. Dumping margin for cooperating companies not in the sample

- (20) Cooperating companies not selected in the sample were, in accordance with Article 9(6) of the Basic Regulation, attributed the average dumping margin of the companies in the sample, weighted on the basis of their export volume to the Community. Expressed as a percentage of the cif import price at the Community frontier duty unpaid, this definitive dumping margin is 5,4 %.

4. Dumping margin for non-cooperating companies

- (21) For non-cooperating companies a dumping margin was determined on the basis of the facts available in accordance with Article 18 of the Basic Regulation. Since the level of cooperation was high it is considered appropriate to set the dumping margin for non-cooperating companies at the level of the highest dumping margin established for a company in the sample. Indeed, it would constitute a bonus for non-cooperation and encourage circumvention to assume that the dumping margin attributable to non-cooperating exporting producers is lower than that found for a cooperating exporting producer.

This definitive dumping margin expressed as a percentage of the cif import price at the Community frontier duty unpaid, is therefore 18,2 %.

F. DEFINITION OF THE COMMUNITY INDUSTRY, SAMPLING

(22) The Taiwanese Bicycle Exporters' Association (hereafter referred to as 'TBEA') and the European Bicycle Importers' Association (hereafter referred to as 'EBIA') indicated that only nine European producers were included in the sample and that six out of those nine companies are members of larger groups of bicycle manufacturers. However, only four of them have cooperated satisfactorily in the investigation. They remarked that small independent manufacturers of bicycles had either declined to support the investigation or had offered little cooperation. In view of the foregoing, TBEA and EBIA claimed that the companies sampled for the injury determinations are not representative of the Community industry but only represent the interests of large conglomerates.

(23) As far as representativeness of the Community industry or the support from the industry in the Community are concerned, in accordance with the provisions of Articles 4(1) and 5(4) of the Basic Regulation, it was established at the provisional stage, as mentioned in recital 43 of the Provisional Duty Regulation, that producers representing as much as 60 % of Community production expressly supported the complaint and were thus in favour of the initiation of the present investigation.

No producers, either large or small, expressed any opposition to the investigation. Consequently, there cannot be any doubt as to the position of all the Community producers as regards the initiation of this investigation.

(24) In accordance with the provisions of Article 17 of the Basic Regulation and as set out in recitals 46 and 47 of the Provisional Duty Regulation the sample of Community producers chosen was representative in all respects, covering in particular a representative variety of company sizes, integration of production and product mix, as well as a large volume of production. EBIA and TBEA, in their above submission, have not shown that the sample chosen by this methodology is not appropriate.

(25) Finally, it should also be pointed out that all the Community producers included in the sample replied to the Commission's questionnaire and to the relevant deficiency letters sent by the Commission. They also fully cooperated during the on-the-spot investigations. Consequently, the allegation

that some Community producers did not cooperate satisfactorily in the investigation is unfounded.

(26) Based on the above facts and considerations, the Council confirms the contents of recital 45 of the Provisional Duty Regulation as far as representativeness of the Community industry is concerned. It is also confirmed that the sample, formed by the nine companies representing 40 % of the total Community industry's volume of operations, is representative of the Community industry.

G. INJURY

1. Methodology for the determination of injury

(27) As indicated in recital 48 of the Provisional Duty Regulation, the injury situation of the Community industry has been assessed on the basis of two categories of information. The first category of information relates to global injury indicators pertaining to the Community industry, such as, production, capacity and capacity utilisation, stocks, sales, market share, investments and employment. The second category of information is based on certain performance injury indicators of the Community industry, in particular profitability, prices, price evolution and price undercutting, collected from the sampled Community producers.

1. *Global injury indicators*

(28) On the basis of a variety of documents such as press releases, extracts from the non-confidential replies to the Commission's questionnaire and annual reports of European groups such as Monark, Atag and Derby to which some sampled producers belong, TBEA and EBIA claimed that these major groups have made significant improvements in terms of turnover, production volume and profitability. This was in contradiction with the injury finding reached at the provisional stage.

(29) In this respect, it should be underlined that TBEA and EBIA, in support of the alleged increases in production volume, turnover or profitability, mainly provided information at a group level and not specifically for the product concerned. It is considered that this cannot invalidate the provisional findings made on the global injury indicators for the whole Community industry which are based on the situation related to the product concerned and reflect the situation of all individual companies included in the groups.

Indeed, the abovementioned groups are also involved in business activities other than bicycles. The share of the bicycle business in the overall activity varies between approximately 27 % to 70 % depending on the group. It is also recalled that the total share of these three groups in the Community bicycle market was established at around 28 % during the investigation period. Furthermore, even though acquisitions may result in an overall increase in production and sales value as well as an increase in turnover within a whole group, especially when economic indicators are considered regardless of the inclusion of a new company in the group, they are nevertheless compensated for by the demise of independent companies. This assumption does not contradict the fact that individual companies within the group and the group itself may have decreased production, sales volume, turnover and profit throughout the whole period under investigation.

On this basis, the TBEA's and EBIA's conclusion that the overall performance of these groups had improved in terms of their operations in relation to the product concerned cannot be accepted.

- (30) Since the information supplied by TBEA and EBIA is neither consistent nor provides adequate evidence to invalidate or put into question the detailed analysis made by the Commission in recitals 58 to 73 of the Provisional Duty Regulation, the findings set out in these recitals are therefore definitely confirmed.

2. *Performance-related injury indicators*

- (31) TBEA and EBIA argued that the Commission should have assessed the situation of the Community industry on the basis of an investigation of the entire groups to which sampled companies respectively belong instead of collecting information from some individual members in the groups. They claimed that the selection of one or two companies within a group does not allow an overall analysis of the group and prevents taking into account the impact of sales within the group, in other words the sales between related parties. The injury determinations were therefore flawed according to TBEA and EBIA.
- (32) Recital 5 of the Provisional Duty Regulation stated that in view of the large number of Community producers expressly supporting the complaint, sampling was used and a representative sample of

complainant Community producers, as set out in recitals 46 to 47 of the Provisional Duty Regulation, was investigated.

Investigating entire groups instead of individual companies within the groups, as suggested by TBEA and EBIA, however, would have required the investigation of a significantly larger number of companies than the nine currently investigated and would thus have been contrary to the very reason why sampling in accordance with Article 17 of the Basic Regulation was used in the current investigation.

- (33) In any event, the current investigation has been conducted in a way ensuring that all extraordinary, non-operative or financial items or subsidiary activities which were not directly linked to the product concerned were disregarded when assessing the individual factors which led to the provisional conclusions on injury. Such an approach excluded the possibility of transferring revenue from one company to another within the group or allocating excessive general costs to the bicycle activity.
- (34) In addition, it was ensured that only indicators reflecting an arm's length relationship between companies belonging to the same group were used to establish the performance-related injury indicators of the Community industry.
- (35) Consequently, there is no ground for TBEA and EBIA to conclude that the injury determinations were flawed. The provisional findings made for all performance-related injury indicators are thus confirmed.

2. **Price undercutting determinations**

- (36) TBEA and EBIA contested the methodology (recitals 54 to 57 of the Provisional Duty Regulation) used by the Commission when determining the provisional undercutting margins. They claimed that these margins were inflated because the Commission did not offset any negative amount with the positive amount by which the Taiwanese exporters' prices undercut those of the Community industry. According to them the actual undercutting margin and the level of competition could only be measured by including in the calculations the amount by which the Community industry prices undercut those of the Taiwanese exporters.

- (37) In the undercutting methodology used by the Commission, the weighted average net sales prices of the dumped imported bicycles from Taiwan were compared, on a model-by-model basis, with the average net sales price of bicycles produced and sold by the Community industry in the Community market. Therefore, contrary to the claim made by TBEA and EBIA, this methodology allowed the amount by which the Taiwanese price of one particular model exceeded that of the Community industry price to be taken into account on a transaction-by-transaction basis.

3. Profitability of the Community industry

- (38) TBEA and EBIA considered that the findings of the Commission in recital 70 of the Provisional Duty Regulation, i.e. that profitability has become negative since 1995 despite efforts made by the sampled Community producers to restructure and reduce costs, are not consistent with its findings on the evolution of prices which show a steady positive trend.
- (39) As indicated in recital 83 of the Provisional Duty Regulation, it should be noted that not all prices of the individual models produced and sold by the Community industry had a positive trend or increased during the whole period under examination. On the contrary for mountain bikes (MTB), as stated in recital 83 of the Provisional Duty Regulation, prices decreased by up to 12 % in certain Member States where Taiwanese bicycles are mainly sold, namely the United Kingdom (UK), France and Germany. Furthermore, it cannot be concluded that the overall trend followed for prices and costs should automatically apply to profitability. To reach such a conclusion, an analysis, taking into account other economic factors, besides price evolution, is required. In the present context, these factors are economy of scale, cost of production per unit and product mix.
- (40) Indeed, as stated in recitals 65 and 66 of the Provisional Duty Regulation, between 1994 up to the investigation period, the volume of sales made by the Community industry to unrelated customers in the Community market decreased by 22 % (about 1,8 million units) and sales value decreased by 14 % resulting, on the one hand, in a significant loss in the economy of scale and increased unit production costs. On the other hand, even though certain costs could be reduced as a result of restructuring, taking into account the above two trends, in the present case an increase in the unit cost of production (COP) for most models of bicycles has occurred. This tendency has been reinforced by the

fact that, as mentioned in recital 67 of the Provisional Duty Regulation, the Community industry has produced higher range bicycles involving higher production costs and higher sales prices. Overall, the impact of the above situation on profitability was negative.

- (41) Given the bad situation in the Community market and the pressure exerted on sales prices, the reduction of indirect costs and sales price increases were not high enough to compensate for the direct costs and COP per unit increases.
- (42) The evolution of the above economic factors explains why the Community industry's profitability remained negative throughout the whole period under examination despite increases in sales prices and certain reductions in costs. The contents of recital 70 of the Provisional Duty Regulation are hereby confirmed.

4. Conclusion on injury

- (43) The findings which led to the provisional conclusion that the situation of the Community industry deteriorated throughout the whole period under examination have been reviewed in the light of each claim made by TBEA and EBIA. This review confirmed that all the injury indicators of the Community industry, namely production (−20 %), capacity (−18 %) and capacity utilisation (−3 %), sales in terms of volume (−22 %) and value (−14 %), market share in terms of volume (−7 %) and value (−4 %), negative profitability and employment (−15 %), provisionally established were correct. These findings are therefore confirmed as well as the conclusion that the Community industry suffered material injury within the meaning of Article 3 of the Basic Regulation.

On the basis of the above facts and considerations, the provisional findings, as well as the provisional conclusions on injury as indicated in recitals 74 to 77 of the Provisional Duty Regulation, are hereby confirmed.

H. CAUSATION OF INJURY

1. Effect of dumped imports on the Community industry

1. Volume of imports from Taiwan

- (44) TBEA and EBIA claimed that a significant number of bicycles imported from Taiwan were not in direct competition with bicycles manufactured by

the Community industry since not all bicycles imported from Taiwan were compared with Community produced ones in the price undercutting exercise and therefore could not have negatively affected the Community industry.

(45) In addition, according to TBEA and EBIA, the Community industry did not suffer injury caused by bicycles imported from Taiwan. Although the volume of imports of bicycles from Taiwan increased during the period under examination, the increase was very moderate and, in fact, it did not even compensate for the decline in total imports following the imposition of anti-dumping measures against imports from the People's Republic of China, Malaysia, Indonesia and Thailand. Between 1994 and the investigation period, imports from countries other than Taiwan decreased by approximately 1 000 000 units whereas in the same period of time imports from Taiwan only increased by 550 000 units. They thus concluded that import pressure on the Community was in fact significantly reduced during the period under examination.

(46) As regards the first argument, the fact that not all models of the product under investigation were compared in the context of the examination of price undercutting cannot lead to the conclusion that these models are not comparable or not in competition in the Community market. Indeed, the investigation has shown that despite the high number of possible variations in bicycles available in both the Taiwanese and the Community market, they all have the same basic physical and technical characteristics and uses and that all bicycles should therefore be regarded as being one single product.

(47) As regards the second argument above, related to the impact of high import volumes from Taiwan, it was found in recital 79 of the Provisional Duty Regulation that Taiwan was by far the main exporter of bicycles to the Community with a share of 55 % of imports during the investigation period. That performance was achieved despite the fact that the Community market had continually shrunk since 1994: the market size measured in units decreased by 16 %. Whereas the Community industry lost sales volume (– 22 %), as did other operators in the Community market, only Taiwanese exporters continued to increase their import volume (+ 25 %) at a time during which their sales prices steadily decreased (– 19 %) between 1995 and 1996. Whereas the Community industry lost around 1,8 million units in sales

volume, Taiwanese imports increased by 300 000 units, namely 55 % of the overall increase during the whole period under examination. Under these circumstances, and bearing in mind the findings specified in recital 81 of the Provisional Duty Regulation, low-priced dumped Taiwanese bicycles negatively affected Community industry.

2. *Evolution of market share*

(48) According to TBEA and EBIA, the evolution of the market share of the complainant and non-complainant Community producers indicates the absence of detrimental effects caused by Taiwanese imports. In 1994, all Community producers held a 70,4 % share of the Community market. During the investigation period this share, slightly reduced by 2 percentage points, was still as high as 68 %. This reduction however allegedly hides the fact that the market share held by individual Community producers had improved. As indicated in recital 58 of the Provisional Duty Regulation several companies went bankrupt or closed down during the period under consideration, thereby reducing the number of Community producers. Since the remaining producers hold a market share comparable to that held by the arguably more numerous producers back in 1994, TBEA and EBIA concluded that these remaining producers have allegedly increased their own market share at the expense of other European manufacturers.

(49) The focus on market share as advocated by TBEA and EBIA blurs in this particular case the results of a proper analysis. As far as the Community producers are concerned, it was found in recital 71 of the Provisional Duty Regulation that between 1994 up to the investigation period, the Community industry lost 7 % of its share in the market in terms of volume and 4 % of the market in value. The loss in sales volume was around 1,8 million units during that period of time. The market share held by the other Community producers, namely those not included in the definition of the Community industry, increased both in terms of volume (+ 2 %) and in terms of value (+ 5 %). However, they also lost considerable sales volume (– 600 000 units) during that period.

In the meantime, the market share of Taiwanese exporters in terms of volume increased by 50 % or by 5,8 percentage points, namely three times more than the other Community producers. Moreover,

they managed to increase their sales volume by 550 000 units. Consequently the above findings clearly contradict the assumptions made by TBEA and EBIA on market share. From the above analysis it can be concluded in fact that the spectacular increase in the market share held by Taiwanese exporters was made at the expense of both complaining and non-complaining Community manufacturers.

3. Price evolution of the Community industry

- (50) TBEA and EBIA noted that the prices of bicycles sold by the Community industry had developed positively during the whole period under examination with prices increasing by 6 % between 1994 and the investigation period. Prices increased by 11 % between 1995 and 1996 and by a further 2 % between 1996 and the investigation period.
- (51) The overall price development of the Community industry was indeed positive between 1994 and the investigation period. As stated in recital 59 of the Provisional Duty Regulation, however, such a trend resulted from the fact that the Community industry changed its product mix and concentrated on higher range products. Nevertheless, the investigation has also shown that as price increases did not allow that industry to cover its costs of production, profitability has remained negative since 1995. It was also established in recital 83 of the Provisional Duty Regulation that price evolution had also shown negative trends, depending on the model and pressure from unfair competition from low-priced dumped Taiwanese imports. The average price for homogeneous MTB models, namely MTBs whose components did not change much, showed a decrease of up to 12 % from 1994 to the investigation period, depending on the Community market.
- (52) Given the fact that 60 % of Taiwanese imports were mainly concentrated in the low-end range of the MTB segment, where Community prices were mainly depressed, it is considered that the pricing behaviour of the Taiwanese exporters negatively affected the Community industry.

2. Evolution of consumption

- (53) According to TBEA and EBIA, the negative development of consumption is one of the factors which has detrimentally affected the Community industry. It was claimed that from 1994 up to the investigation period the demand for bicycles in the Community market decreased by approximately 3 million units. At the same time sales of the Community industry decreased by 1,8 million units. It was precisely when consumption was at its lowest, namely in 1996, that the Community industry recorded its worst financial results, namely -2,3 %. During the investigation period, when consumption increased, the financial situation of the Community industry slightly improved since it recorded a negative return on sales of only -1,3 %. They claimed that this shows a clear correlation between the evolution of Community consumption and the performances of the Community industry.
- (54) In recital 100 of the Provisional Duty Regulation, the Commission found that it could not be excluded that the negative evolution of consumption contributed to the difficult situation of the Community industry. However, it was concluded that its impact was not such as to break the causal link between dumped imports from Taiwan and the material injury suffered by the Community industry. In any event, even if there is some correlation between the development of consumption and the performance of the Community industry, this alone does not sufficiently explain the bad performance of the Community industry in periods when consumption was developing positively.

3. Undercutting by other Community producers

- (55) According to TBEA and EBIA, part of the injury caused to the Community industry was due to the significant undercutting practised by non-complainant Community producers located in Italy. They claimed that sales of such producers were particularly important in the most representative Community markets and were made at extremely low prices undercutting Taiwanese prices. In order to substantiate the alleged injurious behaviour of these producers, TBEA and EBIA referred to Eurostat statistics for 1996 and 1997 and compared the Taiwanese prices in nine Member States with prices of shipments from Italy. It was found that only in

the UK did the average Taiwanese import price undercut that of Italian producers. They explained that these low Taiwanese prices were due to the fact that the main Taiwanese imports into the UK were children's bicycles, which are cheaper than other bicycles.

(56) It should be noted that, contrary to the price comparison described in recitals 54 to 57 of the Provisional Duty Regulation, TBEA and EBIA did not make any basic distinction in their price comparison between the bicycle categories defined in recital 14 of the Provisional Duty Regulation. They did not even consider the fact that Eurostat statistics provided separate information for the three CN codes involved in the present investigation and that one code in particular contains information relating to very basic bicycles without ball-bearings. As an example, despite the fact that children's bicycles are less sophisticated, they did not distinguish between the difference in the product mix and homogeneous categories of bicycles sold in the Community market by Taiwanese and Italian operators. Moreover, no distinction was made between complainant and non-complainant Italian producers. Nor did they consider the fact that the Eurostat statistics contain information on bicycles of all origins. Finally, TBEA and EBIA ignored the fact that Italian producers were selling their bicycles under different sales conditions from those of the Taiwanese, thus affecting the meaningfulness of the price comparison exercise. From a methodological point of view their findings are thus highly questionable.

(57) The findings made in recitals 91 to 95 of the Provisional Duty Regulation concerning the non-complainant Community producers are therefore confirmed.

4. Restructuring

(58) According to TBEA and EBIA, the Community industry had to significantly restructure its activities by way of mergers and acquisitions, which were responsible for the reduction in production capacities, unemployment and cost increases.

(59) As indicated in recital 103 of the Provisional Duty Regulation, the European bicycle industry undertook rationalisation and restructuring efforts, still going on today, demonstrating at the same time this industry's adaptability to new market situations. However, contrary to the suggestion made by TBEA and EBIA, the restructuring did not necessarily lead to increased costs. The investigation has

shown that some of the Community producers included in the sample were able to reduce their costs by selling equipment or buildings. In particular, this allowed certain large European groups to slightly improve their overall financial situation, and to make certain cuts in costs, such as overheads, depreciation, renting, financial costs, etc.

(60) Important operations such as mergers and acquisitions were indeed performed by some European groups in the framework of the globalisation trend. Mergers and acquisitions should not be seen as the cause of the negative situation of the companies concerned but rather as its consequence. As regards global injury indicators, such as production, production capacity and unemployment, the evolution of the situation of the companies merged or acquired during the period under examination was taken into account since they form the Community industry.

However, any impact caused by the cost of mergers and acquisitions in the financial situation of the companies forming the Community industry, and more so in the sampled Community producers, was disregarded. It follows that costs resulting from mergers, acquisitions or group restructuring are not reflected in the findings which led to the above conclusion of material injury suffered by the Community industry.

(61) Consequently, the restructuring of the Community industry cannot be held responsible for the material injury it has suffered.

5. Conclusion on causation

(62) As a result of the above facts and considerations, the provisional analysis and relative conclusions on causation are hereby confirmed.

I. COMMUNITY INTEREST

(63) Contrary to the conclusions reached in the Provisional Duty Regulation, EBIA claimed that there are compelling reasons that the adoption of anti-dumping measures is not in the Community interest.

1. Interest of the Community industry

(64) In recital 103 of the Provisional Duty Regulation, it was found that the material injury suffered by the Community industry due to unfair competition from low-priced dumped imports rendered it highly vulnerable. This situation had indeed

required additional rationalisation and restructuring efforts in particular by the small manufacturers. Many European companies had to close down or revert to assembling rather than producing bicycles. Not imposing anti-dumping duties on low-priced dumped imports from Taiwan would thus undermine all the efforts made by European manufacturers over the last few years in order to survive and remain competitive on the market.

- (65) Since no comments with regard to the interest of the Community industry were received, the contents of recitals 103 to 105 of the Provisional Duty Regulation are hereby confirmed.

2. Interests of importers, dealers and retailers

- (66) EBIA claimed that many Community importers, dealers and retailers have invested a great deal of time, effort and money over the years in promoting certain brands within the Community. These investments will be detrimentally affected by the imposition of anti-dumping measures. Furthermore, they added that the survival of the retailers relies upon the diversity and quality of the bicycles which only Taiwanese manufacturers can offer. Numerous jobs across Europe are allegedly being jeopardised by the imposition of anti-dumping measures.
- (67) While taking the above claims into consideration, it should also be borne in mind that dealers and retailers working with the Community industry also invested time and money in their respective businesses. Therefore, it is considered that the negative effects of anti-dumping measures on retailers should be seen in the light of the contents of recital 110 of the Provisional Duty Regulation. In any event, the imposition of anti-dumping measures will not put dealers and retailers buying and selling Taiwanese bicycles in an unfairly disadvantageous situation as compared to other retailers in the Community market. The proposed measures will simply correct the distorting effects of injurious dumping and restore fair trade competition among all the operators in the Community. Moreover, price increases will not be automatic. Although price increases might occur as a result of the imposition of the anti-dumping duty, as indicated in recital 111 of the Provisional Duty Regulation, these increases should be very limited.

- (68) As mentioned in recital 108 of the Provisional Duty Regulation, very few meaningful replies were received from importers who are members of EBIA. After the imposition of the provisional anti-dumping duties, the Commission intended to carry out on-the-spot investigations in order to further investigate the situation of importers in the Community market, and to verify the relevance of the above claims. Since none of the members of EBIA agreed to cooperate with the Commission, the above claims concerning importers cannot be taken into consideration.

- (69) In these circumstances, and in the absence of any information which suggests the contrary, the conclusions reached at the provisional stage concerning the effect of the imposition of anti-dumping measures on importers, traders and retailers are hereby confirmed.

3. Interest of consumers

- (70) EBIA also claimed that imposing anti-dumping measures on bicycles is most likely to have several negative consequences on consumers. The consumer price of bicycles will increase; many models of bicycles will no longer be affordable and consumers will be forced to buy low-end range bicycles. The Community market will be in the hands of a reduced number of European manufacturers and the availability of low-priced bicycles of low quality imported from other sources such as eastern European countries and India will increase. The restriction in choice and innovation in bicycles will have negative consequences on a number of cyclists, particularly in Member States where Taiwanese bicycles have a very high market share. Accordingly, the imposition of anti-dumping measures is allegedly not in the interest of the Community consumers.
- (71) With the exception of the effect of the anti-dumping measures on consumer bicycle prices, these issues have already been dealt with above. Consequently, the quality of bicycles sold in the Community market, competition and consumer choice in the Community market will not be affected by the imposition of anti-dumping measures.
- (72) As far as the consumer price increase is concerned, EBIA did not provide any economic analysis indicating an alleged increase in consumer prices if anti-dumping measures were imposed. Given the

margin of the distribution chain in the Community, the maximum impact of the anti-dumping duty on the consumer price should be limited to 2,6 %. However, given the large number of competitors in the market, it is far from certain that the adoption of anti-dumping measures will result in any price increases at consumer level.

4. Consequences on competition in the Community market

- (73) EBIA is of the opinion that the imposition of anti-dumping measures would contribute to the creation of an oligopoly formed by Atag, Monark and Derby to which some individual companies included in the sample belong. With anti-dumping measures in force, these groups will allegedly be able to dominate the market and control the behaviour of small independent manufacturers.
- (74) EBIA also claimed that the imposition of any anti-dumping duty adding up to the already high customs duty of 15,4 % will contribute to reducing competition on the Community market. They recalled that the measures against Taiwan conclude a series of anti-dumping measures imposed against China, Indonesia, Malaysia and Thailand.
- (75) As indicated in recital 117 of the Provisional Duty Regulation, there are a great many operators in the Community market so there is no risk of a monopolistic or oligopolistic situation being created. On the contrary, the investigation has shown that there is a lot of competition among all European manufacturers and importers in the Community market.
- (76) As indicated in recital 62 of the Provisional Duty Regulation, the total market share of the three main European groups in the Community market is around 28 %. In total, there are around 70 producers in the Community, most of them small and medium-sized enterprises (SMEs), who have considerable experience in the bicycle business. In addition, there are hundreds of importers of bicycles made in the USA, the Czech Republic, Poland, India, Vietnam, Indonesia, Korea, Malaysia, etc. It is therefore considered that there is no risk of a monopolistic situation being created in the Community.
- (77) Moreover, the fact that small manufacturers wished to support and participated in the investigation and in addition were not opposed to the conclusions reached in the Provisional Duty Regulation

strongly suggests that there is no risk of such a threat to them. On the contrary, their behaviour rather indicates that they are convinced that their situation would deteriorate further if no anti-dumping measures were imposed against low-priced dumped imports from Taiwan.

- (78) Consequently, on the basis of the above facts and considerations, the contents of recitals 116 to 118 of the Provisional Duty Regulation are confirmed.

5. Reduced innovation in the Community

- (79) EBIA submit that given the important role of Taiwanese bicycle manufacturers in the Community market who offer a broad range of high quality products it is not in the Community interest to impose anti-dumping measures. It has been claimed that the Taiwanese can be credited with the most technical breakthroughs from the introduction of MTBs to full suspension bicycles and beyond. They are also reputed for their R & D allegedly leading the way in the production of power-assisted/electrically-powered bicycles, a growing sector in the market, and also being the world's leading producer of folding bicycles. In particular, EBIA claimed that 2,2 % of Taiwanese manufacturers' turnover is invested in long-term investments in R & D.
- (80) Contrary to the suggestion made by EBIA, Taiwanese bicycles imported in the Community are concentrated on the low-range models, whereas only about 7 % of these imports can be considered as being in the high-range. The information available also indicates that during the investigation period the sampled Taiwanese exporting producers invested not 2,2 % but approximately only 1 % of turnover in R & D, i.e. less than the Community industry.
- (81) Finally, considering that the level of measures will not prevent Taiwanese bicycles being sold in the Community market, the imposition of anti-dumping measures will not affect the pace of innovation as far as it is determined by imports from Taiwan.

6. Conclusion

- (82) As no new conclusive evidence or arguments were received in connection with the determination of Community interest, the provisional findings are hereby confirmed.

J. DEFINITIVE ANTI-DUMPING DUTY

- (83) Since no arguments to invalidate the provisional findings which led to the imposition of the provisional anti-dumping duty were put forward by the interested parties, the contents of recitals 121 to 125 of the Provisional Duty Regulation are confirmed.
- (84) On the above basis, given the wide variety of bicycles exported from Taiwan, an *ad valorem* duty is still considered to be the most appropriate form of measure.

K. COLLECTION OF THE PROVISIONAL DUTIES

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

L. FUTURE REQUESTS FOR NEW EXPORTER TREATMENT

- (86) Since sampling has been used in the investigation, a new exporters' review pursuant to Article 11(4) of the Basic Regulation with the objective of determining individual dumping margins cannot be initiated in this proceeding. However, as already explained in recitals 8 and 9 above, in order to ensure equal treatment for any genuine new exporting producer and the cooperating companies not included in the sample, it is considered that provision should be made for the weighted average duty imposed on the latter companies to be applied to any new exporting producer who would otherwise be entitled to a review pursuant to Article 11(4) of the Basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of bicycles and other cycles (including delivery tricycles), not motorised, with or without ball-bearings, falling within CN codes 8712 00 10, 8712 00 30 and 8712 00 80 originating in Taiwan.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, shall, subject to paragraphs 3 and 4, be 18,2 % (TARIC additional code 8900).

3. Products manufactured by the companies listed in the Annex shall be subject to a definitive anti-dumping duty rate of 5,4 % (TARIC additional code 8548).

4. Products manufactured by the companies listed below shall be subject to the following definitive anti-dumping duty rates:

Company	Rate of duty	TARIC additional code
Fritz Jou Manufacturing Co., Ltd	10,2 %	8698
Giant Manufacturing Co., Ltd	2,4 %	8699
Merida Industry Co., Ltd	2,5 %	8551
Ming Cycle Industrial Co., Ltd	2,5 %	8552

5. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

Where any new exporting producer in Taiwan provides sufficient evidence to the Commission that

- it did not export to the Community the products described in Article 1(1) during the investigation period (1 November 1996 to 31 October 1997),
- it is not related to any of the exporters or producers in Taiwan which are subject to the anti-dumping measures imposed by this Regulation,
- it has actually exported to the Community the products concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Community,

the Council, acting by simple majority on a proposal submitted by the Commission after consulting the Advisory Committee, may amend Article 1(3) of this Regulation by adding the new exporting producer to the list in the Annex referred to in that Article.

Article 3

Amounts secured by way of the provisional anti-dumping duty imposed by Regulation (EC) No 1833/98 shall be definitively collected at the duty rate definitively imposed. Amounts secured in excess of the definitive rate of the anti-dumping duty shall be released.

Article 4

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 Luxembourg, 22 February 1999.

For the Council

The President

H.-F. von PLOETZ

ANNEX

Acetrikes Industrial Co., Ltd., Changhua
Asahi Enterprises Corporation, Tainan
Axman Enterprise Co., Ltd., Taichung
Century Manufacturing Co., Ltd., Taichung
Dahon Inc., Taipei
Dodsun Bicycle & Machinery Manufacturers, Tao Yuan
Fairly Bike Manufacturing Co., Ltd., Taipei
Formosan I Shin Enterprise Ltd., Tainan
Golden Cycle Corp., Taipei
Hsieh Chan Bicycle Co., Ltd., Changhua
Ideal Bike Corporation, Taichung
Kenstone Metal Co., Ltd., Taichung
Liyang Industrial Co., Ltd., Taipei
MT Racing Inc., Taichung
Pretty Wheel Industrial Co., Ltd., Taichung
Rockman Taiwan Bicycle Mfg. Inc., Taichung
San Ground Co., Ltd., Taichung
Sanfa Bicycle Industrial Co., Ltd., Taichung
Sheng Fa Industries Co., Ltd., Taipei
Southern Cross International Co., Ltd., Nantou
Speedstar Industries Co., Ltd., Kaohsiung
Taioku Manufacturing Co., Ltd., Nantou
Taiwan Hodaka Industrial Co., Ltd., Taipei
United Engineering Corp., Taoyuan
Wai I Industry Co., Ltd., Chia-Yi
Wheeler Industrial Co., Ltd., Taichung
Willing Industry Co., Ltd., Taichung
Yuh Jiun Industrial Co., Ltd., Tainan

COMMISSION REGULATION (EC) No 398/1999
of 24 February 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,

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 25 February 1999.

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

Done at Brussels, 24 February 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.

ANNEX

to the Commission Regulation of 24 February 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	47,4
	212	103,1
	624	115,7
	999	101,4
0707 00 05	068	116,3
	999	116,3
0709 10 00	220	283,6
	999	283,6
0709 90 70	052	121,0
	204	127,5
	999	124,3
0805 10 10, 0805 10 30, 0805 10 50	052	38,8
	204	40,8
	212	36,9
	220	27,2
	600	48,0
	624	54,5
	999	41,0
0805 20 10	204	87,1
	999	87,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	59,4
	204	68,7
	464	76,8
	600	84,6
	624	86,5
	999	75,2
0805 30 10	052	46,7
	600	53,8
	999	50,3
0808 10 20, 0808 10 50, 0808 10 90	060	32,4
	400	83,3
	404	82,7
	508	59,4
	512	75,8
	528	120,3
	706	107,2
	720	111,6
	728	67,1
	999	82,2
0808 20 50	388	97,6
	400	83,1
	512	81,7
	528	76,2
	624	56,3
	999	79,0

⁽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 399/1999
of 24 February 1999

fixing the maximum export refund for white sugar for the 28th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1574/98

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

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

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

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

Whereas, following an examination of the tenders submitted in response to the 28th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 28th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1574/98 the maximum amount of the export refund is fixed at EUR 50,241 per 100 kilograms.

Article 2

This Regulation shall enter into force on 25 February 1999.

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

Done at Brussels, 24 February 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 206, 23. 7. 1998, p. 7.

COMMISSION REGULATION (EC) No 400/1999
of 24 February 1999
altering the export refunds on white sugar and raw sugar exported in the natural state

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Commission Regulation (EC) No 1148/98⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 349/1999⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 349/1999 to the information known to the Commission that the export refunds

at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 349/1999 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 February 1999.

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

Done at Brussels, 24 February 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 44, 18. 2. 1999, p. 6.

ANNEX

to the Commission Regulation of 24 February 1999 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	43,13 ⁽¹⁾
1701 11 90 9910	43,04 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	43,13 ⁽¹⁾
1701 12 90 9910	43,04 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4689
	— EUR/100 kg —
1701 99 10 9100	46,89
1701 99 10 9910	47,17
1701 99 10 9950	47,17
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4689

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

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

COMMISSION REGULATION (EC) No 401/1999

of 24 February 1999

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 February 1999.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 24 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in EUR per 100 kg net of the product in question	Amount of the additional duty in EUR per 100 kg net of the product in question	Amount of the duty to be applied to imports in EUR per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	6,23	0,26	—
1703 90 00 ⁽¹⁾	7,94	—	0,27

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

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

COMMISSION REGULATION (EC) No 402/1999
of 24 February 1999
altering 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 the export refunds on milk and milk products were fixed by Commission Regulation (EC) No 312/1999 ⁽³⁾;

Whereas Commission Regulation (EEC) No 3846/87 ⁽⁴⁾ establishes, on the basis of the Combined Nomenclature, an agricultural product nomenclature for export refunds; whereas Regulation (EC) No 381/1999 ⁽⁵⁾ amends that nomenclature as regards certain types of cheese; whereas the refunds for those products should be adapted;

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

The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state, as fixed in the Annex to Regulation (EC) No 312/1999 are hereby altered, in respect of the products set out in the Annex hereto, to the amounts set out therein.

Article 2

This Regulation shall enter into force on 27 February 1999.

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

Done at Brussels, 24 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 38, 12. 2. 1999, p. 15.

⁽⁴⁾ OJ L 366, 24. 12. 1987, p. 1.

⁽⁵⁾ OJ L 46, 20. 2. 1999, p. 28.

ANNEX

to the Commission Regulation of 24 February 1999 altering 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
0406 90 87 9100	+	—	0406 90 87 9972	099	39,68
0406 90 87 9200	037	—		400	13,67
	039	—		***	39,68
	099	71,81	0406 90 87 9973	037	—
	400	24,78		039	—
	***	71,81		099	91,46
0406 90 87 9300	037	—		400	24,08
	039	—		***	91,46
	099	80,27	0406 90 87 9974	037	—
	400	28,02		039	—
	***	80,27		099	99,26
0406 90 87 9400	037	—		400	24,08
	039	—		***	99,26
	099	82,36	0406 90 87 9975	037	—
	400	30,66		039	—
	***	82,36		099	101,25
0406 90 87 9951	037	—		400	31,87
	039	—		***	101,25
	099	93,15	0406 90 87 9979	037	—
	400	42,19		039	—
	***	93,15		099	90,36
0406 90 87 9971	037	—		400	24,08
	039	—		***	90,36
	099	93,15	0406 90 88 9100	+	—
	400	34,41	0406 90 88 9300	037	—
	***	93,15		039	—
				099	70,90
				400	30,30
				***	70,90

(*) 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 403/1999

of 24 February 1999

determining the extent to which import licence applications submitted in February 1999 under the tariff quotas for beef provided for by Regulation (EC) No 1926/96 for Estonia, Latvia, and Lithuania may be accepted

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

Having regard to Commission Regulation (EC) No 1267/98 of 18 June 1998 laying down, for the period 1 July 1998 to 30 June 1999, detailed rules of application for the tariff quotas for beef provided for in Council Regulation (EC) No 1926/96 for Estonia, Latvia and Lithuania ⁽¹⁾, and in particular Article 3(3) thereof,

Whereas Article 1(1) and (3) of Regulation (EC) No 1267/98 fixes the quantities of fresh, chilled and frozen beef and veal originating in Lithuania, Latvia and Estonia and of processed products originating in Latvia which may be imported on special terms during the period 1 January to

30 June 1999; whereas no applications were submitted for import licences for beef and veal or processed products,

HAS ADOPTED THIS REGULATION:

Article 1

No applications for import licences were submitted for the period from 1 January to 30 June 1999 under the import quotas referred to in Article 1(1) of Regulation (EC) No 1267/98.

Article 2

This Regulation shall enter into force on 25 February 1999.

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

Done at Brussels, 24 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 175, 19. 6. 1998, p. 11.

COMMISSION REGULATION (EC) No 404/1999
of 24 February 1999
fixing the production refund for olive oil used in the manufacture of certain
preserved foods

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1638/98⁽²⁾, and in particular Article 20a thereof,

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

Whereas by virtue of Article 20a(2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within

CN subheading 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the reference period; whereas it is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the months of March and April 1999, the amount of the production refund referred to in Article 20a(2) of Regulation No 136/66/EEC shall be EUR 44,00/100 kg.

Article 2

This Regulation shall enter into force on 1 March 1999.

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

Done at Brussels, 24 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 210, 28. 7. 1998, p. 32.

COMMISSION REGULATION (EC) No 405/1999
of 24 February 1999
amending Regulation (EC) No 328/1999 suspending the buying-in of butter in
certain Member States

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 Commission Regulation (EC) No 328/1999 ⁽³⁾ suspended the buying-in of butter in certain Member States;

Whereas, as a result of an error, the text of the Regulation does not correspond to the measures submitted for the opinion of the Committee; whereas Regulation (EC) No 328/1999 should be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 328/1999 is amended as follows:

1. The third recital should read as follows:

‘Whereas Commission Decision 1999/118/EC (*) suspends buying-in of butter in certain 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, Italy and Spain; whereas the list of Member States in which that suspension applies must be adjusted accordingly;

(*) OJ L 34, 9.2.1999, p. 19.’

2. Article 1 should read as follows:

‘Article 1

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, France, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden, Great Britain and Northern Ireland.’

Article 2

This Regulation shall enter into force on 25 February 1999.

It shall apply from 13 February 1999.

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

Done at Brussels, 24 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 40, 13. 2. 1999, p. 21.

COMMISSION REGULATION (EC) No 406/1999
of 16 February 1999
establishing unit values for the determination of the customs value of certain
perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 46/1999 ⁽⁴⁾, and in particular Article 173 (1) thereof,

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 February 1999.

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

Done at Brussels, 16 February 1999.

For the Commission
Martin BANGEMANN
Member of the Commission

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ L 17, 21. 1. 1997, p. 1.

⁽³⁾ OJ L 253, 11. 10. 1993, p. 1.

⁽⁴⁾ OJ L 10, 15. 1. 1999, p. 1.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	43,69 259,77 390,17	601,19 286,59 1 762,45	85,45 34,41 30,22	324,82 84 595,64	14 063,81 96,28	7 269,40 8 759,06
1.30	Onions (other than seed) 0703 10 19	a) b) c)	19,98 118,80 178,43	274,93 131,06 805,99	39,08 15,74 13,82	148,55 38 686,67	6 431,56 44,03	3 324,39 4 005,63
1.40	Garlic 0703 20 00	a) b) c)	177,49 1 055,31 1 585,07	2 442,32 1 164,26 7 159,93	347,14 139,78 122,77	1 319,58 343 668,56	57 134,03 391,14	29 531,85 35 583,55
1.50	Leeks ex 0703 90 00	a) b) c)	43,83 260,60 391,42	603,11 287,51 1 768,10	85,72 34,52 30,32	325,86 84 866,71	14 108,88 96,59	7 292,70 8 787,13
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	75,84 450,92 677,29	1 043,58 497,48 3 059,38	148,33 59,73 52,46	563,85 146 846,72	24 412,90 167,13	12 618,71 15 204,55
1.70	Brussels sprouts 0704 20 00	a) b) c)	59,69 354,90 533,06	821,35 391,54 2 407,89	116,74 47,01 41,29	443,78 115 575,96	19 214,21 131,54	9 931,58 11 966,77
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	41,03 243,95 366,42	564,59 269,14 1 655,15	80,25 32,31 28,38	305,05 79 445,16	13 207,56 90,42	6 826,82 8 225,78
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 629,95 946,19	1 457,90 694,99 4 274,01	207,22 83,44 73,29	787,71 205 147,81	34 105,31 233,48	17 628,60 21 241,07
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	95,51 567,88 852,95	1 314,25 626,50 3 852,86	186,80 75,22 66,06	710,09 184 933,15	30 744,67 210,48	15 891,53 19 148,04
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	152,67 907,73 1 363,42	2 100,79 1 001,45 6 158,69	298,60 120,24 105,60	1 135,06 295 610,34	49 144,47 336,44	25 402,15 30 607,59
1.120	Endives ex 0705 29 00	a) b) c)	21,82 129,74 194,86	300,25 143,13 880,22	42,68 17,18 15,09	162,23 42 249,41	7 023,86 48,08	3 630,54 4 374,52
1.130	Carrots ex 0706 10 00	a) b) c)	64,07 380,94 572,18	881,62 420,27 2 584,58	125,31 50,46 44,32	476,34 124 056,82	20 624,13 141,19	10 660,35 12 844,88
1.140	Radishes ex 0706 90 90	a) b) c)	45,49 270,47 406,25	625,96 298,39 1 835,06	88,97 35,83 31,47	338,20 88 080,92	14 643,23 100,25	7 568,90 9 119,93
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	329,62 1 959,83 2 943,67	4 535,67 2 162,17 13 296,84	644,68 259,60 228,00	2 450,63 638 233,32	106 104,68 726,39	54 844,15 66 082,88

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	268,37 1 595,66 2 396,68	3 692,85 1 760,39 10 826,02	524,89 211,36 185,63	1 995,25 519 636,78	86 388,30 591,41	44 653,01 53 803,35
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	125,44 745,83 1 120,24	1 726,09 822,83 5 060,24	245,34 98,79 86,77	932,61 242 885,71	40 379,14 276,43	20 871,46 25 148,46
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 408,70	2 170,55 1 034,71 6 363,22	308,51 124,23 109,11	1 172,75 305 427,23	50 776,51 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	397,30 2 362,24 3 548,09	5 466,97 2 606,12 16 027,04	777,05 312,90 274,81	2 953,81 769 280,07	127 890,87 875,53	66 105,16 79 651,50
1.200.2	— other ex 0709 20 00	a) b) c)	341,06 2 027,85 3 045,84	4 693,09 2 237,21 13 758,33	667,06 268,61 235,91	2 535,68 660 384,25	109 787,21 751,60	56 747,61 68 376,39
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	110,56 657,36 987,36	1 521,34 725,23 4 459,98	216,24 87,07 76,47	821,98 214 074,01	35 589,26 243,64	18 395,64 22 165,29
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	65,78 391,11 587,45	905,15 431,49 2 653,56	128,65 51,81 45,50	489,05 127 367,84	21 174,58 144,96	10 944,87 13 187,71
1.230	Chantarelles 0709 51 30	a) b) c)	1 868,03 11 106,80 16 682,44	25 704,65 12 253,47 75 356,14	3 653,55 1 471,19 1 292,12	13 888,24 3 617 010,45	601 318,86 4 116,60	310 814,04 374 506,39
1.240	Sweet peppers 0709 60 10	a) b) c)	113,38 674,13 1 012,54	1 560,14 743,72 4 573,74	221,75 89,29 78,42	842,95 219 534,29	36 497,02 249,86	18 864,84 22 730,65
1.250	Fennel 0709 90 50	a) b) c)	73,55 437,31 656,84	1 012,07 482,46 2 967,00	143,85 57,93 50,87	546,82 142 412,66	23 675,74 162,08	12 237,69 14 745,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	47,50 282,42 424,20	653,61 311,58 1 916,15	92,90 37,41 32,86	353,15 91 972,82	15 290,25 104,68	7 903,34 9 522,90
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 576,05	2 428,42 1 157,63 7 119,19	345,16 138,99 122,07	1 312,08 341 712,93	56 808,91 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	69,90 415,61 624,24	961,84 458,51 2 819,76	136,71 55,05 48,35	519,69 135 345,27	22 500,81 154,04	11 630,38 14 013,69

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	155,52 924,68 1 388,87	2 140,00 1 020,14 6 273,66	304,17 122,48 107,57	1 156,24 301 128,71	50 061,89 342,72	25 876,35 31 178,96
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	75,43 448,49 673,63	1 037,94 494,79 3 042,84	147,53 59,41 52,17	560,80 146 052,85	24 280,92 166,23	12 550,50 15 122,36
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamou- tis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsu- mas), fresh; clementines, wilkings and simi- lar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	147,85 879,08 1 320,37	2 034,46 969,83 5 964,25	289,17 116,44 102,27	1 099,22 286 277,52	47 592,91 325,82	24 600,17 29 641,26
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	46,06 273,86 411,34	633,80 302,13 1 858,06	90,09 36,28 31,86	342,44 89 184,60	14 826,71 101,50	7 663,74 9 234,20
2.90.2	— pink ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	47,19 280,58 421,43	649,35 309,55 1 903,64	92,30 37,17 32,64	350,84 91 372,58	15 190,46 103,99	7 851,76 9 460,75
2.100	Table grapes ex 0806 10 10	a) b) c)	150,93 897,39 1 347,88	2 076,84 990,04 6 088,50	295,19 118,87 104,40	1 122,12 292 241,23	48 584,37 332,61	25 112,64 30 258,75

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	57,64 342,71 514,75	793,14 378,09 2 325,19	112,73 45,40 39,87	428,54 111 606,60	18 554,32 127,02	9 590,49 11 555,78
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	33,39 198,53 298,19	459,46 219,02 1 346,95	65,31 26,30 23,10	248,24 64 652,06	10 748,24 73,58	5 555,63 6 694,09
2.120.2	— other ex 0807 19 00	a) b) c)	158,56 942,75 1 416,02	2 181,83 1 040,09 6 396,29	310,12 124,88 109,68	1 178,85 307 014,97	51 040,46 349,42	26 382,16 31 788,43
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	175,59 1 044,01 1 568,11	2 416,17 1 151,79 7 083,28	343,42 138,29 121,46	1 305,46 339 989,65	56 522,42 386,95	29 215,72 35 202,63
2.160	Cherries 0809 20 05 0809 20 95	a) b) c)	334,09 1 986,41 2 983,59	4 597,18 2 191,49 13 477,16	653,42 263,12 231,09	2 483,86 646 888,44	107 543,57 736,24	55 587,90 66 979,03
2.170	Peaches 0809 30 90	a) b) c)	132,86 789,95 1 186,51	1 828,19 871,50 5 359,56	259,85 104,64 91,90	987,77 257 252,83	42 767,63 292,78	22 106,04 26 636,04
2.180	Nectarines ex 0809 30 10	a) b) c)	122,54 728,59 1 094,34	1 686,19 803,81 4 943,25	239,67 96,51 84,76	911,05 237 270,53	39 445,63 270,04	20 388,94 24 567,06
2.190	Plums 0809 40 05	a) b) c)	112,90 671,27 1 008,25	1 553,54 740,58 4 554,37	220,81 88,92 78,09	839,38 218 604,88	36 342,51 248,80	18 784,98 22 634,42
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a) b) c)	343,47 2 042,18 3 067,36	4 726,25 2 253,02 13 855,55	671,77 270,50 237,58	2 553,60 665 050,66	110 562,99 756,91	57 148,60 68 859,55
2.205	Raspberries 0810 20 10	a) b) c)	1 292,73 7 686,22 11 544,73	17 788,35 8 479,75 52 148,60	2 528,36 1 018,11 894,18	9 611,06 2 503 074,32	416 129,79 2 848,80	215 092,17 259 169,10
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	724,96 4 310,42 6 474,26	9 975,67 4 755,43 29 244,81	1 417,90 570,95 501,45	5 389,86 1 403 718,30	233 364,62 1 597,60	120 623,19 145 341,43
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 10 0810 50 20 0810 50 30	a) b) c)	163,15 970,05 1 457,01	2 244,99 1 070,19 6 581,45	319,09 128,49 112,85	1 212,97 315 902,45	52 517,99 359,54	27 145,88 32 708,64

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a)	129,36	1 780,03	253,01	961,75	41 640,98	21 523,69
		b)	769,14	848,55	101,88	250 475,89	285,07	25 934,35
		c)	1 155,25	5 218,37	89,48			
2.240	Khakis (including sharon fruit) ex 0810 90 85	a)	131,62	1 811,13	257,43	978,56	42 368,48	21 899,73
		b)	782,58	863,37	103,66	254 851,86	290,05	26 387,44
		c)	1 175,43	5 309,54	91,04			
2.250	Lychees ex 0810 90 30	a)	146,11	2 010,52	285,77	1 086,28	47 032,81	24 310,66
		b)	868,73	958,42	115,07	282 908,41	321,98	29 292,43
		c)	1 304,84	5 894,06	101,06			

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 1/1999 OF THE ASSOCIATION COUNCIL

between the European Communities and their Member States, of the one part,
and the Republic of Hungary, of the other part

of 28 January 1999

amending Protocol 4 to the Europe Agreement establishing an association
between the European Communities and their Member States, of the one part,
and the Republic of Hungary, of the other part

(1999/149/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part⁽¹⁾, signed in Brussels on 16 December 1991, and in particular Article 38 of Protocol 4⁽²⁾ thereof,

Whereas the definition of the term 'originating products' in Protocol 4 needs to be amended to ensure the proper operation of the extended system of cumulation which permits the use of materials originating in the European Community, Poland, Hungary, the Czech Republic, the Slovak Republic, Bulgaria, Romania, Latvia, Lithuania, Estonia, Slovenia, the European Economic Area (hereinafter referred to as the EEA), Iceland, Norway and Switzerland;

Whereas it would seem advisable to maintain in operation until 31 December 2000 the system of flat rate charges provided for in Article 15 of Protocol 4 in connection with the prohibition of drawback and exemption from customs duty;

Whereas, in view of the particular arrangements on industrial products obtaining between the Community and

Turkey, it would also be appropriate to extend the cumulation system to such products originating in Turkey;

Whereas to facilitate trade and simplify administrative tasks it is desirable to amend the wording of Articles 3, 4 and 12 of Protocol 4;

Whereas, to take account of changes in processing techniques and shortages of certain raw materials, some corrections must be made to the list of working and processing requirements which non-originating materials have to fulfil to qualify for originating status,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 4 concerning the definition of the concept of 'originating products' and methods of administrative cooperation is hereby amended as follows:

1. Article 1(i) shall be replaced by:

'(i) "added value" shall be taken to be the ex-works price minus the customs value of each of the materials incorporated which originate in the other

⁽¹⁾ OJ L 347, 31. 12. 1993, p. 2.

⁽²⁾ Protocol 4 was replaced by Association Council Decision No 3/96 (OJ L 92, 7. 4. 1997, p. 1).

countries referred to in Articles 3 and 4 or, where the customs value is not known or cannot be ascertained, the first price verifiably paid for the products in the Community or Hungary.'

2. Articles 3 and 4 shall be replaced by the following:

Article 3

Cumulation in the European Community

1. Without prejudice to the provisions of Article 2(1), products shall be considered as originating in the Community if such products are obtained there, incorporating materials originating in the Community, Bulgaria, Poland, Hungary, the Czech Republic, the Slovak Republic, Romania, Lithuania, Latvia, Estonia, Slovenia, Iceland, Norway, Switzerland (including Liechtenstein (*) or Turkey (**)) in accordance with the provisions of the Protocol on rules of origin annexed to the Agreements between the Community and each of these countries, provided that the working or processing carried out in the Community goes beyond that referred to in Article 7 of this Protocol. It shall not be necessary that such materials have undergone sufficient working or processing.

2. Where the working or processing carried out in the Community does not go beyond the operations referred to in Article 7, the product obtained shall be considered as originating in the Community only where the value added there is greater than the value of the materials used originating in any one of the other countries referred to in paragraph 1. If this is not so, the product obtained shall be considered as originating in the country which accounts for the highest value of originating materials used in the manufacture in the Community.

3. Products, originating in one of the countries referred to in paragraph 1, which do not undergo any working or processing in the Community, retain their origin if exported into one of these countries.

4. The cumulation provided for in this Article may only be applied to materials and products which have acquired originating status by an application of rules of origin identical to those given in this Protocol.

The Community shall provide Hungary, through the Commission of the European Communities, with details of the Agreements and their corresponding rules of origin, which are applied with the other countries referred to in paragraph 1. The Commission of the European Communities shall publish in the *Official Journal of the European Communities* (C series) the date on which the cumulation, provided for in this Article may be applied by those countries listed in paragraph 1 which have fulfilled the necessary requirements.

Article 4

Cumulation in Hungary

1. Without prejudice to the provision of Article 2(2), products shall be considered as originating in Lithuania if such products are obtained there, incorporating materials originating in the Community, Bulgaria, Poland, Hungary, the Czech Republic, the Slovak Republic, Romania, Lithuania, Latvia, Estonia, Slovenia, Iceland, Norway, Switzerland (including Liechtenstein (*) or Turkey (**)) in accordance with the provisions of the Protocol on rules of origin annexed to the Agreements between Hungary and each of these countries, provided that the working or processing carried out in Hungary goes beyond that referred to in Article 7 of this Protocol. It shall not be necessary that such materials have undergone sufficient working or processing.

2. Where the working or processing carried out in Lithuania does not go beyond the operations referred to in Article 7, the product obtained shall be considered as originating in Hungary only where the value added there is greater than the value of the materials used originating in any one of the other countries referred to in paragraph 1. If this is not so, the product obtained shall be considered as originating in the country which accounts for the highest value of originating materials used in the manufacture in Hungary.

3. Products, originating in one of the countries referred to in paragraph 1, which do not undergo any working or processing in Hungary, retain their origin if exported into one of these countries.

4. The cumulation provided for in this Article may only be applied to materials and products which have acquired originating status by an application of rules of origin identical to those given in this Protocol.

Hungary shall provide the Community, through the Commission of the European Communities, with details of the Agreements and their corresponding rules of origin, which are applied with the other countries referred to in paragraph 1. The Commission of the European Communities shall publish in the *Official Journal of the European Communities* (C series) the date on which the cumulation, provided for in this Article, may be applied by those countries listed in paragraph 1 which have fulfilled the necessary requirements.

(*) The Principality of Liechtenstein has a customs union with Switzerland, and is a contracting party to the Agreement on the European Economic Area.

(**) Cumulation as provided for in this Article does not apply to materials originating in Turkey which are mentioned in the list at Annex V to this Protocol.'

3. Article 12 shall be replaced by the following:

Article 12

Principle of territoriality

1. Except as provided for in Article 2(1)(c), Articles 3 and 4 and paragraph 3 of this Article, the conditions for acquiring originating status set out in Title II must continue to be fulfilled at all times in the Community or Hungary.

2. Except as provided for in Articles 3 and 4, where originating goods exported from the Community or Hungary to another country return, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:

(a) the returning goods are the same as those that were exported

and

(b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

3. The acquisition of originating status in accordance with the conditions set out in Title II shall not be affected by working or processing done outside the Community or Hungary on materials exported from the Community or Hungary and subsequently reimported there, provided:

(a) the said materials are wholly obtained in the Community or Hungary or have undergone working or processing beyond the insufficient operations listed in Article 7 prior to being exported

and

(b) it can be demonstrated to the satisfaction of the customs authorities that:

(i) the reimported goods have been obtained by working or processing the exported materials

and

(ii) the total added value acquired outside the Community or Hungary by applying the provisions of this Article does not exceed 10 % of the ex-works price of the end product for which originating status is claimed.

4. For the purposes of paragraph 3, the conditions for acquiring originating status set out in Title II shall not apply to working or processing done outside the Community or Hungary. But where, in the list in Annex II, a rule setting a maximum value for all the non-originating materials incorporated is applied in determining the originating status of the end product,

the total value of the non-originating materials incorporated in the territory of the party concerned, taken together with the total added value acquired outside the Community or Hungary by applying the provisions of this Article, shall not exceed the stated percentage.

5. For the purposes of applying the provisions of paragraphs 3 and 4, "total added value" shall be taken to mean all costs arising outside the Community or Hungary, including the value of the materials incorporated there.

6. The provisions of paragraphs 3 and 4 shall not apply to products which do not fulfil the conditions set out in the list in Annex II or which can be considered sufficiently worked or processed only if the general values fixed in Article 6(2) are applied.

7. The provisions of paragraphs 3 and 4 shall not apply to products coming under chapters 50 to 63 of the harmonised system.

8. Any working or processing of the kind covered by the provisions of this Article and done outside the Community or Hungary shall be done under the outward processing arrangements, or similar arrangements.'

4. In Articles 13, 14, 15, 17, 21, 27, 30 and 32, the phrase 'referred to in Article 4' shall be replaced by 'referred to in Articles 3 and 4'.

5. In the last paragraph of Article 15(6), the date '31 December 1998' shall be replaced by '31 December 2000'.

6. In Article 26(1), the terms 'C2/CP3' shall be replaced by 'CN22/CN23'.

7. In Annex I, note 5.2:

(a) between the indents:

'— artificial man-made filaments'

and

'— synthetic man-made staple fibres of polypropylene'

the following shall be inserted:

'— current conducting filaments';

(b) the fifth example ('A carpet with tufts ... are met.') shall be deleted.

8. Annex II shall be amended as follows:

(a) the following shall be inserted between the entries for HS heading Nos 2202 and 2208:

'HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength	Manufacture: — using materials not classified in heading Nos 2207 or 2208'	

(b) the entry for chapter 57 shall be replaced by:

'Chapter 57	Carpets and other textile floor coverings: — Of needleloom felt — Of other felt — Other	Manufacture from (1): — Natural fibres or — Chemical materials or textile pulp However: — Polypropylene filament of heading No 5402, — Polypropylene fibres of heading Nos 5503 or 5506 — Polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used provided their value does not exceed 40 % of the ex-works price of the product — Jute fabric may be used as backing Manufacture from (1): — Natural fibres not carded or combed or otherwise processed for spinning or — Chemical materials or textile pulp Manufacture from (1): — Coir or jute yarn (6) — Synthetic or artificial filament yarn — Natural fibres, or — Man-made staple fibres not carded or combed or otherwise processed for spinning — Jute fabric may be used as backing	
-------------	---	--	--

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

(6) The use of jute yarn is authorised from 1 July 2000.

(c) the entry for HS heading No 7006 shall be replaced by:

7006	Glass of heading Nos 7003, 7004 or 7005, bent, edgeworked, engraved, drilled, enamelled or otherwise worked, but not framed or fitted with other materials: — Glass plate substrate coated with dielectric thin film, semiconductor grade, in accordance with SEMII standards⁽¹⁾ — Other	Manufacture from non-coated glass plate substrate of heading No 7006 Manufacture from materials of heading No 7001	
------	--	--	--

⁽¹⁾ SEMII — Semiconductor Equipment and Materials Institute Incorporated.

(d) the rule for HS heading No 7601 shall be replaced by:

7601	Unwrought aluminium	Manufacture in which: — All the materials used are classified within a heading other than that of the product and — The value of all the materials used does not exceed 50 % of the ex-works price of the product or Manufacture by thermal or electrolytic treatment from unalloyed aluminium or waste and scrap of aluminium'	
------	---------------------	--	--

9. the following Annex shall be added:

ANNEX V

List of products originating in Turkey to which the provisions of Articles 3 and 4 do not apply, listed in the order of HS chapters and headings

Chapter 1	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter
Chapter 2	
Chapter 3	
0401 to 0402	
ex 0403	
0404 to 0410	
0504	
0511	
Chapter 6	
0701 to 0709	

ex 0710	Vegetables, except sweetcorn of heading No 0710 40 00 (uncooked or cooked by steaming or boiling in water), frozen
ex 0711	Vegetables, except sweetcorn of heading No 0711 90 30, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
0712 to 0714	
Chapter 8	
ex Chapter 9	Coffee, tea and spices, excluding maté of heading No 0903
Chapter 10	
Chapter 11	
Chapter 12	
ex 1302	Pectic substances, pectinates and pectates
1501 to 1514	
ex 1515	Other fixed vegetable fats and oils (excluding jojoba oil and its fractions) and their fractions, whether or not refined, but not chemically modified
ex 1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared, excluding hydrogenated castor oil known as "opalwax"
ex 1517 and ex 1518	Margarines; imitation lard and other prepared edible fats
ex 1522	Residues resulting from the treatment of fatty substances or animal or vegetable waxes, excluding degreas
Chapter 16	
1701	
ex 1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel excluding that of heading Nos 1702 11 00, 1702 30 51, 1702 30 59, 1702 50 00 and 1702 90 10
1703	
1801 and 1802	
ex 1902	Pasta, stuffed, containing more than 20 % by weight of fish, crustaceans, molluscs or other aquatic invertebrates, sausages and the like or meat and meat offal of any kind, including fats of all kinds
ex 2001	Cucumbers and gherkins, onions, mango chutney, fruit of the genus <i>Capsicum</i> other than sweet peppers or pimentos, mushrooms and olives, prepared or preserved by vinegar or acetic acid
2002 and 2003	
ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006, excluding potatoes in the form of flour, meal or flakes, and sweetcorn
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006, excluding potatoes in the form of flour, meal or flakes, and sweetcorn
2006 and 2007	
ex 2008	Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included, excluding peanut butter, palm hearts, maize, yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, vine leaves, hop shoots and other similar edible parts of plants
2009	

ex 2106	Flavoured and coloured sugar, syrups
2204	
2206	
ex 2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher obtained from agricultural produce listed here
ex 2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol obtained from agricultural produce listed here'
2209	
Chapter 23	
2401	
4501	
5301 and 5302	

Article 2

This Decision shall apply as from 1 January 1999.

Done at Brussels, 28 January 1999.

For the Association Council

The President

J. MARTONYI

COMMISSION

COMMISSION DECISION

of 4 February 1999

amending Decision 93/160/EEC drawing up a list of third countries from which Member States authorise the importation of semen of domestic animals of the porcine species and Decision 95/94/EC establishing a list of semen collection centres approved for the export to the Community of semen of domestic animals of the porcine species from certain third countries

(notified under document number C(1999) 230)

(Text with EEA relevance)

(1999/150/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species⁽¹⁾, as amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 7 and 8(1) thereof,

Whereas Hungary meets the criteria for inclusion in the list of third countries from which imports of pig semen are authorised;

Whereas Commission Decision 93/160/EEC of 17 February 1993⁽²⁾, as amended by Decision 94/453/EC⁽³⁾, establishes a list of third countries from which Member States may authorise the importation of semen of domestic animals of the porcine species;

Whereas Commission Decision 95/94/EC⁽⁴⁾, as amended by Decision 97/170/EC⁽⁵⁾, establishes a list of semen collection centres approved for the export to the Community of semen of domestic animals of the porcine species from certain third countries;

Whereas the competent veterinary services of the United States of America and Hungary have sent a list of semen collection centres officially approved for the export of pig

semen to the Community; whereas the Community has received guarantees regarding these centres' compliance with the requirements of Article 8 of Directive 90/429/EEC; whereas the list of approved centres should therefore be amended;

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

HAS ADOPTED THIS DECISION:

Article 1

Hungary is added to the Annex to Decision 93/160/EEC, as amended.

Article 2

In the Annex to Decision 95/94/EC, as amended:

1. the following collection centres are added to Part 2:

— PIC Kentucky Gene Transfer Center
3003 Pleasant Ridge Road
Adolphus, KY
Approval code: 97 KY001

— Swine Genetics International, Ltd
30805 595th Avenue
Cambridge, Iowa
Approval code: 95 IA001;

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 62.

⁽²⁾ OJ L 67, 19. 3. 1993, p. 27.

⁽³⁾ OJ L 187, 22. 7. 1994, p. 11.

⁽⁴⁾ OJ L 73, 1. 4. 1995, p. 87.

⁽⁵⁾ OJ L 68, 8. 3. 1997, p. 27.

2. a new Part 3 is added, for Hungary:

‘PART 3

HUNGARY

— OMTV RT Magyarkereszturi Al-Allomas
9346 Magyarkeresztur Kossuth L.u.63
Hungary
Approval code: H.05’.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 4 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 10 February 1999

on the clearance of the accounts of Greece and Spain in respect of expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 1997 financial year and amending Decision 98/324/EC

*(notified under document number C(1999) 215)***(Only the Spanish and Greek versions are authentic)**

(1999/151/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, as last amended by Regulation (EC) No 1287/95 ⁽²⁾, and in particular Article 5(2)(b) thereof,

After consulting the Fund Committee,

(1) Whereas, with regard to the third subparagraph of Article 7(1) of Commission Regulation (EC) No 296/96 of 16 February 1996 on data to be forwarded by the Member States and the monthly booking of expenditure financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and repealing Regulation (EEC) No 2776/88 ⁽³⁾, as last amended by Regulation (EC) No 2236/98 ⁽⁴⁾, account is taken for the 1997 financial year of expenditure incurred by the Member States between 16 October 1996 and 15 October 1997;

(2) Whereas the accounts of three paying agencies in Spain concerning expenditure financed by the EAGGF Guarantee Section for the 1997 financial year which could not be cleared by Decision 98/324/EC ⁽⁵⁾ were disjoined from that Decision; for those paying agencies, the annual accounts and the accompanying documents now permit the Commission to take a decision on the veracity, completeness, and accuracy of the accounts submitted;

(3) Whereas a reduction for Greece for milk levies not yet repaid to the Fund, made as part of the reductions and suspensions of advances for the 1997

financial year, was not taken into account in Decision 98/324/EC; whereas that omission now needs to be rectified in order to prevent any prejudice to the Fund;

(4) Whereas a reduction was made in Decision 98/324/EC for Spain for transport costs in the food aid programme; whereas following receipt of further justification, that amount can now be accepted for funding;

(5) Whereas the second subparagraph of Article 7(1) of Commission Regulation (EC) No 1663/95 ⁽⁶⁾, as amended by Regulation (EC) No 896/97 ⁽⁷⁾, lays down that the amounts which are recoverable from, or payable to, each Member State are to be deducted from, or added to, advances against expenditure from the second month following that in which the accounts clearance decision is taken;

(6) Whereas, in accordance with the third subparagraph of Article 5(2)(b) of Regulation (EEC) No 729/70 and Article 7(1) of Regulation (EC) No 1663/95, this Decision, adopted on the basis of accounting information, does not prejudice decisions taken subsequently by the Commission excluding from Community financing expenditure not effected in accordance with Community rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of three paying agencies in Spain concerning expenditure financed by the EAGGF Guarantee Section in respect of the 1997 financial year are cleared as shown in Annex I.

⁽¹⁾ OJ L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ L 125, 8. 6. 1995, p. 1.

⁽³⁾ OJ L 39, 17. 2. 1996, p. 5.

⁽⁴⁾ OJ L 281, 17. 10. 1998, p. 9.

⁽⁵⁾ OJ L 141, 13. 5. 1998, p. 38.

⁽⁶⁾ OJ L 158, 8. 7. 1995, p. 6.

⁽⁷⁾ OJ L 128, 21. 5. 1997, p. 8.

Article 2

The parts of Annex III of Decision 98/324/EC relating to Greece and Spain are replaced by Annex II to this Decision.

The amounts recoverable from or payable to those Member States pursuant to this clearance of accounts are shown in Annex II.

Article 3

This Decision is addressed to the Hellenic Republic and the Kingdom of Spain.

Done at Brussels, 10 February 1999.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS — FINANCIAL YEAR 1997****List of paying agencies for which the accounts are cleared as follows:**

Member State	Paying agency	Amounts cleared in national currency
ES	Asturias	6 086 962 819
	Cantabria	2 301 259 183
	Galicia	9 546 951 740

ANNEX II

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS — FINANCIAL YEAR 1997

Amount to be recovered from or paid to the Member State

Member State	1997 — Expenditure for the paying agencies for which the accounts are		Total a + b	Reductions and suspensions for the whole financial year	Total including reductions and suspensions	Advances paid to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State	Amount recovered from (–) or paid to (+) the Member State following Decision 98/324/EC	Amount to be recovered from (–) or paid to (+) the Member State following current Decision
	cleared	disjoined							
	expenditure declared in the annual declaration	total of the expenditure in the monthly declarations							
	a	b	c = a + b	d	e = c + d	f	g = e – f	h	i = g – h
EL	838 160 189 878,00	0,00	838 160 189 878,00	– 321 314 275,00	837 838 875 603,00	837 583 977 475,00	0,00	254 898 128,00	– 254 898 128,00
ES	765 690 088 164,00	0,00	765 690 088 164,00	– 11 605 439 889,00	754 084 648 275,00	754 685 638 584,00	– 581 375 294,00	– 600 990 309,00	19 615 015,00

(¹) For the calculation of the amount to be recovered from or paid to the Member State, the amount taken into account is the total of the annual declaration for the expenditure cleared (column a) or the total of the monthly declarations for the expenditure disjoined (column b).

(²) The reductions and suspensions are those taken into account in the advance system, to which are added in particular the corrections for the non-respect of payment deadlines established in September and October 1997.

CORRIGENDA

Corrigendum to Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/559/EEC concerning the application of Regulations (EEC) No 3820/84 and (EEC) No 3821/85

(Official Journal of the European Communities L 274 of 9 October 1998)

The title on page 1 and the entry in the contents on the cover should read as follows:

‘Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/85 and (EEC) No 3821/85’.

Corrigendum to Decision No 182/1999/EC of the European Parliament and of the Council of 22 December 1998 concerning the fifth framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002)

(Official Journal of the European Communities L 26 of 1 February 1999)

On page 13, indent ‘Research relating to public health and health services’, first subparagraph, after the words ‘effectiveness and cost-effectiveness of health promotion and health-care technologies and interventions’, the following words shall be inserted: ‘including evaluation of the effectiveness of non-conventional therapies’.

Corrigendum to Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers

(Official Journal of the European Communities L 46 of 17 February 1997)

On page 6, in Annex I, table, right-hand column, sixth entry:

for: ‘Four years after the date on which the vehicle was first registered, and thereafter every two years’,

read: ‘Four years after the date on which the vehicle was first used, and thereafter every two years’.
