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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 810/94  
of 12 April 1994  
extending certain time limits for the certification of hops**

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

Having regard to Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops <sup>(1)</sup>, as last amended by Regulation (EEC) No 3124/92 <sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 1784/77 of 1 July 1977 on the certification of hops <sup>(3)</sup>, as last amended by Regulation (EEC) No 1987/93 <sup>(4)</sup>, and in particular Article 1 (3) thereof,

Whereas the said Regulation (EEC) No 1784/77 set an annual deadline for the certification of hops cones; whereas it also provides that this date may be deferred when disposal problems arise for a given harvest; whereas this situation has arisen in respect of the 1993 harvest in certain regions of the Community; whereas, therefore, the deadline for the certification of hop cones from the 1993 harvest should be deferred to 31 May 1994;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1993 harvest the final date for the certification of hop cones is hereby postponed to 31 May 1994.

*Article 2*

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

It shall apply from 1 April 1994.

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

Done at Brussels, 12 April 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 175, 4. 8. 1971, p. 1.

<sup>(2)</sup> OJ No L 313, 30. 10. 1992, p. 1.

<sup>(3)</sup> OJ No L 200, 8. 8. 1977, p. 1.

<sup>(4)</sup> OJ No L 182, 24. 7. 1993, p. 1.

## COMMISSION REGULATION (EC) No 811/94

of 12 April 1994

establishing a provisional quantitative limit on imports into the Community of certain textile products (category 33) originating in the Republic of Indonesia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 195/94<sup>(2)</sup>, and in particular Article 10 thereof,

Whereas Article 10 of Regulation (EEC) No 3030/93 lays down the conditions under which quantitative limits may be established;

Whereas imports into the Community of certain textile products (category 33) specified in the Annex hereto and originating in the Republic of Indonesia (herein after referred to as 'Indonesia') have exceeded the level referred to in Article 10 (1) in conjunction with Annex IX of Regulation (EEC) No 3030/93;

Whereas, in accordance with Article 10 (3) of Regulation (EEC) No 3030/93, on 24 February 1994 Indonesia was notified of a request for consultations;

Whereas, pending a mutually satisfactory solution, the Commission has requested Indonesia for a provisional period of three months to limit its exports to the Community of products falling within category 33 to the provisional quantitative limit set out in the Annex with effect from the date of the request for consultations;

Whereas pending the outcome of the requested consultations a quantitative limit identical to the one requested of the supplier country should be applied provisionally to imports of the category of products in question;

Whereas it is appropriate to apply to imports into Community of products for which the quantitative limit is introduced the provisions of Regulation (EEC) No 3030/93 which are applicable to imports of products subject to the quantitative limits set out in Annex V of the said Regulation;

Whereas the products in question exported from Indonesia between 24 February 1994 and the date of entry into force of this Regulation must be set off against the quantitative limit which has been introduced;

Whereas this quantitative limit should not prevent the importation of products covered by it shipped from Indo-

nesia before the date of entry into force of this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Without prejudice to the provisions of Article 2, imports into the Community of the category of products originating in Indonesia and specified in the Annex hereto shall be subject to the provisional quantitative limit set out in that Annex.

*Article 2*

1. Products referred to in Article 1 shipped from Indonesia to the Community before the date of entry into force of this Regulation and not yet released for free circulation, shall be so released subject to the presentation of a bill of lading or other transport document proving that shipment actually took place during that period.

2. Imports of products shipped from Indonesia to the Community after the entry into force of this Regulation shall be subject to the provisions of Regulation (EEC) No 3030/93 which apply to imports into the Community of products subject to the quantitative limits set out in Annex V of the said Regulation.

3. All quantities of products shipped from Indonesia to the Community on or after 24 February 1994 and released for free circulation shall be deducted from the quantitative limit laid down. This provisional limit shall not, however, prevent the importation of products covered by them but shipped from Indonesia before the date of entry into force of this Regulation.

*Article 3*

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

It shall apply until 23 May 1994.

(1) OJ No L 275, 8. 11. 1993, p. 1.

(2) OJ No L 29, 2. 2. 1994, p. 1.

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

Done at Brussels, 12 April 1994.

*For the Commission*  
Leon BRITTAN  
*Member of the Commission*

ANNEX

Category	CN code	Description	Third country	Unit	Quantitative limits from 24. 2. to 23. 5. 1994
33	5407 20 11 6305 31 91 6305 31 99	Woven fabrics of synthetic filament yarn obtained from strip or the like of polyethylene or polypropylene, less than 3 m wide: Sacks and bags, of a kind used for the packing of goods, not knitted or crocheted, obtained from strip or the like.	Indonesia	tonnes	2 296

COMMISSION REGULATION (EC) No 812/94  
of 12 April 1994

amending Regulation (EEC) No 3077/78 on the equivalence with Community certificates of attestations accompanying hops imported from non-member countries

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

Having regard to Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops<sup>(1)</sup>, as last amended by Regulation (EEC) No 3124/92<sup>(2)</sup>, and in particular Article 5 (2) thereof,

Whereas Commission Regulation (EEC) No 3077/78<sup>(3)</sup>, as last amended by Regulation (EEC) No 2915/93<sup>(4)</sup>, recognizes the equivalence with Community certificates of attestations accompanying hops imported from certain non-member countries and lists the organizations in these countries authorized to issue equivalence attestations as well as the products covered; whereas it is the responsibility of the organizations concerned in those non-member countries to keep up to date the information contained in the Annex to this Regulation and to maintain close cooperation with the Commission by communicating to its departments the information concerned;

Whereas South Africa has subsequently undertaken to comply with the requirements stipulated in respect of the marketing of hops and hop products and has authorized

an organization to issue equivalence attestations; whereas such attestations should therefore be recognized as equivalent to Community certificates and the products which they cover be released for free circulation; whereas the Annex to Regulation (EEC) No 3077/78 should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to this Regulation replaces the Annex to Commission Regulation (EEC) No 3077/78.

*Article 2*

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

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

Done at Brussels, 12 April 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 175, 4. 8. 1971, p. 1.

<sup>(2)</sup> OJ No L 313, 30. 10. 1992, p. 1.

<sup>(3)</sup> OJ No L 367, 28. 12. 1978, p. 28.

<sup>(4)</sup> OJ No L 264, 23. 10. 1993, p. 29.

## ANNEX

Country of origin	Organizations authorized to issue attestations	Products	CCT Heading No
USA	Inspection Division, Federal Grain Inspection Service — Idaho Department of Agriculture, Boise, Idaho — California Department of Agriculture, Sacramento, California — Oregon Department of Agriculture, Salem, Oregon — Washington Department of Agriculture, Yakima, Washington	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
Poland	Ministère de la coopération économique avec l'étranger, Service du contrôle de la qualité des produits alimentaires, Varsovie	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
Bulgaria	Pivoimpexengineering, 1738 Gourubliane, Sofia	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
Ex-Yugoslavia	Poljoprivredni Fakultet Novi Sad Institut za Ratarstvo I Povrtarstvo — Zavod za Hmelj I Sirak, Backi Petrovac	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
Slovenia	Institut za Hmaljarstvo, Pivovarstvo, Zalec	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
People's Republic of China	1. Tianjin Import and Export Commodity Inspection Bureau 2. Xinjiang Import and Export Commodity Inspection Bureau 3. Neimonggol Import and Export Commodity Inspection Bureau	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
Slovak Republic	Ústredný kontrolný a skúšobný ústav poľnohospodársky, Matúšková 21, 833 16 Bratislava	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
Czech Republic	Ústřední Kontrolní a zkusební ústav zemědělský, Pobočka, Zatec	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
Australia	1. Department of Primary Industry and Fisheries, Tasmania 2. Victorian Employers Chamber of Commerce and Industry, Melbourne	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
New Zealand	1. Cawthron Institute, Nelson, South Island 2. Ministry of Agriculture and Fisheries, Wellington	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
Romania	1. Institut agronomic 'Docteur Petru Groza' Cluj — Napoca 2. Institut de Chimie alimentaire, Bucarest	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
Canada	Division de la quarantaine des plantes	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
Austria	Bundesanstalt für Agrarbiologie, Wieningerstraße 8, 4025 Linz	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
Hungary	Budapest (Fővárosi) Allategészségügyi és Élelmiszer Ellenőrző Allomás (Budapest Veterinary Health and Food Control Station), Lehel u. 43-47, 1135 Budapest	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 00
South Africa	Council Scientific and Industrial Research (CSIR)	Hop cones Hop powders Saps and extracts of hops	ex 1210 ex 1210 1302 13 10

**COMMISSION REGULATION (EC) No 813/94**  
**of 12 April 1994**

**amending Regulation (EEC) No 3477/92 laying down detailed rules for the application of the raw tobacco quota system for the 1993 and 1994 harvests**

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

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco <sup>(1)</sup>, and in particular Articles 7 and 11 thereof,

Whereas a facility has been introduced whereby the Member States can extend the dates for concluding and registering the cultivation contracts, laid down in Regulation (EEC) No 3478/92 of 1 December 1992 laying down detailed rules for the application of the premium system for raw tobacco <sup>(2)</sup>, as last amended by Regulation (EC) No 479/94 <sup>(3)</sup>; whereas this same facility has also been granted for the lodging and registering of cultivation declarations;

Whereas Commission Regulation (EEC) No 3477/92 of 1 December 1992 laying down detailed rules for the application of the raw tobacco quota system for the 1993 and 1994 harvests <sup>(4)</sup>, as last amended by Regulation (EC) No 268/94 <sup>(5)</sup>, should also be amended as regards the final date for the second issue of unused cultivation certificates or production quota statements;

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

Done at Brussels, 12 April 1994.

Whereas the operations in question must be carried out as quickly as possible;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3477/92 is hereby amended as follows:

Article 11 (3), last sentence, is replaced by:

'However, Member States are hereby authorized to extend the 1 May time limit to 11 June.'

*Article 2*

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

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 215, 30. 7. 1992, p. 70.

<sup>(2)</sup> OJ No L 351, 2. 12. 1992, p. 17.

<sup>(3)</sup> OJ No L 61, 4. 3. 1994, p. 4.

<sup>(4)</sup> OJ No L 351, 2. 12. 1992, p. 11.

<sup>(5)</sup> OJ No L 32, 5. 2. 1994, p. 20.



## COMMISSION REGULATION (EC) No 814/94

of 12 April 1994

## suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (standard) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco<sup>(1)</sup>, as amended by Regulation (EEC) No 3551/88<sup>(2)</sup>, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EEC) No 2604/93<sup>(3)</sup> opened and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EEC) No 2890/93<sup>(4)</sup> fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88<sup>(5)</sup>, as last amended by Regulation (EEC) No 2917/93<sup>(6)</sup>, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(7)</sup>, as amended by Regulation (EC) No 3528/93<sup>(8)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(9)</sup>, as amended by Regulation (EC) No 547/94<sup>(10)</sup>;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (standard) carnations originating in Israel; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of uniflorous (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Regulation (EEC) No 2604/93 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

*Article 2*

This Regulation shall enter into force on 13 April 1994.

<sup>(1)</sup> OJ No L 263, 22. 10. 1993, p. 10.

<sup>(2)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(3)</sup> OJ No L 264, 23. 10. 1993, p. 33.

<sup>(4)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(5)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(6)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(10)</sup> OJ No L 69, 12. 3. 1994, p. 1.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 239, 24. 9. 1993, p. 1.

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

Done at Brussels, 12 April 1994.

*For the Commission*  
René STEICHEN  
*Member of the Commission*

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## COMMISSION REGULATION (EC) No 815/94

of 12 April 1994

introducing a countervailing charge and suspending the preferential customs duty on imports of tomatoes originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EC) No 3669/93<sup>(2)</sup>, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least ECU 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EC) No 703/94 of 29 March 1994 fixing the reference price for tomatoes for the 1994 marketing year<sup>(3)</sup> fixed the reference price for products of class I for the month of April 1994 at ECU 197,27 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative price or the arithmetic mean of the lowest prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74<sup>(4)</sup>, as last amended by Regulation (EEC) No 249/93<sup>(5)</sup>, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for Turkish tomatoes, the entry price calculated in this way has remained at least ECU 0,6 below the

reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey<sup>(6)</sup>, as amended by Regulation (EEC) No 1555/84<sup>(7)</sup>, when the Commission introduces a countervailing charge on imports of tomatoes originating in Turkey, at the same time it re-introduces for the product in question the conventional rate of customs duty; whereas, therefore, a rate of customs duty of 11 % should be re-introduced for these tomatoes, with a minimum charge of ECU 2 per 100 kilograms net;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(8)</sup>, as amended by Regulation (EC) No 3528/93<sup>(9)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(10)</sup>, as amended by Regulation (EC) No 547/94<sup>(11)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A countervailing charge of ECU 55,68 per 100 kilograms net is applied on imports of tomatoes falling within CN code 0702 00 originating in Turkey.
2. The rate of customs duty on imports of these products shall be 11 % with a minimum charge of ECU 2 per 100 kilograms net.

*Article 2*

This Regulation shall enter into force on 14 April 1994.

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 338, 31. 12. 1993, p. 26.

<sup>(3)</sup> OJ No L 85, 30. 3. 1994, p. 3.

<sup>(4)</sup> OJ No L 220, 10. 8. 1974, p. 20.

<sup>(5)</sup> OJ No L 28, 5. 2. 1993, p. 45.

<sup>(6)</sup> OJ No L 367, 23. 12. 1981, p. 3.

<sup>(7)</sup> OJ No L 150, 6. 6. 1984, p. 4.

<sup>(8)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(9)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(10)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(11)</sup> OJ No L 69, 12. 3. 1994, p. 1.

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

Done at Brussels, 12 April 1994.

*For the Commission*  
René STEICHEN  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 816/94**  
**of 12 April 1994**  
**temporarily suspending the advance fixing of export refunds on beef and veal**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EC) No 3611/93<sup>(2)</sup>,

Having regard to Council Regulation (EEC) No 885/68 of 28 June 1968 laying down general rules for granting export refunds on beef and veal and criteria for fixing the amount of such refunds<sup>(3)</sup>, as last amended by Regulation (EEC) No 427/77<sup>(4)</sup>, and in particular the second subparagraph of Article 5 (4) thereof,

Whereas it is necessary, in the light of the situation on certain markets, to adjust the refunds; whereas, in order to discourage applications for the advance fixing of refunds from being submitted for speculative purposes,

the advance fixing of refunds should be urgently suspended temporarily,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The advance fixing of export refunds for the products referred to in Article 1 of Commission Regulation (EC) No 187/94<sup>(5)</sup> is suspended for the period 13 to 15 April 1994.
2. However, the suspension shall not apply to applications for advance-fixing certificates submitted prior to 13 April 1994.

*Article 2*

This Regulation shall enter into force on 13 April 1994.

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

Done at Brussels, 12 April 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 328, 29. 12. 1993, p. 7.

<sup>(3)</sup> OJ No L 156, 4. 7. 1968, p. 2.

<sup>(4)</sup> OJ No L 61, 5. 3. 1977, p. 16.

<sup>(5)</sup> OJ No L 24, 29. 1. 1994, p. 64.

## COMMISSION REGULATION (EC) No 817/94

of 12 April 1994

## altering the basic amount of the import levies on syrups and certain other products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 133/94<sup>(2)</sup>, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as amended by Regulation (EC) No 3528/93<sup>(4)</sup>, and in particular Article 5 thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 735/94<sup>(5)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 735/94 to the informa-

tion known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 11 April 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

*Article 1*

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to Regulation (EC) No 735/94 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 April 1994.

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

Done at Brussels, 12 April 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 22, 27. 1. 1994, p. 7.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(5)</sup> OJ No L 87, 31. 3. 1994, p. 40.

## ANNEX

to the Commission Regulation of 12 April 1994 altering the basic amount of the import levy on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question (1)	Amount of levy per 100 kg of dry matter (1)
1702 20 10	0,3943	—
1702 20 90	0,3943	—
1702 30 10	—	48,10
1702 40 10	—	48,10
1702 60 10	—	48,10
1702 60 90	0,3943	—
1702 90 30	—	48,10
1702 90 60	0,3943	—
1702 90 71	0,3943	—
1702 90 90	0,3943	—
2106 90 30	—	48,10
2106 90 59	0,3943	—

(1) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

**COMMISSION REGULATION (EC) No 818/94**  
**of 12 April 1994**  
**fixing the import levies on white sugar and raw sugar**

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<sup>(1)</sup>, as last amended by Regulation (EC) No 133/94<sup>(2)</sup>, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as amended by Regulation (EC) No 3528/93<sup>(4)</sup>, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EEC) No 1695/93<sup>(5)</sup>, as last amended by Regulation (EC) No 806/94<sup>(6)</sup>;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EEC) No 1695/93 to the information known to the Commission that the

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 11 April 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 April 1994.

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

Done at Brussels, 12 April 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 22, 27. 1. 1994, p. 7.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(5)</sup> OJ No L 159, 1. 7. 1993, p. 40.

<sup>(6)</sup> OJ No L 93, 12. 4. 1994, p. 19.



## ANNEX

## to the Commission Regulation of 12 April 1994 fixing the import levies on white sugar and raw sugar

*(ECU/100 kg)*

CN code	Levy <sup>(1)</sup>
1701 11 10	34,86 <sup>(1)</sup>
1701 11 90	34,86 <sup>(1)</sup>
1701 12 10	34,86 <sup>(1)</sup>
1701 12 90	34,86 <sup>(1)</sup>
1701 91 00	39,43
1701 99 10	39,43
1701 99 90	39,43 <sup>(2)</sup>

<sup>(1)</sup> The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

<sup>(2)</sup> In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

<sup>(3)</sup> No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

## COMMISSION REGULATION (EC) No 819/94

of 12 April 1994

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as amended by Regulation (EEC) No 2193/93<sup>(2)</sup>, and in particular Articles 10(5) and 11(3) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, amended by Regulation (EC) No 3528/93<sup>(4)</sup>,

Whereas the first subparagraph of Article 10(1) of Regulation (EEC) No 1766/92 provides that a levy must be charged on imports of the products listed in Article 1(1)(a)(b) and (c) of that Regulation and that, except for malt, the levy is equal to the threshold price less the cif price; whereas the levy applying to rye is charged in the case of triticale;

Whereas, the threshold prices for cereals, wheat and rye flours, and wheat groats and meal, are fixed for the 1993/94, marketing year by Council Regulations (EEC) No 1766/92, (EEC) No 1542/93<sup>(5)</sup>, and Commission Regulations (EEC) No 1580/93<sup>(6)</sup>, (EEC) No 1581/93<sup>(7)</sup> and (EEC) No 1709/93<sup>(8)</sup>;

Whereas, for the purpose of calculating the cif prices used to determine the levies, the Commission must take into account the factors indicated in Commission Regulation No 1621/93<sup>(9)</sup> and in particular the most favourable purchasing opportunities on the world market which are sufficiently representative of the real market trend account being taken in particular of both the need to prevent sudden variations likely to cause abnormal disturbances on the Community market and of the quality of the goods offered, whether this quality corresponds to the standard quality laid down by Regulation (EEC) No 1580/93, or whether adjustments need to be made by applying the coefficients of equivalence provided for in Regulation (EEC) No 1621/93;

Whereas, where information or quotations are unavailable, the cif price for certain flours may be determined by applying a coefficient to the cif price of the basic cereal; whereas this coefficient is fixed in Article 2 of Regulation (EEC) No 1621/93, as amended by Regulation (EC) No 795/94<sup>(10)</sup>;

Whereas the cif price is calculated for Rotterdam on the basis of the abovementioned elements, offers for other ports being adjusted, account being taken of the corrections necessitated by the differences in transport charges in relation to Rotterdam;

Whereas the cif price remains unchanged where data are lacking or under the conditions laid down in Article 1(3) of Regulation (EEC) No 1621/93;

Whereas in the case of malt the levy is made up of a variable component and a fixed component; whereas the fixed component is determined in the second subparagraph of Article 3 of Regulation (EEC) No 1621/93; whereas the variable component is fixed, in accordance with Article 11(1) A of Regulation (EEC) No 1766/92, account being taken of the quantity of basic cereal required to manufacture malt; whereas to this end Article 3 of Regulation (EEC) No 1621/93 fixes the coefficients applying to the levies for basic cereals;

Whereas Council Regulations (EC) No 3491/93<sup>(11)</sup> and (EC) No 3492/93<sup>(12)</sup>, on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republics of Hungary and Poland, of the other part, and Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part<sup>(13)</sup>, as amended by Regulation (EEC) No 2235/93<sup>(14)</sup>, and in particular Article 1 thereof introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EC) No 121/94<sup>(15)</sup>, lays down detailed rules for applying the arrangements provided for in these agreements as regards cereals;

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(5)</sup> OJ No L 154, 25. 6. 1993, p. 3.

<sup>(6)</sup> OJ No L 152, 24. 6. 1993, p. 14.

<sup>(7)</sup> OJ No L 152, 24. 6. 1993, p. 16.

<sup>(8)</sup> OJ No L 159, 1. 7. 1993, p. 80.

<sup>(9)</sup> OJ No L 155, 26. 6. 1993, p. 36.

<sup>(10)</sup> OJ No L 92, 9. 4. 1994, p. 17.

<sup>(11)</sup> OJ No L 319, 21. 12. 1993, p. 1.

<sup>(12)</sup> OJ No L 319, 21. 12. 1993, p. 4.

<sup>(13)</sup> OJ No L 56, 29. 2. 1992, p. 9.

<sup>(14)</sup> OJ No L 200, 10. 8. 1993, p. 5.

<sup>(15)</sup> OJ No L 21, 26. 1. 1994, p. 3.

Whereas the Interim Agreement on trade and trade-related matters between the Community and the Republic of Bulgaria<sup>(1)</sup>, signed in Brussels on 8 March 1993, entered into force on 31 December 1993; whereas the Interim Agreement on trade and trade-related matters between the Community and Romania<sup>(2)</sup>, signed in Brussels on 1 February 1993, entered into force on 1 May 1993; whereas the said Agreements provide for a reduction in the import levy for certain products; whereas Commission Regulation (EC) No 335/94<sup>(3)</sup> lays down detailed rules for applying the arrangements provided for in these agreements as regards cereals;

Whereas Council Regulation (EEC) No 715/90<sup>(4)</sup>, as last amended by Regulation (EC) No 235/94<sup>(5)</sup>, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(6)</sup>, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas the representative market rates defined in Article 1 of Regulation (EEC) No 3813/92 are used for converting the amount expressed in the currency of third countries and are the basis for calculating the agricultural conversion rates of the Member States' currencies; whereas the detailed rules for determining and applying the said

conversions are laid down in Commission Regulation (EEC) No 1068/93<sup>(7)</sup>, as amended by Regulation (EC) No 547/94<sup>(8)</sup>;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 11 April 1994 as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying all the provisions of the abovementioned Regulations that the levies should be fixed in accordance with the Annex to this Regulation; whereas the levy is altered only where the calculation results in a variation of ECU 1,50 or more per tonne, pursuant to the third subparagraph of Article 5 of Regulation (EEC) No 1621/93, compared to the levy previously set,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 April 1994.

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

Done at Brussels, 12 April 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 323, 23. 12. 1993, p. 2.

<sup>(2)</sup> OJ No L 81, 2. 4. 1993, p. 2.

<sup>(3)</sup> OJ No L 43, 16. 2. 1994, p. 4.

<sup>(4)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(5)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(6)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(7)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(8)</sup> OJ No L 69, 12. 3. 1994, p. 1.

## ANNEX

## to the Commission Regulation of 12 April 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>	
CN code	Third countries (*)
0709 90 60	95,32 <sup>(2)</sup> <sup>(3)</sup>
0712 90 19	95,32 <sup>(2)</sup> <sup>(3)</sup>
1001 10 00	2,04 <sup>(1)</sup> <sup>(7)</sup>
1001 90 91	94,41
1001 90 99	94,41 <sup>(8)</sup>
1002 00 00	119,50 <sup>(6)</sup>
1003 00 10	123,17
1003 00 90	123,17 <sup>(9)</sup>
1004 00 00	98,40
1005 10 90	95,32 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	95,32 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	103,35 <sup>(4)</sup>
1008 10 00	31,54 <sup>(5)</sup>
1008 20 00	46,09 <sup>(4)</sup> <sup>(9)</sup>
1008 30 00	0 <sup>(7)</sup>
1008 90 10	(7)
1008 90 90	0
1101 00 00	171,52 <sup>(6)</sup>
1102 10 00	205,81
1103 11 10	38,22
1103 11 90	195,31
1107 10 11	178,93
1107 10 19	136,45
1107 10 91	230,12 <sup>(10)</sup>
1107 10 99	174,70 <sup>(8)</sup>
1107 20 00	201,79 <sup>(10)</sup>

(1) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

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

(3) Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 1,81/tonne.

(4) Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

(5) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,60/tonne.

(6) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

(7) The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

(8) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

(9) Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with Regulation (EC) No 121/94 or (EC) No 335/94 have been presented, are subject to the levies set out in the Annex to that Regulation.

(10) In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 5,44 per tonne for products originating in Turkey.

**COMMISSION REGULATION (EC) No 820/94****of 12 April 1994****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as amended by Regulation (EEC) No 2193/93 <sup>(2)</sup>, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy <sup>(3)</sup>, as amended by Regulation (EC) No 3528/93 <sup>(4)</sup>,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EEC) No 1681/93 <sup>(5)</sup> and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 11 April

1994, as regards floating currencies, should be used to calculate the levies;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The premiums to be added to the levies fixed in advance for the import in respect of the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 April 1994.

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

Done at Brussels, 12 April 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 196, 5. 8. 1993, p. 22.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 320, 22. 12. 1993, p. 32.

<sup>(5)</sup> OJ No L 159, 1. 7. 1993, p. 11.

## ANNEX

to the Commission Regulation of 12 April 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period
	4	5	6	7
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

## B. Malt

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period	4th period
	4	5	6	7	8
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

## COUNCIL REGULATION (EC) No 821/94

of 12 April 1994

imposing a definitive anti-dumping duty on imports of silicon carbide, originating in the People's Republic of China, Poland, the Russian Federation and Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, and in particular Articles 12, 14 and 15 thereof,

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

Whereas :

## A. PROCEDURE

(1) In October 1986, the Commission, by Decision 86/497/EEC<sup>(2)</sup>, accepted price undertakings offered by the exporters in Norway, the People's Republic of China (hereinafter referred to as 'China'), Poland and the former USSR, in connection with the anti-dumping proceeding concerning imports of silicon carbide. The measures concerning Norway were suspended by Council Regulation (EC) No 5/94<sup>(3)</sup> with effect from 1 January 1994.

(2) Following the publication in April 1991<sup>(4)</sup> of a notice of the impending expiry of the measures in force, the Commission received a request for a review lodged by the European Chemical Industry Council (CEFIC), on behalf of producers allegedly representing a major part of total Community production of silicon carbide.

Subsequently, in a notice published in the *Official Journal of the European Communities*<sup>(5)</sup>, the Commission announced a review of the anti-dumping measures in force.

(3) The Commission notified the exporters and importers known to be concerned, the representatives of the exporting countries and the complainant

Community producers, and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.

(4) All complainant Community producers replied to the questionnaire and made their views known in writing. CEFIC requested and was granted a hearing by the Commission.

(5) The Polish exporter, Intervis Co. Ltd, Warsaw, replied to the questionnaire and made its views known in writing. The Norwegian exporters listed in recital 7 replied to the questionnaire only in relation to their export transactions covered by the measures in force. Three Chinese corporations, the China Minerals Import and Export Corporation, the China Abrasives Export Corporation and the China Metallurgical Import and Export Corporation, Jiangu Branch, representing a minor portion of total imports of silicon carbide originating in China, replied to the questionnaire. Three export organizations of the former USSR were sent questionnaires, but did not reply.

The original investigation covered the whole of the former USSR. Since information at the disposal of the Commission indicates that the silicon carbide concerned originates only in the Russian Federation (hereinafter referred to as 'Russia') and Ukraine, this review investigation is limited to imports of silicon carbide originating in these two countries of the former USSR.

(6) Four importers replied to the questionnaire.

(7) The Commission sought and verified all information it deemed necessary for the purposes of a determination and carried out investigations at the premises of the following companies :

— complainant Community producers :

- Pechiney Electrometallurgie (France),
- Elektroschmelzwerk Kempten GmbH (Germany),
- Samatec, Società Abrasivi e Materiali Ceramic SA (Italy),
- Navarro SA (Spain) ;

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by Regulation (EC) No 522/94 (OJ No L 66, 10. 3. 1994, p. 10).

<sup>(2)</sup> OJ No L 287, 10. 10. 1986, p. 25.

<sup>(3)</sup> OJ No L 3, 5. 1. 1994, p. 1.

<sup>(4)</sup> OJ No C 100, 17. 4. 1991, p. 17.

<sup>(5)</sup> OJ No C 279, 26. 10. 1991, p. 11.

— *producers/exporters* :

- Arendal Smelteverk A. S. (Norway),
- Norton A. S. (Norway),
- Orkla-Exolon A. S. (Norway);

— *importers* :

- Frank and Schulte GmbH (Germany),
- Ferrocabon GmbH (Germany);

— *reference country* :

- Exolon ESK Company, Tonawanda, USA,
- Norton Company, Worchester, USA.

(8) The investigation of dumping covered the period from 1 July 1990 to 30 June 1991 (investigation period).

(9) Owing to the complexity of the investigation and the volume of data gathered, the investigation could not be concluded within the normal time limit of one year as provided for at that time in Article 7 (9) (a) of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the basic Regulation').

#### B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

(10) The product covered by the complaint and for which the review investigation was initiated is silicon carbide falling within CN code 2849 20 00. It is identical to the product which was the subject of the previous investigation and for which price undertakings were accepted.

(11) The production process of silicon carbide is such that output automatically comprises a variety of qualities of silicon carbide. These qualities can be segregated into two main grades, crystalline and metallurgical. The crystalline grade is normally used, depending on the quality, in the manufacture of abrasive tools, grinding wheels, high quality refractory products, ceramics, plastic materials etc., while the metallurgical grade is normally used in foundry and blast furnace operations as a silicon carrier.

The various qualities of silicon carbide do not entail any significant differences in basic physical characteristics, although in use, differences occur.

Given that both main grades result from the same production process — one cannot be produced without the other — and that the metallurgical grade can technically be replaced by the crystalline grade, both grades of silicon carbide and their different qualities should be considered as forming one product for the purpose of this proceeding.

(12) The investigation showed that the product produced and sold by the Community producers on the Community market is identical in its particular characteristics to the silicon carbide imported from the five countries in question. It should therefore be considered as a like product within the meaning of Article 2 (12) of the basic Regulation.

#### C. COMMUNITY INDUSTRY

(13) The complainant producers continue to manufacture more than 90 % of Community output of silicon carbide. It was therefore considered that these producers constitute a major proportion of total Community production of this product.

Account was taken of the fact that some Community producers imported small quantities of silicon carbide from the countries under investigation. Since these imports were test purchases in order to analyse the products produced by competitors and represented, in any event, negligible quantities, there appears no reason to exclude these Community producers from the 'Community industry', in accordance with Article 4 (5) of the basic Regulation. Indeed, these importing Community producers were neither participating in, nor benefiting from, nor shielded from dumping by the countries concerned.

#### D. THE PRESENT SITUATION IN THE COMMUNITY MARKET

(14) In order to establish whether the expiry of the measures in force would lead again to dumping and injury or threat of injury, it was first necessary to examine the present economic situation of the Community industry.



**(a) Production, capacity utilization and stocks**

- (15) The production of silicon carbide by the Community industry showed a brief upturn between 1988 and 1989, from 101 500 tonnes to 107 500 tonnes, but then gradually declined to 101 700 tonnes in 1990 and to 95 000 tonnes during the investigation period. This represented a decrease of 6,4 % when compared to 1988, 11,6 % when compared to 1989 and 6,5 % when compared to 1990.

Since the production capacity of the Community industry remained stable at 129 000 tonnes, its utilization rate which stood at 79 % in 1988 increased to 83 % in 1989 to decline to 74 % in the investigation period.

During this period the stocks of the Community industry rose gradually from 17 000 tonnes to 20 500 tonnes, i.e. by 20,6 %.

**(b) Sales**

- (16) Between 1988 and the end of the investigation period, the quantity of silicon carbide sold on the Community by the Community industry gradually decreased by 15 % from 93 419 tonnes to 79 385 tonnes.

**(c) Profitability**

- (17) It was found that the Community industry on the whole suffered a considerable deterioration in profitability after 1988. In 1990, although some Community producers were still profitable, the industry on average incurred losses, while during the investigation period all Community producers incurred losses.

**(d) Employment**

- (18) The workforce of the complainant producers has generally declined and one plant in Italy was closed during the investigation period.

**(e) Community consumption**

- (19) Between 1988 and the investigation period the total estimated consumption in the Community of the product concerned increased from 152 977 tonnes to 185 400 tonnes, i.e. an increase of 21 % since 1988.

**(f) Market share of the Community industry**

- (20) The Community market share of the Community industry recovered as a result of the anti-dumping measures adopted in 1986 from 52,5 % in 1984 to

61,1 % in 1988. However, after 1988 this market share declined to 42,8 % at the end of the investigation period.

**(g) Conclusion**

- (21) It was accordingly concluded that, in spite of the price undertakings in force, the Community industry continues to show clear signs of economic difficulties. This situation has consistently deteriorated since 1988, demonstrated on the one hand by a decline of production, capacity utilization and sales, and, on the other, by increasing stocks, loss of employment, financial losses and a declining market share, notwithstanding the increase in Community consumption.

**E. THE BEHAVIOUR OF THE EXPORTERS CONCERNED**

- (22) It was also necessary to examine the behaviour of the exporters concerned.

**(a) Volume and market share of imports from the exporting countries concerned**

- (23) The volume of Norwegian imports increased from 42 035 tonnes to 49 185 tonnes between 1988 and 1989, but decreased thereafter to 45 288 tonnes in the investigation period. The market share of the Norwegian imports increased slightly between 1988 and 1989 from 27,5 % to 28,8 %, but eroded over 1990 to 25,7 % and in the investigation period to 24,4 %.

Imports from China increased between 1988 and the investigation period from 1 758 tonnes to 28 295 tonnes; imports from Poland rose over the same period from 1 276 tonnes to 3 497 tonnes and from Russia and Ukraine from 5 078 tonnes to 12 921 tonnes. This corresponds to an increase in market share over the same period from 1,1 % to 15,3 % for China, 0,8 % to 1,9 % for Poland and from 3,3 % to 7 % for Russia and Ukraine. The total volume of imports from China, Poland, Russia and Ukraine has accordingly increased by more than four and a half times in the period. The market share of the four countries taken together increased from 5,2 % to 24,2 % between 1988 and the investigation period.

The volume of imports from China, Norway, Poland, Russia and Ukraine has, taken together, increased from 50 147 tonnes in 1988 to 90 001 tonnes in the investigation period corresponding to an increase in market share from 32,7 % to 48,6 %.

**(b) Prices**

- (24) It was investigated whether the exporting producers were undercutting the prices of the Community producers during the investigation period. A price comparison was made on the basis of sales by both the Community industry and the exporters to unrelated customers at the same level of trade on the most important markets of the Community. In order to ensure a fair comparison, prices of similar qualities were compared.

This comparison showed significant price undercutting on the part of the exporters in all countries involved with the exception of Norway. Norwegian prices were found to oscillate around the prices charged by the Community industry.

For the Polish exporter, the Community producers' prices were found to be undercut by margins of up to 29 %. Exports from Russia and Ukraine were undercutting Community producers' prices by margins from 23 % to 49 %, and exports from China by margins from 50 % to 71 %.

**(c) Price undertakings**

- (25) This price examination also revealed that the exports from China, Russia and Ukraine were consistently sold in violation of the undertakings agreed in the previous proceeding with the Commission. Although the Polish exporter was found to be undercutting, it did not violate its price undertaking. The Norwegian exporters also respected their price undertakings.

**(d) Conclusion**

- (26) The increased market penetration of imports from China, Poland, Russia and Ukraine, taken together in combination with the price undercutting established for these countries and the violation of the price undertakings by all but Norway and Poland, led to the conclusion that it was necessary to examine whether dumping is occurring which contributed to the deteriorated situation of the Community industry and whether the expiry of protective measures would lead to a recurrence of dumping and injury.

**F. RECURRENCE OF DUMPING****I. Reference country**

- (27) The countries covered by this proceeding, with the exception of Norway, were, during the period of

investigation, non-market economy countries (hereinafter referred to as 'NMEs'). Normal value for these NMEs had therefore to be based on data obtained in a market economy country (in accordance with Article 2 (5) of the basic Regulation). Interested parties suggested several countries including Norway as an analogue market for that purpose. Since the Norwegian exporters did not supply information relating to domestic prices, cost of production or export prices for all grades of the product concerned, Norway could not be used.

It was determined that the market of the United States of America (USA) (hereinafter referred to as 'the US market') would in this respect be an appropriate and not unreasonable choice due to the easy access to raw materials, the availability of competitively priced energy, its open and competitive nature and the fact that, in terms of volume and range of qualities of silicon carbide, it is considered to be representative in comparison with the exports from each individual NME.

Furthermore, the product manufactured in the USA has the same basic physical and chemical characteristics as the product manufactured by all NMEs concerned and can therefore be considered a like product.

**II. Normal value****(a) NMEs**

- (28) Normal value was determined on the basis of prices in the ordinary course of trade at which the silicon carbide was actually sold for consumption on the US market. All sales transactions were to unrelated purchasers and involved quantities considered to be representative.

Account was taken of the fact that the companies investigated in the reference market were directly or indirectly related to certain silicon carbide producers in the Community or in Norway. It was examined whether their relationship had an influence on the determination of normal value. Since normal value was determined on the basis of sales prices to independent customers on the US market and these prices were subject to normal competitive forces, it was concluded that the relationship had no influence on the normal value thus determined.

(b) *Norway*

- (29) No normal value based on prices or costs in Norway could be established as the Norwegian producers did not fully cooperate. In view of the similarity of the production processes, costs of raw materials, in particular energy costs, and other economic circumstances, between Norway and the USA for this product, and the fact that in both countries producers are operating on a competitive market, it was considered that the prices for this product in the USA constituted the best facts available as a basis for prices in Norway.

Normal value for all qualities was therefore established, pursuant to Article 2 (3) (a) of the basic Regulation, on the basis of the weighted average of the US sales prices. The information concerning the production costs of silicon carbide in the USA — increased by a reasonable margin for profit (as explained in recital 49) — confirmed the reasonableness of the use of the US sales price on the US market.

For the qualities covered by the undertakings accepted from the Norwegian exporters concerned, separate normal values were established on the basis of the weighted average of the sales prices on the US market of the corresponding qualities.

**III. Export prices**(a) *Poland*

- (30) Exports by the Polish exporting producer were made directly to independent importers in the Community. The export prices were therefore determined on the basis of prices actually paid or payable for the products sold.

(b) *China*

- (31) The export volume of the cooperating Chinese export corporations represented 22 % of total Chinese silicon carbide imports into the Community during the investigation period. It was considered whether individual company findings should be made for the three Chinese export corporations referred to in recital 5. Since they are all State-owned corporations, individual determinations were not made in accordance with the established prac-

tice of the institutions, especially since the State can at any time interfere in their economic operations. In addition, the percentage of 22 % was deemed to be too small to be representative of total Chinese silicon carbide exports. Export prices of the Chinese export sales were therefore based on the facts available in accordance with Article 7 (7) (b) of the basic Regulation. Consequently, the data supplied by Eurostat was used, from which all costs incurred between the Chinese port of loading and CIF Community frontier were deducted.

(c) *Norway*

- (32) Since the Norwegian producers supplied information for only part of their exports, an average export price for silicon carbide from Norway, irrespective of quality, was established on the basis of Eurostat figures.

(d) *Russia and Ukraine*

- (33) The exporters in Russia and Ukraine, did not cooperate: export prices had therefore to be based on the facts available. In this respect, export prices for Russia and Ukraine were established on the basis of purchase prices of an independent importer which was considered appropriate since it imported during the investigation period more than 50 % of total imports of silicon carbide originating in the countries concerned. These purchase prices were at franco destination level. Freight and insurance costs incurred were deducted in order to establish an ex-national border price. The data supplied by this importer did not permit a distinction to be made between the silicon carbide originating in Russia and Ukraine.

**IV. Comparison**

- (34) For all countries, with the exception of China and Norway, the normal value was compared with the export price for comparable qualities, transaction-by-transaction, and on an ex-works basis. For the NMEs, ex-works was taken as ex-national border in accordance with normal practice for these countries. No adjustments were claimed or deemed necessary in respect of different levels of trade (Article 2 (9) (a) of the basic Regulation) since the investigation showed that no different price patterns existed on the reference market for different types of customers of silicon carbide.

For the product originating in Russia and Ukraine an adjustment based on detailed information supplied by the importer referred to in recital 33 was made to the normal value in order to take account of the difference in physical characteristics in accordance with Article 2 (9) (a) of the basic Regulation.

- (35) The average price of all Norwegian export transactions of silicon carbide, based on Eurostat figures, was compared on an ex-works basis with the normal value for silicon carbide established on the basis of the average price of all transactions on the US market, all qualities taken together.

The export prices for certain qualities reported under the Norwegian producers' undertakings were also compared with the sales prices on the US market for the comparable qualities. These findings confirmed the results found in the comparison of all Norwegian export transactions.

- (36) In the case of China, the three exporters which replied to the Commission's questionnaire claimed several adjustments for differences in physical characteristics and certain selling expenses. Since, as previously mentioned, these exporters were deemed to be unrepresentative of total Chinese exports of silicon carbide to the Community, it was not possible to determine, on the basis of the evidence available, whether such adjustments were applicable to all exports to the Community. However, since it became known from different sources during the investigation that China exports predominantly metallurgical silicon carbide, it was considered that in applying the provisions of Article 7 (7) (b) of the basic Regulation (facts available), it would be unreasonable to use an average normal value based on both crystalline and metallurgical grades. A normal value based on the average price for metallurgical grade only was therefore used. The comparison was made between this normal value and the export price as determined above. In so doing, adjustments warranted for differences affecting price comparability, in respect of the volume of exports by the three Chinese cooperating exporters, have been taken into account.

Claims for adjustments for differences in cost factors, such as labour, between the US producers on the one hand and the Chinese producers on the other were rejected since no adjustments other than those resulting from comparative natural advan-

tages can be granted. Cost differences, if any, due to the economic system existing in the exporting country cannot be taken into consideration as this would negate the purpose of Article 2 (5) of the basic Regulation of determining normal value on the basis of prices or costs in a market economy; however, cost differences resulting from comparative natural advantages are not due to the economic system existing in an exporting country.

#### V. Dumping margins

- (37) These comparisons showed the following weighted average dumping margins, expressed as a percentage of the net free-at-Community frontier price before duty:

China :	72,5 %
Norwegian exporting producers :	0,0 %
Poland :	8,3 %
Russia :	23,3 %
Ukraine :	23,3 %

#### G. RECURRENCE OF INJURY

- (38) In the light of the above analysis and in order to assess the effect of the expiry of measures in force, the following was considered:

##### I. Norway

- (39) Although the Norwegian exporters did not fully cooperate, evidence available clearly indicates that the Norwegian product is mostly present in the high quality market segment, where higher prices prevail.

In the light of the past pricing behaviour of Norwegian producers which has led to prices being kept generally in line with those of Community producers, even at the expense of loss of market share, it appeared unlikely that the expiry of the undertakings would lead to an imminent recurrence of dumped imports and injury caused by Norwegian exporters.

##### II. China, Poland, Russia and Ukraine

- (40) Exporters in these countries sold silicon carbide at high undercutting prices to the Community in increasing quantities, without respecting, except for the Polish exporter, the conditions of the undertaking agreed with the Commission.

Since these imports continued to injure the Community industry, it can be expected that the expiry of measures would only lead to a further deterioration of an already weakened Community industry.

### III. Effect of the cumulated, low-priced imports

- (41) For this examination, it was considered appropriate to cumulate the imports from China, Poland, Russia and Ukraine because the exporters in these countries followed largely the same low-pricing behaviour and the imports have the same basic physical characteristics, are interchangeable, have the same channels of distribution and were sold in the same geographical market during the same period.
- (42) In considering the relationship between these low-priced imports and the weak situation of the Community industry, it was found that the increase in volume and market share of these imports in combination with their undercutting prices, coincided with the deterioration of the situation of the Community industry.

Since this is a price-sensitive product in a transparent market which consists mainly of industrial users, sales at low prices inevitably have substitution effects as customers choose to be supplied at the lowest price offered. It was therefore concluded that these low-priced imports can be clearly associated with the deteriorating situation of the Community industry.

### IV. Effect of other factors

- (43) It was examined whether factors, other than the low-priced imports from these four countries, might have led to or contributed to the weak situation of the Community industry and especially whether imports from countries other than the four mentioned, may have contributed to this situation. This examination was based on 'Eurostat' figures.

#### (a) Norway

- (44) Regarding imports from Norway, it has to be noted that Norwegian prices of silicon carbide imported into the Community were, in general, in line with those of the Community producers. Furthermore, the Norwegian market share has declined from 1989 to the investigation period. Therefore, it was considered unlikely that Norwegian imports have contributed to the deteriorating situation of the Community industry.

#### (b) Other third countries

- (45) A certain quantity of imports (7,7 % market share during the investigation period) originates from third countries other than Norway. It was found that prices of imports from these countries were on average below those charged by the Community producers.

No evidence has been supplied to the Commission as to whether these prices were low in respect of low-quality silicon carbide or whether these products were actually being sold at dumped prices.

### Conclusion

- (46) It was considered *arguendo* that, even if the imports from other countries had contributed to the difficult state of the Community industry, it would not affect the conclusion that the cumulated imports from the four countries in question taken in isolation have been a cause of this difficult state.

### V. Conclusion on recurrence of injury

- (47) In the light of the new dumping and injury findings, it was concluded that a continuation of measures for all countries, except Norway, would be warranted but that the nature of such measures should be reconsidered in the light of the new dumping and injury findings. With regard to Norway, the findings of no dumping for all grades of silicon carbide exported to the Community and not only for those grades covered by the undertakings confirms that the pricing behaviour of the Norwegian exporters is such that there is nothing to suggest that the expiry of the measures would lead to an imminent recurrence of injury caused by dumping.

### H. COMMUNITY INTEREST

- (48) The purpose of anti-dumping measures is, in general, to eliminate distortion of competition arising from dumping practices and thus to re-establish open and fair competition on the Community market. In considering the Community interest, account has been taken of the effectiveness of the existing measures in addition to the interest of the Community silicon carbide industry, the users of silicon carbide and the final consumers of the end product. In this respect it is also recalled that in the previous investigation, the adoption of measures was considered to be in the interest of the Community.

Leaving the Community industry without adequate protection against the unfair competition as established would add to the difficulties of this industry and could lead to its disappearance with the consequent negative effect on employment and investment. One plant in Italy had already closed during the investigation period and a further plant in France has subsequently had to close. Such closures, resulting in reduced competition for the supply of silicon carbide, have a negative impact on users. As far as these purchasers of silicon carbide are concerned, it may be argued that they could derive some benefit from buying silicon carbide at dumped prices. Any such benefit, however, would be minimal, since the silicon carbide in question accounts for only a fraction of the price of most end-products.

In these circumstances, it is in the Community interest to maintain definitive anti-dumping measures to eliminate the injurious effects of dumped imports and that these measures should take the form of anti-dumping duties.

#### I. DUTY

- (49) When calculating the amount of duty necessary to provide adequate protection to the Community industry from continued injurious dumping, it was considered that any measures should allow the Community industry to cover its costs of production and to obtain a reasonable profit.

In this respect and based on the findings in the reference country, it was found that a profit margin of 5 % of the cost of production for this sector could be regarded as an appropriate minimum taking into account the need for long-term investment.

- (50) In order to calculate the amount of duty, a price level established which would permit the Community industry to achieve this result.

Since silicon carbide consists of two main grades, crystalline and metallurgical, two different price levels were calculated, consisting of the weighted average cost of production of the Community producers for each main grade and the profit margin.

- (51) It was considered that the duty should cover the difference between this price and the actual selling prices of the exporters in the Community.
- (52) In order to determine the level of the duty, price increases thus established have been expressed as a

percentage of the weighted average free-at-Community frontier value of the imported goods.

- (53) For Russia and Ukraine, an injury margin of 51,1 % was found. Since this margin was higher than the dumping margin, the rate of duty should be established on the basis of the latter.
- (54) The net, free-at-Community-frontier price, before duty established for exports originating in China was compared with the injury level determined for the Community industry in respect of metallurgical grade silicon carbide. This comparison results in an injury margin of 52,6 %, which is lower than the dumping margin. Therefore, the duty should be established on the basis of the injury margin.
- (55) For Poland, an injury margin of 27 % was found. Since this margin is higher than the dumping margin determined, a duty should be established on the basis of the latter.

The undertaking accepted in 1986 from the only Polish exporter is no longer apt to prevent injury. This exporter has not offered a revised undertaking, despite having been given the opportunity to do so by the Commission.

Notwithstanding the acceptance of an undertaking from the Russian government (see recital 56), a residual duty should be imposed on imports originating in Russia in view of the rapid changes taking place in that country's economic system which may lead to the emergence of new producers and exporters of silicon carbide operating independently of the State.

#### Undertakings

- (56) Having been informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties, certain exporters in China and Russia offered undertakings.

For China, these exporters are those mentioned in recital 5 which responded to the Commission's questionnaire. They offered undertakings in respect of their individual circumstances as to dumping and injury caused thereby. It has been deemed inappropriate to determine individual company findings for these State-owned corporations for the reasons set out in recital 31. The Commission has therefore considered the undertakings offered by the Chinese exporters unacceptable and have informed the three Chinese exporters accordingly.

The Russian government, in conjunction with the State-trading organization V/O Stankoimport, offered undertakings which would remedy the injurious effects of the dumped exports. The Commission consulted the Advisory Committee on acceptance of these undertakings and, since some objections were raised, sent a report on these consultations to the Council. These undertakings were accepted by Commission Decision 94/202/EC<sup>(1)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A definitive anti-dumping duty is hereby imposed on imports of silicon carbide falling within CN Code 2849 20 00 originating in the People's Republic of China, Poland, the Russian Federation and Ukraine.

However, the duty shall not apply to silicon carbide exported by V/O Stankoimport, Moscow, Russia (Taric additional code 8746).

2. The rate of the duty applicable to the net, free-at-Community-frontier price, before duty, shall be as follows:

Country	Rate of duty (%)	Taric additional code
People's Republic of China	52,6	—
Poland	8,3	—
The Russian Federation	23,3	8747
Ukraine	23,3	—

3. The provisions in force concerning customs duties shall apply.

*Article 2*

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

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

Done at Luxembourg, 12 April 1994.

*For the Council*  
*The President*  
 F. CONSTANTINOU

<sup>(1)</sup> See page 32 of this Official Journal.

**COMMISSION DIRECTIVE 94/14/EC**  
**of 29 March 1994**  
**amending Seventh Directive 76/372/EEC establishing Community methods of**  
**analysis for the official control of feedingstuffs**

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

Having regard to Council Directive 70/373/EEC of 20 July 1970 on the introduction of Community methods of sampling and analysis for the official control of feedingstuffs<sup>(1)</sup>, as last amended by Regulation (EEC) No 3768/85<sup>(2)</sup>, and in particular Article 2 thereof,

Whereas the Seventh Commission Directive 76/372/EEC<sup>(3)</sup>, as last amended by Directive 92/95/EEC<sup>(4)</sup>, prescribes the methods to be used for the determination of aflatoxin B<sub>1</sub>;

Whereas it is necessary to revise once more the dosage method used at present, in order to state precisely the operating procedure for preparing the sample and to define the rules for the expression of the results;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee for Feedingstuffs,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The Annex to Directive 76/372/EEC is amended as shown in the Annex.

*Article 2*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with

the provisions of this Directive, not later than one year after its entry into force. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 29 March 1994.

*For the Commission*

René STEICHEN

*Member of the Commission*

<sup>(1)</sup> OJ No L 170, 3. 8. 1970, p. 2.

<sup>(2)</sup> OJ No L 362, 31. 12. 1985, p. 8.

<sup>(3)</sup> OJ No L 102, 15. 4. 1976, p. 8.

<sup>(4)</sup> OJ No L 327, 13. 11. 1992, p. 54.



*ANNEX*

Part C of the Annex to Directive 76/372/EEC is replaced by the following :

'C. Observations concerning Methods A and B

1. Defatting

Samples containing more than 5 % fats must be defatted with light petroleum (bp 40 to 60 °C) after the preparations indicated in 5.1.

In such cases, the analytical results must be expressed in terms of the weight of the non-defatted sample.

2. Reproducibility of the results for Method A

The reproducibility of the results, i.e. the variation between the results obtained by two or more laboratories on the same sample has been estimated at :

± 50 % of the mean value for mean values of aflatoxin B, from 10 and up to 20 µg/kg ;

± 10 µg/kg on the mean value for mean values greater than 20 and up to 50 µg/kg ;

± 20 % of the mean value for mean values above 50 µg/kg.'

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## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 9 March 1994

**accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of silicon carbide originating in the People's Republic of China, Norway, Poland and the former USSR and terminating the proceeding against imports originating in Norway and several republics previously part of the former USSR**

(94/202/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(1)</sup>, and in particular Article 9 and 10 thereof,

After consultations within the Advisory Committee,

Whereas :

- (1) The Commission announced by a notice in the *Official Journal of the European Communities*<sup>(2)</sup> the initiation of a review of measures in force in respect of imports into the Community of silicon carbide originating in the People's Republic of China, Norway, Poland and the former USSR. For the findings of this review investigation, the Commission refers to Council Regulation (EC) No 821/94<sup>(3)</sup>.
- (2) After all exporters concerned were notified of the results of the investigation, the Russian Government, in conjunction with the State-trading organization, V/O Stankoimport, offered undertakings in

accordance with Article 10 of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the basic Regulation').

- (3) The effect of these undertakings would be to reduce the volume of Russian silicon carbide exported to the Community, to a non-injurious level. Furthermore, the Commission is of the opinion that sufficient guarantees have been given that the Russian Government, in conjunction with V/O Stankoimport, would be able to monitor exports of Russian silicon carbide to the Community. In view of this, the Commission considers that the undertakings offered are acceptable and that the investigation concerning V/O Stankoimport may be terminated without the imposition of an anti-dumping duty.
- (4) The investigation concerning imports of silicon carbide originating in Norway has revealed that the expiry of the measures in place against Norwegian producers would not lead to injury or threat of injury and that, in addition, Norwegian producers have not been found selling this product at dumped prices on the Community market.

In these circumstances, it is considered that protective measures against imports of silicon carbide originating in Norway are unnecessary and that the proceeding against imports from Norway should therefore be terminated in accordance with Article 9 (1) of the basic Regulation.

<sup>(1)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(2)</sup> OJ No C 279, 26. 10. 1991, p. 11.

<sup>(3)</sup> See page 21 of this Official Journal.

- (5) The investigation has further revealed that, with the exception of the Russian Federation and Ukraine, silicon carbide is not produced in and exported from the other Republics previously part of the former USSR. The proceeding against these Republics should therefore also be terminated in accordance with Article 9 (1) of the basic Regulation.
- (6) When the Advisory Committee was consulted on the acceptance of the undertakings offered, some objections were raised. Therefore, in accordance with Article 9 (1) and 10 (1) of the basic Regulation, the Commission sent a report to the Council on the result of the consultations and a proposal for the acceptance of the undertakings. As the Council has not decided otherwise within one month, the present Decision should stand adopted,

port, Moscow, Russia, in relation to the review of anti-dumping measures on imports of silicon carbide originating in the People's Republic of China, Norway, Poland and the former USSR are hereby accepted.

*Article 2*

The proceeding concerning imports of silicon carbide originating in Norway, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan and Uzbekistan, is hereby terminated.

Done at Brussels, 9 March 1994.

HAS DECIDED AS FOLLOWS:

*Article 1*

The undertaking offered by the government of the Russian Federation, in conjunction with V/O Stankoim-

*For the Commission*

Leon BRITTAN

*Member of the Commission*