

Official Journal

of the European Communities

ISSN 0378-6978

L 255

Volume 37

1 October 1994

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EC) No 2354/94 of 30 September 1994 fixing the import levies on rice and broken rice	1
Commission Regulation (EC) No 2355/94 of 30 September 1994 fixing the premiums to be added to the import levies on cereals, flour and malt	3
Commission Regulation (EC) No 2356/94 of 30 September 1994 fixing the export refunds on malt	5
Commission Regulation (EC) No 2357/94 of 30 September 1994 fixing the corrective amount applicable to the refund on malt	7
Commission Regulation (EC) No 2358/94 of 30 September 1994 fixing the export refunds on cereals and on wheat or rye flour, groats and meal	9
Commission Regulation (EC) No 2359/94 of 30 September 1994 fixing the corrective amount applicable to the refund on cereals	12
Commission Regulation (EC) No 2360/94 of 30 September 1994 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid	14
Commission Regulation (EC) No 2361/94 of 30 September 1994 altering the export refunds on white sugar and raw sugar exported in the natural state	16
Commission Regulation (EC) No 2362/94 of 30 September 1994 fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries	18
Commission Regulation (EC) No 2363/94 of 30 September 1994 fixing the import levies on syrups and certain other products in the sugar sector	19
Commission Regulation (EC) No 2364/94 of 30 September 1994 fixing the export refunds on syrups and certain other sugar products exported in the natural state	22

Price : ECU 23

(Continued overleaf)

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

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

Commission Regulation (EC) No 2365/94 of 30 September 1994 fixing the production refund for white sugar used in the chemical industry	25
Commission Regulation (EC) No 2366/94 of 30 September 1994 fixing the aid for cotton	27
Commission Regulation (EC) No 2367/94 of 30 September 1994 fixing the rate of the aid for dried fodder	28
Commission Regulation (EC) No 2368/94 of 30 September 1994 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments	31
Commission Regulation (EC) No 2369/94 of 30 September 1994 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands	33
Commission Regulation (EC) No 2370/94 of 30 September 1994 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira	35
Commission Regulation (EC) No 2371/94 of 30 September 1994 fixing the export refunds on products processed from cereals and rice	37
Commission Regulation (EC) No 2372/94 of 30 September 1994 fixing the export refunds on cereal-based compound feedingstuffs	40
Commission Regulation (EC) No 2373/94 of 30 September 1994 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty	42
Commission Regulation (EC) No 2374/94 of 30 September 1994 fixing the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty	45
Commission Regulation (EC) No 2375/94 of 30 September 1994 fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex II to the Treaty	47
* Commission Regulation (EC) No 2376/94 of 27 September 1994 imposing a provisional anti-dumping duty on imports of colour television receivers originating in Malaysia, the People's Republic of China, the Republic of Korea, Singapore and Thailand	50
Commission Regulation (EC) No 2377/94 of 29 September 1994 correcting Regulation (EC) No 2314/94, fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced	70
* Commission Regulation (EC) No 2378/94 of 29 September 1994 re-establishing the levying of customs duties on certain textile products originating in India, Pakistan, Indonesia, Thailand and China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply	72
* Commission Regulation (EC) No 2379/94 of 29 September 1994 re-establishing the levying of customs duties on certain industrial products originating in Indonesia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply	80
* Commission Regulation (EC) No 2380/94 of 30 September 1994 re-establishing the levying of customs duties on products falling within CN code 3102 80 00, originating in Poland, to which the tariff ceilings set out in Council Regulation (EEC) No 3918/92 apply	82

Contents (continued)

★ Commission Regulation (EC) No 2381/94 of 30 September 1994 amending Annex II to Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs	84
★ Commission Regulation (EC) No 2382/94 of 30 September 1994 adopting derogatory arrangements in the beef and veal sector as a result of the outbreak of foot-and-mouth disease in Greece	88
★ Commission Regulation (EC) No 2383/94 of 30 September 1994 amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance	89
★ Commission Regulation (EC) No 2384/94 of 30 September 1994 amending Regulation (EEC) No 2164/92 laying down detailed rules for the application of the specific supply arrangements for the Canary Islands relating to milk products and establishing the forecast supply balance	91
★ Commission Regulation (EC) No 2385/94 of 30 September 1994 on the term of validity of licences issued in connection with the specific arrangements for the supply of certain agricultural products to the Canary Islands	93
★ Commission Regulation (EC) No 2386/94 of 30 September 1994 establishing the forecast supply balance for pigmeat for the Azores and Madeira for the 1994/95 marketing year and amending Regulation (EEC) No 1725/92	94
★ Commission Regulation (EC) No 2387/94 of 30 September 1994 establishing the supply balance for the Canary Islands in products of the pigmeat sector for the period 1 October to 30 November 1994 and amending Regulation (EEC) No 1724/92	97
Commission Regulation (EC) No 2388/94 of 30 September 1994 altering the corrective amount applicable to the refund on rice and broken rice	101
★ Commission Regulation (EC) No 2389/94 of 30 September 1994 amending Regulation (EC) No 1431/94 laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94	104
Commission Regulation (EC) No 2390/94 of 30 September 1994 suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel	106
Commission Regulation (EC) No 2391/94 of 30 September 1994 fixing the premiums to be added to the import levies on rice and broken rice	108
Commission Regulation (EC) No 2392/94 of 30 September 1994 fixing the import levies on compound feedingstuffs	110
Commission Regulation (EC) No 2393/94 of 30 September 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal	112

II *Acts whose publication is not obligatory*

Commission

94/655/EC :

★ Commission Decision of 30 September 1994 on certain protection measures with regard to equidae coming from Australia ⁽¹⁾	114
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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2354/94
of 30 September 1994
fixing the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1869/94 ⁽²⁾, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 833/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20

and 1006 30 ⁽³⁾, as last amended by Regulation (EEC) No 674/91 ⁽⁴⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EEC) No 2147/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2292/94 ⁽⁶⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽²⁾ OJ No L 197, 30. 7. 1994, p. 7.

⁽³⁾ OJ No L 80, 24. 3. 1987, p. 20.
⁽⁴⁾ OJ No L 75, 21. 3. 1991, p. 29.
⁽⁵⁾ OJ No L 228, 1. 9. 1994, p. 23.
⁽⁶⁾ OJ No L 249, 24. 9. 1994, p. 1.

ANNEX

to the Commission Regulation of 30 September 1994 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (°)	ACP Bangladesh (¹)(²)(³)(⁴)	Third countries (except ACP) (⁵)
1006 10 21	—	145,04	297,28
1006 10 23	—	145,50	298,20
1006 10 25	—	145,50	298,20
1006 10 27	223,65	145,50	298,20
1006 10 92	—	145,04	297,28
1006 10 94	—	145,50	298,20
1006 10 96	—	145,50	298,20
1006 10 98	223,65	145,50	298,20
1006 20 11	—	182,20	371,60
1006 20 13	—	182,77	372,75
1006 20 15	—	182,77	372,75
1006 20 17	279,56	182,77	372,75
1006 20 92	—	182,20	371,60
1006 20 94	—	182,77	372,75
1006 20 96	—	182,77	372,75
1006 20 98	279,56	182,77	372,75
1006 30 21	—	226,15	476,16
1006 30 23	—	271,81	567,40
1006 30 25	—	271,81	567,40
1006 30 27	425,55	271,81	567,40
1006 30 42	—	226,15	476,16
1006 30 44	—	271,81	567,40
1006 30 46	—	271,81	567,40
1006 30 48	425,55	271,81	567,40
1006 30 61	—	241,20	507,11
1006 30 63	—	291,77	608,25
1006 30 65	—	291,77	608,25
1006 30 67	456,19	291,77	608,25
1006 30 92	—	241,20	507,11
1006 30 94	—	291,77	608,25
1006 30 96	—	291,77	608,25
1006 30 98	456,19	291,77	608,25
1006 40 00	—	56,57	119,14

(¹) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(⁴) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulations (EEC) No 3491/90 and (EEC) No 862/91.

(⁵) The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

(⁶) No import levy applies to products originating in the OCT pursuant to Article 101 (1) of Decision 91/482/EEC, subject to the provisions of Decision 93/127/EEC.

COMMISSION REGULATION (EC) No 2355/94**of 30 September 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 ⁽¹⁾, as last amended by Regulation (EC) No 1866/94 ⁽²⁾, 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 ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EC) No 1938/94 ⁽⁵⁾ 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 29

September 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 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 39.

ANNEX

to the Commission Regulation of 30 September 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
	10	11	12	1
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
	10	11	12	1	2
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

COMMISSION REGULATION (EC) No 2356/94
of 30 September 1994
fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular the fourth subparagraph third of Article 13 (2) thereof,

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 2 of Commission Regulation (EEC) No 1533/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, laying down detailed rules on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals;

Whereas the refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question; whereas the said quantities are laid down in Regulation (EEC) No 1533/93;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as amended by Regulation (EC) No 3528/93⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural

conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as amended by Regulation (EC) No 547/94⁽⁸⁾;

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

Whereas Council Regulation (EEC) No 990/93⁽⁹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 30 September 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 30 September 1994 fixing the export refunds on malt

<i>(ECU/tonne)</i>	
Product code	Refund (1)
1107 10 19 000	30,00
1107 10 99 000	63,50
1107 20 00 000	72,50

(1) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EC) No 2357/94

of 30 September 1994

fixing the corrective amount applicable to the refund on malt

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular Article 13 (4) thereof,

Whereas Article 13 (4) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, allows for the fixing of a corrective amount for the malt referred to in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 2 of Regulation (EEC) No 1533/93;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as amended by Regulation (EC) No 3528/93⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as amended by Regulation (EC) No 547/94⁽⁸⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 13 (4) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 30 September 1994 fixing the corrective amount applicable to the refund on malt

(ECU/tonne)

Product code	Current	1st period	2nd period	3rd period	4th period	5th period
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

(ECU/tonne)

Product code	6th period	7th period	8th period	9th period	10th period	11th period
1107 10 11 000	0	0	0	0	0	0
1107 10 19 000	0	0	0	0	0	0
1107 10 91 000	0	0	0	0	0	0
1107 10 99 000	0	0	0	0	0	0
1107 20 00 000	0	0	0	0	0	0

COMMISSION REGULATION (EC) No 2358/94

of 30 September 1994

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 2 of Commission Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, amended by Regulation (EC) No 120/94⁽⁴⁾;

Whereas export possibilities exist for a quantity of 12 000 tonnes of maize and of 200 000 tonnes of soft wheat to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89⁽⁵⁾, as last amended by Regulation (EC) No 1755/94⁽⁶⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EEC) No 1533/93;

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁷⁾, as amended by Regulation (EC) No 3528/93⁽⁸⁾, 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⁽⁹⁾, as amended by Regulation (EC) No 547/94⁽¹⁰⁾;

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

Whereas Council Regulation (EEC) No 990/93⁽¹¹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁶⁾ OJ No L 183, 19. 7. 1994, p. 7.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽¹¹⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 30 September 1994 altering the export refunds on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1007 00 90 000	—	—
0712 90 19 000	—	—	1008 20 00 000	—	—
1001 10 00 200	—	—	1101 00 00 100	01	25,00
1001 10 00 400	01	0,00	1101 00 00 130	01	24,00
1001 90 91 000	—	—	1101 00 00 150	01	22,00
1001 90 99 000	03	13,00	1101 00 00 170	01	21,00
	04	39,25 (3)	1101 00 00 180	01	20,00
	02	10,00	1101 00 00 190	—	—
1002 00 00 000	03	13,00	1101 00 00 900	—	—
	02	10,00	1102 10 00 500	01	50,00
1003 00 10 000	—	—	1102 10 00 700	—	—
1003 00 90 000	03	37,00	1102 10 00 900	—	—
	02	10,00	1103 11 10 200	01	0 (3)
1004 00 00 200	—	—	1103 11 10 400	01	0 (3)
1004 00 00 400	—	—	1103 11 10 900	—	—
1005 10 90 000	—	—	1103 11 90 200	01	0 (3)
1005 90 00 000	03	48,00	1103 11 90 800	—	—
	05	50,00 (4)			
	02	0			

(1) The destinations are identified as follows:

01 All third countries,

02 Other third countries,

03 Switzerland, Austria, Liechtenstein, Ceuta and Melilla,

04 Angola, Benin, Botswana, Burkina Faso, Burundi, Cape Verde, Comoros, Congo, Ivory Coast, Gabon, Gambia, Cameroon, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, Mauritius, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Namibia, Central African Republic, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Swaziland, Tchad, Togo, Zaire, Zimbabwe, Zambia,

05 Malta.

(2) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

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

(4) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89, in respect of a quantity of 12 000 tonnes of maize destined for Malta.

(5) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89, in respect of a quantity of 200 000 tonnes of soft wheat destined for Angola, Benin, Botswana, Burkina Faso, Burundi, Cape Verde, Comoros, Congo, Ivory Coast, Gabon, Gambia, Cameroon, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, Mauritius, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Namibia, Central African Republic, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Swaziland, Tchad, Togo, Zaire, Zimbabwe, Zambia.

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

COMMISSION REGULATION (EC) No 2359/94
of 30 September 1994
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular Article 13 (4) thereof,

Whereas Article 13 (4) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 2 of Regulation (EEC) No 1533/93;

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

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

Done at Brussels, 30 September 1994.

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as amended by Regulation (EC) No 3528/93⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as amended by Regulation (EC) No 547/94⁽⁸⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 October 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 30 September 1994 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		10	11	12	1	2	3	4
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	—	—	—	—	—	—	—	—
1001 10 00 400	01	0	0	0	0	—	—	—
1001 90 91 000	01	0	0	0	0	0	—	—
1001 90 99 000	03	0	0	0	- 30,00	- 30,00	—	—
	02	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	01	0	0	0	0	0	—	—
1003 00 90 000	01	0	0	0	0	0	—	—
1004 00 00 200	01	0	0	0	0	0	—	—
1004 00 00 400	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	01	0	0	0	- 30,00	- 30,00	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 00 100	01	0	0	0	0	0	—	—
1101 00 00 130	01	0	0	0	0	0	—	—
1101 00 00 150	01	0	0	0	0	0	—	—
1101 00 00 170	01	0	0	0	0	0	—	—
1101 00 00 180	01	0	0	0	0	0	—	—
1101 00 00 190	—	—	—	—	—	—	—	—
1101 00 00 900	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	01	0	0	0	0	0	—	—
1103 11 10 400	01	0	0	0	0	0	—	—
1103 11 10 900	—	—	—	—	—	—	—	—
1103 11 90 200	01	0	0	0	0	0	—	—
1103 11 90 800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

01 all third countries,

02 other third countries,

03 Angola, Benin, Botswana, Burkina Faso, Burundi, Cape Verde, Comoros, Congo, Ivory Coast, Gabon, Gambia, Cameroon, Ghana, Guinea, Guinea-Bissau, Equatorial Guinea, Mauritius, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Namibia, Central African Republic, Rwanda, São Tomé and Príncipe, Senegal, Seychelles, Sierra Leone, Swaziland, Tchad, Togo, Zaire, Zimbabwe, Zambia.

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

COMMISSION REGULATION (EC) No 2360/94

of 30 September 1994

fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 1869/94⁽⁴⁾, and in particular Article 11 (2) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in

Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76⁽⁶⁾;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, the refunds applicable for October 1994 to cereals and rice sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

Article 3

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 197, 30. 7. 1994, p. 7.

⁽⁵⁾ OJ No L 288, 25. 10. 1974, p. 1.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 36.

ANNEX

to the Commission Regulation of 30 September 1994 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

<i>(ECU/tonne)</i>	
Product code	Refund
1001 10 00 400	0,00
1001 90 99 000	23,00
1002 00 00 000	23,00
1003 00 90 000	48,00
1004 00 00 400	—
1005 90 00 000	50,00
1006 20 92 000	200,00
1006 20 94 000	200,00
1006 30 42 000	—
1006 30 44 000	—
1006 30 92 100	250,00
1006 30 92 900	250,00
1006 30 94 100	250,00
1006 30 94 900	250,00
1006 30 96 100	250,00
1006 30 96 900	250,00
1006 40 00 000	—
1007 00 90 000	50,00
1101 00 00 100	30,00
1101 00 00 130	30,00
1102 20 10 200	68,29
1102 20 10 400	58,54
1102 30 00 000	—
1102 90 10 100	69,89
1103 11 10 200	0,00
1103 11 90 200	0,00
1103 13 10 100	87,80
1103 14 00 000	—
1104 12 90 100	104,86
1104 21 50 100	93,18

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

COMMISSION REGULATION (EC) No 2361/94
of 30 September 1994
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 Regulation (EC) No 133/94 ⁽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 2273/94 ⁽³⁾, as amended by Regulation (EC) No 2320/94 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2273/94 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;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁵⁾, as amended by Regulation (EC) No 3528/93 ⁽⁶⁾, are used to

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁷⁾, as amended by Regulation (EC) No 547/94 ⁽⁸⁾,

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 amended Regulation (EC) No 2273/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 247, 22. 9. 1994, p. 7.

⁽⁴⁾ OJ No L 253, 29. 9. 1994, p. 3.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 30 September 1994 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	32,17 ⁽¹⁾
1701 11 90 910	29,67 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	32,17 ⁽¹⁾
1701 12 90 910	29,67 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3497
	— ECU/100 kg —
1701 99 10 100	34,97
1701 99 10 910	34,97
1701 99 10 950	34,97
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3497

⁽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 5 (3) of amended Regulation (EEC) No 766/68.

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

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EC) No 2362/94**of 30 September 1994****fixing the reduced levy on imports into Portugal of certain quantities of raw sugar intended for Portuguese refineries**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular Article 16 (5) thereof,

Whereas Article 16 a (1) of Regulation (EEC) No 1785/81 provides for a reduced rate levy to apply during the 1994/95 marketing year to Portuguese imports of certain quantities of raw sugar originating in specified third countries and for use by Portuguese refineries;

Whereas Article 16 a (2) of Regulation (EEC) No 1785/81 stipulates that this reduced levy is to equal the intervention price for raw sugar as indicated in Article 3 (2) of that Regulation applicable when the sugar is imported, less an amount equal to the average of the spot prices, adjusted where necessary to the cif stage, quoted on the London market during the first 20 days of the month preceding that for which the reduced levy amount is set;

Whereas pursuant to Article 16 a (5) the reduced levy is to be set each month for the following month;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽³⁾, as

amended by Regulation (EC) No 3528/93 ⁽⁴⁾, 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 ⁽⁵⁾, as amended by Regulation (EC) No 547/94 ⁽⁶⁾;

Whereas application of the abovementioned provisions gives a reduced rate import levy for the raw sugar concerned of the amount indicated in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Portugal of the quantities of raw sugar for refining (CN codes 1701 11 10 and 1701 12 10) indicated in Article 16 a of Regulation (EEC) No 1785/81 shall, for standard quality, be ECU 22,69 per 100 kg.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 69, 12. 3. 1994, p. 1.

COMMISSION REGULATION (EC) No 2363/94

of 30 September 1994

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

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation ;

Whereas the levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 must be calculated, where appropriate, at a standard rate on the basis of the sucrose content (including other sugars expressed as sucrose) of the product concerned and of the levy on white sugar ; whereas, however, the levies on maple sugar and maple syrup are limited to the amount resulting from application of the rate of duty bound within GATT ;

Whereas Article 7 of Commission Regulation (EEC) No 837/68 of 28 June 1968 on detailed rules for the application of levies on sugar ⁽³⁾, as last amended by Regulation (EEC) No 1428/78 ⁽⁴⁾, provides that the basic amount of the levy for 100 kilograms of product must be fixed per percentage point of sucrose content ;

Whereas the basic amount of the levy must be equal to one-hundredth of the average of the levies applicable to 100 kilograms of white sugar during the first 20 days of the month preceding the month for which the basic amount of the levy is fixed ; whereas, however, the levy applicable to white sugar on the day of the fixing of the basic amount must be substituted for the average of the levies, where that levy differs by at least ECU 0,73 from that average ;

Whereas the basic amount must be fixed each month ; whereas it must, however, be altered during the period

between the day on which it is fixed and the first day of the month following the month for which the basic amount is applicable, if the levy on white sugar differs by at least ECU 0,73 from the average referred to above or from the levy on white sugar used to fix the basic amount ; whereas, in this case, the basic amount must be equal to one-hundredth of the levy on white sugar used to calculate the alteration ;

Whereas the basic amount thus fixed must be adjusted on the basis of variations in the threshold price for white sugar occurring between the month in which the basic amount is fixed and the period of application ; whereas this adjustment, equal to one-hundredth of the difference between these two threshold prices, must be deducted from or added to the basic amount in the circumstances provided for in Article 7 (6) of Regulation (EEC) No 837/68 ;

Whereas the levy on the products referred to in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 comprises, under Article 16 (6) of that Regulation, a variable element and a fixed element, with the latter, per 100 kilograms of dry matter, being equal to one-tenth of the fixed element established pursuant to point B of Article 11 (1) of Council Regulation (EEC) No 1766/92 ⁽⁵⁾, as last amended by Regulation (EC) No 1866/94 ⁽⁶⁾, for the fixing of the import levy on the products falling within CN codes 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50, and the variable element, per 100 kilograms of dry matter, being equal to 100 times the basic import levy applicable as from the first of each month in the case of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 ; whereas the levy must be fixed each month ;

Whereas as a consequence of the amendment of Article 1 (2) of Regulation (EEC) No 1785/81 and by virtue of Article 16 thereof, a levy is chargeable on imports of inuline syrup ; whereas the levy is defined in paragraph 6 (a) of the said Article 16 as equal, per 100 kilograms of dry matter, to the levy fixed in accordance with paragraph 6 of that Article multiplied by a coefficient of 1,9 ;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽⁵⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽⁶⁾ OJ No L 197, 30. 7. 1994, p. 1.

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⁽¹⁾, 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 Council Regulation (EEC) No 3813/92⁽²⁾, as amended by Regulation (EC) No 3528/93⁽³⁾, 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⁽⁴⁾, as amended by Regulation (EC) No 547/94⁽⁵⁾;

Whereas it follows from the application of these provisions that the import levies on the products concerned should be as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

**to the Commission Regulation of 30 September 1994 fixing 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	0,4045	—
1702 20 90	0,4045	—
1702 30 10	—	50,12
1702 40 10	—	50,12
1702 60 10	—	50,12
1702 60 90 10 ⁽²⁾	—	95,23
1702 60 90 90 ⁽³⁾	0,4045	—
1702 90 30	—	50,12
1702 90 60	0,4045	—
1702 90 71	0,4045	—
1702 90 90 10 ⁽⁴⁾	—	95,23
1702 90 90 90 ⁽⁵⁾	0,4045	—
2106 90 30	—	50,12
2106 90 59	0,4045	—

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

⁽²⁾ Taric code : Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product obtained by hydrolysis of inulin or oligofructoses.

⁽³⁾ Taric code : CN code 1702 60 90, other than inulin syrup.

⁽⁴⁾ Taric code : Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product, other than that falling within subheading 1702 60 90, obtained by hydrolysis of inulin or oligofructoses, containing by weight in the dry state at least 10 % fructose in free form or as sucrose.

⁽⁵⁾ Taric code : CN code 1702 90 90, other than inulin syrup.

COMMISSION REGULATION (EC) No 2364/94**of 30 September 1994****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular Article 19 (4) thereof,

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

Whereas Article 8 of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 13 of Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁵⁾, as last amended by Regulation (EC) No 1555/94⁽⁶⁾;

Whereas Article 7 of Regulation (EEC) No 766/68 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation

(EEC) No 1400/78 of 20 June 1978 laying down general rules for the production refund on sugar used in the chemical industry⁽⁷⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 19 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas the refund is to be granted only for products complying with the conditions in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75⁽⁸⁾, as amended by Regulation (EEC) No 1714/88⁽⁹⁾;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁶⁾ OJ No L 166, 1. 7. 1994, p. 52.

⁽⁷⁾ OJ No L 170, 27. 6. 1978, p. 9.

⁽⁸⁾ OJ No L 162, 1. 7. 1977, p. 9.

⁽⁹⁾ OJ No L 152, 18. 6. 1988, p. 23.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁾, as amended by Regulation (EC) No 3528/93⁽²⁾, 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⁽³⁾, as amended by Regulation (EC) No 547/94⁽⁴⁾;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situa-

tions as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.
⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.
⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.
⁽⁴⁾ OJ No L 69, 12. 3. 1994, p. 1.
⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 30 September 1994 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 100	34,97 ⁽²⁾ ⁽³⁾
1702 60 10 000	34,97 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 90 900	0,3497 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
1702 90 30 000	34,97 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 000	0,3497 ⁽¹⁾ ⁽³⁾
1702 90 71 000	0,3497 ⁽¹⁾ ⁽³⁾
1702 90 90 800	0,3497 ⁽¹⁾ ⁽³⁾ ⁽⁴⁾
	— ECU/100 kg dry matter —
2106 90 30 000	34,97 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 000	0,3497 ⁽¹⁾ ⁽³⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

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

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EC) No 2079/94 (OJ No L 215, 20. 8. 1994, p. 2).

COMMISSION REGULATION (EC) No 2365/94

of 30 September 1994

fixing the production refund for white sugar used in the chemical industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular Article 9 (6) thereof,

Whereas pursuant to Article 9 (3) of Regulation (EEC) No 1785/81 it may be decided to grant production refunds on the products listed in Article 1 (1) (a) and (f) and on the syrups listed in Article 1 (1) (d) thereof which are in one of the situations referred to in Article 9 (2) of the Treaty and which are used in the manufacture of certain products of the chemical industry;

Whereas Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on certain sugar products used in the chemical industry⁽³⁾, as last amended by Commission Regulation (EEC) No 464/91⁽⁴⁾, establishes the framework within which the production refunds may be determined and lists the chemical products of which the manufacture makes it possible to grant a production refund for the basic products used in their manufacture; whereas Articles 5, 6 and 7 of Regulation (EEC) No 1010/86 provide that the production refund granted for raw sugar, sucrose syrups and unprocessed isoglucose shall be derived from the refund fixed for white sugar according to a method of calculation peculiar to each of these basic products;

Whereas Commission Regulation (EEC) No 1729/78 of 24 July 1978 laying down detailed rules of application in respect of the production refund for sugar used in the chemical industry⁽⁵⁾, as last amended by Regulation (EEC) No 464/91, specifies the method to be used for

establishing the production refund; whereas Article 1 of Regulation (EEC) No 1729/78 provides that the production refund for white sugar shall be fixed at three-monthly intervals for the periods beginning 1 July, 1 October, 1 January and 1 April; whereas the application of the abovementioned method entails fixing the production refund as stated in Article 1 for the period referred to therein;

Whereas the amendment of the definition of white sugar and raw sugar referred to in Article 1 (2) (a) and (b) of Regulation (EEC) No 1785/81 has the consequence that flavoured sugars or sugars containing added colouring agents or other substances are no longer considered as falling within these definitions but are to be considered as 'other sugars'; whereas Article 1 of Regulation (EEC) No 1010/86 provides for these sugars to be eligible as basic products to the production refund; whereas a method of calculation based on their sucrose content should be laid down for establishing the production refund applicable to these products;

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 production refund per 100 kilograms of white sugar referred to in Article 4 of Regulation (EEC) No 1010/86 is hereby fixed at ECU 30,993 for the quarter 1 October to 31 December 1994.

Article 2

This Regulation shall enter into force on 1 October 1994.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁴⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽⁵⁾ OJ No L 201, 25. 7. 1978, p. 26.

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

Done at Brussels, 30 September 1994.

For the Commission
René STEICHEN
Member of the Commission

COMMISSION REGULATION (EC) No 2366/94
of 30 September 1994
fixing the aid for cotton

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 1554/93 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EC) No 2141/94 ⁽⁴⁾, as last amended by Regulation (EC) No 2327/94 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EC) No 2141/94 to

the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

1. The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 51,849 per 100 kilograms.
2. However, the amount of the aid will be replaced with effect from 1 October 1994 to take account of the amendments to be made to the maximum guaranteed quantity system.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.
⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.
⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.
⁽⁴⁾ OJ No L 228, 1. 9. 1994, p. 11.
⁽⁵⁾ OJ No L 253, 29. 9. 1994, p. 22.

COMMISSION REGULATION (EC) No 2367/94
of 30 September 1994
fixing the rate of the aid for dried fodder

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1117/78 of 22 May 1978 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Commission Regulation (EC) No 3496/93⁽²⁾, and in particular Article 5 (3) thereof,

Whereas, pursuant to Article 5 (1) of Regulation (EEC) No 1117/78, when the guide price is higher than the average world market price, aid is granted for dried fodder as described under Article 1 (b) and (c) of that Regulation and obtained from fodder plants harvested in the Community; whereas that aid takes account of a percentage of the difference between these two prices;

Whereas the guide price in the dried fodder sector was fixed by Council Regulation (EEC) No 1288/93⁽³⁾ and Commission Regulation (EC) No 538/94⁽⁴⁾;

Whereas Council Regulation (EEC) No 2065/92⁽⁵⁾, as amended by Regulation (EEC) No 1288/93, sets the percentage referred to in Article 5 of Regulation (EEC) No 1117/78 for the 1994/95 marketing year at 70 %;

Whereas the average world market price is determined for a bulk pelleted product, delivered to Rotterdam, of the standard quality for which the guide price has been fixed;

Whereas, pursuant to Council Regulation (EEC) No 1417/78 of 19 June 1978 on the aid system for dried fodder⁽⁶⁾, as last amended by Regulation (EEC) No 1110/89⁽⁷⁾, the average world market price for the products described in the first and third indents of Article 1 (b) of Regulation (EEC) No 1117/78 is to be determined on the basis of the most favourable actual purchase possibilities excepting those which cannot be considered representative of the real market trend; whereas offers

and quotations recorded during the first 25 days of the month in question for quantities that can be delivered during the following calendar month are to be used; whereas the average world market price thus determined is used to fix the aid rate applicable on the following month;

Whereas the necessary adjustments must be made in the case of offers and quotations not of the type referred to above; whereas these adjustments were defined in Article 3 of Commission Regulation (EEC) No 1528/78 of 30 June 1978 laying down detailed rules for the application of the system of aid for dried fodder⁽⁸⁾, as last amended by Regulation (EEC) No 1069/93⁽⁹⁾;

Whereas, in accordance with Article 3 of Regulation (EEC) No 1417/78, when no offer or quotation can be used to determine the average world market price, that price is determined on the basis of the sum of the value of competing products; whereas those products are defined in Article 3 (3) of Regulation (EEC) No 1528/78;

Whereas, pursuant to Article 11 of Regulation (EEC) No 1417/78, when forward prices differ from that applying in the month when the application is lodged, the aid rate is adjusted by a correcting amount calculated from the trend of forward prices;

Whereas, where the average world market price is determined in accordance with Article 3 of Regulation (EEC) No 1417/78, the corrective amount must be equal to the difference between the average world market price and the average forward world market price determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78 and valid for delivery during a month other than that in which the aid is introduced, adjusted by the percentage fixed pursuant to Article 5 (2) of Regulation (EEC) No 1117/78; whereas where the average forward world market price for one or more months cannot be determined by applying the criteria laid down in Article 3 (3) of Regulation (EEC) No 1528/78, the corrective amount must be fixed for the month or months in question at a level such that the aid is equal to zero;

⁽¹⁾ OJ No L 142, 30. 5. 1978, p. 1.

⁽²⁾ OJ No L 319, 21. 12. 1993, p. 17.

⁽³⁾ OJ No L 132, 29. 5. 1993, p. 1.

⁽⁴⁾ OJ No L 68, 11. 3. 1994, p. 20.

⁽⁵⁾ OJ No L 215, 30. 7. 1992, p. 48.

⁽⁶⁾ OJ No L 171, 28. 6. 1978, p. 1.

⁽⁷⁾ OJ No L 118, 29. 4. 1989, p. 1.

⁽⁸⁾ OJ No L 179, 1. 7. 1978, p. 10.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 114.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁾, as amended by Regulation (EC) No 3528/93⁽²⁾, 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⁽³⁾, as amended by Regulation (EC) No 547/94⁽⁴⁾;

Whereas the rate of the additional aid must be fixed once per month so as to ensure application of the aid from the first day of the month following the date of its fixing;

Whereas, as the result of the applications of all these provisions to the offers and quotations which the Commission has recorded, the rate of the additional aid

for dried fodder must be fixed as indicated in the table annexed to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The rate of the aid referred to in Article 5 (3) of Regulation (EEC) No 1117/78 is fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁴⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 30 September 1994 fixing the rate of the aid for dried fodder

Aid applicable from 1 October 1994 to dried fodder :

(ECU/tonne)

	Fodder dehydrated by artificial heat drying Protein concentrates	Fodder otherwise dried
October 1994	63,139	38,459

Aid in case of advance fixing for the month of :

(ECU/tonne)

November 1994	63,039	38,359
December 1994	62,805	38,125
January 1995	61,411	36,731
February 1995	61,058	36,378
March 1995	60,808	36,128

COMMISSION REGULATION (EC) No 2368/94**of 30 September 1994****amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments**

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as amended by Regulation (EEC) No 3714/92⁽²⁾, and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92⁽³⁾, as last amended by Regulation (EC) No 2101/94⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market,

the aid for supply to the FOD should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ No L 223, 27. 8. 1994, p. 1.

ANNEX

to the Commission Regulation of 30 September 1994 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	29,00	29,00	29,00	32,00
Barley (1003 00 90)	55,00	55,00	55,00	58,00
Maize (1005 90 00)	64,00	64,00	64,00	67,00
Durum wheat (1001 10 00)	0,00	0,00	0,00	0,00

COMMISSION REGULATION (EC) No 2369/94
of 30 September 1994
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply
of cereals products from the Community to the Canary Islands

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽³⁾, as last amended by Regulation (EC) No 2102/94 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 185, 4. 7. 1992, p. 26.

⁽⁴⁾ OJ No L 223, 27. 8. 1994, p. 3.

ANNEX

to the Commission Regulation of 30 September 1994 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands

(Ecu/tonne)

Product (CN code)	Amount of aid
Common wheat (1001 90 99)	26,00
Barley (1003 00 90)	52,00
Maize (1005 90 00)	61,00
Durum wheat (1001 10 00)	0,00
Oats (1004 00 00)	52,00

COMMISSION REGULATION (EC) No 2370/94
of 30 September 1994
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply
of cereals products from the Community to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 2103/94 ⁽⁴⁾, whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ No L 223, 27. 8. 1994, p. 5.

ANNEX

to the Commission Regulation of 30 September 1994 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

(Ecu/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Common wheat (1001 90 99)	26,00	26,00
Barley (1003 00 90)	52,00	52,00
Maize (1005 90 00)	61,00	61,00
Durum wheat (1001 10 00)	0,00	0,00

**COMMISSION REGULATION (EC) No 2371/94
of 30 September 1994**

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 1869/94⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76⁽⁵⁾ laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EEC) No 1620/93⁽⁶⁾ on the import and export system for products processed from cereals and from rice defines the specific

criteria to be taken into account when the refund on these products is being calculated;

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

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁷⁾, as amended by Regulation (EC) No 3528/93⁽⁸⁾, 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⁽⁹⁾, as amended by Regulation (EC) No 547/94⁽¹⁰⁾;

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

Whereas Council Regulation (EEC) No 990/93⁽¹¹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 197, 30. 7. 1994, p. 7.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁶⁾ OJ No L 155, 26. 6. 1993, p. 29.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽¹¹⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Whereas, pursuant to the abovementioned provisions, the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 1620/93 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

ANNEX

to the Commission Regulation of 30 September 1994 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund (1)	Product code	Refund (1)
1102 20 10 200 (2)	68,29	1104 23 10 300	56,10
1102 20 10 400 (2)	58,54	1104 29 11 000	24,12
1102 20 90 200 (2)	58,54	1104 29 91 000	23,65
1102 90 10 100	69,89	1104 29 95 000	23,65
1102 90 10 900	47,52	1104 30 10 000	5,91
1102 90 30 100	94,37	1104 30 90 000	12,20
1103 12 00 100	94,37	1107 10 11 000	42,10
1103 13 10 100 (2)	87,80	1107 10 91 000	82,93
1103 13 10 300 (2)	68,29	1108 11 00 200	47,30
1103 13 10 500 (2)	58,54	1108 11 00 300	47,30
1103 13 90 100 (2)	58,54	1108 12 00 200	78,05
1103 19 10 000	51,67	1108 12 00 300	78,05
1103 19 30 100	72,21	1108 13 00 200	78,05
1103 21 00 000	24,12	1108 13 00 300	78,05
1103 29 20 000	47,52	1108 19 10 200	82,08
1104 11 90 100	69,89	1108 19 10 300	82,08
1104 12 90 100	104,86	1109 00 00 100	0,00
1104 12 90 300	83,89	1702 30 51 000 (3)	101,95
1104 19 10 000	24,12	1702 30 59 000 (3)	78,05
1104 19 50 110	78,05	1702 30 91 000	101,95
1104 19 50 130	63,41	1702 30 99 000	78,05
1104 21 10 100	69,89	1702 40 90 000	78,05
1104 21 30 100	69,89	1702 90 50 100	101,95
1104 21 50 100	93,18	1702 90 50 900	78,05
1104 21 50 300	74,54	1702 90 75 000	106,83
1104 22 10 100	83,89	1702 90 79 000	74,15
1104 22 30 100	89,13	2106 90 55 000	78,05
1104 23 10 100	73,17		

(1) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

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

(3) Refunds are granted in accordance with Regulation (EEC) No 2730/75.

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

COMMISSION REGULATION (EC) No 2372/94

of 30 September 1994

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular the third subparagraph of Article 13⁽⁴⁾ thereof,

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

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽³⁾, as last amended by Regulation (EC) No 1707/94⁽⁴⁾, provides that calculation of the export refund must take account of, in particular, the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month;

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

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

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

Whereas under the terms of Article 4 of Commission Regulation (EEC) No 1619/93⁽⁵⁾, the refund may be varied on the basis of the destination;

Whereas the representative market areas defined in Article I of Council Regulation (EEC) No 3813/92⁽⁶⁾, as amended by Regulation (EC) No 3528/93⁽⁷⁾, are used on convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁸⁾, as amended by Regulation (EC) No 547/94⁽⁹⁾;

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

Whereas Council Regulation (EEC) No 930/93⁽¹⁰⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas, pursuant to the abovementioned provisions, the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EEC) No 1619/93 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁴⁾ OJ No L 180, 14. 7. 1994, p. 19.

⁽⁵⁾ OJ No L 155, 26. 6. 1993, p. 24.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽¹⁰⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 30 September 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 30 September 1994 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

2309 10 11 000, 2309 10 13 000, 2309 10 31 000,
2309 10 33 000, 2309 10 51 000, 2309 10 53 000,
2309 90 31 000, 2309 90 33 000, 2309 90 41 000,
2309 90 43 000, 2309 90 51 000, 2309 90 53 000.

<i>(ECU/tonne)</i>	
Cereal products ⁽²⁾	Amount of refund ⁽³⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10.	48,78
Cereal products ⁽²⁾ excluding maize and maize products	35,12

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

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

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

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

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EC) No 2373/94

of 30 September 1994

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 1880/94⁽²⁾, and in particular Article 17 (4) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EC) No 2296/94⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

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

Whereas Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid

for skimmed milk processed into casein or caseinates⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90⁽⁶⁾;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁷⁾, as last amended by Regulation (EC) No 3049/93⁽⁸⁾, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

Whereas Council Regulation (EEC) No 990/93⁽⁹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.
2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.
3. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only when the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 1 October 1994.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 21.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 249, 24. 9. 1994, p. 9.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 273, 5. 11. 1993, p. 7.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 30 September 1994.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 30 September 1994 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

		(ECU/100 kg)
CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2):	
	a) On exportation of goods of CN code 3501	—
	b) On exportation of other goods	60,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3):	
	a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported	55,50
	b) On exportation of other goods	104,50
ex 0405 00	Butter, with a fat content by weight of 82 % (PG 6):	
	a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported	35,00
	b) On exportation of goods of CN code 2106 90 99 containing 40 % or more by weight of milk fat	166,00
	c) On exportation of other goods	160,00

COMMISSION REGULATION (EC) No 2374/94
of 30 September 1994

fixing the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular Article 19 (4) (a) and (7) thereof,

Whereas Article 19 (1) and (2) of Regulation (EEC) No 1785/81 provides that, for the products listed in Article 1 (1) (a), (c), (d), (f) and (g) of that Regulation, an export refund may be granted when these goods are exported in the form of goods listed in Annex I to that same Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EC) No 2296/94⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

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

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ prohibits trade between the European Community and the

Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 249, 24. 9. 1994, p. 9.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 30 September 1994 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

	— Rate of refund in ECU/100 kg —
White sugar :	34,97
Raw sugar :	32,17
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$34,97^{(*)} \times \frac{S^{(1)}}{100}$ or
	the rate fixed above for 100 kg of white or raw sugar used for the dissolution
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :	
Molasses :	—
Isoglucose ⁽²⁾ :	34,97 ⁽³⁾

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

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

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

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

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

COMMISSION REGULATION (EC) No 2375/94

of 30 September 1994

fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 1869/94⁽⁴⁾, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 17 (1) of Regulation (EEC) No 1418/76 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 2296/94⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

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

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

Done at Brussels, 30 September 1994.

For the Commission

Martin BANGEMANN

Member of the Commission

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

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 1 October 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 197, 30. 7. 1994, p. 7.

⁽⁵⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ No L 249, 24. 9. 1994, p. 9.

⁽⁷⁾ OJ No L 275, 29. 9. 1987, p. 36.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 30 September 1994 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product (2)
1001 10 00	Durum wheat : – used unprocessed : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases – used in the form of : – pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 – hulled grains of CN code 1104 and starch of CN code 1108 – germ of CN code 1104 – gluten of CN code 1109 – other (except flours of CN code 1101 and groats and meal of CN code 1103)	— — — — — — —
1001 90 99	Common wheat and meslin : – used unprocessed : – on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America – in all other cases – used in the form of : – pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 – hulled grains of CN code 1104 and starch of CN code 1108 – germ of CN code 1104 – gluten of CN code 1109 – other (except flours of CN code 1101, and groats and meal of CN code 1103)	1,537 2,365 1,419 2,129 0,828 — 2,365
1002 00 00	Rye : – used unprocessed – used in the form of : – groats, meal and pellets of CN code 1103, or pearled grains of CN code 1104 – rolled or flaked grains and hulled grains of CN code 1104 – germ of CN code 1104 – starch of CN code 1108 19 90 – gluten of CN code 2303 10 90 – other (except flours of CN code 1102)	5,167 3,100 4,650 1,707 4,878 — 5,167
1003 00 90	Barley : – used unprocessed – used in the form of : – flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104 – pellets of CN code 1103 – germs of CN code 1104 – starch of CN code 1108 19 90 – gluten of CN code 2303 10 90 – other	4,659 3,261 2,795 1,707 4,878 — 4,659

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1004 00 00	Oats : – used unprocessed – used in the form of : – – pellets of CN code 1103, and pearled grains of CN code 1104 – – rolled or flaked grains and hulled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other	5,243 3,146 4,719 1,707 4,878 — 5,243
1005 90 00	Maize (Corn) : – used unprocessed – used in the form of : – – flours of CN codes 1102 20 10 and 1102 20 90 – – groats and meal of CN code 1003 and rolled or flaked grains of CN code 1104 – – pellets of CN code 1103 – – hulled or perled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 12 00 – – gluten of CN code 2303 10 11 – – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ – – other ⁽³⁾	4,878 3,415 3,902 2,927 4,390 1,707 4,878 1,951 4,878 4,878
1006 20	Round grain husked rice Medium grains husked rice Long grain husked rice	18,600 16,560 16,560
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	24,000 24,000 24,000
1006 40 00	Broken rice : – used unprocessed – used in the form of : – – flour of CN code 1102 30, groats and meal or pellets of CN code 1103 – – flaked grains of CN 1104 19 91 – – starch of CN code 1108 19 10 – – other	5,400 5,400 3,240 5,400 —
1007 00 90	Sorghum	4,659
1101 00 00	Wheat or meslin flour : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	1,891 2,909
1102 10 00	Rye flour	7,079
1103 11 10	Groats and durum wheat meal : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	— —
1103 11 90	Common wheat groats and spelt : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	1,891 2,909

⁽¹⁾ The quantities of semi-processed products used must be multiplied, as the case may be, by the coefficients shown in Annex I to Commission Regulation (EEC) No 1620/93 (OJ No L 155, 26. 6. 1993, p. 29).

⁽²⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

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

COMMISSION REGULATION (EC) No 2376/94

of 27 September 1994

imposing a provisional anti-dumping duty on imports of colour television receivers originating in Malaysia, the People's Republic of China, the Republic of Korea, Singapore and Thailand

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⁽¹⁾, as last amended by Regulation (EC) No 522/94⁽²⁾, and in particular Article 11 thereof,

After consultation within the Advisory Committee,

Whereas :

A. PROCEDURE

- (1) In November 1992, the Commission announced by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of colour television receivers (hereinafter referred to as CTVs) exported from or originating in Malaysia, the People's Republic of China, the Republic of Korea, Singapore, Thailand and Turkey, and commenced an investigation.

The proceeding was initiated as a result of a complaint lodged by the Society for Coherent Anti-dumping Norms (SCAN), on behalf of producers whose collective output of colour television receivers was alleged to represent a major proportion of the Community production of these television receivers.

The complaint contained evidence of dumping of this product originating in or exported from the countries indicated above, and of material injury resulting therefrom, which was considered sufficient to justify opening a proceeding as regards Malaysia, the People's Republic of China, Korea, Singapore, Thailand and Turkey.

- (2) The complaint was also directed against Japan and Hong Kong. However, in view of the apparently

declining or low level of imports concerned, the evidence of material injury in respect of these two countries was considered, at that time, insufficient to initiate a proceeding.

- (3) The Commission officially notified the producers, exporters and importers known to be concerned, the representatives of the exporting countries, and the complainant, and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (4) The Hong Kong, Thai and Turkish authorities, most exporters, certain importers, all complainant producers and some non-complainant producers made their views known in writing. All parties who so requested were granted a hearing.
- (5) The Commission sent questionnaires to parties known to be concerned and received detailed information from the complainant Community producers, certain producers in the exporting countries and some importers in the Community. The Commission also received a limited amount of information from five Community producers who, though not members of SCAN, supported the complaint.
- (6) The Commission sought and verified all information it deemed necessary for the purposes of the preliminary determination of dumping and injury, and carried out investigations at the premises of the following firms :
- (a) *Complainant Community producers :*
- Bang & Olufsen AS, Struer, Denmark,
 - Grundig AG, Fürth, Germany, and its subsidiaries in France, Italy and the United Kingdom,
 - Nokia GmbH, Pforzheim, Germany and its subsidiaries in France, Italy and the United Kingdom,
 - Philips Consumer Electronics BV, Eindhoven, Netherlands, and its factories and/or subsidiaries in Belgium, France, Germany, Italy, Spain and the United Kingdom,
 - Séleco SpA, Pordenone, Italy,
 - Thomson CE, SA, Courbevoie, France, and its factories and/or subsidiaries in France, Germany, Italy and the United Kingdom.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 66, 10. 3. 1994, p. 10.

⁽³⁾ OJ No C 307, 25. 11. 1992, p. 4.

(b) *Producers in the five market economy countries concerned:**Malaysia:*

- Makonka Electronics SDN.BHD, Ehsan,
- Orion Electric SDN.BHD, Melaka,
- Technol Silver (M) SDN.BHD, Ehsan.

Republic of Korea:

- Daewoo Electronics Co. Ltd, Seoul and Kumi,
- GoldStar Co. Ltd, Seoul,
- Samsung Electronics Co. Ltd, Seoul and Suwon City.

Singapore:

- Funai Electric (Singapore) Pte. Ltd,
- Hitachi Consumer Products (S.) Pte. Ltd,
- Philips Singapore Pte. Ltd,
- Sanyo Electronics (Singapore) Pte. Ltd,
- Thomson Television Singapore Pte. Ltd.

Thailand:

- European-Thai Electronics Co. Ltd, Pathumthani,
- GoldStar Mitr Co. Ltd, Samutsakorn,
- Tatum (Thailand) Co. Ltd, Bangkok,
- Teletech (Thailand) Ltd, Chonburi,
- Thai Samsung Electronics Co. Ltd, Chonburi,
- Thomson Television (Thailand) Co. Ltd, Pathumthani,
- World Electric (Thailand) Ltd, Chonburi.

Turkey:

- Bekoteknik Sanayi AS, Istanbul,
- Cihan Elektronik Sanayi AS, Istanbul,
- Izmir Elektronik Sanayi ve Ticaret AS, Izmir,
- Profilo Telra Elektronik Sanayi ve Ticaret AS, Istanbul,
- Vestel Elektronik Sanayi ve Ticaret AS, Istanbul and Izmir.

(c) *Exporters in Hong Kong of Chinese CTVs:*

- Cony Electronic Products Ltd,
- Great Wall Electronic International Ltd,
- Hanwah Electronics Ltd,
- Kong Wah Electronics Enterprise Ltd and Kong Wah Video Co. Ltd,

- Luks (HK) Industrial Company Ltd,
- Sanyo Electric (HK) Ltd.

(d) *Related importers in the Community:*

- Daewoo Electronics SA, Roissy, France,
- GoldStar Deutschland GmbH, Willich, Germany,
- GoldStar UK, Slough, United Kingdom,
- Hitachi Sales (Hellas) SA, Athens, Greece,
- Nordmende GmbH, Bremen, Germany,
- Philips Consumer Electronics GmbH, Hamburg, Germany,
- Philips Consumer Electronics SpA, Milan, Italy,
- Philips Consumer Electronics Ltd, Croydon, United Kingdom,
- Philips Electronique Grand Public SA, Paris, France,
- Samsung Electronics UK, Ltd, London, United Kingdom,
- Samsung Electronics France SA, Roissy, France,
- Samsung Electronics SpA, Italia, Milan, Italy,
- Samsung Electronics GmbH, Frankfurt-am-Main, Germany,
- Samsung Electrónica Comercial Ibérica SA, Barcelona, Spain,
- Sanyo Fischer Vertriebs GmbH, Munich, Germany,
- Sanyo UK Sales Ltd, Watford, United Kingdom,
- Sanyo España SA, Barcelona, Spain,
- Sanyo Italiana SpA, Italy,
- Tatum (UK) Ltd, Telford, United Kingdom,
- Telefunken Fernsehen und Rundfunk GmbH, Hanover, Germany,
- Thomson Consumer Electronics Marketing France SA, Courbevoie, France,
- Thomson Consumer Electronics Marketing Italia SpA, Trezzano sul Naviglio, Italy,
- Thomson Video Europe GmbH, Hanover Germany.

(e) *Unrelated importer in the Community:*

- ITS Electronics Handels GmbH, Siek, Germany.

(f) *Liaison office of an exporter:*

- Daewoo UK, Ltd, London, United Kingdom.

(7) The investigation of dumping covered the period from 1 July 1991 to 30 June 1992 (hereinafter referred to as 'the investigation period').

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

(i) Description of the product concerned

- (8) The products covered by the complaint, and for which the proceeding was opened, are colour television receivers, with integral tube, with a diagonal measurement of the screen exceeding 15,5 cm. As anti-dumping measures were already in force in respect of colour television receivers with a diagonal screen size of more than 15,5 cm but no greater than 42 cm ('small-screen' CTVs, hereinafter referred to as SCTVs) originating in Korea and the People's Republic of China (by virtue of Council Regulation (EEC) No 1048/90⁽¹⁾, as amended by Regulation (EEC) No 2900/91⁽²⁾, and Council Regulation (EEC) No 2093/91⁽³⁾ respectively), the scope of the investigation for these two countries has been limited to CTVs with a diagonal screen measurement exceeding 42 cm. During the investigation period, the products concerned fell within CN codes ex 8528 10 71 ('ex' meaning that the diagonal of the screen exceeds 15,5 cm), 8528 10 73, 8528 10 75 and 8528 10 78.
- (9) The combined nomenclature in respect of CTVs was modified with effect from 1 January 1993. This modification introduced distinctions, either concerning the screen width/height ratio (which can be conventional — that is not exceeding 1,5 — or exceeding this ratio and commercially known as 16:9 CTVs) or relating to the picture performance (conventional on the one hand or improved as in the case of D2MAC apparatus and high definition television (HDTV) on the other). Accordingly, since 1 January 1993, the CTVs covered by the proceeding have fallen within CN codes ex 8528 10 52 ('ex' meaning that the diagonal of the screen exceeds 15,5 cm), 8528 10 54, 8528 10 56, 8528 10 58, ex 8528 10 62 ('ex' meaning that the diagonal of the screen exceeds 15,5 cm), 8528 10 66, 8528 10 72 and 8528 10 76.
- (10) Although the proceeding was indeed initiated in respect of all CTVs with integral tubes, the investigation could not cover D2MAC apparatus and HDTV, which now fall within new distinct CN codes (respectively 8528 10 72 and 8528 10 76), since these products, which introduced qualitative technical changes in CTVs, were still at a development stage and were not available to the public except in very limited circumstances during the investigation period.

The Commission considers that, should measures be imposed on the basis of the findings made during the current investigation, such measures should not apply to D2MAC apparatus and HDTV. However, should a review of measures be carried out in the future, the situation of these products would have to be re-examined on the basis of information relating to dumping and injury, with a view to determining whether such non-application of measures would be justified.

- (11) As far as 169 CTVs with a conventional picture performance are concerned, which now also fall within new distinct CN codes (ex 8528 10 62 and 8528 10 66), those products were investigated as they were available to the public, albeit in limited quantities, during the investigation period and therefore fell within the scope of the investigation.
- (12) On the above basis, the products subject to the investigation have fallen, since 1 January 1993, within the following CN codes: ex 8528 10 52, 8528 10 54, 8528 10 56, 8528 10 58, ex 8528 10 62 and 8528 10 66.

(ii) Like product

- (13) The investigation has shown that the various CTVs sold on the Korean, Malaysian, Singapore, Thai and Turkish markets are, despite differences in broadcasting and reception systems, voltage or design, identical or very similar to the CTVs exported to the Community from these countries.
- (14) Likewise, apart from minor technical differences, the range of Community-produced CTVs are alike in all respects to the CTVs exported from Korea, Malaysia, the People's Republic of China, Singapore, Thailand and Turkey to the Community.
- (15) In respect of the product definition, a number of exporters argued that a distinction had to be drawn between 'SCTVs' and 'family sets' which allegedly belonged to two different markets and be two different products. In support of this allegation, the exporters referred to the previous proceeding concerning SCTVs, in which such a distinction had been drawn.

On considering these arguments, the Commission concluded that, since the previous investigation into SCTVs, market conditions as well as consumer perceptions have changed significantly:

— demographic development in the Community shows substantial changes. There is an increasing number of small households and starting households, for which a small screen colour television set is their 'household set' or 'first set',

⁽¹⁾ OJ No L 107, 27. 4. 1990, p. 56.

⁽²⁾ OJ No L 275, 2. 10. 1991, p. 24.

⁽³⁾ OJ No L 195, 18. 7. 1991, p. 1.

- as a result of the rapid and ongoing development in satellite television broadcasting and the resultant increase in the number of channel and programmes available, SCTVs no longer fulfil the function of a 'second set'. After the number of programmes increased in recent times, many households installed a number of sets which allow individualized and selective viewing,
 - experience shows that in periods of an economic downturn, overall sales of CTVs show no change apart from a trend towards an increase in demand for less expensive and/or smaller models, with the result that smaller screen television sets in the perception of certain socio-economic groups are becoming the 'family television',
 - finally, SCTVs have become more sophisticated with regard to their featuring. The number of pre-selections has increased due to the increase in programmes offered. SCTVs have more connection possibilities and more often than not they now offer as many features as larger sets.
- (16) In addition, this approach is also justified by the fact that different screen sizes belong to adjoining and overlapping segments with a high degree of substitutability, since :
- most suppliers do not confine themselves to the production and export of one screen size but supply complementary sizes,
 - consumers' perception is not clearly defined ; sometimes low priced, larger screen sizes appear to be preferred to relatively higher priced, small screen sets.
- (17) These considerations show that, apart from the same basic physical and technical characteristics of all television sets, both the use and the 'consumer perception' no longer allow a distinction to be drawn between 'small' and 'larger' screen television sets with exception of CTVs with a diagonal screen size of 15,5 cm or less.

The measurement of the screen of a CTV is only one aspect of a number of other features, which cannot by itself permit a distinction to be made between different market segments. Indeed, there is intense cross segment competition between CTVs on the market, with the exception referred to above, and all CTVs with different screen sizes today are overlapping to an extent which leads to the conclusion that all CTVs with a diagonal screen

size greater than 15,5 cm constitute like products and belong to the same market.

- (18) The Commission therefore considered that, taken as a whole, all CTVs with a diagonal screen size greater than 15,5 cm sold on the Korean, Malaysian, Singapore, Thai and Turkish markets, as well as those exported from these countries and the People's Republic of China to the Community, are like products comparable to those produced and sold by the Community industry, within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the basic Regulation').

C. COMMUNITY INDUSTRY

- (19) In addition to the six Community producers represented by SCAN there are at least 15 other colour television producers in the Community. In the course of the investigation, the examination of the facts has shown that a number of CTV producers in the Community (including some SCAN members) are either related to the exporters concerned by this proceeding and/or are themselves importing the allegedly dumped product from the countries subject to the proceeding. That being so, the Commission considered whether some of these producers should be excluded from the Community industry in the light of the provisions of Article 4 (5) of the basic Regulation.
- (20) In this respect, it should be recalled that Article 4 (5) does not provide for an automatic exclusion of the producers related to the exporters or who are themselves importing the allegedly dumped product, but rather imposes on the Community institutions the obligation to consider on a case-by-case basis whether the exclusion of any producer in this situation is warranted.
- (21) Accordingly, the Commission considered whether those producers were merely supplementing their Community production with an additional activity based on imports or whether they were importers with relatively limited additional production in the Community. This approach is consistent with the recent case-law of the Court of Justice regarding the definition of the 'Community industry'.
- (22) This analysis showed very disparate results for, respectively, those Community producers which are members of SCAN, and virtually all other producers in the Community. Members of SCAN were found to import relatively low quantities (in each case their imports represented less than 25 % of their Community production sold in the

Community). With the exception of two companies, all other producers in the Community, whose related exporters cooperated with the investigation, were found to import quantities exceeding their Community production. This shows a marked difference as concerns the core of business activities for colour television producers in the Community.

- (23) On this basis, the Commission has determined that the producers whose main core of business lies outside the Community should be excluded. Despite that exclusion, the producers who lodged the complaint and who fully cooperated with the investigation account for a major proportion of the Community industry within the meaning of Article 4 (5) of the basic Regulation. For purposes of assessing injury and in the absence of cooperation from other Community producers, SCAN members have therefore been considered as the Community industry.

D. ORIGIN

(i) General

- (24) At the outset of the investigation it was known that CTVs frequently incorporate components and parts originating in countries other than the country of manufacture or assembly of the finished product, with the result that CTVs may be considered as originating in a country other than the country of manufacture or assembly.
- (25) Accordingly, the proceeding was initiated in respect of products exported from or originating in the countries concerned and the notice of initiation of the proceeding stated that the question of the origin of CTVs was to be addressed in the course of the investigation. In particular, import figures concerning Japan and Hong Kong (that is quantities reported as statistics), adjusted to reflect the origin established during the investigation were considered a determining factor to decide the definitive status of those two countries within the framework of the proceeding.
- (26) The question of origin was addressed in the light of the provisions of Commission Regulation (EEC) No 2632/70 of 23 December 1970 on determining the origin of radio and television receivers⁽¹⁾, replaced on 1 January 1994 by Article 39 of and Annex 11 to Regulation (EEC) No 2454/93⁽²⁾, as

last amended by Regulation (EC) No 2193/94⁽³⁾, laying down provisions for the implementation of the Community Customs Code and the detailed information regarding the origin and cost of CTV components, as well as processing costs, supplied by the exporters. These data were subsequently verified by random checks in the course of the on-the-spot verifications.

- (27) It should be stressed that these findings were established only for the purposes of the present anti-dumping investigation and more particularly for the purposes of determining the appropriate normal values and establishing the sources of injury. The findings are restricted to the investigation period and may well be different from the origin of the CTVs concerned before or after the investigation period. On this basis, the following determinations regarding the origin of the CTVs concerned were made.

(ii) Findings as to origin

(a) Market economy countries

- (28) All CTVs exported from Korea were of Korean origin.
- (29) The vast majority of CTVs exported from Malaysia and Singapore originated in those countries. A small number of the CTVs exported from Malaysia originated in Japan, or in a country included neither in the complaint nor in the proceeding. A small number of the CTVs exported from Singapore actually originated in Korea and Taiwan.
- (30) A majority of CTVs exported from Thailand originated in the country of export, while some originated either in Malaysia, Korea and Japan or in a country included neither in the complaint nor in the proceeding. Due to the limited information provided by one of the Thai producers, the origin of this company's exports to the Community was based on that declared to the Community customs authorities.
- (31) In Turkey, of five cooperating companies, only one was found to be exporting CTVs of Turkish origin. Virtually the total output of three companies was found to originate in Korea, while the fifth company's output did not originate in any of the countries included in the complaint or in the proceeding.

⁽¹⁾ OJ No L 279, 24. 12. 1970, p. 35.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 235, 9. 9. 1994, p. 6.

- (32) As a result of the findings of the investigation into origin, a redistribution of quantities exported to the Community was made among exporting countries. Exports of non-cooperating exporters were assumed to have the origin of the country from which they had been exported (country of manufacture, declared to the Community customs authorities as country of origin).

In these circumstances, it was considered that the most appropriate approach was to establish duties for these countries according to the origin of the products determined in accordance with Article 39 of and Annex 11 to Regulation (EEC) No 2454/93.

(b) *People's Republic of China*

- (33) Due to the People's Republic of China's non-market economy status (with its implications for the establishment of normal value and thus on the nature and extent of the information supplied in the questionnaires, in particular with regard to costs), the investigation regarding the origin of CTVs manufactured in the People's Republic of China was less detailed than those conducted in respect of other countries involved in the proceeding.

As far as origin is concerned, the cooperating exporters provided information which in general terms could be described as deficient. Out of the 10 companies having cooperated with the investigation, seven either acknowledged that their CTVs were of Chinese origin, did not make any comment, or admitted that they were unable to make a proper determination as to origin. One company claimed that its exports were likely to be of Korean origin, but failed to substantiate such a claim. The remaining two companies alleged that their exports were of Japanese or Taiwanese origin and submitted a study in support of their allegations.

- (34) The Commission has noted that exports from the last three companies as well as exports made during the investigation period by all the other cooperating exporters were always declared to be of Chinese origin. The practical consequence of accepting the Korean, Japanese or Taiwanese origin of the CTVs exported by the three companies concerned, as was now claimed, would be that their export transactions would not be computed for purposes of calculating the Chinese dumping margins, that the total exports from China would

be reduced by 22,7 % and that export figures for Korea, Japan and Taiwan would have to be increased accordingly.

- (35) The risk that State intervention results in exports being channelled through the company with the lowest anti-dumping duty, which *inter alia* justifies the refusal of individual treatment (see recitals 78 to 81), also exists in respect of origin, since any exporter of CTVs alleged to be non-Chinese in origin CTVs would be exempt from the duty, resulting in a considerable potential for circumvention.

A further consideration is the fact that Article 2 (5) of the basic Regulation requires normal value for products imported from non-market economy countries to be established according to the special methods which it contains.

- (36) In view of the prevailing circumstances in the People's Republic of China which have restricted the conduct of an origin examination, as explained in recital 33, the Commission will continue to examine this issue and will particularly consider whether a different approach may be appropriate for definitive determinations in respect of the People's Republic of China.

- (37) In these conditions, the Commission based its provisional conclusions on the working assumption, already adopted in the previous investigation concerning Chinese SCTVs, that the origin declared to the Community customs authorities was correct. It should be stressed that this assumption is based on the behaviour of the companies concerned, since their customers declared the origin of the CTVs in question according to the supporting documents and advice they had received from their suppliers.

- (38) Therefore, for the purposes of the preliminary determination, all CTVs exported from China were considered to originate in China.

(c) *Hong Kong and Japan*

- (39) As far as Hong Kong is concerned, no exports from any country involved in the proceeding were found to originate in this territory. There is no reason to believe that any exports made by non-cooperating exporters in any of the six countries investigated might be of Hong Kong origin. Therefore, the Commission considered it reasonable to confirm the non-inclusion of Hong Kong in the proceeding.

(40) As regards Japan, exports from countries involved in the proceeding found to originate in that country amounted to slightly more than 50 000 sets. The Commission found that approximately 400 000 sets declared to be of Malaysian origin and approximately 285 000 sets declared to be of Singaporean origin could not be investigated due to the non-cooperation of the exporters of those sets from those countries.

Information available to the Commission shows that some of these sets are exported by subsidiaries of Japanese producers located in these countries. Accordingly, and in view of the large number of electronic components exported from Japan, the possibility that some of these sets may originate in Japan should not be excluded. However, there was insufficient information to conclude that those sets did originate in Japan.

(41) Therefore, the Commission did not consider it appropriate to depart from the working assumption that sets have the origin declared to the Community customs authorities when imported into the Community. Accordingly, the Commission also considered it reasonable to confirm the non-inclusion of Japan in the proceeding.

E. DUMPING

(42) In view of the very large number of models being sold and of the very limited number of sales of certain models, exporters were given the opportunity to restrict the information provided in their questionnaire responses to those models which accounted for at least 60 % of their sales by volume for each of the CN codes mentioned in recital 8. This criterion was applied to both domestic and export sales. Following previous practice of the institutions in this respect, the Commission has considered these sales to be representative of the total and have therefore based their dumping calculations on these transactions. However, for those exporters who opted to report the totality of their sales, findings concerning dumping were based on all transactions reported.

(i) Normal value

(a) General

(43) Because of world-wide differences in broadcasting and reception systems, the models sold on the domestic markets of the exporting countries employed, to a large extent, systems different from those models exported to the Community. Further-

more, the multiplicity of exported and domestic models showed a very wide variety of differences and combinations of features. The establishment of normal values on the basis of prices charged on the domestic markets of the exporting countries would have required numerous and possibly inaccurate adjustments, as most would have to be based on estimates.

(44) Some producers requested the Commission to establish normal values in accordance with Article 2 (3) (b) (i) of the basic Regulation, namely by using the comparable price of the like product when exported to a third country. To this end several producers suggested using the allegedly comparable price of the like product when exported to the United States of America. For the purposes of the preliminary determination, the Commission considers that because of differences in broadcasting and reception systems, as outlined above, this would not be an appropriate method for the establishment of normal value.

(45) To the same end, two exporters, respectively in Malaysia and Thailand, suggested using the allegedly comparable price of the like product when exported to various third countries or territories, including Singapore, the Lebanon and Ceuta. The Commission noted that in the comparison tables they had submitted, they had requested an adjustment for 'cost difference', thus admitting that the products concerned were not fully and directly comparable to those exported to the Community. Given the possible inaccurate adjustments that the establishment of normal values in these conditions would have required and the very limited and non-representative size of the export markets concerned, the Commission considered that, for the purposes of the preliminary determination, their claim could not be accepted.

(46) The Commission thus considered it inappropriate to establish normal values to the basis of export prices to third countries.

(47) Accordingly, given the abovementioned differences in broadcasting and reception systems between the models sold on the domestic markets of the exporting countries and those exported to the Community, and given the absence or inappropriate nature of prices of the like product when exported to a third country, it was considered appropriate to establish normal value, for the purposes of the preliminary determination, on the basis of constructed values as provided for in Article 2 (3) (b) (ii) of the basic Regulation, and Article 2 (5) thereof in the case of the People's Republic of China, for each model of the product concerned exported to the Community.

- (48) Constructed values were, with the exceptions indicated below, calculated by adding to the manufacturing costs incurred in the ordinary course of trade of the exported models in the country of origin, the selling, general and administrative ('SGA') expenses and the profit found for each individual producer on its sales of the product concerned in the country of origin. Where cost allocations for SGA expenses were necessary, they were generally made on the basis of turnover, with the exception of those cases where the producers provided sufficient evidence to justify another method of allocation.
- (49) In a number of cases the cooperating producers were exporting CTVs with an origin different from the country in which they were assembled. Accordingly, regard being had to the provisions of Article 2 (6), normal values for those models were determined in accordance with the provisions of Article 2 (3) (b) (ii) by taking the average cost of production, the average SGA costs and the average profit of the producers in the country of origin for a comparable model, provided that the CTVs originated in one of the five market economy countries involved in the proceeding.
- (50) In those cases in which subsidiaries of the same manufacturer were found both in the country of export and in the country of origin, the cost of production, the SGA costs and the profit of the company located in the country of origin was used for its sister company in the country of export where the country of origin was one of the five market economy countries included in the proceeding. Those CTVs found to originate in countries other than the six involved were excluded.
- (51) Certain producers requested an adjustment to normal value in order to take account of the fact that their export sales were original equipment manufacturer ('OEM') transactions — that is to say, sales to customers which sold under their own brand name and therefore incurred costs normally incurred by the manufacturers, such as advertising, warranty, etc. They alleged that these transactions were therefore not comparable to their domestic own-brand sales because OEM sales would be made at lower prices as a result of lower SGA costs.
- (52) The Commission and Council have granted this adjustment in previous cases usually through the application of a lower profit level to the constructed values calculated for comparison with export prices to OEMs. Accordingly, and in line with previous practice, the profit used when constructing normal value for OEM transactions was one third of the profit realized on own-brand sales.
- (b) *Republic of Korea*
- (53) One Korean producer claimed that its normal value should be reduced as a result of an instalment sales incentive rebate scheme which it operated on its domestic sales to a certain category of customer. The Commission considered that this rebate could not be taken into consideration as a reduction to normal value since the granting of the rebate was conditional on a sale being made, under certain terms, by the retailer to an end-user, a transaction which is subsequent to, and independent of, the producer's sale to the retailer.
- (54) The cost of production submitted by one Korean producer was adjusted by the Commission to reflect the fact that the amount reported for depreciation under manufacturing overheads had been understated and that certain SGA costs had been offset against other income unrelated to the sales under consideration. In addition, this Korean producer's production cost was adjusted as the allocation used for financing costs was not justified.
- (55) One Turkish producer found to be related to a Korean producer made all its export sales to the Community to companies related to that same Korean producer. All the sets produced by this Turkish company and exported to the Community were found to be of Korean origin. Furthermore, in addition to supplying components to the Turkish producer, this Korean producer dictated the price of the finished product when they were sold to the Korean producer's related companies in the Community. The models exported were also identical to models produced in Korea and exported to the Community by the Korean parent company. In those circumstances, the CTVs assembled in Turkey by this company were treated for the purpose of establishing the normal value, as if they had been produced in Korea by the Korean producer.

- (56) Similar circumstances applied to a Thai producer which assembled and sold part of its production under the same conditions as those set out in recital 55. Accordingly, normal values for that part of the production were constructed in the same manner.
- (c) *Turkey*
- (57) No special circumstances other than those described in recitals 43 to 52 were found in respect of producers exporting sets of Turkish origin.
- (d) *Singapore*
- (58) One Singaporean producer did not sell the like product on its domestic market. Normal value for this producer was constructed by adding to its manufacturing costs the average SGA costs and profit of the other producers selling on the Singapore market, in accordance with Article 2 (3) (b) (ii).
- (e) *Thailand*
- (59) Some Thai producers did not sell the like product on their domestic market during the investigation period. For those who did sell the like product on the domestic market, none of those sales were found to be profitable. In the circumstances the Commission examined whether the selling, general and administrative expenses of these producers selling domestically could be used for constructing normal values and found that in some cases sales were made in sufficient quantities to be considered as representative. However, in the case of all but one producer it was found that for a variety of reasons their reported costs did not fully reflect the totality of their costs incurred during the investigation period. Accordingly, the SGA costs of that one producer were used when constructing the normal value for all the other Thai producers.
- (60) This producer argued that its production plant was in a start-up situation during the investigation period and therefore that the cost of production during that period could not be considered to be in the ordinary course of trade. The producer, however, did not provide sufficient evidence that genuine start-up costs had been incurred and the Commission considered that the relatively higher costs during the investigation period as compared to other periods was the result of a lower capacity utilization, not related to a start-up situation.
- (61) The same producer also requested that the allocation of SGA expenses to the like product be made partly on the basis of sales quantities and that a distinction be made between SCTVs and other CTVs when allocating SGA expenses. The Commission considered that the claim concerning the departure from the turnover allocation was not justified in view of the fact that CTVs accounted for more than 90 % of the total turnover and that, since all CTVs are considered a like product for the purposes of this investigation, SGA expenses had to be calculated on the basis of total costs incurred for the sales of like product, without any distinction between the various categories of the like product.
- (62) Regarding profit and in view of the absence of profitable sales on the Thai domestic market, the Commission examined whether the alternative possibilities provided for under Article 2 (3) (b) (ii) of the basic Regulation could be used. However, as no appropriate information was found, the Commission considered that the profit should be established as indicated in Article 2 (3) (b) (ii) of the basic Regulation *in fine*, on 'any other reasonable basis'. On this basis, and taking into account all the relevant established facts of the investigation, it was considered that 5 % was a reasonable profit to be used for this market.
- (63) No dumping calculation was made for two producers assembling CTVs in Thailand as none of their CTVs were found to originate in a country involved in the proceeding.
- (64) For one Thai producer who provided very limited information in the course of the investigation, it was found necessary to apply Article 7 (7) (b) of the basic Regulation for the establishment of normal value. In those circumstances the Commission considered that the highest normal value established for a cooperating producer constituted the most reasonable facts available as the Commission considered that it would have provided a bonus for non-cooperation if the normal value for this producer was deemed to be lower than the highest normal value established for a cooperating producer.

(f) *Malaysia*

(65) None of the Malaysian producers sold the like product on their domestic market during the investigation period and therefore no information regarding SGA expenses incurred and profit realized on sales of the like product on the Malaysian market was available. The Commission examined whether the alternative possibilities under Article 2 (3) (b) (ii) of the basic Regulation could be used in the construction of normal value. As no information regarding either sales of the like product made by other producers or sales made in the same business sector was found in Malaysia, the Commission considered that the SGA costs and profit should be established in accordance with Article 2 (3) (b) (ii) of the basic Regulation *in fine*, namely on 'any other reasonable basis'. For that purpose, the Commission considered it appropriate to make reference to the domestic SGA costs and profit established for Thailand, which, of the markets investigated, was considered to be the one most comparable to Malaysia, in particular in terms of size and level of market development in the CTV sector.

(66) The manufacturing overheads reported by one Malaysian producer were adjusted in order to take account of R&D expenses which had been omitted. The latter were established on the basis of the accounts submitted during the on-the-spot investigation carried out at the premises of a related company which incurred all R&D costs for the group. The manufacturing overheads reported by another Malaysian producer were also adjusted in order to take account of R&D expenses which had been understated.

(67) One Malaysian producer's financing costs were adjusted because a large interest-free loan from its parent company, which had artificially reduced its real cost of long-term financing, had not been accounted for. In addition, its unit costs of production and certain salary and wage costs which had been understated were the subject of a similar adjustment.

(g) *People's Republic of China*

(68) Since the People's Republic of China is a non-market economy country, the Commission was required to select an analogue country for the establishment of normal values. Exporters were given the opportunity to comment on this issue in

general and in particular to react to the complainant's approach (constructed values in Singapore).

Comments and suggestions varied widely and no country had the preference of a majority of exporters. Given the relatively large number of models exported from the People's Republic of China, the suggestion that the country with the lowest normal value be used could not be followed as no country could be found which had lower normal values for the totality or a very large majority of models.

An exporter which had suggested using one of the three following countries not involved in the proceeding, India, Pakistan or Sri Lanka, was given the opportunity to substantiate its suggestion but failed to do so.

Three exporters suggested the use of domestic prices in Singapore as a basis for normal value, while two other exporters suggested the use of domestic prices in Malaysia, whereas two others proposed the use of domestic prices in Korea and Thailand respectively. However, the Commission considered any method based on domestic prices inappropriate for the reason given in recital 43.

(69) In these circumstances, the Commission has studied the possibility of constructing normal value for the People's Republic of China in any country involved in the proceeding. Only two countries, Korea and Singapore, provided appropriate points of reference for all models exported from the People's Republic of China. As far as Korea is concerned, it appeared that owing to the specific cost structures of Korean producers, difficulties would arise if that country was chosen.

(70) Singapore appeared therefore to constitute the most appropriate reference country and for the purposes of the preliminary determination, normal values for each model of CTVs exported from the People's Republic of China were established on the basis of constructed values in Singapore.

(ii) **Export price**(a) *Market economy countries: general*

(71) A minimum of 60 % of all export transactions made by the exporters concerned during the investigation period were considered. Where export sales were made direct to unrelated importers, export prices were established on the basis of the prices actually paid or payable for the product sold for export to the Community.

(72) Where exports were made to related companies which imported the product concerned into the Community, export prices were constructed in accordance with Article 2 (8) (b) of the basic Regulation on the basis of resale prices to the first independent buyer, adjusted to take account of all costs incurred between importation and resale, including customs duties and a reasonable profit margin. The latter was established on the basis of the profit margins considered reasonable in this business sector.

(73) Where cost allocations for SGA were necessary in the construction of export prices, these were generally made on the basis of turnover with the exception of those cases where the importers provided sufficient evidence to justify some other method of allocation. These allocations included all the general administration and selling costs related to the sales under consideration, whether financed by the exporter or by the related importer. Discounts and rebates given in connection with sales of related importers to independent buyers were taken into account in constructing export prices.

(b) *Market economy countries: related importers*

(74) One Korean producer's related importer claimed that the volume of its imports considered for any dumping calculation should be based upon the number of units exported from Korea during the investigation period and not the volume of sales in the Community during the same period. The investigation established that the majority of exports made from Korea by this producer were only released into free circulation when the goods in question had been the subject of a firm offer from an independent customer in the Community. Therefore the volume of imports considered for the dumping calculation was based on the number of units released into free circulation during the investigation period.

(75) A related importer had not reported in full the amount of sponsorship and advertising costs that had been incurred in the Community during the investigation period. The same importer requested that certain sales transactions should be excluded from the dumping calculation because the models concerned were alleged to be obsolete. This request was refused because no supporting evidence was produced to show that they had not in fact been sold in the ordinary course of trade. Furthermore, the importer had reported negative figures for after-sales service and bad debts due to changes in the way their accounts had been prepared the

figures were readjusted to take account of real circumstances.

(76) One related importer in Italy requested that the 'Imposta Erariale di Consumo', a luxuries tax which was levied on imports or production of CTVs in Italy until the end of 1992 should not be deducted from its resale price as it considered that, in this particular case, the difference in taxation did not affect price comparability. The Commission considers that Article 2 (8) (b) (ii) of the basic Regulation clearly provides that taxes payable in the importing country must be deducted from the export price and therefore that the request cannot be accepted.

(c) *People's Republic of China*

(77) As far as Chinese exporters are concerned, sales to the Community were made either direct or, in most cases, through selling organizations generally located in Hong Kong and related to the exporters. In this context, the Commission was generally able to establish the price charged to the customer in the Community.

However, in certain cases the exporters had sold the goods to an independent intermediary and were unable to report the price finally charged to the Community importer. In these circumstances the export price was based on the last transaction for which the exporters were responsible.

(78) Nine out of 10 cooperating exporters requested individual treatment (that is the establishment of separate export prices and thus of individual dumping margins). Although individual treatment may be given to certain exporters in non-market economy countries, in particular where they have demonstrated their independence from the State in the conduct of their export policy and in the fixing of their export prices, the Commission has considered that, pursuant to Council Regulation (EEC) No 2474/93⁽¹⁾ imposing a definitive anti-dumping duty on imports into the Community of bicycles originating in the People's Republic of China, the utmost prudence was required in this matter.

(79) In the context of the present investigation, the Commission confirms that it is extremely difficult to establish whether a company really enjoys independence from the State, both in law and in fact, independence from the State and in particular whether it has permanent independence where it appears to enjoy independence at a certain point in time. Although the economy of the People's Repu-

⁽¹⁾ OJ No L 228, 9. 9. 1993, p. 1.

blic of China is in transition from a fully State controlled economy to a partially market orientated economy, State control is still a feature of many aspects of economic life and the law and institutions necessary for the functioning of a market economy are not sufficiently developed and familiar to the economic operators and officials.

intended to reflect costs which OEM sales do not incur.

(80) The case of one company, which had requested individual treatment but was found to be bound by an agreement made with the State authorities under which some of their sales were to be made through a fully State-owned trading company, clearly indicates the fact that the influence of the State on economic activity in China is still dominant.

(84) An allowance for differences in import charges on imports of raw material physically incorporated in the product concerned sold on the domestic market and sold for export was requested by a number of exporters located in Korea, Thailand and Turkey and granted to the extent that satisfactory justification was provided therefor.

(81) In addition, since the granting of individual treatment may cause inappropriate levels of duty to be imposed and gives the State the opportunity to circumvent anti-dumping measures by channelling most exports through the exporter with the lowest duty, the Commission considered, for the purposes of the preliminary determination, that no individual treatment should be granted to any Chinese exporter.

(85) Adjustments were requested to take account of sales made in different quantities at different commercial stages. In the absence of duly substantiated and quantified claims, the Commission does not consider that such adjustments should be granted for the purposes of the preliminary determination.

(86) Several producers claimed that commissions paid to companies belonging to the same group should not be treated as an expense pursuant to Article 2 (10) (c) (v) but as a transfer of profit. For the purposes of the preliminary determination, these claims were rejected since these companies failed to provide sufficient evidence that such commissions were not payments for services granted to them by the said groups.

(iii) Comparison

(82) Normal value by model, as determined above, was compared at an ex-factory level with the export price on a transaction-by-transaction basis, except for those exporters where the use of weighted averages did not materially affect the results of the investigation. In the case of the Chinese exports, the export prices were taken at Chinese frontier level.

(87) Adjustments claimed by all Korean producers in relation to an allowance against normal value for the cost of credit granted for the sales under consideration were reduced as part of the credit costs related to the financing of value added tax and special excise tax. The Commission considered that these costs were not directly related to the sales under consideration and could not therefore be the object of an adjustment.

(83) As far as differences affecting price comparability were concerned, adjustments claimed and found to be significant were, where justified, granted in accordance with Article 2 (9) and (10) of the basic Regulation. Such adjustments concerned differences in costs for transport, insurance, handling, packing, credit, warranties, commissions and the salaries of sales personnel. However, for the purposes of the preliminary determination, the Commission considered that the allowances granted pursuant to Article 2 (10) (c) in respect of own-brand sales should, in the case of OEM sales, be limited since some of the allowances are

(88) One Korean producer claimed allowances pursuant to Article 2 (10) (c) of the basic Regulation. Its claim for an allowance for salesmen's salaries was rejected because the amount concerned was found to be insignificant within the meaning of Article 2 (10) (e) of the basic Regulation. A claim in respect of transport, insurance, handling and ancillary costs was adjusted downwards because it included a large degree of transport costs which did not relate to conveying the product concerned from the premises of the producer to the first independent buyer. The allowance claimed in respect of warranty costs was also reduced because the claim included costs of repairs which were not made under warranty but had been paid for by the customers.

(89) Another Korean producer made a claim for allowances to be applied to normal values pursuant to Article 2(10)(c) of the basic Regulation. The claims regarding warranties, transport and salesmen's salaries were adjusted by the Commission because the claim for warranties included an element of indirect costs and the claims for transport and salesmen's salaries had been over-estimated.

(90) The claims made by two Korean producers that normal value should be adjusted to take account of various advertising expenses incurred on their domestic market (such as variable selling expenses of regional sales sections and sales promotion expenses) was rejected on the grounds that the costs did not correspond to any of the selling expenses as specified in Article 2(10)(c) of the basic Regulation.

(iv) **Dumping margins**

(a) *Cooperating exporters*

(91) The preliminary examination of the facts shows the existence of dumping for all the cooperating exporters except for some companies exporting CTVs of Korean and Singaporean origin, the dumping margins being equal to the difference between normal value and export price duly adjusted.

(92) One exporter, whose main manufacturing base was in Korea, was found to have assembled televisions of Korean origin (with a diagonal measurement of the screen exceeding 42 cm) in two other countries mentioned in the complaint. These Korean origin televisions were assembled by related companies with the finished product being sold exclusively to related importers of the Korean parent company in the Community.

The transactions relating to those television sets assembled outside Korea were consolidated in the overall calculation of the Korean parent company, and a single dumping margin has been calculated for all exports originating in Korea of this Korean exporter irrespective of the country in which they have been assembled.

(93) The Commission fully investigated the question of dumping by Turkish producers exporting CTVs of Turkish origin. However, in view of the conclusions drawn in recital 139 it is not considered necessary to include these findings in this Regulation.

(94) The weighted average dumping margins expressed as a percentage of the free-at-Community-frontier price were as follows :

Malaysia :	— Makonka :	12,4 %
	— Orion :	18,2 %
	— Technol Silver :	33,5 %
	— Thai companies assembling CTVs of Malaysian origin :	
	— GoldStar Mitr :	25,0 %
	— World Electric :	17,3 %

Thailand :	— Samsung :	29,7 %
	— Teletech :	33,6 %
	— Thomson :	14,7 %

Singapore :	— Hitachi :	16,3 %
	— Funai :	0 %
	— Philips :	24,6 %
	— Sanyo :	21,2 %
	— Thomson :	12,2 %

Korea :	— Daewoo :	18,8 %
	— GoldStar :	16,8 %
	— Samsung :	18,0 %
	— Turkish companies assembling CTVs of Korean origin :	
	— Profilo :	0 %
	— Bekoteknik :	7,7 %

People's Republic of China		28,8 %
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(b) *Non-cooperating exporters*

(95) For those producers in each of the countries concerned that neither replied to the Commission's questionnaire, nor otherwise made themselves known, the dumping margin was determined on the basis of the facts available in accordance with Article 7(7)(b) of the basic Regulation.

In this respect, it was considered appropriate to use findings of the investigation as the basis for the determination and it was provisionally concluded that those companies were likely to have dumped at least at the highest level found in the respective country for the producers which had cooperated in the investigation and that accordingly, the highest margin found should be applicable to those companies.

(96) As far as the People's Republic of China is concerned, the companies which did not reply to the Commission's questionnaire accounted for 39,7 % of the total exports from that country.

For the reasons described in recitals 78 to 81, a single dumping margin was established for the People's Republic of China. This dumping margin was established by averaging the dumping margin of the cooperating and the non-cooperating exporters, the latter being determined as set out in recital 95. On this basis, the dumping margin for the People's Republic of China expressed as a percentage of cif value amounts to 28,8 %.

F. INJURY

(i) Cumulation of the effects of the dumped imports

(97) It has been the standard practice of the Community institutions to cumulate imports from several countries when the imported products and the like product of the Community industry meet the following criteria: they are interchangeable, they are sold or offered for sale in the same geographical markets, they have common or similar channels of distribution, they are present in the market concurrently, and finally, they are not negligible. With the exception of exports originating in Turkey, those criteria were found to be met in the case of all the other countries concerned. Accordingly, the similar and concurrent effect of the dumped imports from the countries concerned, with the exception of Turkey, must be assessed jointly.

(98) While the market share held by Turkish imports amounted to 1,5 % during the investigation period, approximately 0,7 % of them were accounted for by non-cooperating exporters for which the origin declared to customs was assumed to be the correct one. In addition, as a result of Community and Turkish Government action the circumstances in respect of Turkey have changed radically.

In this regard a number of practices concerning collection of customs duties when third country parts and components were entering Turkey have been reviewed. In addition, a number of export subsidies granted to exports of CTVs were discontinued. As a result of this, the exports of CTVs from Turkey to the Community have, since then, shown a considerable decline.

(99) In view of the above, the Commission considers, for the purposes of the provisional determination and without prejudice to the definitive determination, that imports from Turkey should not be

cumulated with those from the remaining five countries.

(ii) Community consumption, volume and market share of the dumped imports

(100) According to the information available to the Commission, consumption of the colour televisions concerned has increased steadily from 20,5 million units in 1989 to 24,5 million units in the investigation period, an increase of 19,5 %.

(101) Between 1989 and the investigation period, imports from the countries concerned increased by almost 135 %, from 2,04 million units in 1989 to approximately 4,8 million units in the investigation period. This trend was reflected in a parallel increase in the market share of the imports from 9,9 % in 1989 to 19,6 % during the investigation period. Over the same period, sales by the Community industry fell by 6 % (in volume) and its corresponding market share declined from 36 to 28 % in the investigation period.

(iii) Prices of the dumped imports

(102) Prices of the imported CTVs from the countries concerned were significantly below the prices charged by the Community producers during the investigation period. For the determination of price undercutting, the Commission compared the prices of the six complainant Community producers with those of the exporters concerned in six Community markets which have been considered as representative of the Community market as a whole (i.e. Germany, France, the United Kingdom, Italy, Spain and Greece).

(103) For the model comparison, the Commission established the principal criteria most likely to influence a consumer's purchasing decision, namely screen size, possibility of teletext, mono/stereo sound. On the basis of those criteria, representative imported models were compared with directly comparable Community models.

(104) The price comparison was made on the basis of the sales to the first independent customer at the same level of trade. The weighted average selling prices of each exporter in each of the six markets concerned were compared with the corresponding prices for comparable Community models. Adjustments were made where appropriate to ensure a fair comparison.

(105) The results of the comparison showed margins of undercutting for practically all the exporters investigated. The weighted average undercutting margins expressed as a percentage of the free-at-Community-frontier price ranged as follows:

- for Malaysia, from 7,50 % to 23,40 %,
- for Thailand, from 3,18 % to 29,89 %,
- for Singapore, from 0 % to 23,68 %,
- for Korea, from 389,61 % to 54,00 %.

As for the People's Republic of China, the weighted average undercutting margin expressed as a percentage of the free-at-Community-frontier price was 62,1 %.

(iv) Situation of the Community industry

(a) Production and capacity utilization

(106) The production of the Community industry sold in the Community dropped by 10 % from 7,4 million units in 1989 to 6,6 million units in the investigation period. This drop in production is particularly marked when comparing 1990 with the investigation period, during which time production decreased by 19 %.

(107) Between 1989 and 1990, the capacity of the Community industry remained stable. In 1991, capacity increased noticeably by 10 %. On the basis of information available to the Commission, this increase was effected to take advantage of expected sales increases as a result of German unification. However, those expectations proved to be inflated. In addition, the surge of dumped imports into the Community in 1991 (25 % more than in 1990), prevented the Community industry from taking advantage of the actual market growth.

(108) Capacity utilization has shown a marked decline from an average of 67 % between 1989 and 1991 to 60 % on the investigation period.

(b) Sales and market share

(109) Despite an overall increase in Community consumption of approximately 20 % between 1989 and the investigation period, sales turnover of the Community industry decreased by 9 % over the same period. This was due, one the one hand to a decrease in sales volume of 6 % (from 7,3 million to 6,8 million) and on the other to the decrease in the selling prices as outlined below.

(110) The complainants' market share decreased from 36 % in 1989 to 28 % in the investigation period despite the substantial increase in consumption.

(c) Stocks

(111) Stocks increased by 31 % between 1989 and the investigation period, despite the decrease in production referred to above.

(112) Expressed as a percentage of the sales quantity, stocks also show an increase between 1989 and the investigation period. As a result, stock clearance by the Community which had taken 49 days in 1989 took 69 days in the investigation period which added substantially to the financial pressures it already faced.

(d) Price depression

(113) On average, prices of the complainants have dropped by 3 % between 1989 and the investigation period. The overall price decrease of 3 % deflects attention from the fact that prices should normally have increased as a result of improved quality and performance over that period.

(e) Profitability

(114) The financial situation of the Community industry, which was already precarious in 1989, deteriorated up to the investigation period, by which time the complainants were making losses; on a weighted average basis these losses amounted to 5 % on turnover. They were incurred despite substantial reductions in costs achieved through the continued rationalization measures taken by the Community industry since 1989. However, this economic indicator should be viewed in the light of the worldwide situation of this industry, which has achieved very low or limited profits in recent years.

(f) Employment

(115) The Community industry was forced to reduce the number of its employees dramatically between 1989 (30 503 people) and the investigation period (22 257 people) in an effort to remain viable in the face of the dumped imports from the countries concerned.

(v) Conclusion

(116) Since 1989, Community producers have experienced a decline both in production and in sales, and have lost market share in terms both of volume and of value in a growing market. The Community producers had to face severe undercutting practices. The financial situation of the producers, which was already quite difficult in 1989, rapidly deteriorated in 1991 and 1992 to levels which, if allowed to continue, will not be sustainable.

(117) All injury indicators examined by the Commission show a very precarious financial and market situation, and on this basis it is concluded that the Community industry concerned has been adversely affected and is suffering material injury.

G. CAUSATION

(118) The Commission examined whether there was a causal link between the dumped imports and the injury suffered by the Community industry and whether other factors caused or contributed to that injury.

(i) Effect of the dumped imports

(119) In examining the effects of the dumped imports, it was found that the increasing volume and market share of the dumped imports from the countries concerned coincided with the loss of market share and the deterioration in the financial situation of the Community industry. Owing to dumping, the importers' product was sold at very low prices on the Community market which, because of the nature of the product concerned, is transparent and price sensitive. This negative situation, specifically evidenced by the loss of market share of the Community industry since 1989, coincided with the strong and increasing presence in the Community market of the dumped imports concerned.

(ii) Special consideration of the Republic of Korea and the People's Republic of China

(120) Some exporters from Korea and the People's Republic of China argued that their exports of CTVs having a diagonal screen size of more than 15,5 cm but no more than 42 cm (SCTVs) could not have caused injury to the Community industry since they were already subject to anti-dumping duties, and that their remaining exports of CTVs were insufficient to do so.

(121) Accordingly, the Commission examined whether dumped imports of CTVs with a diagonal screen size of more than 42 cm had caused injury to the Community industry. For that purpose, the Commission analysed both the volume and price of those imports as well as the impact on the Community production of the same products. The Commission found that Korean imports had increased from 442 000 units in 1988 to 701 678 units in the investigation period, whilst Chinese imports had increased from 44 000 units to 513 800 units in the same years.

As has been explained above, their prices significantly undercut the Community producers' prices in the investigation period. The Commission has also considered whether the injury indicators examined showed different results when examined solely in respect of Community production of

CTVs larger than 42 cm. This examination has shown that the injury indicators disclose similar patterns if all CTVs are considered or if only CTVs with diagonal screen size of more than 42 cm are considered. In these circumstances, the Commission concludes that dumped imports originating in Korea and in the People's Republic of China of CTVs larger than 42 cm have, through the effects of dumping, contributed to the injury caused to the Community industry.

(iii) Effects of other factors

(122) The Commission considered whether factors other than the dumped imports might have caused or contributed to the injury suffered by the Community industry, such as falling exports to third countries by the Community industry, an increase in imports from countries not covered by the proceeding or imports by the Community industry.

(123) Exports by the complainant Community industry actually increased over the investigation period from approximately 11 % of total sales by volume in 1989 to 14 % in the investigation period. Consequently, the development of these export sales to third countries could not have contributed to the material injury suffered by the Community industry.

(124) Some of the exporters alleged that injury to the Community industry was at least partly attributable to:

- imports from countries other than those concerned by the present proceeding,
- imports of CTVs made by the complainants from some countries involved in the proceeding,
- fierce internal competition among Community-based producers and price pressure from newly established Community producers,
- inflated expectations of increased sales on the part of Community producers following German unification.

(125) Regarding imports into the Community from sources other than the countries concerned, it should be noted that although Community consumption had increased by 20 % between 1989 and the investigation period, imports into the Community from those sources actually declined by 15 % over the same period with a parallel decrease in market share from 17,8 % to 12,6 %, while imports from the countries concerned increased by 135 %.

Accordingly, imports from these other third countries could not, with the possible exception of Taiwan and Austria, have had an impact on the Community industry comparable to that of imports from the countries concerned. It was also claimed that the rate of increase of CTVs imported from Malta had been dramatic. However, it should be pointed out that the starting point was very low and that imports during the investigation period from this source were less than 200 000 units, i.e. less than 0,8 % of total consumption in the Community.

- (126) With regard to imports by the Community industry, the Commission found that as a percentage of total imports they remained relatively stable between 1989 and the investigation period and if anything showed a decrease. Over the same period, imports from the countries concerned increased from 2 million units to 4,8 million units, or from 34 % of total imports in 1989 to 54 % of total imports in the investigation period.

In terms of market share, the volumes imported by the Community industry accounted for 4,1 % of the market in 1989 and remained stable thereafter, which is in marked contrast to the evolution of the market share held by imports from the countries concerned, which increased from 9,9 % in 1989 to 19,6 % in the investigation period.

- (127) The Commission found that imports were made by the Community industry, in some cases from their own production facilities, located in a number of the exporting countries. However, in the light of the information available, the Commission has concluded that these imports were effected in order to maintain competitiveness in the Community CTV market in the face of dumped imports.

In this respect, the Commission cannot accept the argument made by some exporters that the Community industry deliberately set out to injure its Community production of CTVs by imports from outside the Community. On the contrary, the Commission found that the prices charged by the Community industry for these imports were on a par with their comparable Community-produced CTVs.

These imports by the Community industry were a justified and necessary attempt to protect market share against very substantial increases in dumped imports. The only possibility open to the Community industry in these circumstances was to move some of its production facilities to third countries

and import CTVs manufactured at lower costs into the Community market.

- (128) As far as the acute internal competition in the Community is concerned, it cannot be ruled out that newly established Community producers may have exerted a certain price pressure in order to enter the market. Similarly, the results of over-optimism on the part of the Community producers following German unification may have had a negative impact.

(iv) Conclusion

- (129) The Commission considers that, notwithstanding the fact that other elements may have had a negative impact on the Community industry, dumped imports from the countries concerned have, taken in isolation, caused material injury to the Community industry. In this respect, it has to be stressed that both the basic Regulation and the GATT Anti-dumping Code recognize that other factors may also be causing injury at the same time as the dumped imports and require only that the injury caused by the dumping alone shall be 'material'.

H. COMMUNITY INTEREST

- (130) In assessing whether it is in the Community's interest to take anti-dumping measures in respect of imports of CTVs from the countries concerned which have been dumped and have caused injury to the Community industry concerned, the Commission has considered the views of all parties involved in the proceeding.

- (131) The Commission considers that unless remedial measures are taken, a further fall in production of CTVs in the Community by the complainant producers is inevitable in the short term as they attempt to cope with the heavily dumped imports. As part of their self-protection strategy, two major complainant producers have already moved part of their production outside the Community. Should this trend continue, as is likely if remedial measures are not taken, it is highly probable that all CTV production in the Community by the complainants will disappear with the loss of thousands of jobs in this sector alone. The disappearance of Community production of compact disc players which was similarly beset by injurious dumping, bears ample testimony to this probability.

- (132) The negative impact of such a development would not be restricted to the CTV sector. Upstream and downstream sectors, particularly the latter, could be seriously affected. Because of the interdependent nature of the various parts that make up the consumer electronics sector, the disappearance of such an important anchor part as CTVs, would have disastrous consequences for the future of the whole sector. High volume consumer products such as televisions generate the revenues required for investment in research and development which provides the springboard for new product development, improvement of existing products, production and marketing techniques, which are vital factors in maintaining competitiveness in a highly competitive sector.
- (133) Accordingly, the necessity of restoring the health of this strategic part of the Community's industrial base is paramount.
- (134) The necessity of imposing remedial measures to counter the effects of the unfairly priced imports has been outlined above. Since the CTVs subject to the proceeding enter the Community fully made up and are not incorporated into any other product, no intermediate Community industry is likely to be affected by the imposition of measures.
- (135) In view of the very large number of operators in the market, the imposition of measures at the proposed level will restrict neither the range of imported products available to consumers nor price competition between the different brands. Any overall damage to the interests of importers in respect of profits or employment is considered unlikely or, at worst, very limited. However, some adjustment in the relative market shares of a number of related importers and some OEM importers, which have to a large extent been gained through dumped prices might be expected.
- (136) Therefore, the argument of the exporters and importers that the imposition of measures would result directly in higher retail prices and restricted choice for consumers has no foundation.
- (137) The Commission considers that the elimination of unfair trade practices, which is fundamentally in general Community interest, will neither prevent producers in third countries from competing in the Community market nor, consequently reduce the quality and diversity of supply. The expected remedial effect of the measures will occur in terms of a change of the relative market shares held. Any increase in prices should be limited given the nature of the measures proposed and the numerous competitors in the Community market.
- (138) The Commission considers, therefore, that it is in the Community interest to remove the effects of the injury on the Community industry and to

eliminate the existing unfair trade practices by the imposition of provisional anti-dumping measures on imports of the product concerned originating in Malaysia, the People's Republic of China, the Republic of Korea, Singapore and Thailand.

I. PROVISIONAL DETERMINATION IN RESPECT OF TURKEY

- (139) In view of the particular circumstances regarding CTVs exported from Turkey, as outlined in recitals 98 and 99, the Commission does not consider at this stage that there are sufficient elements to impose provisional measures against Turkey. This determination is without prejudice to the decisions which the Council may adopt for definitive determinations.

J. DUTY

- (140) For the purpose of establishing the level of the provisional duty, the Commission took account of the dumping margins found and of the amount of duty necessary to eliminate the injury sustained by the Community industry.
- (141) For the establishment of this amount the Commission's practice is to take account of specific circumstances of individual cases. In this case the Commission has considered it appropriate for the purposes of the preliminary determination to limit such amount to that sufficient to eliminate price undercutting. In this respect the Commission has taken account of two significant aspects of this case :
- (i) the fact that factors other than the dumped imports, specific to the Community CTV market, appear to have contributed to the injury to the Community industry ;
 - (ii) the fact that on a world-wide basis this industry has for a number of years realized no or extremely low profits.
- (142) On the basis of the above, the resulting percentage increases would be :
- | | |
|------------------|----------------|
| — for Korea, | up to 54,00 %, |
| — for Malaysia | up to 23,40 %, |
| — For Thailand, | up to 29,89 %, |
| — For Singapore, | up to 23,68 %, |
| — For China, | up to 62,14 %. |
- (143) In the majority of cases, the increases in export prices necessary to remove the injury caused by dumping, in respect of a particular exporting producer, did not exceed the corresponding

margins of dumping. Consequently, the proposed provisional duties were generally based on the injury margin established, with a few exceptions where the dumping margin was applicable.

- (144) For the reasons outlined above, a single duty has been established for all producers in the People's Republic of China.
- (145) In establishing the level of provisional duty for producers in each of the countries concerned who neither replied to the Commission questionnaire nor otherwise made themselves known, it is considered appropriate that the rates of duty be based on the highest rates of undercutting found for each of the five countries so that non-cooperation is not rewarded. In these cases, where the highest undercutting margin exceeded the highest dumping margin found, the rate of duty should be limited to that dumping margin.
- (146) On the basis of the above, provisional anti-dumping duties, which should take the form of *ad valorem* duties, shall be as follows:

	<i>Rate of duty</i>	
Republic of Korea		
Daewoo	18,8 %	
GoldStat	16,8 %	
Samsung	18,0 %	
Profilo	0	(CTVs assembled in Turkey)
Bekoteknik	7,7 %	(CTVs assembled in Turkey)
Residual duty	18,8 %	
Malaysia		
Makonka	12,4 %	
Orion	12,7 %	
Technol Silver	7,5 %	
GoldStar Mitr	23,4 %	(CTVs assembled in Thailand)
World Electric	13,5 %	(CTVs assembled in Thailand)
Residual duty	23,4 %	
Singapore		
Thomson	3,7 %	
Sanyo	13,1 %	
Philips	4,8 %	
Hitachi	0	
Funai	0	
Residual duty	23,6 %	
Thailand		
Teletech	29,8 %	
Thomson	3,1 %	
Samsung	14,3 %	
Residual duty	29,8 %	

Rate of duty

China 28,8 %.

K. FINAL PROVISIONS

- (147) In the interest of a sound administration, a period should be fixed in which the parties concerned may make their views known and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

- A provisional anti-dumping duty is hereby imposed of colour television receivers:
 - with a diagonal screen size of more than 15,5 cm, whether or not combined in the same housing with a radio broadcast receiver and/or a clock, falling within CN codes ex 8528 10 52 (Taric code: ex 8528 10 52*10), 8528 10 54, 8528 10 56, 8528 10 58, ex 8528 10 62 (Taric code: 8528 10 62*10) and 8528 10 66, originating in Malaysia, Singapore and Thailand,
 - with a diagonal screen size of more than 42 cm, whether or not combined in the same housing with a radio broadcast receiver and/or a clock, falling within CN codes 8528 10 54, 8528 10 56, 8528 10 58, ex 8528 10 62 (Taric code: 8528 10 62*90) and 8528 10 66, originating in the People's Republic of China and the Republic of Korea.
- The rate of the duty applicable to the net free-at-Community-frontier price before duty shall be as follows:

	Rate of duty	Taric additional code
Malaysia	23,4 %	8801
People's Republic of China	28,8 %	—
Republic of Korea	18,8 %	8807
Singapore	23,6 %	8812
Thailand	29,8 %	8816

with the exception of imports which are manufactured and sold for export to the Community by the following companies which shall be subject to the rate of duty mentioned hereunder:

	Rate of duty	Taric additional code
<i>(a) CTVs originating in Malaysia manufactured by:</i>		
— Makonka Electronics SDN.BHD, Ehsan, Malaysia	12,4 %	8796
— Orion Electric SDN.BHD, Melaka, Malaysia	12,7 %	8797
— Technol Silver (M) SDN.BHD, Ehsan, Malaysia	7,5 %	8798
— GoldStar Mitr Co. Ltd, Samutsakorn, Thailand	23,4 %	8799
— World Electric (Thailand) Ltd, Chonburi, Thailand	13,5 %	8800
<i>(b) CTVs originating in the Republic of Korea, manufactured by:</i>		
— Daewoo Electronics Co. Ltd, Seoul, Republic of Korea	18,8 %	8802
— GoldStar Co. Ltd, Seoul, Republic of Korea	16,8 %	8803
— Samsung Electronics Co. Ltd, Seoul, Republic of Korea	18,0 %	8804
— Bekoteknik Sanayi AS, Istanbul, Turkey	7,7 %	8805
— Profilo Telra Elektronik Sanayi Ve Ticaret AS, Istanbul, Turkey	0,0 %	8806
<i>(c) CTVs originating in Singapore manufactured by:</i>		
— Funai Electric (Singapore) Pte. Ltd, Singapore	0,0 %	8808
— Hitachi Consumer Products (S.) Pte. Ltd, Singapore	0,0 %	8808
— Philips Singapore Pte. Ltd, Singapore	4,8 %	8809
— Sanyo Electronics (Singapore) Pte. Ltd, Singapore	13,1 %	8810
— Thomson Television Singapore Pte. Ltd, Singapore	3,7 %	8811
<i>(d) CTVs originating in Thailand manufactured by:</i>		
— Teletech (Thailand) Ltd, Chonburi, Thailand	29,8 %	8813
— Thai Samsung Electronics Co. Ltd, Chonburi, Thailand	14,3 %	8814
— Thomson Television (Thailand) Co. Ltd, Pathumthani, Thailand	3,1 %	8815

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

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make

known their views in writing and ask to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 13 of Regulation (EEC) No 2423/88, Article 1 of this Regulation shall apply for a period of four months, unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 27 September 1994.

For the Commission

Leon BRITTAN

Member of the Commission

COMMISSION REGULATION (EC) No 2377/94

of 29 September 1994

correcting Regulation (EC) No 2314/94, fixing the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)⁽¹⁾, as last amended by Regulation (EC) No 235/94⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 2314/94⁽³⁾ fixed the amounts by which import duties on beef and veal originating in the African, Caribbean and Pacific States (ACP) are to be reduced, in respect of importations during the fourth quarter of 1994;

Whereas a check has shown that an error in calculation appears in the Annex to this Regulation; whereas the Regulation in question should accordingly be corrected,

HAS ADOPTED THIS REGULATION :

Article 1

The Annex to Regulation (EC) No 2314/94 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 29 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽³⁾ OJ No L 252, 28. 9. 1994, p. 5.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC	Importe (en ecus/100 kg) Beløb (ECU/100 kg) Betrag (ECU/100 kg) Εισφορά (Ecu/100 kg) Amount (ECU/100 kg) Montant (en écus/100 kg) Importo (ECU/100 kg) Bedrag (ecu/100 kg) Montante (Em ECU/100 kg)
0102 90 05	118,290
0102 90 21	118,290
0102 90 29	118,290
0102 90 41	118,290
0102 90 49	118,290
0102 90 51	118,290
0102 90 59	118,290
0102 90 61	118,290
0102 90 69	118,290
0102 90 71	118,290
0102 90 79	118,290
0201 10 00	224,751
0201 20 20	224,751
0201 20 30	179,800
0201 20 50	269,700
0201 20 90	337,125
0201 30 00	385,624
0202 10 00	145,887
0202 20 10	145,887
0202 20 30	116,709
0202 20 50	182,359
0202 20 90	218,831
0202 30 10	182,359
0202 30 50	182,359
0202 30 90	250,925
0206 10 95	385,624
0206 29 91	250,925
0210 20 10	337,125
0210 20 90	385,624
0210 90 41	385,624
0210 90 90	385,624
1602 50 10	385,624
1602 90 61	385,624

NB: Los códigos NC, incluidas las notas a pie de página, se definen en el Reglamento (CEE) nº 2658/87 modificado.

NB: KN-koderne, herunder henvisninger til fodnoter, er fastsat i den ændrede forordning (EØF) nr. 2658/87.

NB: Die KN-Codes sowie die Verweisungen und Fußnoten sind durch die geänderte Verordnung (EWG) Nr. 2658/87 bestimmt.

NB: Οι κωδικοί της συνδυασμένης ονοματολογίας, συμπεριλαμβανομένων των υποσημειώσεων, καθορίζονται στον τροποποιημένο κανονισμό (ΕΟΚ) αριθ. 2658/87.

NB: The CN codes and the footnotes are defined in amended Regulation (EEC) No 2658/87.

NB: Les codes NC ainsi que les renvois en bas de page sont définis au règlement (CEE) nº 2658/87 modifié.

NB: I codici NC e i relativi richiami in calce sono definiti dal regolamento (CEE) n. 2658/87 modificato.

NB: GN-codes en voetnoten: zie de gewijzigde Verordening (EEG) nr. 2658/87.

NB: Os códigos NC, incluindo as remissões em pé-de-página são definidos no Regulamento (CEE) nº 2658/87 alterado.

COMMISSION REGULATION (EC) No 2378/94

of 29 September 1994

re-establishing the levying of customs duties on certain textile products originating in India, Pakistan, Indonesia, Thailand and China, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3832/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3832/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of textile products originating in developing countries ⁽¹⁾, extended for 1994 by Regulation (EC) No 3668/93 ⁽²⁾, and in particular Article 12 thereof,

Whereas Article 10 of Regulation (EEC) No 3832/90 provides that preferential tariff treatment shall be accorded from 1 July to 31 December 1994 for each category of products subjected in Annexes I and II thereto to individual ceilings within the limits of the quantities specified in column 8 of its Annex I and column 7 of Annex II, in respect of certain or each of the countries or territories of origin referred to in column 5 of the same Annexes ;

Whereas Article 11 of the abovementioned Regulation provides that the levying of customs duties may be re-established at any time in respect of imports of the products in question once the relevant individual ceilings have been reached at Community level ;

Whereas, in respect of products of the order Nos and origins indicated in the table below, the relevant ceilings were fixed at the levels indicated in that table ; whereas that ceiling was reached on the date indicated below, by charges of the imports into the Community of the products in question ;

Order No	Origin	Ceiling	Date
40.0050	India	755 000 pieces	17. 8. 1994
40.0050	Indonesia	755 000 pieces	27. 7. 1994
40.0090	India	65,5 tonnes	1. 8. 1994
40.0090	Indonesia	65,5 tonnes	27. 7. 1994
40.0100	Pakistan	768 500 pairs	27. 7. 1994
40.0130	India	1 009 000 pieces	27. 7. 1994
40.0160	Pakistan	49 500 pieces	1. 8. 1994
40.0170	Pakistan	40 500 pieces	27. 7. 1994
40.0180	Pakistan	56 tonnes	27. 7. 1994
40.0210	Indonesia	281 000 pieces	9. 8. 1994
40.0240	India	249 500 pieces	27. 7. 1994
40.0260	Pakistan	197 500 pieces	28. 7. 1994
40.0270	India	130 000 pieces	27. 7. 1994
40.0280	Pakistan	54 500 pieces	27. 7. 1994
40.0280	India	54 500 pieces	31. 7. 1994
40.0280	Thailand	54 500 pieces	27. 7. 1994
40.0330	Thailand	121 tonnes	9. 8. 1994
40.0370	Indonesia	193 tonnes	27. 7. 1994
40.0400	India	18,5 tonnes	27. 7. 1994
40.0590	India	155 tonnes	31. 7. 1994
40.0600	India	0,5 tonnes	27. 7. 1994
40.0650	Pakistan	83 tonnes	27. 7. 1994

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 39.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 22.

Order No	Origin	Ceiling	Date
40.0670	Pakistan	42,5 tonnes	27. 7. 1994
40.0670	India	42,5 tonnes	9. 8. 1994
40.0680	Thailand	45,5 tonnes	2. 8. 1994
40.0740	Pakistan	33 500 pieces	31. 8. 1994
40.0740	India	33 500 pieces	9. 8. 1994
40.0740	Chine	7 000 pieces	27. 7. 1994
40.0830	India	30 tonnes	27. 7. 1994
40.0970	Thailand	11 tonnes	9. 8. 1994

Whereas it is appropriate to re-establish the levying of customs duties for the products in question,

HAS ADOPTED THIS REGULATION :

Article 1

As from 4 October 1994, the levying of customs duties, suspended from 1 July to 31 December 1994, pursuant to Regulation (EEC) No 3832/90, shall be re-established on imports into the Community of the products indicated in the table below :

Order No	Category (Unit)	CN code	Description	Origin
40.0050	5	6101 10 90	Jerseys, pullovers, slipovers, waistcoats, twinsets, cardigans, bed jackets and jumpers (other than jackets and blazers), anoraks, windcheaters, waister jackets and the like, knitted or crocheted	India Indonesia
		6101 20 90		
		6101 30 90		
		6102 10 90		
		6102 20 90		
		6102 30 90		
		6110 10 10		
		6110 10 31		
		6110 10 35		
		6110 10 38		
		6110 10 91		
		6110 10 95		
		6110 10 98		
		6110 20 91		
6110 20 99				
6110 30 91				
6110 30 99				
40.0090	9	5802 11 00	Terry towelling and similar woven terry fabrics of cotton; toilet linen and kitchen linen, of terry towelling and similar woven terry fabrics, of cotton, other than knitted or crocheted	India Indonesia
		5802 19 00		
		ex 6302 60 00		
40.0100	10	6111 10 10	Gloves, mittens and mitts, knitted or crocheted	Pakistan
		6111 20 10		
		6111 30 10		
		ex 6111 90 00		
		6116 10 10		
		6116 10 90		
		6116 91 00		
		6116 92 00		
		6116 93 00		
		6116 99 00		

Order No	Category (Unit)	CN code	Description	Origin
40.0130	13	6107 11 00 6107 12 00 6107 19 00 6108 21 00 6108 22 00 6108 29 00	Men's or boys' underpants and briefs, women's or girls' knickers and briefs, knitted or crocheted, of wool, cotton or of man-made fibres	India
40.0160	16	6203 11 00 6203 12 00 6203 19 10 6203 19 30 6203 21 00 6203 22 80 6203 23 80 6203 29 18 6211 32 31 6211 33 31	Men's or boys' suits and ensembles, other than knitted or crocheted, of wool, of cotton or of man-made fibres, excluding ski suits: men's or boys' tracksuits with lining, with an outer shell of a single identical fabric, of cotton or of man-made fibres	Pakistan
40.0170	17	6203 31 00 6203 32 90 6203 33 90 6203 39 19	Men's or boys' jackets excluding waister jackets and blazers, other than knitted or crocheted, of wool, of cotton or of man-made fibres	Pakistan
40.0180	18	6207 11 00 6207 19 00 6207 21 00 6207 22 00 6207 29 00 6207 91 6207 92 00 6207 99 00 6208 11 00 6208 19 10 6208 19 90 6208 21 00 6208 22 00 6208 29 00 6208 91 6208 92 10 6208 92 90 6208 99 00	Men's and boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, other than knitted or crocheted Women's and girls' singlets and other vests, slips, petticoats, briefs, panties, nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, other than knitted or crocheted	Pakistan
40.0210	21	ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6201 91 00 6201 92 00 6201 93 00 ex 6202 12 10 ex 6202 12 90 ex 6202 13 10 ex 6202 13 90 6202 91 00 6202 92 00 6202 93 00 6211 32 41 6211 33 41 6211 42 41 6211 43 41	<i>Parkas</i> , anoraks, windcheaters, waister jackets and the like, other than knitted or crocheted, of wool, of cotton or of man-made fibres: upper parts of tracksuits with lining, other than of category 16 or 29, of cotton or of man-made fibres	Indonesia

Order No	Category (Unit)	CN code	Description	Origin
40.0240	24	6107 21 00 6107 22 00 6107 29 00 6107 91 00 6107 92 00 ex 6107 99 00 6108 31 10 6108 31 90 6108 32 11 6108 32 19 6108 32 90 6108 39 00 6108 91 00 6108 92 00 6108 99 10	Men's or boys' nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted Women's or girls' nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, knitted or crocheted	India
40.0260	26	6104 41 00 6104 42 00 6104 43 00 6104 44 00 6204 41 00 6204 42 00 6204 43 00 6204 44 00	Women's or girls' dresses, of wool, of cotton or of man-made fibres	Pakistan
40.0270	27	6104 51 00 6104 52 00 6104 53 00 6104 59 00 6204 51 00 6204 52 00 6204 53 00 6204 59 10	Women's or girls' skirts, including divided skirts	India
40.0280	28	6103 41 10 6103 41 90 6103 42 10 6103 42 90 6103 43 10 6103 43 90 6103 49 10 6103 49 91 6104 61 10 6104 61 90 6104 62 10 6104 62 90 6104 63 10 6104 63 90 6104 69 10 6104 69 91	Trousers, bib and brace overalls, breeches and shorts (other than swimwear) knitted or crocheted of wool, of cotton or of man-made fibres	India Pakistan Thailand
40.0330	33	5407 20 11 6305 31 91 6305 31 99	Woven pile fabrics and chenille fabrics (other than terry towelling or terry fabrics of cotton and narrow woven fabrics) and tufted textile fabrics of wool, of cotton or of man-made textile fibres	Thailand

Order No	Category (Unit)	CN code	Description	Origin
40.0370	37	5516 11 00 5516 12 00 5516 13 00 5516 14 00 5516 21 00 5516 22 00 5516 23 10 5516 23 90 5516 24 00 5516 31 00 5516 32 00 5516 33 00 5516 34 00 5516 41 00 5516 42 00 5516 43 00 5516 44 00 5516 91 00 5516 92 00 5516 93 00 5516 94 00 5803 90 50 ex 5905 00 70	Woven fabrics of artificial staple fibres	Indonesia
40.0400	40	ex 6303 91 00 ex 6303 92 90 ex 6303 99 90 6304 19 10 ex 6304 19 90 6304 92 00 ex 6304 93 00 ex 6304 99 00	Woven curtains (including drapes) interior blinds, curtain and bed valances and other furnishing articles, other than knitted or crocheted, of wool, of cotton or of man-made fibres	India
40.0590	59	5702 10 00 5702 31 10 5702 31 30 5702 31 90 5702 32 10 5702 32 90 5702 39 10 5702 41 10 5702 41 90 5702 42 10 5702 42 90 5702 49 10 5702 51 00 5702 52 00 ex 5702 59 00 5702 91 00 5702 92 00 ex 5702 99 00 5703 10 10 5703 10 90 5703 20 11 5703 20 19 5703 20 91 5703 20 99 5703 30 11 5703 30 19 5703 30 51 5703 30 59 5703 30 91 5703 30 99 5703 90 10 ex 5703 90 90	Carpets and other textile floor coverings other than the carpets of category 58	India

Order No	Category (Unit)	CN code	Description	Origin
40.0590 (cont'd)		5704 10 00 5704 90 00 5705 00 10 5705 00 31 5705 00 39 ex 5705 00 90		
40.0600	60	5805 00 00	Tapestries, hand-made, of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needle-worked tapestries (for example, petit point and cross stitch) made in panels and the like by hand	India
40.0650	65	5606 00 10 ex 6001 10 00 6001 21 00 6001 22 00 6001 29 10 6001 91 10 6001 91 30 6001 91 50 6001 91 90 6001 92 10 6001 92 30 6001 92 50 6001 92 90 6001 99 10 ex 6002 10 10 6002 20 10 6002 20 39 6002 20 50 6002 20 70 ex 6002 30 10 6002 41 00 6002 42 10 6002 42 30 6002 42 50 6002 42 90 6002 43 31 6002 43 33 6002 43 35 6002 43 39 6002 43 50 6002 43 91 6002 43 93 6002 43 95 6002 43 99 6002 91 00 6002 92 10 6002 92 30 6002 92 50 6002 92 90 6002 93 31 6002 93 33 6002 93 35 6002 93 39 6002 93 91 6002 93 99	Knitted or crocheted fabric other than of categories 38 A and 63, of wool, of cotton or, of man-made fibres	Pakistan

Order No	Category (Unit)	CN code	Description	Origin
40.0670	67	5807 90 90	Knitted or crocheted clothing accessories other than for babies, household linen of all kinds, knitted or crocheted; curtains (including drapes) and interior blinds, curtain or bed valances and, other furnishing articles knitted or crocheted blankets and travelling rugs; other knitted or crocheted articles including parts of garments or of clothing accessories	India Pakistan
		6113 00 10		
		6117 10 00		
		6117 20 00		
		6117 80 10		
		6117 80 90		
		6117 90 00		
		6301 20 10		
		6301 30 10		
		6301 40 10		
		6301 90 10		
		6302 10 10		
		6302 10 90		
		6302 40 00		
		ex 6302 60 00		
		6303 11 00		
		6303 12 00		
		6303 19 00		
		6304 11 00		
		6304 91 00		
		ex 6305 20 00		
6305 31 10				
ex 6305 39 00				
ex 6305 90 00				
6307 10 10				
6307 90 10				
40.0680	68	6111 10 90	Babies' garments and clothing accessories, excluding babies' gloves, mittens and mitts of categories 10 and 87, and babies' stockings, socks and sockettes, other than knitted or crocheted of category 88	Thailand
		6111 20 90		
		6111 30 90		
		ex 6111 90 00		
		ex 6209 10 00		
		ex 6209 20 00		
ex 6209 30 00				
ex 6209 90 00				
40.0740	74	6104 11 00	Women's or girls' knitted or crocheted suits and ensembles, of wool, of cotton or of man-made fibres, excluding ski suits	India Pakistan China
		6104 12 00		
		6104 13 00		
		ex 6104 19 00		
		6104 21 00		
		6104 22 00		
		6104 23 00		
ex 6104 29 00				
40.0830	83	6101 10 10	Overcoats, jackets, blazer and other garments, including ski suits, knitted or crocheted excluding garments of categories 4, 5, 7, 13, 24, 26, 27, 28, 68, 69, 72, 73, 74 and 75	India
		6101 20 10		
		6101 30 10		
		6102 10 10		
		6102 20 10		
		6102 30 10		
		6103 31 00		
		6103 32 00		
		6103 33 00		
		ex 6103 39 00		

Order No	Category (Unit)	CN code	Description	Origin
40.0830 (cont'd)		6104 31 00 6104 32 00 6104 33 00 ex 6104 39 00 ex 6112 20 00 6113 00 90 6114 10 00 6114 20 00 6114 30 00		
40.0970	97	5608 11 11 5608 11 19 5608 11 91 5608 11 99 5608 19 11 5608 19 19 5608 19 31 5608 19 39 5608 19 91 5608 19 99 5608 90 00	Nets and netting made of twine, cordage or rope, and made up fishing nets of yarn, twine, cordage or rope	Thailand

Article 2

This Regulation shall enter into force on the third 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, 29 September 1994.

For the Commission
Christiane SCRIVENER
Member of the Commission

COMMISSION REGULATION (EC) No 2379/94

of 29 September 1994

re-establishing the levying of customs duties on certain industrial products originating in Indonesia, to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3831/90 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3831/90 of 20 December 1990 applying generalized tariff preferences for 1991 in respect of certain industrial products originating in developing countries ⁽¹⁾, extended for 1994 by Regulation (EC) No 3668/93 ⁽²⁾, and in particular Article 9 thereof,

Whereas, pursuant to Articles 1 and 6 of Regulation (EEC) No 3831/90, suspension of customs duties shall be accorded from 1 July to 31 December 1994 to each of the countries or territories listed in Annex III other than those listed in column 4 of Annex I, within the framework of the preferential tariff ceilings fixed in column 6 of Annex I;

Whereas, as provided for in Article 7 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of the products of the order Nos and origins indicated in the table below, the individual ceiling is fixed at the levels indicated in that table; whereas that ceiling was reached on the date indicated below, by charges of imports into the Community of the products in question:

Order No	Origin	Ceiling (ECU)	Date
10.0210	Indonesia	193 000	30. 8. 1994

Whereas, it is appropriate to re-establish the levying of customs duties for the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 4 October 1994, the levying of customs duties, suspended from 1 July to 31 December 1994, pursuant to Regulation (EEC) No 3831/90, shall be re-established on imports into the Community of the products indicated in the table below:

Order No	CN code	Description	Origin
10.0210	2918 14 00	Citric acid	Indonesia

⁽¹⁾ OJ No L 370, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 338, 31. 12. 1993, p. 22.

Article 2

This Regulation shall enter into force on the third 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, 29 September 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

COMMISSION REGULATION (EC) No 2380/94
of 30 September 1994

re-establishing the levying of customs duties on products falling within CN code 3102 80 00, originating in Poland, to which the tariff ceilings set out in Council Regulation (EEC) No 3918/92 apply

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

Having regard to Council Regulation (EEC) No 3918/92 of 28 December 1992 opening and providing for the administration of Community tariff quotas and ceilings for certain agricultural and industrial products and establishing a reduced variable component for certain processed agricultural products originating in Hungary, Poland and the territory of the former Czech and Slovak Federal Republic (CSFR) (1993)⁽¹⁾, as last amended by Regulation (EC) No 342/94⁽²⁾, and in particular Article 6 thereof,

Whereas, pursuant to Article 1 of Regulation (EEC) No 3918/92, Hungary, Poland and the territory of the former Czech and Slovak Federal Republic (CSFR) shall benefit from preferential tariff arrangements, in particular the preferential tariff ceilings laid down in column 6 of Annex I to that Regulation; whereas, pursuant to Article 6, as soon as the ceilings have been reached, the Commission may adopt a regulation re-establishing the customs duties applicable to the third countries in question until the end of the calendar year;

Whereas that ceiling was reached by charges of imports of the products listed in the Annex, originating in Poland, to which the tariff preferences apply;

Whereas, it is appropriate to re-establish the levying of customs duties for the products in question with regard to Poland,

HAS ADOPTED THIS REGULATION:

Article 1

As from 4 October the levying of customs duties, suspended for 1994 pursuant to Regulation (EEC) No 3918/92, shall be re-established on imports into the Community of the products listed in the Annex, originating in Poland.

Article 2

This Regulation shall enter into force on the third 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, 30 September 1994.

For the Commission
Christiane SCRIVENER
Member of the Commission

⁽¹⁾ OJ No L 396, 31. 12. 1992, p. 12.

⁽²⁾ OJ No L 44, 17. 2. 1994, p. 1.

ANNEX

Order No	CN code	Description	Origin
21.0103	3102 80 00	– Mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution	Poland

COMMISSION REGULATION (EC) No 2381/94

of 30 September 1994

amending Annex II to Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

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

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1468/94 ⁽²⁾, and in particular Article 13 thereof,

Whereas some Member States have requested that certain fertilizers not listed in Annex II to Regulation (EEC) No 2092/91 be included in it in view of the fact that they are currently being used in organic farming in line with the organic farming codes of practice traditionally applied in certain Community countries; whereas examination of these requests has revealed that the requirements referred to in Article 7 (1) (b) are met;

Whereas it is also necessary to specify the description of certain fertilizers included in Annex II to Regulation (EEC) No 2092/91 in order to guarantee the nature and origin of those products;

Whereas it has been found necessary to define more accurately the conditions for the use of certain fertilizers and the requirements relative to their composition in order to guarantee that the requirements governing inclusion in Annex II to Regulation (EEC) No 2092/91, as referred to in Article 7 (1) (b), are met in full;

Whereas a period should be allowed for the disposal of stocks of products which are deleted from Annex II, part A, to Regulation (EEC) No 2092/91;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee set up pursuant to Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II, part A to Regulation (EEC) No 2092/91 is hereby replaced by the Annex to this Regulation.

Article 2

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

The products deleted from Annex II, part A, to Regulation (EEC) No 2092/91 such as it was in force before the date of entry into force of the present Regulation may continue to be used under the previously applicable conditions until existing stocks are exhausted but no later than 1 July 1995.

Products set out in Annex II, part A, to Regulation (EEC) No 2092/91 under more restrictive conditions than those before the date of entry into force of this Regulation, may continue to be used under the previously applicable conditions until existing stocks are exhausted but no later than 1 July 1995.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 198, 22. 7. 1991, p. 1.

⁽²⁾ OJ No L 159, 28. 6. 1994, p. 11.

ANNEX

ANNEX II

Part A

Products authorized exceptionally for use in soil conditioning and fertilization, in accordance with the dispositions of Annex I (2)

Name	Description, compositional requirements, conditions for use
Compound products or products containing only materials listed hereunder:	
— Farmyard manure	Product comprising a mixture of animal excrements and vegetable matter (animal bedding) Need recognized by the inspection body or inspection authority Indication of animal species Coming from extensive husbandry and only in the sense of Article 6 (4) of Council Regulation (EEC) No 2328/91 ⁽¹⁾ , as last amended by Regulation (EC) No 3669/93 ⁽²⁾
— Dried farmyard manure and dehydrated poultry manure	Need recognized by the inspection body or inspection authority Indication of animal species Coming from extensive husbandry and only in the sense of Article 6 (4) of Regulation (EEC) No 2328/91
— Composted animal excrements, including poultry manure and composted farmyard manure included	Need recognized by the inspection body or inspection authority Indication of the animal species Factory farming origin forbidden
— Liquid animal excrements (slurry, urine, etc.)	Use after controlled fermentation and/or appropriate dilution Need recognized by the inspection body or inspection authority Indication of animal species Factory farming origin forbidden
— Peat	Use limited to horticulture (market gardening, floriculture, arboriculture, nursery)
— Mushroom culture wastes	The initial composition of the substrate must be limited to products of the present list
— Dejecta of worms (vermicompost) and insects	

Name	Description, compositional requirements, conditions for use
— Guano	Need recognized by the inspection body or inspection authority
— Composted mixture of vegetable matter	Need recognized by the inspection body or inspection authority
— Products or by-products of animal origin as below :	Need recognized by the inspection body or inspection authority
— blood meal	
— hoof meal	
— horn meal	
— bone meal or degelatinized bone meal	
— animal charcoal	
— fish meal	
— meat meal	
— feather, hair and "chiquette" meal	
— wool	
— fur	
— hair	
— dairy products	
— Products and by-products of plant origin for fertilizers	
(for instance, oilseed cake meal, cocoa husks, malt culms, etc.)	
— Seaweeds and seaweed products	<p>Only as far as obtained by :</p> <p>(i) physical processes including dehydration, freezing and grinding ;</p> <p>(ii) extraction with water or aqueous acid and/or alkaline solution</p> <p>(iii) fermentation</p>
— Sawdust and wood chips	Wood not chemically treated after felling
— Composted bark	Wood not chemically treated after felling
— Wood ash	From wood not chemically treated after felling
— Soft ground rock phosphate	<p>Product as specified by Council Directive 76/116/EEC⁽³⁾, as last amended by Directive 89/284/EEC⁽⁴⁾</p> <p>Cadmium content less than or equal to 90 mg/kg of P2O5</p>
— Aluminium calcium phosphate	<p>Product as specified by Directive 76/116/EEC, as last amended by Directive 89/248/EEC ;</p> <p>Cadmium content less than or equal to 90 mg/kg of P2O5</p> <p>Use limited to basic soils (pH > 7,5)</p>
— Basic slag	Need recognized by the inspection body or inspection authority
— Crude potassium salt (for instance : kainit, sylvinit, etc.)	Need recognized by the inspection body or inspection authority
— Potassium sulphate containing magnesium salt	<p>Need recognized by the inspection body or inspection authority</p> <p>Derived from crude potassium salt</p>
— Stillage and stillage extract	Ammonium stillage excluded

Name	Description, compositional requirements, conditions for use
— Calcium carbonate of natural origin (for instance : chalk, marl, ground limestone, Breton ameliorant, (maërl), phosphate chalk)	
— Magnesium and calcium carbonate of natural origin (for instance : magnesian chalk, ground magnesium limestone, etc.)	Only of natural origin Need recognized by the inspection body or inspection authority
— Magnesium sulfate (for instance : kieserite)	
— Calcium chloride solution	Foliar treatment of apple trees, after identification of deficit of calcium Need recognized by the inspection body or inspection authority
— Calcium sulphate (gypsum)	Product as specified by Directive 76/116/EEC, as amended by Directive 89/284/EEC Only of natural origin
— Elemental sulphur	Product as specified by Directive 76/446/EEC, as amended by Directive 89/284/EEC Need recognized by the inspection body or inspection authority
— Trace elements	Trace elements included in Directive 89/530/EEC ⁽⁵⁾ Need recognized by the inspection body or inspection authority
— Sodium chloride	Only mined salt Need recognized by the inspection body or inspection authority
— Stone meal	

(¹) OJ No L 218, 6. 8. 1991, p. 1.

(²) OJ No L 338, 31. 12. 1993, p. 26.

(³) OJ No L 24, 30. 1. 1976, p. 21.

(⁴) OJ No L 111, 22. 4. 1989, p. 34.

(⁵) OJ No L 281, 30. 9. 1989, p. 116.

COMMISSION REGULATION (EC) No 2382/94
of 30 September 1994

adopting derogatory arrangements in the beef and veal sector as a result of the outbreak of foot-and-mouth disease in Greece

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 ⁽¹⁾, as last amended by Regulation (EC) No 1884/94 ⁽²⁾, and in particular Article 23 thereof,

Whereas the second indent, of Article 6 (4) of Commission Regulation (EC) No 3409/93 of 13 December 1993 introducing management measures for imports of certain bovine animals for 1994 ⁽³⁾, as amended by Regulation (EC) No 457/94 ⁽⁴⁾, provides for the issue of a certain number of import licences between 18 April and 30 June 1994; whereas the import licences in respect for young male bovine animals which may be imported for the third quarter of 1994 pursuant to Commission Regulation (EC) No 1373/94 ⁽⁵⁾, are issued on the 30th day of those quarters in accordance with Article 15 (5) (a) of Commission Regulation (EEC) No 2377/80 ⁽⁶⁾, as last amended by Regulation (EC) No 1084/94 ⁽⁷⁾;

Whereas the term of validity of the licences referred to above is limited to 90 days; whereas in the light of the situation as regards imports resulting from the outbreak of foot-and-mouth disease in Greece, the term of validity of the said licences should be suitably extended;

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

Done at Brussels, 30 September 1994.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The term of validity of the licences issued in Greece for the third quarter of 1994 in accordance with the second indent of Article 6 (4) of Regulation (EC) No 3409/93 and Article 15 (5) (a) of Regulation (EC) No 3409/93 and Article 15 (5) (a) of Regulation (EEC) No 2377/80, shall be extended until 31 December 1994 at the request of the operator in question.
2. The request referred to in paragraph 1 must be accompanied by the original of the licence concerned.

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 with effect from 16 July 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 27.

⁽³⁾ OJ No L 310, 14. 12. 1993, p. 22.

⁽⁴⁾ OJ No L 57, 1. 3. 1994, p. 51.

⁽⁵⁾ OJ No L 151, 17. 6. 1994, p. 8.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 120, 11. 5. 1994, p. 30.

COMMISSION REGULATION (EC) No 2383/94

of 30 September 1994

amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products ⁽¹⁾, a last amended by Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1696/92 ⁽³⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁴⁾, lays down in particular the detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira ;

Whereas Commission Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance ⁽⁵⁾, as last amended by Regulation (EC) No 1599/94 ⁽⁶⁾, establishes the forecast supply balance for milk products for Madeira for the period 1 July to 30 September 1994 ; whereas the period covered by the supply balance has been limited to three months pending additional information to be provided by the Member State ;

Whereas the forecast supply balance for the period 1 July 1994 to 30 June 1995 should be drawn up on the basis of the information available and in order to satisfy milk product requirements in Madeira ; whereas Annex I to Regulation (EEC) No 2219/92 should be amended accordingly ;

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

Annex I to Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on the third 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, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.
⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.
⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.
⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.
⁽⁵⁾ OJ No L 218, 1. 8. 1992, p. 75.
⁽⁶⁾ OJ No L 167, 1. 7. 1994, p. 59.

*ANNEX**ANNEX I***Forecast supply balance for Madeira relating to milk products for the period 1 July 1994 to 30 June 1995**

(tonnes)

CN code	Description	Quantity
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	12 000
ex 0402	Skimmed-milk powder	800
ex 0402	Whole-milk powder	700
0405	Butter	1 200
0406	Cheese	900'

COMMISSION REGULATION (EC) No 2384/94
of 30 September 1994

amending Regulation (EEC) No 2164/92 laying down detailed rules for the application of the specific supply arrangements for the Canary Islands relating to milk products and establishing the forecast supply balance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EEC) No 1695/92 ⁽³⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁴⁾, lays down in particular the detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to the Canary Islands;

Whereas Commission Regulation (EEC) No 2164/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for the Canary Islands relating to milk products and establishing the forecast supply balance ⁽⁵⁾, as last amended by Regulation (EC) No 1598/94 ⁽⁶⁾, establishes the forecast supply balance for milk products for the Canary Islands up to 30 September 1994;

Whereas, pending the conclusions to be drawn from the examination of the additional information provided by

the competent authorities and in order to endorse the continuity of the specific supply arrangements, the balance provided for in Article 2 of Regulation (EEC) No 1601/92 should be established for a period limited to two months, on the basis of the quantities determined for the 1993/94 marketing year;

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

Annex I to Regulation (EEC) No 2164/92 is hereby replaced by the Annex hereto.

Article 2

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

It shall apply from 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁵⁾ OJ No L 217, 31. 7. 1992, p. 17.

⁽⁶⁾ OJ No L 167, 1. 7. 1994, p. 48.

ANNEX

ANNEX I

Supply balance for the Canary Islands relating to milk products for the period 1 October 1994 to 30 November 1994

		<i>(tonnes)</i>
CN code	Description	Amount
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter	14 166,6
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter	3 666,6
0405	Butter	583,3
0406	} Cheese	} 2 166,6
0406 30		
0406 90 23		
0406 90 25		
0406 90 27		
0406 90 76		
0406 90 78		
0406 90 79		
0406 90 81		
0406 90 86		
0406 90 87		
0406 90 88		
1901 90 90	Milk-based preparations containing no fat	1 166,6
2106 90 91	Milk-based preparations for infants, containing no milk fats, etc.	133,3'

COMMISSION REGULATION (EC) No 2385/94**of 30 September 1994****on the term of validity of licences issued in connection with the specific arrangements for the supply of certain agricultural products to the Canary Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93⁽²⁾, and in particular Articles 3 (4), 4 (4) and 5 (2) thereof,

Whereas Commission Regulation (EEC) No 1695/92⁽³⁾, as last amended by Regulation (EEC) No 2596/93⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to the Canary Islands;

Whereas, after two years of application, the detailed rules for the abovementioned arrangements must be adapted; whereas, pending the entry into force of the new provisions, in order to limit the drawbacks which may arise as a result of the parallel existence of licences issued under two different systems, by way of derogation from the special provisions adopted for the various product groups concerned, the term of validity of licences issued as from the entry into force of this Regulation should be limited;

whereas a term of validity of around two months is in line with the trade requirements concerned; whereas, to achieve its objective, this measure must enter into force on the day of its publication;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the relevant management committees,

HAS ADOPTED THIS REGULATION:

Article 1

The term of validity of import licences, aid and exemption certificates issued in respect of applications submitted from the entry into force of this Regulation under the specific arrangements for the supply of certain agricultural products to the Canary Islands provided for in Articles 2 to 5 of Regulation (EEC) No 1601/92 shall expire on 7 December 1994.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.

COMMISSION REGULATION (EC) No 2386/94
of 30 September 1994

**establishing the forecast supply balance for pigmeat for the Azores and Madeira
for the 1994/95 marketing year and amending Regulation (EEC) No 1725/92**

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1725/92 ⁽³⁾, as last amended by Regulation (EC) No 1589/94 ⁽⁴⁾, fixes for the period 1 July to 30 September 1994 the exemption from the levy on direct imports on products from third countries or for aid for consignments originating in the rest of the Community and the quantities of pure-bred breeding animals originating in the Community which qualify for aid for the development of the production potential of the Azores and Madeira; whereas the period covered by the supply balance has been limited to three months and to 500 tonnes pending additional information to be provided by the Member State;

Whereas, on the basis of that information and in order to continue satisfying demand for pigmeat requirements, the forecast supply balance should be established for the period 1 July 1994 to 30 June 1995 at 2 000 tonnes in total;

Whereas the fact that the Community aid is fixed in the light of the present situation on the market for the products in question and in particular of the prices for such products in the European part of the Community and on the world market results in the aid for the supply of pigmeat to the Azores and Madeira being fixed at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II and III to Regulation (EEC) No 1725/92 are hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 95.

⁽⁴⁾ OJ No L 167, 1. 7. 1994, p. 14.

ANNEX

ANNEX I

Forecast supply balance for Madeira regarding products from the pigmeat sector for the period from 1 July 1994 to 30 June 1995

CN code	Description of goods	Quantity (tonnes)
ex 0203	Meat of domestic swine, fresh, chilled, or frozen	2 000

ANNEX II

Amounts of aid granted for products referred to in Annex I and coming from the Community market

Product code	Amount of aid (ECU/100 kg net weight)
0203 11 10 000	18
0203 12 11 100	18
0203 12 19 100	18
0203 19 11 100	18
0203 19 13 100	18
0203 19 15 100	12
0203 19 55 120	10
0203 19 55 190	10
0203 19 55 311	7
0203 19 55 391	7
<hr/>	
0203 21 10 000	18
0203 22 11 100	18
0203 22 19 100	18
0203 29 11 100	18
0203 29 13 100	18
0203 29 15 100	12
0203 29 55 120	10
0203 29 55 190	10
0203 29 55 311	7
0203 29 55 391	7

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

ANNEX III

PART 1

Supply in the Azores of pure-bred breeding pigs originating in the Community for the period
1 July 1994 to 30 June 1995

CN code	Description of the goods	Number of animals to supply	Aid (ECU/head)
0103 10 00	Pure-bred breeding pigs ⁽¹⁾ :		
	— male animals	100	400
	— female animals	400	350

⁽¹⁾ Inclusion in this sub-position is subject to the conditions provided for by the Community provisions which regulate the matter.

PART 2

Supply in Madeira of pure-bred breeding pigs originating in the Community for the period
1 July 1994 to 30 June 1995

CN code	Description of the goods	Number of animals to supply	Aid (ECU/head)
0103 10 00	Pure-bred breeding pigs ⁽¹⁾ :		
	— male animals	120	400
	— female animals	1 600	350

⁽¹⁾ Inclusion in this sub-position is subject to the conditions provided for by the Community provisions which regulate the matter.

COMMISSION REGULATION (EC) No 2387/94
of 30 September 1994

establishing the supply balance for the Canary Islands in products of the pigmeat sector for the period 1 October to 30 November 1994 and amending Regulation (EEC) No 1724/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures for the Canary Islands concerning certain agricultural products ⁽¹⁾, as amended by Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Articles 3 (4) and 4 (4) thereof,

Whereas Commission Regulation (EEC) No 1724/92 of 30 June 1992 laying down detailed implementing rules for the specific measures for supplying the Canary Islands with products from the pigmeat sector ⁽³⁾, as last amended by Regulation (EC) No 1587/94 ⁽⁴⁾, fixes for the period 1 July to 30 September 1994, on the one hand, the quantities of products from the pigmeat sector of the forecast supply balance which benefit from an exemption in respect of the levy on direct imports from third countries or from Community aid, and on the other hand, the quantities of pure-bred breeding animals originating in the Community which benefit from an aid with a view to developing the potential for production in the archipelago of the Canaries;

Whereas, pending the conclusions to be reached in examining complementary information supplied by the competent authorities, and in order to ensure continuity

of the specific supply arrangements, the quantities of pure-bred breeding animals in receipt of the aid should be established, for a new period limited to two months, on the basis of the quantities determined for the 1993/94 marketing year;

Whereas the amounts supplying for the Canary Islands with pigmeat products, as set out in the aforementioned Annex, are determined on the basis of the criteria for fixing Community aid in the present market situation of the sector in question and, in particular, in the light of the price of such products on the European territory of the Community and on the world market;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II and III to Regulation (EEC) No 1724/92 are replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 90.

⁽⁴⁾ OJ No L 167, 1. 7. 1994, p. 6.

ANNEX

ANNEX I

Forecast supply balance for the Canary Islands regarding products from the pigmeat sector for the period from 1 October 1994 to 30 November 1994

CN code	Description of goods	Quantity (tonnes)
ex 0203	Meat of domestic swine, fresh or chilled	—
ex 0203	Meat of domestic swine, frozen	3 168
1601 00	Sausages and similar products, of meat, meat offal or blood ; food preparations based on these products	2 000
1602 20 90	Prepared or preserved livers of all animals other than geese or ducks	100
	Other preparations or conserves containing meat or meat offal of domestic swine :	
1602 41 10	Hams and cuts thereof	667
1602 42 10	Shoulders and cuts thereof	434
1602 49	Others, including mixtures	584

ANNEX II

Amounts of aid granted for products referred to in Annex I and coming from the Community market

(ECU/100 kg net weight)

Product code	Amount of aid
0203 11 10 000	18
0203 12 11 100	18
0203 12 19 100	18
0203 19 11 100	18
0203 19 13 100	18
0203 19 15 100	12
0203 19 55 120	10
0203 19 55 190	10
0203 19 55 311	7
0203 19 55 391	7
<hr/>	
0203 21 10 000	18
0203 22 11 100	18
0203 22 19 100	18
0203 29 11 100	18
0203 29 13 100	18
0203 29 15 100	12
0203 29 55 120	10
0203 29 55 190	10
0203 29 55 311	7
0203 29 55 391	7
<hr/>	
1601 00 10 100	13
1601 00 91 100	25
1601 00 99 100	15
<hr/>	
1602 20 90 100	13
<hr/>	
1602 41 10 100	13
1602 41 10 210	35
1602 41 10 290	11
1602 42 10 100	13
1602 42 10 210	25
1602 42 10 290	11
1602 49 11 110	13
1602 49 11 190	25
1602 49 13 110	13
1602 49 13 190	20
1602 49 15 110	13
1602 49 15 190	20
1602 49 19 110	8
1602 49 19 190	17
1602 49 30 100	13
1602 49 50 100	7

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

ANNEX III

Supply in the Canary Islands of pure-bred breeding pigs originating in the Community for the period 1 October to 30 November 1994

CN code	Description of the goods	Number of animals to supply	Aid (ECU/head)
0103 10 00	Pure-bred breeding pigs ⁽¹⁾		
	— male animals	27	400
	— female animals	367	350

⁽¹⁾ Inclusion in this sub-position is subject to the conditions provided for by the Community provisions which regulate the matter.

COMMISSION REGULATION (EC) No 2388/94**of 30 September 1994****altering the corrective amount applicable to the refund on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1869/94 ⁽²⁾, and in particular the second subparagraph of Article 17 (4) thereof,Whereas the corrective amount applicable to the refund on rice and broken rice was fixed by Commission Regulation (EC) No 2125/94 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2125/94 to the informa-

tion known to the Commission that the corrective amount at present in force should be altered to the amount set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 17 (4) of Regulation (EEC) No 1418/76 which is applicable to the export refunds fixed in advance in respect of rice and broken rice, as fixed in the Annex to Regulation (EC) No 2125/94 is hereby altered to the amount set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽²⁾ OJ No L 197, 30. 7. 1994, p. 7.⁽³⁾ OJ No L 224, 30. 8. 1994, p. 20.

ANNEX

to the Commission Regulation of 30 September 1994 altering the corrective amount applicable to the refund on rice and broken rice

(ECU/tonne)

Product code	Destination (!)	Current	1st period	2nd period	3rd period
1006 20 11 000	01	0	0	0	0
	05	0	0	0	0
1006 20 13 000	01	0	0	0	0
	05	0	0	0	0
1006 20 15 000	01	0	0	0	0
	05	0	0	0	0
1006 20 17 000	—	—	—	—	—
1006 20 92 000	01	0	0	0	0
	05	0	0	0	0
1006 20 94 000	01	0	0	0	0
	05	0	0	0	0
1006 20 96 000	01	0	0	0	0
	05	0	0	0	0
1006 20 98 000	—	—	—	—	—
1006 30 21 000	01	0	0	0	0
	05	0	0	0	0
1006 30 23 000	01	0	0	0	0
	05	0	0	0	0
1006 30 25 000	01	0	0	0	0
	05	0	0	0	0
1006 30 27 000	—	—	—	—	—
1006 30 42 000	01	0	0	0	0
	05	0	0	0	0
1006 30 44 000	01	0	0	0	0
	05	0	0	0	0
1006 30 46 000	01	0	0	0	0
	05	0	0	0	0
1006 30 48 000	—	—	—	—	—
1006 30 61 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 61 900	01	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 63 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 63 900	01	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 65 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 65 900	01	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 67 100	—	—	—	—	—
1006 30 67 900	—	—	—	—	—

(ECU/tonne)

Product code	Destination (1)	Current	1st period	2nd period	3rd period
1006 30 92 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 92 900	01	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 94 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 94 900	01	0	0	0	0
	05	0	0	0	0
	04	0	0	0	0
1006 30 96 100	01	0	0	0	0
	02	0	0	0	0
	03	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 96 900	01	0	0	0	0
	04	0	0	0	0
	05	0	0	0	0
1006 30 98 100	—	—	—	—	—
1006 30 98 900	—	—	—	—	—
1006 40 00 000	—	—	—	—	—

(1) The destinations are identified as follows :

01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,

02 Zones I, II, III, VI, Ceuta and Melilla,

03 Zones IV, V, VII (c), Canada and zone VIII, except Surinam, Guyana and Madagascar,

04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87,

05 Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89 in respect of a quantity of 4 000 tonnes of white rice destined for Austria.

(2) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

NB: The zones are those defined in the Annex to Commission Regulation (EEC) No 2145/92.

COMMISSION REGULATION (EC) No 2389/94
of 30 September 1994

amending Regulation (EC) No 1431/94 laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues ⁽¹⁾, and in particular Article 7 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of October 1975 on the common organization of the market in poultrymeat ⁽²⁾, as last amended by Commission Regulation (EEC) No 1574/93 ⁽³⁾, and in particular Article 15 thereof,

Whereas Commission Regulation (EC) No 1431/94 ⁽⁴⁾ lays down the detailed rules for applying in the poultrymeat sector the import system provided for by Regulation (EC) No 774/94;

Whereas, with a view to preventing speculation, the conditions for gaining access to the system must be adjusted;

Whereas, on the basis of the experience gained, the period in which licence certificates are to be lodged must be brought forward by one month so that quotas can be used from the start of each period rather than from the end of first month of each period, as is currently the case;

Whereas the origin of the products imported pursuant to Regulation (EC) No 1431/94 must be known;

Whereas these provisions must be introduced as quickly as possible, although certain measures may not be applied immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1431/94 is hereby amended as follows:

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

'(a) Applicants for import licences must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have imported or exported not less than 25 tonnes (product weight) of products falling within CN code 0207, 1602 31 or 1602 39 in the two calendar years preceding the year in which the licence application is lodged. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this system.'

2. the first subparagraph of Article 4(1) is replaced by the following:

'1. Licence applications may be lodged only during the first 10 days of the month preceding each period specified in Article 2.'

3. Annex III to Regulation (EC) No 1431/94 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 1994.

However, Article 1(2) shall apply from 1 March 1995.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 91, 8. 4. 1994, p. 1.

⁽²⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽³⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽⁴⁾ OJ No L 156, 23. 6. 1994, p. 9.

ANNEX

ANNEX III

Application of Regulation (EC) No 1431/94

COMMISSION OF THE EUROPEAN COMMUNITIES

GD VI/D/3 — Poultry sector

Application for licences to import at 0 % levy	Date	Period
Member State :		

(tonnes)

Group number	CN code	Applicant (name and address)	Origin	Quantity
Total in tonnes for each group number'				

COMMISSION REGULATION (EC) No 2390/94

of 30 September 1994

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses 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⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, 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⁽³⁾ opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

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;

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 239, 24. 9. 1993, p. 1.

Whereas Commission Regulation (EC) No 1168/94⁽⁴⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁵⁾, as last amended by Regulation (EEC) No 2917/93⁽⁶⁾, 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⁽⁷⁾, as amended by Regulation (EC) No 3528/93⁽⁸⁾, 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⁽⁹⁾, as amended by Regulation (EC) No 547/94⁽¹⁰⁾;

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 small-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) 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 1 October 1994.

⁽⁴⁾ OJ No L 130, 25. 5. 1994, p. 21.

⁽⁵⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁶⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ 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, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

COMMISSION REGULATION (EC) No 2391/94**of 30 September 1994****fixing the premiums to be added to the import levies on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1869/94 ⁽²⁾, and in particular Article 13 (6) thereof,Whereas the premiums to be added to the levies on rice and broken rice were fixed by Commission Regulation (EC) No 2148/94 ⁽³⁾;

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,

Article 1

The premiums to be added to the import levies fixed in advance in respect of rice and broken rice originating in third countries shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.⁽²⁾ OJ No L 197, 30. 7. 1994, p. 7.⁽³⁾ OJ No L 228, 1. 9. 1994, p. 26.

ANNEX

to the Commission Regulation of 30 September 1994 fixing the premiums to be added to the import levies on rice and broken rice

(ECU/tonne)

CN code	Current	1st period	2nd period	3rd period
1006 10 21	0	0	0	—
1006 10 23	0	0	0	—
1006 10 25	0	0	0	—
1006 10 27	0	0	0	—
1006 10 92	0	0	0	—
1006 10 94	0	0	0	—
1006 10 96	0	0	0	—
1006 10 98	0	0	0	—
1006 20 11	0	0	0	—
1006 20 13	0	0	0	—
1006 20 15	0	0	0	—
1006 20 17	0	0	0	—
1006 20 92	0	0	0	—
1006 20 94	0	0	0	—
1006 20 96	0	0	0	—
1006 20 98	0	0	0	—
1006 30 21	0	0	0	—
1006 30 23	0	0	0	—
1006 30 25	0	0	0	—
1006 30 27	0	0	0	—
1006 30 42	0	0	0	—
1006 30 44	0	0	0	—
1006 30 46	0	0	0	—
1006 30 48	0	0	0	—
1006 30 61	0	0	0	—
1006 30 63	0	0	0	—
1006 30 65	0	0	0	—
1006 30 67	0	0	0	—
1006 30 92	0	0	0	—
1006 30 94	0	0	0	—
1006 30 96	0	0	0	—
1006 30 98	0	0	0	—
1006 40 00	0	0	0	0

COMMISSION REGULATION (EC) No 2392/94
of 30 September 1994
fixing the import levies on compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, and in particular Article 11 (3) thereof,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 11 (1) (A) of Regulation (EEC) No 1766/92; whereas Article 4 of Commission Regulation (EEC) No 1619/93 of 25 June 1993 on the arrangements applicable to cereal-based compound feedingstuffs⁽³⁾ provides that the incidence on the prime costs of those feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the sum of the amounts equal to the average levies applicable during the first 25 days of the month preceding the month of importation to the quantities of basic products, maize and milk powder, considered to have been used in the manufacture of such compound feedingstuffs, the averages being adjusted on the basis of the threshold price for the basic products in question applicable during the month of importation;

Whereas the fixed component is laid down in Article 6 of Regulation (EEC) No 1619/93;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to 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⁽⁴⁾, as last amended by Regulation (EC) No 235/94⁽⁵⁾;

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⁽⁶⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas, in addition, account must be taken of Council Decision 93/239/EEC of 15 March 1993 concerning the conclusion of the Agreements in the form of exchanges of letters between the European Economic Community, of the one part, and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway and the Kingdom of Sweden, of the other part, on the provisional application of the Agreements on certain arrangements in the field of agriculture, signed by the said parties in Oporto on 2 May 1992⁽⁷⁾; whereas Commission Regulation (EEC) No 1267/93⁽⁸⁾, lays down detailed rules for the application of the import arrangements for these products originating in Sweden;

Whereas equally account must be taken of Council Regulation (EC) No 3641/93 of 20 December 1993, 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 Bulgaria, of the other part⁽⁹⁾; whereas Commission Regulation (EC) No 1550/94⁽¹⁰⁾ for the importation of products falling within CN codes 2309 90 31 and 2309 90 41 originating in Bulgaria;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹¹⁾, as amended by Regulation (EC) No 3528/93⁽¹²⁾, 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⁽¹³⁾, as amended by Regulation (EC) No 547/94⁽¹⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 1619/93 and subject to Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 1994.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.
⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.
⁽³⁾ OJ No L 155, 26. 6. 1993, p. 24.
⁽⁴⁾ OJ No L 84, 30. 3. 1990, p. 85.
⁽⁵⁾ OJ No L 30, 3. 2. 1994, p. 12.
⁽⁶⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁷⁾ OJ No L 109, 1. 5. 1993, p. 1.
⁽⁸⁾ OJ No L 129, 27. 5. 1993, p. 14.
⁽⁹⁾ OJ No L 333, 31. 12. 1993, p. 16.
⁽¹⁰⁾ OJ No L 166, 1. 7. 1994, p. 43.
⁽¹¹⁾ OJ No L 387, 31. 12. 1992, p. 1.
⁽¹²⁾ OJ No L 320, 22. 12. 1993, p. 32.
⁽¹³⁾ OJ No L 108, 1. 5. 1993, p. 106.
⁽¹⁴⁾ 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, 30 September 1994.

For the Commission
René STEICHEN
Member of the Commission

ANNEX

to the Commission Regulation of 30 September 1994 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies ⁽¹⁾	
	ACP	Third countries (other than ACP)
2309 10 11	14,84	25,72 ⁽²⁾
2309 10 13	584,99	595,87 ⁽²⁾
2309 10 31	46,37	57,25 ⁽²⁾
2309 10 33	616,52	627,40 ⁽²⁾
2309 10 51	92,74	103,62 ⁽²⁾
2309 10 53	662,89	673,77 ⁽²⁾
2309 90 31	14,84	25,72 ⁽²⁾
2309 90 33	584,99	595,87
2309 90 41	46,37	57,25 ⁽²⁾
2309 90 43	616,52	627,40
2309 90 51	92,74	103,62
2309 90 53	662,89	673,77

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

⁽²⁾ The levy may be reduced in accordance with the Agreement between the Community and Sweden (OJ No L 109, 1. 5. 1993) and Regulation (EEC) No 1267/93 (OJ No L 129, 27. 5. 1993).

⁽³⁾ The levy may be reduced in accordance with the Agreement between the Community and Bulgaria (OJ No L 333, 31. 12. 1993, p. 16) and Regulation (EC) No 623/94 (OJ No L 78, 22. 3. 1994, p. 7).

COMMISSION REGULATION (EC) No 2393/94
of 30 September 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⁽¹⁾, as last amended by Regulation (EC) No 1866/94⁽²⁾, 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⁽³⁾, as amended by Regulation (EC) No 3528/93⁽⁴⁾,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 1937/94⁽⁵⁾ 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 29 September 1994, as regards floating currencies, should be used to calculate the levies ;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1937/94 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on 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 1 October 1994.

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

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 36.

ANNEX

to the Commission Regulation of 30 September 1994 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	92,47 ⁽²⁾ ⁽³⁾
0712 90 19	92,47 ⁽²⁾ ⁽³⁾
1001 10 00	19,60 ⁽¹⁾ ⁽⁵⁾ ⁽¹¹⁾
1001 90 91	62,05
1001 90 99	62,05 ⁽⁶⁾ ⁽¹¹⁾
1002 00 00	106,39 ⁽⁶⁾
1003 00 10	91,75
1003 00 90	91,75 ⁽⁶⁾
1004 00 00	91,89
1005 10 90	92,47 ⁽²⁾ ⁽³⁾
1005 90 00	92,47 ⁽²⁾ ⁽³⁾
1007 00 90	95,54 ⁽⁴⁾
1008 10 00	32,08 ⁽⁶⁾
1008 20 00	39,63 ⁽⁴⁾ ⁽⁶⁾
1008 30 00	2,91 ⁽⁷⁾
1008 90 10	(7)
1008 90 90	2,91
1101 00 00	124,87 ⁽⁶⁾
1102 10 00	186,95
1103 11 10	65,17
1103 11 90	146,63
1107 10 11	121,33
1107 10 19	93,41
1107 10 91	174,20 ⁽¹⁰⁾
1107 10 99	132,91 ⁽⁶⁾
1107 20 00	153,09 ⁽¹⁰⁾

⁽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.

⁽¹¹⁾ The levy for the products falling within this code in accordance with Regulation (EC) No 774/94 is restricted under the conditions of this Regulation.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 September 1994

on certain protection measures with regard to equidae coming from Australia

(Text with EEA relevance)

(94/655/EC)

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

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽¹⁾, as last amended by Decision 92/438/EEC⁽²⁾, and in particular Article 18 (1) thereof,

Whereas deaths due to an equine disease not yet identified have been declared in Australia;

Whereas the presence of this disease in Australia is susceptible to constitute a serious danger for Community equidae; whereas it is necessary to adopt quickly at Community level the necessary protection measures with regard to horses coming from Australia;

Whereas pending information to be transmitted by the Australian authorities, notably on the origin of the disease, supplementary conditions should be applied for the temporary admission of registered horses, the re-admission of registered horses after temporary export, and the importation of equidae, coming from Australia,

HAS ADOPTED THIS DECISION:

Article 1

1. A supplementary certificate signed by the Australian central competent veterinary authorities shall be required

for the temporary admission of registered horses, the re-admission after temporary export of registered horses, and the import of equidae, coming from Australia.

2. The certificate provided for in paragraph 1 must contain the following guarantees:

- the equidae have not been resident in the State of Queensland (Australia) during the last 30 days,
- the equidae have not been in contact with other equidae which have been resident in the State of Queensland (Australia) during the last 30 days,
- the equidae have not been in direct contact with equidae which have been resident on infected holdings during the last 60 days.

Article 2

Member States shall amend the measures they apply with regard to Australia to bring them into line with this Decision. They shall inform the Commission thereof.

Article 3

This Decision shall apply until 30 November 1994.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 30 September 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽²⁾ OJ No L 243, 25. 8. 1992, p. 27.