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Commission

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 992/95

of 10 April 1995

opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in Norway

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Community has concluded an Agreement in the form of exchanges of letters in particular with Norway and approved by Decision 86/557/EEC⁽¹⁾;

Whereas the above Agreement has been amended or supplemented by the Agreement on the European Economic Area, and by the bilateral Agreement in the form of exchanges of letters with Norway and approved by Decision 93/737/EC⁽²⁾;

Whereas under the above Agreement the Community has undertaken, subject to certain conditions, to open Community tariff quotas each year at a reduced or zero rate of duty for a number of agricultural and fishery products originating in this country; whereas the tariff quotas should accordingly be opened, specifying where necessary any conditions of eligibility laid down; whereas, for reasons of simplification, provision should be made to empower the Commission to give effect, following receipt of the opinion of the Customs Code Committee, to necessary amendments and technical adaptations of this Regulation arising from amendments of the combined nomenclature and Taric codes and to adaptations of volume, period and quota rates arising from decisions by the Council;

Whereas the tariff quotas provided for in the agreements in question relate to an indefinite period and accordingly, for reasons of efficiency and simplifying the implementa-

tion of the measures concerned, it appears suitable to provide that the application of this Regulation should be placed on a multiannual footing;

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the duty rate laid down for the quotas should be applied consistently to all imports of the product in question into all Member States until the quotas are exhausted, during the whole period of validity of the above Agreements in the form of exchanges of letters;

Whereas the decision for the opening, in the execution of its international obligations, of tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorizing the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December of each year or for the periods shown in Annex I, the customs duties applicable to the products referred to in this Regulation shall be suspended or reduced to the levels indicated for each product, within the limit of the Community tariff quota shown for each product.

2. Imports of products referred to in Annex I under Order Nos 09.0703 and 09.0711 shall not qualify for the tariff quotas unless the free-at-frontier price established by the Member States in accordance with Article 22 of

⁽¹⁾ OJ No L 328, 22. 11. 1986, p. 76.

⁽²⁾ OJ No L 346, 31. 12. 1993, p. 17.

Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products ⁽¹⁾ is at least equal to any reference price which has been fixed by the Community for the products or categories of products in question.

3. The Protocol on the definition of the concept of originating products and on methods of administrative cooperation annexed to the Agreement between the European Economic Community and the Kingdom of Norway ⁽²⁾ shall apply.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take any appropriate administrative measures in order to ensure efficient administration.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the quota volume by means of notification to the Commission, a quantity corresponding to those needs.

The requests for drawing, with the indication of the date of acceptance of the said declarations, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the corresponding quota volume.

If the quantities requested are greater than the available balance of the quota volume, allocation shall be made on a pro rata basis with respect to the requests. Member States shall be informed thereof by the Commission.

Article 4

Each Member State shall guarantee importers of the products in question equal and continuous access to the quotas as long as the balance of the corresponding quota volume allows.

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.
Regulation as last amended by Regulation (EC) No 3318/94 (OJ No L 350, 31. 12. 1994, p. 15).

⁽²⁾ OJ No L 171, 27. 6. 1973, p. 1.
Protocol as amended by Decision No 1/94 of the EC-Norway Joint Committee (OJ No L 204, 6. 8. 1994, p. 90).

Article 5

1. The provisions necessary for the application of this Regulation, in particular:

- (a) the amendments and technical adaptations, in so far as necessary, arising from amendments of the combined nomenclature and Taric codes; and
- (b) the necessary adaptations of volume, periods and quota duties arising from decisions adopted by the Council;

shall be adopted in accordance with the procedure laid down in Article 6 (2).

2. The provisions adopted pursuant to paragraph 1 do not authorize the Commission to:

- carry over preferential quantities from one quota period to another,
- amend the timetables laid down in the Agreements,
- transfer quantities from one quota to another,
- open and administer quotas resulting from new agreements.

Article 6

1. The Commission shall be assisted by the Customs Code Committee set up by Article 247 of Regulation (EEC) No 2913/92 ⁽³⁾.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures, which apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission shall defer application of the measures which it has decided for three months from the date of such communication,
- the Council, acting by qualified majority, may take a different decision within the period referred to in the previous indent.

⁽³⁾ OJ No L 302, 19. 10. 1992, p. 1.
Regulation as amended by Regulation (EEC) No 2454/93 (OJ No L 253, 11. 10. 1993, p. 1).

3. The Committee may examine any question concerning the application of this Regulation which is raised by its chairman either on his own initiative or at the request of a Member State.

Article 7

Member States and the Commission shall cooperate closely in order to ensure that this Regulation is complied with.

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

Done at Luxembourg, 10 April 1995.

Article 8

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

It shall apply from 1 January 1995 for the whole period of validity of the Agreements in the form of exchanges of letters with Norway, approved respectively by Decisions 86/557/EEC and 93/737/EC.

For the Council

The President

A. JUPPÉ

ANNEX I

Order No	CN code (1)	Description	Amount of quotas (tonnes)	Quota duty (%)
09.0701	ex 1504 20 10 ex 1504 30 19 ex 1516 10 90	Oils and fats of marine animals, other than whale oil and sperm oil, in packings of a net capacity of more than 1 kg	1 000	8,5
	0305	Fish, dried, salted, or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption: - Dried fish, whether or not salted but not smoked:		
	0305 51	- - Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>):		
09.0703	ex 0305 51 90	- - - Dried, slated: - Excluding cod of the species <i>Gadus macrocephalus</i>	13 250	0
	0305 59	- - Other:		
	0305 59 19	- - - Fish of the species <i>Boreogadus saida</i> : - - - - Dried, salted: From 1 April to 31 December		
	ex 1604 13 90	Prepared or preserved fish, including caviar and caviar substitutes prepared from fish eggs: - - - Other:	400	5,8
		- - - - Sardinella; brisling or sprats excluding raw fillets merely coated with batter or breadcrumbs, whether or not prefried in oil, deep-frozen		
		- - - - Other:		
	1604 19 92	- - - - - Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>)		
09.0711	ex 1604 19 93	- - - - - Coalfish (<i>Pollachius virens</i>), excluding smoked coalfish		
	1604 19 94	- - - - - Hake (<i>Merluccius</i> spp., <i>Urophycis</i> spp.)		
	1604 19 95	- - - - - Alaska pollack (<i>Theragra chalcogramma</i>) and pollack (<i>Pollachius pollachius</i>)		
	1604 19 98	- - - - - Other		
	ex 1604 20 90	Fish other than herring and smoked saithe: - Other than mackerel - Mackerel (<i>scomber australasicus</i>)		10
09.0751	ex 0704 10 10	Cauliflowers, fresh or chilled, from 1 August to 31 October	2 000	0
09.0753	ex 0704 90 90	Broccoli, fresh or chilled, from 1 July to 31 October	1 000	0
09.0755	ex 0704 90 90	China cabbages, fresh or chilled, from 1 July to end February	3 000	0
09.0757	0809 20 51 0809 20 59 0809 20 61 0809 20 69 ex 0809 20 71 ex 0809 20 79	Cherries, fresh, from 16 July to 31 August	600	0 (2)
09.0759	ex 0809 40 30 ex 0809 40 40 ex 0809 40 90	Plums and sloes, fresh, from 1 September to 15 October	600	0 (2)
09.0761	ex 0810 10 10	Strawberries, fresh, from 15 July to 31 July	750	0
09.0762	ex 0810 10 90	Strawberries, fresh, from 1 August to 15 September	750	0

(1) The Taric codes are given in Annex II.

(2) The specific additional duty shall apply.

ANNEX II

Taric codes

Order No	CN codes	Taric codes
09.0701	ex 1504 20 10	1504 20 10*90
	ex 1504 30 19	1504 30 19*90
	ex 1516 10 90	1516 10 90*11
09.0703	ex 0305 51 90	0305 51 90*10 *20
	ex 1604 13 90	1604 13 90*91 *99
09.0711	ex 1604 19 93	1604 19 93*90
	ex 1604 20 90	1604 20 90*30 *40 *90
09.0751	ex 0704 10 10	0704 10 10*30
09.0753	ex 0704 90 90	0704 90 90*13
09.0755	ex 0704 90 90	0704 90 90*92 *94 *97
09.0757	ex 0809 20 71	0809 20 71*10
	ex 0809 20 79	0809 20 79*11 0809 20 79*19
09.0759	ex 0809 40 30	0809 40 30*51 *52 *53 *54 *55 *56
09.0761	ex 0809 40 40	0809 40 40*20
	ex 0809 40 90	0809 40 90*50
09.0762	ex 0809 10 10	0810 10 10*60 *80
09.0762	ex 0810 10 90	0810 10 90*12 *14

COMMISSION REGULATION (EC) No 993/95

of 2 May 1995

establishing unit values for the determination of the customs value of certain perishable goods

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 3254/94 ⁽³⁾, and in particular Article 173 (1) thereof,

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

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements

communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 5 May 1995.

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

Done at Brussels, 2 May 1995.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 346, 31. 12. 1994, p. 1.

ANNEX

Code	Description CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
1.10	New potatoes 0701 90 51 0701 90 59	a)	42,68	556,00	79,02	310,98	12 891,97	7 026,75
		b)	243,67	280,89	35,01	96 103,78	88,51	8 372,88
		c)	415,07	1 625,93	35,45			
1.30	Onions (other than seed) 0703 10 19	a)	41,85	545,13	77,48	304,90	12 640,00	6 889,41
		b)	238,91	275,40	34,33	94 225,44	86,78	8 209,23
		c)	406,96	1 594,15	34,76			
1.40	Garlic 0703 20 00	a)	141,69	1 845,71	262,33	1 032,34	42 796,39	23 326,11
		b)	808,91	932,44	116,23	319 027,57	293,83	27 794,73
		c)	1 377,87	5 397,45	117,67			
1.50	Leeks ex 0703 90 00	a)	32,32	421,03	59,84	235,49	9 762,47	5 321,02
		b)	184,52	212,70	26,51	72 774,78	67,03	6 340,38
		c)	314,31	1 231,24	26,84			
1.60	Cauliflowers ex 0704 10 10 ex 0704 10 90	a)	129,66	1 689,05	240,07	944,72	39 164,06	21 346,31
		b)	740,25	853,30	106,37	291 950,24	268,89	25 435,66
		c)	1 260,93	4 939,35	107,69			
1.70	Brussels sprouts 0704 20 00	a)	53,71	699,67	99,44	391,34	16 223,21	8 842,44
		b)	306,64	353,47	44,06	120 936,66	111,38	10 536,40
		c)	522,32	2 046,06	44,61			
1.80	White cabbages and red cabbages 0704 90 10	a)	33,43	435,55	61,90	243,61	10 099,08	5 504,49
		b)	190,89	220,04	27,43	75 284,03	69,34	6 558,99
		c)	325,15	1 273,69	27,77			
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>) ex 0704 90 90	a)	79,26	1 032,50	146,75	577,50	23 940,64	13 048,81
		b)	452,51	521,61	65,02	178 466,57	164,37	15 548,59
		c)	770,79	3 019,38	65,83			
1.100	Chinese cabbage ex 0704 90 90	a)	46,97	611,87	86,96	342,23	14 187,38	7 732,81
		b)	268,16	309,11	38,53	105 760,47	97,41	9 214,20
		c)	456,78	1 789,30	39,01			
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 90	a)	156,73	2 041,69	290,19	1 141,96	47 340,61	25 802,93
		b)	894,80	1 031,44	128,58	352 902,67	325,03	30 746,04
		c)	1 524,18	5 970,57	130,17			
1.120	Endives ex 0705 29 00	a)	21,82	284,24	40,40	158,98	6 590,77	3 592,29
		b)	124,57	143,60	17,90	49 131,22	45,25	4 280,47
		c)	212,20	831,22	18,12			
1.130	Carrots ex 0706 10 00	a)	21,77	283,53	40,30	158,58	6 574,25	3 583,29
		b)	124,26	143,24	17,86	49 008,06	45,14	4 269,74
		c)	211,66	829,14	18,08			
1.140	Radishes ex 0706 90 90	a)	39,42	513,46	72,98	287,19	11 905,50	6 489,08
		b)	225,03	259,39	32,33	88 750,08	81,74	7 732,20
		c)	383,31	1 501,51	32,74			
1.160	Peas (<i>Pisum sativum</i>) 0708 10 10 0708 10 90	a)	221,86	2 890,13	410,77	1 616,50	67 013,32	36 525,51
		b)	1 266,64	1 460,07	182,01	499 553,74	460,10	43 522,76
		c)	2 157,56	8 451,68	184,26			

Code	Description CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	6S FF Bfrs/Ltrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
1.170	Beans :							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) 0708 20 10 0708 20 90	a) b) c)	153,85 878,35 1 496,16	2 004,16 1 012,48 5 860,82	284,85 126,21 127,78	1 120,96 346 415,64	46 470,40 319,05	25 328,62 30 180,87
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) 0708 20 10 0708 20 90	a) b) c)	76,31 435,67 742,11	994,08 502,20 2 907,00	141,29 62,60 63,38	556,01 171 824,40	23 049,62 158,25	12 563,16 14 969,90
1.180	Broad beans ex 0708 90 00	a) b) c)	92,83 529,98 902,76	1 209,28 610,92 3 536,32	171,87 76,15 77,10	676,37 209 021,60	28 039,49 192,51	15 282,88 18 210,65
1.190	Globe artichokes 0709 10 10	a) b) c)	115,68 660,44 1 124,97	1 506,94 761,29 4 406,78	214,18 94,90 96,08	842,86 260 472,03	34 941,38 239,90	19 044,75 22 693,18
1.200	Asparagus :							
1.200.1	— green ex 0709 20 00	a) b) c)	451,26 2 576,29 4 388,40	5 878,41 2 969,72 17 190,39	835,50 370,19 374,78	3 287,91 1 016 073,73	136 302,60 935,82	74 291,53 88 523,67
1.200.2	— other ex 0709 20 00	a) b) c)	173,00 987,69 1 682,40	2 253,64 1 138,52 6 590,37	320,31 141,92 143,68	1 260,50 389 537,18	52 255,00 358,77	28 481,51 33 937,76
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	139,21 794,76 1 353,78	1 813,43 916,13 5 303,07	257,74 114,20 115,62	1 014,29 313 448,86	42 048,02 288,69	22 918,21 27 308,69
1.220	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>) ex 0709 40 00	a) b) c)	75,11 428,83 730,46	978,48 494,32 2 861,40	139,07 61,62 62,38	547,28 169 128,94	22 688,03 155,77	12 366,08 14 735,07
1.230	Chantarelles 0709 51 30	a) b) c)	963,14 5 498,73 9 366,42	12 546,63 6 338,44 36 690,43	1 783,25 790,12 799,92	7 017,56 2 168 663,81	290 918,36 1 997,37	158 564,63 188 941,10
1.240	Sweet peppers 0709 60 10	a) b) c)	135,01 770,78 1 312,92	1 758,71 888,48 5 143,03	249,96 110,75 112,13	983,68 303 989,19	40 779,04 279,98	22 226,56 26 484,53
1.250	Fennel 0709 90 50	a) b) c)	73,55 419,91 715,26	958,12 484,03 2 801,86	136,18 60,34 61,09	535,89 165 609,59	22 215,92 152,53	12 108,76 14 428,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) ex 0714 20 10	a) b) c)	47,34 270,29 460,41	616,74 311,57 1 803,54	87,66 38,84 39,32	344,95 106 601,92	14 300,26 98,18	7 794,34 9 287,51
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	83,78 478,31 814,75	1 091,39 551,36 3 191,57	155,12 68,73 69,58	610,43 188 644,07	25 305,92 173,74	13 792,95 16 435,29
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	103,92 593,30 1 010,62	1 353,76 683,91 3 958,83	192,41 85,25 86,31	757,18 233 994,98	31 389,58 215,51	17 108,84 20 386,41
2.40	Avocados, fresh ex 0804 40 10 ex 0804 40 90	a) b) c)	117,56 671,16 1 143,25	1 531,41 773,66 4 478,36	217,66 96,44 97,64	856,55 264 702,45	35 508,87 243,79	19 354,06 23 061,74

Code	Description CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	δS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	122,89 701,59 1 195,08	1 600,84 808,73 4 681,39	227,53 100,81 102,06	895,38 276 703,12	37 118,72 254,85	20 231,50 24 107,28
2.60	Sweet oranges, fresh :							
2.60.1	— Sanguines and semi-sanguines 0805 10 01 0805 10 11 0805 10 21 0805 10 32 0805 10 42 0805 10 51	a) b) c)	48,67 277,88 473,33	634,04 320,31 1 854,14	90,12 39,93 40,42	354,63 109 592,80	14 701,47 100,94	8 013,02 9 548,08
2.60.2	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins 0805 10 05 0805 10 15 0805 10 25 0805 10 34 0805 10 44 0805 10 55	a) b) c)	41,52 237,05 403,78	540,87 273,24 1 581,69	76,87 34,06 34,48	302,52 93 489,15	12 541,23 86,10	6 835,58 8 145,08
2.60.3	— Others 0805 10 09 0805 10 19 0805 10 29 0805 10 36 0805 10 46 0805 10 59	a) b) c)	22,94 130,97 223,09	298,83 150,97 873,89	42,47 18,82 19,05	167,14 51 653,08	6 929,07 47,57	3 776,68 4 500,19
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh :							
2.70.1	— Clementines ex 0805 20 11 ex 0805 20 21 ex 0805 20 31	a) b) c)	110,65 631,72 1 076,06	1 441,42 728,19 4 215,17	204,87 90,77 91,90	806,21 249 146,18	33 422,05 229,47	18 216,64 21 706,43
2.70.2	— Monreales and Satsumas ex 0805 20 13 ex 0805 20 23 ex 0805 20 33	a) b) c)	59,29 338,52 576,62	772,40 390,21 2 258,76	109,78 48,64 49,25	432,02 133 508,58	17 909,69 122,96	9 761,65 11 631,70
2.70.3	— Mandarines and wilkings ex 0805 20 15 ex 0805 20 25 ex 0805 20 35	a) b) c)	51,89 296,25 504,62	675,96 341,49 1 976,73	96,07 42,57 43,10	378,08 116 838,64	15 673,48 107,61	8 542,81 10 179,37
2.70.4	— Tangerines and others ex 0805 20 17 ex 0805 20 19 ex 0805 20 27 ex 0805 20 29 ex 0805 20 37 ex 0805 20 39	a) b) c)	60,61 346,01 589,39	789,51 398,65 2 308,78	112,21 49,72 50,34	441,59 136 465,46	18 306,34 125,69	9 977,85 11 889,32
2.80	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh ex 0805 30 20 ex 0805 30 30 ex 0805 30 40	a) b) c)	37,82 215,91 367,78	492,65 248,88 1 440,68	70,02 31,02 31,41	275,55 85 154,40	11 423,15 78,43	6 226,17 7 418,93
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	144,92 827,35 1 409,28	1 887,78 953,69 5 520,49	268,31 118,88 120,36	1 055,87 326 299,76	43 771,93 300,53	23 857,82 28 428,30

Code	Description CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	ds FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.90	Grapefruit, fresh :							
2.90.1	— white ex 0805 40 10 ex 0805 40 90	a) b) c)	34,26 195,57 333,13	446,24 225,44 1 304,96	63,42 28,10 28,45	249,59 77 132,64	10 347,06 71,04	5 639,65 6 720,05
2.90.2	— pink ex 0805 40 10 ex 0805 40 90	a) b) c)	49,51 282,68 481,52	645,01 325,85 1 886,22	91,68 40,62 41,12	360,77 111 488,69	14 955,80 102,68	8 151,64 9 713,26
2.100	Table grapes 0806 10 21 0806 10 29 0806 10 30 0806 10 61 0806 10 69	a) b) c)	113,24 646,52 1 101,27	1 475,19 745,25 4 313,94	209,67 92,90 94,05	825,10 254 984,06	34 205,18 234,84	18 643,49 22 215,05
2.110	Water melons 0807 10 10	a) b) c)	59,42 339,27 577,90	774,12 391,08 2 263,77	110,03 48,75 49,35	432,98 133 804,90	17 949,44 123,24	9 783,32 11 657,52
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, Cuper, Honey Dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro ex 0807 10 90	a) b) c)	65,46 373,71 636,56	852,70 430,78 2 493,57	121,19 53,70 54,36	476,93 147 387,58	19 771,51 135,75	10 776,43 12 840,89
2.120.2	— other ex 0807 10 90	a) b) c)	102,06 582,70 992,57	1 329,58 671,69 3 888,11	188,97 83,73 84,77	743,66 229 814,78	30 828,82 211,66	16 803,20 20 022,22
2.130	Apples 0808 10 10 0808 10 51 0808 10 53 0808 10 59 0808 10 61 0808 10 63 0808 10 69	a) b) c)	62,66 357,72 609,34	816,23 412,35 2 386,93	116,01 51,40 52,04	456,53 141 084,29	18 925,94 129,94	10 315,56 12 291,73
2.140	Pears							
2.140.1	Pears — Nashi (<i>Pyrus pyrifolia</i>) 0808 20 10 0808 20 31 0808 20 37 0808 20 41	a) b) c)	90,11 514,48 876,35	1 173,90 593,04 3 432,87	166,85 73,93 74,84	656,58 202 906,76	27 219,20 186,88	14 835,79 17 677,90
2.140.2	Other 0808 20 10 0808 20 31 0808 20 37 0808 20 41	a) b) c)	66,54 379,90 647,11	866,83 437,91 2 534,89	123,20 54,59 55,27	484,83 149 829,73	20 099,11 138,00	10 954,99 13 053,66
2.150	Apricots 0809 10 10 0809 10 50	a) b) c)	508,75 2 904,54 4 947,53	6 627,38 3 348,09 19 380,63	941,95 417,36 422,53	3 706,82 1 145 532,02	153 668,96 1 055,05	83 757,04 99 802,51
2.160	Cherries 0809 20 11 0809 20 19 0809 20 21 0809 20 29 0809 20 71 0809 20 79	a) b) c)	87,78 501,15 853,65	1 143,49 577,68 3 343,94	162,52 72,01 72,90	639,58 197 650,71	26 514,12 182,04	14 451,48 17 219,98

Code	Description CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.170	Peaches ex 0809 30 19 ex 0809 30 59	a)	184,69	2 405,98	341,96	1 345,71	55 787,37	30 406,83
		b)	1 054,45	1 215,48	151,52	415 869,44	383,02	36 231,91
		c)	1 796,13	7 035,87	153,40			
2.180	Nectarines ex 0809 30 11 ex 0809 30 51	a)	96,95	1 262,91	179,50	706,37	29 283,10	15 960,71
		b)	553,49	638,01	79,53	218 292,13	201,05	19 018,33
		c)	942,80	3 693,16	80,52			
2.190	Plums 0809 40 10 0809 40 40	a)	155,28	2 022,76	287,50	1 131,37	46 901,73	25 563,72
		b)	886,50	1 021,88	127,38	349 631,01	322,01	30 461,00
		c)	1 510,05	5 915,22	128,96			
2.200	Strawberries 0810 10 10 0810 10 90	a)	348,23	4 536,39	644,76	2 537,28	105 185,02	57 330,94
		b)	1 988,13	2 291,74	285,68	784 106,37	722,17	68 313,92
		c)	3 386,54	13 265,87	289,22			
2.205	Raspberries 0810 20 10	a)	1 141,30	14 867,50	2 113,12	8 315,67	344 732,19	187 895,77
		b)	6 515,88	7 510,92	936,28	2 569 821,36	2 366,84	223 891,26
		c)	11 099,01	43 477,40	947,89			
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a)	194,02	2 527,46	359,23	1 413,65	58 604,13	31 942,09
		b)	1 107,69	1 276,85	159,17	436 867,07	402,36	38 061,29
		c)	1 886,82	7 391,11	161,14			
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 90 10	a)	83,66	1 089,85	154,90	609,57	25 270,37	13 773,58
		b)	477,64	550,58	68,63	188 379,05	173,50	16 412,20
		c)	813,61	3 187,08	69,48			
2.230	Pomegranates ex 0810 90 85	a)	87,74	1 142,97	162,45	639,29	26 502,04	14 444,90
		b)	500,92	577,42	71,98	197 560,65	181,96	17 212,13
		c)	853,26	3 342,42	72,87			
2.240	Khakis (including Sharon fruit) ex 0810 90 85	a)	333,73	4 347,42	617,90	2 431,59	100 803,42	54 942,76
		b)	1 905,31	2 196,28	273,78	751 443,56	692,09	65 468,23
		c)	3 245,47	12 713,26	277,17			
2.250	Lychees ex 0810 90 30	a)	132,24	1 722,66	244,84	963,52	39 943,36	21 771,07
		b)	754,98	870,27	108,48	297 759,52	274,24	25 941,79
		c)	1 286,02	5 037,63	109,83			

COMMISSION REGULATION (EC) No 994/95

of 3 May 1995

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 283/95 ⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 ⁽⁴⁾ thereof,

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

Whereas 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 when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar ⁽⁶⁾, as last amended by Regulation (EC) No 2529/94 ⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

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

Whereas 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 representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁹⁾, as last amended by Regulation (EC) No 150/95 ⁽¹⁰⁾, 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 ⁽¹¹⁾, as last amended by Regulation (EC) No 157/95 ⁽¹²⁾;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 May 1995.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 269, 20. 10. 1994, p. 14.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁰⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹¹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹²⁾ OJ No L 24, 1. 2. 1995, p. 1.

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

Done at Brussels, 3 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 3 May 1995 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	40,47 ⁽¹⁾
1701 11 90 910	39,16 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	40,47 ⁽¹⁾
1701 12 90 910	39,16 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,4399
	— ECU/100 kg —
1701 99 10 100	43,99
1701 99 10 910	43,83
1701 99 10 950	43,83
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,4399

⁽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 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 995/95

of 3 May 1995

amending Regulation (EEC) No 3536/91 setting the latest time of entry into storage for skimmed-milk powder sold under Regulation (EEC) No 3398/91

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 the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 7 (5) thereof,

Whereas Commission Regulation (EEC) No 3536/91 ⁽³⁾, as last amended by Regulation (EC) No 530/95 ⁽⁴⁾, limited the quantity of skimmed-milk powder released for sale to that taken into storage before 1 May 1994;

Whereas, in view of the quantity still available and the market situation, that date should be amended to 1 June 1994;

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

HAS ADOPTED THIS REGULATION :

Article 1

The date of '1 May 1994' referred to in Article 1 of Regulation (EEC) No 3536/91 is hereby replaced by '1 June 1994'.

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, 3 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 335, 6. 12. 1991, p. 8.

⁽⁴⁾ OJ No L 54, 10. 3. 1995, p. 12.

COMMISSION REGULATION (EC) No 996/95

of 3 May 1995

laying down special rules for fixing agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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⁽¹⁾, as last amended by Regulation (EC) No 150/95⁽²⁾, and in particular Articles 1 (b), 3 (2) and 12 thereof,

Whereas the monetary situation required the introduction of confirmation periods pursuant to Article 4 (1) and (5) of Regulation (EEC) No 3813/92 from 24 February 1995 for the Belgian franc and the Luxembourg franc and from 16 March 1995 for the German mark, the Netherlands guilder and the Austrian schilling; whereas these periods last 10 days pursuant to the final subparagraph of Article 2 (3) of Commission Regulation (EEC) No 1068/93 of 30 April 1993, on detailed rules for determining and applying the agricultural conversion rates⁽³⁾, as last amended by Regulation (EC) No 157/95⁽⁴⁾;

Whereas the confirmation period that began on 26 March 1995 ends on 24 April 1995 in accordance with Article 1 of Commission Regulation (EC) No 758/95 of 3 April 1995 laying down special rules for fixing agricultural conversion rates⁽⁵⁾;

Whereas the turbulent monetary situation prevents the establishment in the near future of relatively stable representative market rates and hence agricultural conversion rates, in particular for the Belgian franc and the Luxem-

bourg franc; whereas, under these circumstances, one of the confirmation periods should be extended in accordance with Article 1 (b) of Regulation (EEC) No 3813/92;

Whereas, in order to prevent the existence of large bilateral gaps over long periods, the average negative monetary gaps should be eliminated every 10 days;

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

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding the final subparagraph of Article 2 (3) of Regulation (EEC) No 1068/93, the confirmation period commencing on 25 April 1995 shall end on 24 May 1995.

Article 2

Negative monetary gaps calculated on the basis of the average rates of the ecu during the previous 10 days shall be reduced to zero by the Commission on 5, 15 and 25 May 1995.

Article 3

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

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

Done at Brussels, 3 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁴⁾ OJ No L 24, 1. 2. 1995, p. 1.

⁽⁵⁾ OJ No L 75, 4. 4. 1995, p. 11.

COMMISSION REGULATION (EC) No 997/95

of 3 May 1995

amending Council Regulations (EEC) No 1035/72 and (EEC) No 2019/93 and Regulations (EEC) No 886/87, (EEC) No 816/89, (EEC) No 3780/90, (EEC) No 1108/91, (EC) No 3254/93, (EC) No 1281/94 and (EC) No 1372/94 as regards the combined nomenclature codes for fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 2 (1) thereof,

Whereas Commission Regulation (EC) No 3115/94 of 20 December 1994 amending Annexes I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾ provides for amendments in respect of globe artichokes falling within CN code 0709 10, oranges falling within CN code 0805 10, lemons falling within CN code 0805 30, table grapes falling within CN code 0806 10, apples falling within CN code 0808 10, apricots falling within CN code 0809 10, peaches falling within CN code 0809 30 and mixtures of nuts falling within CN code 0813 50;

Whereas these products appear in the text of Regulations:

- Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽⁴⁾, as last amended by Regulation (EC) No 3290/94,
- Commission Regulation (EEC) No 886/87 of 27 March 1987 on the notification by the Member States to the Commission of the information relating to imports of dessert apples⁽⁵⁾, as last amended by Regulation (EC) No 1152/94⁽⁶⁾,
- Commission Regulation (EEC) No 816/89 of 30 March 1989 establishing the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector⁽⁷⁾, as amended by Regulation (EEC) No 3831/92⁽⁸⁾,

- Commission Regulation (EEC) No 3780/90 of 19 December 1990 laying down detailed rules for the implementation of Council Regulation (EEC) No 3576/90 as regards the temporary suspension of the import compensation mechanism and of customs duties on fruit and vegetables originating in Spain and Portugal released for consumption in the territory of the former German Democratic Republic⁽⁹⁾,
- Commission Regulation (EEC) No 1108/91 of 30 April 1991 laying down quality standards for apricots⁽¹⁰⁾,
- Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products⁽¹¹⁾, as amended by Commission Regulation (EC) No 822/94⁽¹²⁾,
- Commission Regulation (EC) No 3254/93 of 26 November 1993 laying down detailed rules for the application of Council Regulation (EEC) No 2019/93 as regards the specific supply arrangements for certain fruits and vegetables for the benefit of the smaller Aegean islands⁽¹³⁾, as last amended by Regulation (EC) No 3128/94⁽¹⁴⁾,
- Commission Regulation (EC) No 1281/94 of 2 June 1994 establishing a system for the surveillance of imports of fresh sour cherries originating in the Republics of Bosnia-Herzegovina, Croatia, Slovenia and the territory of the former Yugoslav Republic of Macedonia⁽¹⁵⁾,
- Commission Regulation (EC) No 1372/94 of 16 June 1994 laying down certain indicative ceilings and certain additional detailed rules for the application of the supplementary trade mechanism to trade in fruit and vegetables between Portugal and the other Member States⁽¹⁶⁾;

Whereas the aforementioned Regulations should therefore be amended;

⁽¹⁾ OJ No L 34, 9. 2. 1979, p. 2.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 345, 31. 12. 1994, p. 1.

⁽⁴⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁵⁾ OJ No L 85, 28. 3. 1987, p. 16.

⁽⁶⁾ OJ No L 129, 21. 5. 1994, p. 4.

⁽⁷⁾ OJ No L 86, 31. 3. 1989, p. 35.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 47.

⁽⁹⁾ OJ No L 364, 28. 12. 1990, p. 11.

⁽¹⁰⁾ OJ No L 110, 1. 5. 1991, p. 67.

⁽¹¹⁾ OJ No L 184, 27. 7. 1993, p. 1.

⁽¹²⁾ OJ No L 95, 14. 4. 1994, p. 1.

⁽¹³⁾ OJ No L 293, 27. 11. 1993, p. 34.

⁽¹⁴⁾ OJ No L 330, 21. 12. 1994, p. 45.

⁽¹⁵⁾ OJ No L 140, 3. 6. 1994, p. 12.

⁽¹⁶⁾ OJ No L 151, 17. 6. 1994, p. 6.

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

HAS ADOPTED THIS REGULATION:

Article 1

The table in Article 1 (2) of Regulation (EEC) No 1035/72 is amended as follows:

1. The items

'0806 10 11 0806 10 15 0806 10 19	Fresh table grapes'
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are replaced by the following:

'0806 10 21 0806 10 29 0806 10 30 0806 10 40 0806 10 50 0806 10 61 0806 10 69	Fresh table grapes'.
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2. The item

'0813 50 30	Mixtures, exclusively of dried nuts of heading Nos 0801 and 0802'
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is replaced by the following:

'0813 50 31 0813 50 39	Mixtures, exclusively of dried nuts of heading Nos 0801 and 0802'.
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Article 2

In Article of Regulation (EEC) No 886/87 the CN codes 0808 10 31 to 0808 10 89 for dessert apples are replaced by the CN codes 0808 10 51 to 0808 10 98.

Article 3

The Annex to Regulation (EEC) No 816/89 is amended as follows:

1. The item

'0709 10 00	Globe artichokes'
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is replaced by the following:

'0709 10 10 0709 10 20 0709 10 30 0709 10 40	Globe artichokes'.
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2. The item

'0809 10 00	Apricots'
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is replaced by the following:

'0809 10 10 0809 10 20 0809 10 30 0809 10 40 0809 10 50	Apricots'.
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3. The item

'ex 0809 30 00	Peaches, excluding nectarines'
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is replaced by the following:

'0809 30 19 0809 30 29 0809 30 39 0809 30 49 0809 30 59	Peaches, excluding nectarines'.
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Article 4

In the Annex to Regulation (EEC) No 3780/90, CN code 0805 30 10 for lemons is replaced by CN codes 0805 30 20 to 0805 30 40.

Article 5

In Article 1 (1) of Regulation (EEC) No 1108/91, CN code 0809 10 00 for apricots is replaced by CN codes 0809 10 10 to 0809 10 50.

Article 6

The Annex to Regulation (EEC) No 2019/93 is amended as follows:

1. CN codes 0808 10 31 to 0808 10 89 for apples are replaced by CN codes 0808 10 51 to 0808 10 98;
2. CN codes 0808 20 31 to 0808 20 39 for pears are replaced by CN codes 0808 20 31 to 0808 20 67.

Article 7

Annexes I and II to Regulation (EC) No 3254/93 are amended as follows:

1. CN codes 0808 10 31 to 0808 10 89 for apples are replaced by CN codes 0808 10 51 to 0808 10 98;
2. CN codes 0808 20 31 to 0808 20 89 for pears are replaced by CN codes 0808 20 31 to 0808 20 67.

Article 8

Point 2 of Article 2 of Regulation (EC) No 1281/94 is amended as follows:

1. CN code 0809 20 20 for sour cherries (*Prunus cerasus*) from 1 May to 15 July is replaced by CN codes 0809 20 21, 0809 20 31 and 0809 20 41;
2. CN code 0809 20 60 for sour cherries (*Prunus cerasus*) from 16 July to 30 April is replaced by CN codes 0809 20 11, 0809 20 51, 0809 20 61 and 0809 20 71.

Article 9

The Annex to Regulation (EC) No 1372/94 is amended as follows:

1. The items

'0805 10 41 0805 10 45 0805 10 49	Oranges'
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are replaced by the following:

'0805 10 01 0805 10 05 0805 10 09	Oranges'.
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2. The items

'0805 10 31 0805 10 35 0805 10 39'	
--	--

are replaced by the following:

'0805 10 32 0805 10 34 0805 10 36'.	
---	--

Article 10

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

It shall apply from 1 January 1995.

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

Done at Brussels, 3 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 998/95
of 3 May 1995
fixing the import levy on molasses

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 283/95⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levy on molasses was fixed by Commission Regulation (EC) No 1946/94⁽⁵⁾, as last amended by Regulation (EC) No 857/95⁽⁶⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EC) No 1946/94 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 2 May 1995 as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be fixed, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, to ECU 0,46 per 100 kilograms.
2. However, no import levy applies to OCT originating products according to Article 101 (1) of Council Decision 91/482/EEC⁽⁷⁾.

Article 2

This Regulation shall enter into force on 4 May 1995.

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

Done at Brussels, 3 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 59.

⁽⁶⁾ OJ No L 86, 20. 4. 1995, p. 25.

⁽⁷⁾ OJ No L 263, 19. 9. 1991, p. 1.

COMMISSION REGULATION (EC) No 999/95**of 3 May 1995****establishing the standard import values for determining the entry price of
certain fruit and vegetables**

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

Having regard to Commission Regulation (EC) No
3223/94 of 21 December 1994, on detailed rules for the
application of the import arrangements for fruit and
vegetables ⁽¹⁾, as amended by Regulation (EC) No
553/95 ⁽²⁾, and in particular Article 4 (1) thereof,

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

Whereas Regulation (EC) No 3223/94 lays down,
pursuant to the outcome of the Uruguay Round multila-
teral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third
countries, in respect of the products and periods stipu-
lated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 May 1995.

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

Done at Brussels, 3 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 56, 14. 3. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 3 May 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 25	052	86,6
	060	80,2
	204	48,0
	212	117,9
	624	115,5
	999	89,6
0707 00 20	052	47,2
	053	166,9
	060	39,2
	066	75,0
	068	73,8
	204	49,1
	624	207,3
	999	94,1
0709 90 75	052	129,7
	204	77,5
	624	196,3
	999	134,5

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17). Code '999' stands for 'of other origin.'

COMMISSION REGULATION (EC) No 1000/95

of 3 May 1995

fixing the maximum export refund for white sugar for the 47th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1021/94

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 283/95⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EC) No 1021/94 of 29 April 1994 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as amended by Regulation (EC) No 820/95⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1021/94, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 47th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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. For the 47th partial invitation to tender for white sugar issued pursuant to amended Regulation (EC) No 1021/94 the maximum amount of the export refund is fixed at ECU 46,897 per 100 kilograms.

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 4 May 1995.

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

Done at Brussels, 3 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 112, 3. 5. 1994, p. 13.

⁽⁴⁾ OJ No L 83, 13. 4. 1995, p. 1.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION DECISION No 1001/95/ECSC

of 5 April 1995

amending Decision No 1970/93/ECSC opening and providing for the administration of tariff quotas in respect of certain ECSC steel products originating in the Czech Republic and the Slovak Republic imported into the Community (1 June 1993 to 31 December 1995)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 paragraph (1) thereof,

Whereas a tariff quota system was established by Decision No 1/93⁽¹⁾ and Decision No 1/93⁽²⁾ adopted by the EC-Czech Republic and Slovak Republic Joint Committee;

Whereas arrangements for the application of that tariff quota system were laid down by Commission Decision No 1970/93/ECSC⁽³⁾, as amended by Decision No 3075/94/ECSC⁽⁴⁾;

Whereas certain amendments were made by Decision No 1/94⁽⁵⁾ and Decision No 1/94⁽⁶⁾ of the Joint Committees between the EC and the Czech Republic and the Slovak Republic, by Decision No 2/94⁽⁷⁾ of the Joint Committee between the EC and the Slovak Republic, by Commission Decisions No 2244/94/ECSC⁽⁸⁾ and No 3075/94/ECSC and by Council Regulation (EC) No 2245/94⁽⁹⁾;

Whereas, following the annual review, Decision No 1/95⁽¹⁰⁾ of the EC-Czech Republic Joint Committee and Decision No 1/95⁽¹¹⁾ of the EC-Slovak Republic Joint Committee amend the tariff quotas applicable from 1 January to 31 December 1995 in order to take account in particular of the accession of new Member States to the EC;

Whereas it is necessary to amend Decision 1970/93/ECSC to take account of these amendments;

Whereas, following the exclusion of measures under the common commercial policy from the transitional arrangements in favour of the new *Bundesländer* by Commission Decision No 1478/94/ECSC⁽¹²⁾, as amended by Decision No 3248/94/ECSC⁽¹³⁾, it is appropriate to make specific provision for the suspension of tariffs applying to certain products covered by the aforesaid Joint Committee Decisions in respect of imports into the territory of the new German *Bundesländer* for the year 1995 and the Czech and Slovak Republics have been informed of this;

After consultation with the Consultative Committee and with the unanimous assent of the Council,

HAS ADOPTED THIS DECISION:

Article 1

The limits established under Article 1 paragraph (1) of Decision No 1970/93/ECSC for imports into the Community from the Czech Republic effected between 1 January and 31 December 1995 of the products identified by the CN codes set out in the table therein shall be amended as follows:

Description	<i>(tonnes)</i>	
	1995	
Cold-rolled sheet	29 452	(+ 5 152)
Wire rod	269 820	(+ 27 820)
Hot-rolled strip and hoop	6 600	(+ 1 800)

⁽¹⁾ OJ No L 157, 29. 6. 1993, p. 67.⁽²⁾ OJ No L 157, 29. 6. 1993, p. 59.⁽³⁾ OJ No L 180, 23. 7. 1993, p. 10.⁽⁴⁾ OJ No L 325, 17. 12. 1994, p. 7.⁽⁵⁾ OJ No L 241, 16. 9. 1994, p. 21.⁽⁶⁾ OJ No L 241, 16. 9. 1994, p. 20.⁽⁷⁾ OJ No L 325, 17. 12. 1994, p. 58.⁽⁸⁾ OJ No L 241, 16. 9. 1994, p. 11.⁽⁹⁾ OJ No L 241, 16. 9. 1994, p. 17.⁽¹⁰⁾ See page 49 of this Official Journal.⁽¹¹⁾ See page 51 of this Official Journal.⁽¹²⁾ OJ No L 159, 28. 6. 1994, p. 37.⁽¹³⁾ OJ No L 338, 28. 12. 1994, p. 77.

Article 2

From the date of entry into force of this Decision imports into the Community of quarto plates produced by a reversible rolling mill process falling within the CN codes set out in the following table shall be subject to the duties applicable under the Interim Agreement and, in addition, to the further rates of duty, in percentage of their customs value, as set out in that table.

The duties applicable to imports of quarto plates produced by reversible rolling mill process which are :

— within the limits of the quotas set out in the table,

and

— accompanied by both a movement certificate EUR 1 and a licence issued by the Czech authorities set out in the form set out in Annex I to Decision No 1970/93/ECSC,

shall be those of the Interim Agreement without the additional rates of duty set out in the following table :

Order No	CN codes	Description	Volume of quota (tonnes)	Rate of additional duty
09 5065	7208 33 99 7208 43 99 7208 45 10	Quarto plates produced by a reversible rolling mill process	16 000	25 %

Article 3

The limits established under Article 2 (1) of Decision No 1970/93/ECSC for imports into the Community from the Slovak Republic effected between 1 January to 31 December 1995 of the products identified by the CN codes set out in the table therein shall be amended as follows :

(tonnes)

Description	1995	
Hot-rolled coils	267 000	(+ 67 000)
Cold-rolled sheet	132 552	(+ 21 852)
Hot-rolled strip and hoop	43 862	(+ 662)
Cut lengths	152 340	(+ 40 340)

Article 4

1. From 1 January to 31 December 1995 the customs duties applied to the products set out in the following table originating in the Czech Republic shall be suspended up to the maximum volumes set out therein :

<i>(tonnes)</i>		
CN codes	Description	Volume
7213 10 00 7213 20 00 7213 31 00 7213 39 00 7213 41 00 7213 49 00 7213 50 20 7213 50 81 7213 50 89 7221 00 10 7221 00 90 7227 10 00 7227 20 00 7227 90 10 7227 90 30 7227 90 50 7227 90 70	Wire rod	45 000
7209 11 00 7209 12 90 7209 13 90 7209 14 90 7209 21 00 7209 22 90 7209 23 90 7209 24 91 7209 24 99 7209 31 00 7209 32 90 7209 33 90 7209 34 90 7209 41 00 7209 42 90 7209 43 90 7209 44 90 7211 30 10 7211 41 10 7211 41 91 7211 49 10	Cold-rolled sheet	10 000
7211 12 10 7211 12 90 7211 19 10 7211 19 91 7211 19 99 7211 22 10 7211 22 90 7211 29 10 7211 29 91 7211 29 99 7212 60 91 7220 11 00 7220 12 00 7220 90 31 7226 10 10 7226 20 20 7226 91 10 7226 91 90 7226 99 20	Hot-rolled strip and hoop	20 000

2. Paragraph 1 shall be applicable only if:

— the goods in question are released for free circulation on the territory of the former German Democratic Republic and are consumed there or undergo processing conferring the Community origin there;

and

— a licence issued by the relevant German authorities stating that the goods in question fall within the scope of paragraph 1 is submitted in support of the declaration for release for free circulation.

3. The Commission and the competent German authorities shall take whatever measures are needed to ensure that the final consumption of the products in question, or the processing by which they acquire Community origin, takes place on the territory of the former German Democratic Republic.

Article 5

1. From 1 January to 31 December 1995 the customs duties applied to the products set out in the following table originating in the Slovak Republic shall be suspended up to the maximum volumes set out therein:

<i>(tonnes)</i>		
CN codes	Description	Volume
7208 11 00	Hot-rolled coils	80 000
7208 12 10		
7208 12 91		
7208 12 95		
7208 12 98		
7208 13 10		
7208 13 91		
7208 13 95		
7208 13 98		
7208 14 10		
7208 14 91		
7208 14 99		
7208 21 10		
7208 21 90		
7208 22 10		
7208 22 91		
7208 22 95		
7208 22 98		
7208 23 10		
7208 23 91		
7208 23 95		
7208 23 98		
7208 24 10		
7208 24 91		
7208 24 99		
7219 11 10		
7219 11 90		
7219 12 10		
7219 12 90		
7219 13 10		
7219 14 10		
7219 14 90		
7225 10 10		
7225 20 20		
7225 30 00		

<i>(tonnes)</i>		
CN codes	Description	Volume
7209 11 00 7209 12 90 7209 13 90 7209 14 90 7209 21 00 7209 22 90 7209 23 90 7209 24 91 7209 24 99 7209 31 00 7209 32 90 7209 33 90 7209 34 90 7209 41 00 7209 42 90 7209 43 90 7209 44 90 7211 30 10 7211 41 10 7211 41 91 7211 49 10	Cold-rolled sheet	20 000
7211 12 10 7211 12 90 7211 19 10 7211 19 91 7211 19 99 7211 22 10 7211 22 90 7211 29 10 7211 29 91 7211 29 99 7211 60 91 7220 11 00 7220 12 00 7220 90 31 7226 10 10 7226 20 20 7226 91 10 7226 91 90 7226 99 20	Hot-rolled strip and hoop	60 000

2. Paragraph 1 shall be applicable only if:

— the goods in question are released for free circulation on the territory of the former German Democratic Republic and are consumed there or undergo processing conferring Community origin there,

and

— a licence issued by the relevant German authorities stating that the goods in question fall within the scope of the provisions contained in paragraph 1 is submitted in support of the declaration for release for free circulation.

3. The Commission and the competent German authorities shall take whatever measures are needed to ensure that the final consumption of the products in question, or the processing by which they acquire Community origin, takes place on the territory of the former German Democratic Republic.

Article 6

The amounts set out in Articles 4 and 5 shall, for the purposes of calculating the overall amounts available under the transitional provisions in favour of the new *Bundesländer*, be taken into account in, and shall not be additional to, the global amount for the import of ECSC products from the Czech Republic and the Slovak Republic of 246 000 tonnes as specified in Communication 91/C 151/01 (1).

Article 7

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

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

Done at Brussels, 5 April 1995.

For the Commission

Leon BRITTAN

Vice-President

(1) OJ No C 151, 10. 6. 1991, p. 1.

COMMISSION REGULATION (EC) No 1002/95
of 3 May 1995

fixing, for April 1995, the specific agricultural conversion rate for the amount of the reimbursement of storage costs 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 283/95 ⁽²⁾,

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

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁵⁾, as last amended by Regulation (EC) No 2926/94 ⁽⁶⁾, and in particular Article 1 (3) thereof,

Whereas Article 1 (2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural

conversion rates applicable during the month of storage; whereas that specific rate must be fixed each month for the previous month;

Whereas application of these provisions will lead to the fixing, for April 1995, of the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific agricultural conversion rate to be used to convert the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into each of the national currencies for April 1995 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 May 1995.

It shall apply with effect from 1 April 1995.

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

Done at Brussels, 3 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 94.

⁽⁶⁾ OJ No L 307, 1. 12. 1994, p. 56.

ANNEX

to the Commission Regulation of 3 May 1995 fixing, for April 1995, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

Agricultural conversion rates

ECU 1 =	40,8337	Belgian and Luxembourg francs
	7,74166	Danish kroner
	1,94962	German marks
	302,750	Greek drachmas
	170,165	Spanish pesetas
	6,61023	French francs
	0,829498	Irish punt
	2 287,76	Italian lire
	2,19672	Dutch guilders
	13,7190	Austrian schillings
	198,202	Portuguese escudos
	5,88000	Finnish marks
	9,79748	Swedish kroner
	0,832264	Pound sterling

COMMISSION REGULATION (EC) No 1003/95
of 3 May 1995

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

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

Having regard to Council Regulation (EEC) No 1785/81
of 30 June 1981 on the common organization of the
markets in the sugar sector⁽¹⁾, as last amended by Regula-
tion (EC) No 283/95⁽²⁾, and in particular Article 16 (8)
thereof,

Having regard to Council Regulation (EEC) No 3813/92
of 28 December 1992 on the unit of account and the
conversion rates to be applied for the purposes of the
common agricultural policy⁽³⁾, as last amended by Regu-
lation (EC) No 150/95⁽⁴⁾, and in particular Article 5
thereof,

Whereas the import levies on syrups and certain other
sugar products were fixed by Commission Regulation
(EC) No 960/95⁽⁵⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EC) No 960/95 to the informa-
tion known to the Commission that the basic amount of

the levy on syrups and certain other sugar products at
present in force should be altered;

Whereas, in order to make it possible for the levy arrange-
ments to function normally, the representative market
rate established during the reference period from 2 May
1995, as regards floating currencies, should be used to
calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products
listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81,
as fixed in the Annex to Regulation (EC) No 960/95 are
hereby altered to the amounts shown in the Annex
hereto.

Article 2

This Regulation shall enter into force on 4 May 1995.

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

Done at Brussels, 3 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 97, 29. 4. 1995, p. 30.

ANNEX

**to the Commission Regulation of 3 May 1995 altering the basic amount of the import levy
on syrups and certain other products in the sugar sector**

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,5200	—
1702 20 90	0,5200	—
1702 30 10	—	59,06
1702 40 10	—	59,06
1702 60 10	—	59,06
1702 60 90 10 ⁽²⁾	—	112,21
1702 60 90 90 ⁽²⁾	0,5200	—
1702 90 30	—	59,06
1702 90 60	0,5200	—
1702 90 71	0,5200	—
1702 90 80	—	112,21
1702 90 99	0,5200	—
2106 90 30	—	59,06
2106 90 59	0,5200	—

⁽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.

COMMISSION REGULATION (EC) No 1004/95
of 3 May 1995
fixing the import levies on white sugar and raw sugar

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 283/95⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EC) No 1957/94⁽⁵⁾, as last amended by Regulation (EC) No 989/95⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 1957/94 to

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 2 May 1995, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 May 1995.

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

Done at Brussels, 3 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 88.

⁽⁶⁾ OJ No L 100, 3. 5. 1995, p. 16.

ANNEX

to the Commission Regulation of 3 May 1995 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	39,69 ⁽¹⁾
1701 11 90	39,69 ⁽¹⁾
1701 12 10	39,69 ⁽¹⁾
1701 12 90	39,69 ⁽¹⁾
1701 91 00	52,00
1701 99 10	52,00
1701 99 90	52,00 ⁽²⁾

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

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

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

COUNCIL REGULATION (EC) No 1005/95

of 3 April 1995

amending Regulation (EEC) No 1968/93 opening and providing for the administration of tariff quotas in respect of certain EEC steel products originating in the Czech Republic and the Slovak Republic imported into the Community (1 June 1993 to 31 December 1995)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas a tariff quota system was established by Decisions No 1/93 (C) ⁽¹⁾ and No 1/93 (S) ⁽²⁾ of the EC-Czech Republic and Slovak Republic Joint Committee referred to in Article 37 of the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part ⁽³⁾ (hereinafter referred to as the 'Interim Agreement'), signed in Brussels on 16 December 1991;

Whereas, following the dissolution of the Czech and Slovak Federal Republic on 31 December 1992, the Czech Republic and the Slovak Republic assumed all the obligations deriving from the Interim Agreement; whereas this has resulted in the creation of an EC-Czech Republic Joint Committee and an EC-Slovak Republic Joint Committee;

Whereas certain amendments were made by Decisions No 1/94 and No 2/94 of the EC-Czech Republic Joint Committee and Decisions No 1/94, No 2/94 and No 3/94 of the EC-Slovak Republic Joint Committee;

Whereas arrangements for the implementation of the abovementioned tariff quota system were laid down by

Regulation (EEC) No 1968/93 ⁽⁴⁾; whereas, following the annual review, it is necessary to modify further Regulation (EEC) No 1968/93 in order to take account, in particular, of the accession of new Member States;

Whereas, following the exclusion of certain measures under the common commercial policy from the transitional arrangements in favour of the new *Länder* of the Federal Republic of Germany by Regulation (EC) No 665/94 ⁽⁵⁾, it is appropriate to suspend customs duties in respect of certain products covered by Decisions No 1/93 (C) and No 1/94 (C) and 1/95 (C), and No 1/93 (S), No 1/94 (S), No 2/94 (S) and No 1/95 (S) for imports to the territory of the new *Länder* of the Federal Republic of Germany for the year 1995 and the Czech and Slovak Republics have been informed of this,

HAS ADOPTED THIS REGULATION:

Article 1

The limits established pursuant to Article 1 of Regulation (EEC) No 1968/93 for imports into the Community from 1 January to 31 December 1995 from the Czech Republic of the products identified by the CN codes set out in the table contained therein shall be amended as follows:

	For 1995	(in tonnes)
Seamless tubes	77 774	(+ 19 702)
Welded tubes	94 601	(+ 24 601)

The limits established pursuant to Article 2 of Regulation (EEC) No 1968/93 for imports into the Community from 1 January to 31 December 1995 from the Slovak Republic of the products identified by the CN codes set out in the table contained therein shall be amended as follows:

	For 1995	(in tonnes)
Seamless tubes	36 024	(+ 9 096)

⁽¹⁾ OJ No L 157, 29. 6. 1993, p. 67.

⁽²⁾ OJ No L 157, 29. 6. 1993, p. 59.

⁽³⁾ OJ No L 115, 30. 4. 1992, p. 2.

⁽⁴⁾ OJ No L 180, 23. 7. 1993, p. 1. Regulation as amended by Regulation (EC) No 2245/94 (OJ No L 241, 16. 9. 1994, p. 17).

⁽⁵⁾ OJ No L 83, 26. 3. 1994, p. 1.

Article 2

1. From 1 January to 31 December 1995, the duties applied to the products set out in the following table originating in the Czech Republic shall be suspended up to the maximum volumes as set out in the said table :

CN code	Description	Volume (tonnes)
ex 7306	Welded tubes (less than 406,4 mm)	9 000

2. Paragraph 1 shall apply only if :

- the goods in question are released for free circulation on the territory of the former German Democratic Republic and are consumed there or undergo processing conferring Community origin there,
- and
- a licence issued by the relevant German authorities stating that the goods in question fall within the scope of the provisions contained in paragraph 1 is submitted in support of the declaration for release for free circulation.

3. The Commission and the competent German authorities shall take whatever measures are needed to ensure that the final consumption of the products in question, or the processing by which they acquire Community origin, takes place on the territory of the former German Democratic Republic.

Article 3

1. From 1 January to 31 December 1995 the duties applied to the products set out in the following table originating in the Slovak Republic shall be suspended up to the maximum volumes as set out in the said table :

CN code	Description	Volume (tonnes)
7304	Seamless tubes	5 000

2. Paragraph 1 shall apply only if :

- the goods in question are released for free circulation on the territory of the former German Democratic Republic and are consumed there or undergo processing conferring Community origin there,
- and
- a licence issued by the relevant German authorities stating that the goods in question fall within the scope of the provisions contained in paragraph 1 is submitted in support of the declaration for release for free circulation.

3. The Commission and the competent German authorities shall take whatever measures are needed to ensure that the final consumption of the products in question, or the processing by which they acquire Community origin, takes place on the territory of the former German Democratic Republic.

Article 4

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

It shall apply with effect from 1 January 1995.

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

Done at Luxembourg, 3 April 1995.

For the Council

The President

J. TOUBON

COUNCIL REGULATION (EC) No 1006/95

of 3 May 1995

amending Regulation (EEC) No 3433/91 in so far as it imposes a definitive anti-dumping duty on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas :

A. PREVIOUS INVESTIGATIONS

- (1) By Regulation (EEC) No 3433/91⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of gas-fuelled, non-refillable pocket flint lighters falling within CN code ex 9613 10 00 and originating, *inter alia*, in the People's Republic of China. The rate applicable to products originating in that country was set at 16,9 %.
- (2) By a notice published in March 1992⁽³⁾ the Commission initiated a review of Regulation (EEC) No 3433/91 in so far as it concerned certain Chinese companies which alleged, in particular, that they did not export the product concerned during the period covered by the original investigation (a so-called newcomer review). By Decision 93/377/EEC⁽⁴⁾, the Commission terminated the above review investigation without any changes to the measures in force.

B. CURRENT REVIEW INVESTIGATION

- (3) In November 1993, the Commission received a request for a review of the above Regulation in so far as it concerns imports originating in the People's Republic of China. The request was lodged by the European Federation of Lighter Manufacturers, acting on behalf of Community

producers together representing a major proportion of the Community production of the product in question. The request alleged changed circumstances since the conclusion of the original investigation in that there had been an increase in the dumping margin for exports to the Community from the People's Republic of China and, consequently, further injury. It was considered that the review request contained sufficient evidence to justify the opening of an investigation.

- (4) In December 1993 the Commission announced by a notice⁽⁵⁾ the initiation of a review of Regulation (EEC) No 3433/91 in respect of imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China, in accordance with Article 14 of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the Basic Regulation').
- (5) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants and gave the parties concerned the opportunity to make their views known in writing and to request a hearing.
- (6) One importer, two exporters and one producer of the People's Republic of China made their views known in writing. Four Community producers, Bic SA, Swedish Match SA, Tokai Seiki GmbH and Flamagas SA also submitted their views in writing. Several of the abovementioned companies requested and were granted hearings.
- (7) The Commission sought and verified all the information it deemed necessary for the purpose of its investigation and carried out investigations at the premises of the following companies :

Community producers (factories and/or sales offices) :

— Bic Deutschland GmbH, Ettlingen, Germany
— Bic SA, Clichy, France
— Bic SA, Redon, France
— Biro Bic Ltd, London, United Kingdom
— Bryant & May, High Wycombe, United Kingdom

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

⁽²⁾ OJ No L 326, 28. 11. 1991, p. 1.

⁽³⁾ OJ No C 62, 11. 3. 1992, p. 2.

⁽⁴⁾ OJ No L 158, 30. 6. 1993, p. 43.

⁽⁵⁾ OJ No C 343, 21. 12. 1993, p. 10.

- Flamagas SA, Barcelona, Spain
- Laforest Bic SA, Tarragona, Spain
- Swedish Match, Visselhövede, Germany
- Swedish Match SA, Rillieux-la-Pape, France
- Tokai Seiki GmbH, Mönchengladbach, Germany
- Tokai Vesta Hispania SA, Alcalá de Henares, Spain

Exporters :

- Capital Line Industries Ltd, Hong Kong
- Gladstrong Investments Ltd, Hong Kong

Unrelated importer :

- Tröber GmbH, Hamburg, Germany.

- (8) The Commission also sought information from producers in the Philippines which was used as the analogue country for the establishment of normal value (see recitals 19 to 27). Detailed and complete information was provided by and verified at Swedish Match Philippines Inc., Manila, Philippines.
- (9) The exporters and the sole importer which cooperated, requested and were informed of the essential facts and considerations on the basis of which it was intended to recommend the amendment of the definitive anti-dumping duty in force on imports of the product concerned originating in the People's Republic of China. The Commission took into account, where appropriate, the submissions of the parties concerned.
- (10) The investigation of dumping covered the period 1 January to 30 September 1993 (hereinafter referred to as the 'investigation period').

C. PRODUCT UNDER CONSIDERATION, LIKE PRODUCT AND COMMUNITY INDUSTRY

(i) *Product under consideration*

- (11) The product subject to the definitive anti-dumping duty referred to in recital 1 is gas-fuelled, non-refillable pocket flint lighters (hereinafter referred to as 'disposable flint lighters').

It should be recalled in this respect that there are other disposable lighters on the market (piezo lighters) the technical characteristics of which are quite different to the abovementioned product. Therefore they were not considered to be identical to the product concerned in the original investigation, were not covered by the original investigation and were excluded from the scope of the measures.

- (12) The importer which cooperated claimed that, in addition to the already existing separation between flint and piezo disposable lighters, a new distinction should be made amongst disposable flint lighters, between plastic body and nylon body lighters. This importer claimed that two markets for disposable flint lighters existed, one offering luxury nylon-based lighters and the other so-called standard plastic body lighters. Alleging that all Chinese disposable flint lighters had a plastic body, this importer requested that the product under consideration be restricted to such products.

- (13) In the course of the investigation carried out by the Commission, it was found that such a narrow definition of the product under consideration would not be justified, notably because the alleged divisibility of the disposable flint lighters market into segments, which is based on differences in physical characteristics and consumers' perception of the product, is not confirmed by facts.

The product in question is indeed manufactured in different sizes and models and different materials may be used in the composition of the lighter body. However, all these disposable flint lighters have the same basic technical characteristics, the same basic application and perform the same function. In contrast to this, it has to be noted that the distinction between flint and piezo disposable lighters was based on differences in technical characteristics which are clearly established.

In addition, it is also clear that the difference between flint and piezo lighters is perceptible to consumers, while the difference between disposable flint lighters with a body made of either plastic or nylon, is not. Indeed, the product concerned is a disposable one and the statement that consumers would be aware of the abovementioned difference is not evidenced, among other things, by the existence of clearly separate channels of sales. On the contrary, all disposable flint lighters are sold without distinction in the same kind of shops to customers having the same expectations and nothing is done to make consumers aware of the alleged differences between plastic body and nylon body lighters. In particular, it should be noted that plastic body and nylon body lighters are not easily distinguishable since they are both available in translucent and opaque forms.

- (14) Therefore, the whole range of models of disposable flint lighters is to be considered as forming one single category of product, irrespective of the material used to manufacture the body, which represents, in any case, only a minor difference in physical characteristics, as well as in cost terms (see recital 36).

The findings of the original investigation in respect of the product under consideration, as recalled in recital 11, are therefore confirmed.

(ii) *Like product*

- (15) The importer which cooperated claimed that the findings of the original investigation in respect of the like product definition should be considered, in order to take account of the fact that a Community producer, newly involved in the proceeding, was manufacturing plastic body lighters, allegedly 'identical' to those imported from the People's Republic of China, while other Community producers, as well as the cooperating producer in the analogue country, were producing nylon body lighters which should be considered according to this importer as, at most, 'similar' to Chinese lighters.

It should be stressed again in this respect that a minor physical difference, such as the material used for the manufacture of the lighter body, which has no impact on the basic technical characteristics, basic application and function of the product and which is not perceptible to consumers, is insufficient to justify a distinction being made between allegedly 'identical' and 'similar' disposable flint lighters. This conclusion applies to the comparison of disposable flint lighters imported from the People's Republic of China with, respectively, all those produced and sold in the Community and those produced and sold by the cooperating producer in the analogue country.

- (16) The same importer also made representations regarding various physical differences said to have an impact on the like product definition. However, these allegations, in general already addressed during the original investigation, were not supported by decisive new evidence that would justify their being taken into account in the like product definition, notably as regards the consumers' perception of the product.
- (17) In these circumstances, it is confirmed that the disposable flint lighters produced and sold by the Community industry and those imported from the People's Republic of China possess sufficiently similar basic physical and technical characteristics for them to be considered a like product. While there may be some minor differences between the imported product from the People's Republic of China and the Community production, these differences are not such as to warrant a finding that they should not be regarded as like products. The

findings of the original investigation in respect of the like product definition are therefore confirmed.

As explained under recitals 26 and 36, the above conclusion is equally valid for the disposable flint lighters produced and sold by the cooperating producer in the analogue country.

(iii) *Community industry*

- (18) In the light of the above, the claim that the Community industry should be redefined as comprising only the Community producer manufacturing plastic body lighters was rejected. On this basis, it was found that during the investigation period, the Community producers on behalf of which the request for a review was lodged, represented more than 70 % of total Community production of the like product. Accordingly, it is concluded that the producers in question constitute the 'Community industry' within the meaning of Article 4 (5) of the Basic Regulation.

D. DUMPING

(a) *Normal value*

(i) *Analogue country*

- (19) Since the People's Republic of China is not a market economy country, normal value had to be determined on the basis of information obtained in a market economy country (so-called analogue country) in accordance with Article 2 (5) of the Basic Regulation. For this purpose, the complaint suggested that Thailand be used as the analogue country as in the original investigation and contact was made with the two Thai producers that had cooperated with the said investigation. On this occasion, the Thai producers did not cooperate.
- (20) Thus, contact was also made for this purpose with one Korean producer and two producers in the Philippines. Only the producers in the Philippines indicated that they were willing to cooperate with the Commission and submitted replies to the Commission's questionnaire. However, in the case of one producer in the Philippines, the reply was too limited and more details were requested. Subsequently, the producer concerned informed the Commission that it was not willing to supply more detailed information. Consequently, this producer was considered as uncooperative, with the result that only one company remained as a possible source of information concerning the Philippines.

Following disclosure of the essential findings of the investigation, the importer which cooperated claimed that a Hong Kong Company, Cli-Claque Ltd, allegedly manufacturing flint disposable lighters in the Philippines, should also have been contacted. The existence of this alleged producer in the Philippines was only brought to the attention of the Commission at an extremely late stage of the investigation and could not, therefore, be considered without significantly impeding the investigation.

- (21) Since no other possibility existed for determining normal value, a change in the analogue country could not, therefore, be avoided. In the light of the recent jurisprudence of the Court of Justice regarding the criteria applicable to the choice of analogue countries, the following were verified to assess the appropriateness of the Philippines for this purpose;

— representativeness of the market concerned:

the size of its domestic market makes the Philippines a representative country for the establishment of normal value for the People's Republic of China (total domestic sales of the cooperating producer in the Philippines amount to more than 5 % of Chinese exports to the Community);

— openness of the market:

the Filipino market is open to competition: the local production of disposable lighters is facing price competition mainly due to substantial imports. The structure of demand also favours competition since many operators, such as supermarkets and medium or small-sized retailers are present on the market;

— access to basic materials:

finally, it does not appear that significant differences exist between China and the Philippines regarding the ease of access to basic materials. It is true that some parts and components are imported in the Philippines but Chinese producers also import from suppliers located outside China some of the most sensitive parts of lighters, such as the flint. Overall, the availability of parts of lighters appears to be at least as good in the Philippines as it is in the People's Republic of China.

- (22) However, given that the company which cooperated in the Philippines is part of a group of companies of which a complainant is also part, the Commission also considered it necessary to analyse the implications of the existence of such links, with

a view to determining whether this situation had any distorting effect on the data submitted and, accordingly, whether this information could or could not be used in the framework of the current review investigation.

- (23) An in-depth examination of the costs of production supplied by the Filipino producer concerned showed that due to the fact that certain parts used in the manufacture of disposable flint lighters were bought from related parties, additional costs were incurred. Therefore, for the purpose of making a reasonable and appropriate profitability test, the additional costs in question were deducted. After such adjustment, it was found that the prices practised by the cooperating Filipino producer for sales of the like product on the domestic market in the ordinary course of trade permitted the recovery of all costs incurred in the ordinary course of trade plus a normal profit margin.

In these circumstances, it was concluded that normal value could be based, in accordance with Article 2 (5) (a) (i) of the Basic Regulation, on the prices at which disposable flint lighters were actually sold for consumption on the domestic market in the Philippines.

- (24) This, together with the abovementioned elements concerning the standing of the Philippines as analogue country, led the Commission to consider that the Philippines was an appropriate and not unreasonable choice. Interested parties were informed in due time of this proposed course of action. The main comments they have made in this respect are discussed below, as well as under recitals 28 to 31.

- (25) The exporters concerned either agreed or did not react to the proposal to use the Philippines as the analogue country.

- (26) Within the time limit granted for comments regarding the choice of the analogue country, the importer having cooperated indicated that the Philippines would only constitute an appropriate choice if the data used would concern a Filipino producer manufacturing plastic body lighters and having no links with the Community industry.

As concerns the alleged physical differences between plastic body and nylon body lighters, it has to be noted that the arguments put forward are identical to those raised in respect of the disposable flint lighters produced and sold by the Community industry in the context of the determination of the product under consideration and of the like product definition. As explained under recitals 12 to 17, the Commission considered that all disposable flint lighters form one single category of

product and that plastic body and nylon body disposable flint lighters have to be considered as like products. This conclusion is also valid in the context of the choice of the analogue country. With regard to the possible influence of existing links, the Commission considered that the examination set out in recital 23 had provided ample evidence that, provided that normal value is based on domestic selling prices, the concern expressed was without foundation.

This importer also suggested that Mexico be chosen as the analogue country. However, this proposal was made only in September 1994, i.e. more than five months after the deadline set for comments on the issue and could not, therefore, be considered without significantly impeding the investigation.

- (27) The conclusion that the Philippines constitutes an appropriate and not unreasonable choice for the purpose of establishing normal value for the People's Republic of China in accordance with Article 2 (5) of the Basic Regulation is, therefore, confirmed.

(ii) *Claims for an application of Article 2 (6) of the Basic Regulation*

- (28) Some interested parties claimed that normal value should have been established on the basis of Article 2 (6) of the Basic Regulation, i.e. in accordance with the provisions applicable when a product is not imported directly from the country of origin but exported to the Community from an intermediate country, and that, in this context, normal value should have been established in the exporting country, i.e. Hong Kong.
- (29) It should be noted that only a limited number of Chinese exporters and one unrelated importer cooperated with the Commission. It so happens that the cooperating companies either exported to or imported into the Community the Chinese lighters via Hong Kong. These companies represent around 53 % of total exports to the European Community. As concerns the cooperating exporters located in Hong Kong, which represent around 13 % of total exports of Chinese lighters to the European Community, the Commission has established that they also sell Chinese lighters on their domestic market. However, for the other companies (i.e. non-cooperating exporters whose importers did not cooperate), the 'exporting route' was not known.
- (30) In this context, the Commission is of the opinion that, as a general rule, the provisions of Article 2 (6) are not applicable to imports originating in a non-market economy country. However, in the present case, it is likely that the vast majority of Chinese

disposable flint lighters were simply transhipped in Hong Kong. Concerning the existence of production in the country of export, it would appear, according to information made available to the Commission, that there was no production of finished disposable flint lighters in Hong Kong during the investigation period. Finally, as far as sales prices in the country of export are concerned, since the lighters concerned are either manufactured in China under sub-contracting agreements or the parties involved are related, the Commission cannot be satisfied that these sales were made in the ordinary course of trade.

- (31) In view of the above, it is concluded that, even if Article 2 (6) were to be considered applicable to imports originating in a non-market economy country, it would not be appropriate in the context of the current investigation to establish normal value on the basis of the prices on the domestic market of the country of export, since there was no production of finished disposable flint lighters in Hong Kong and, additionally, no reliable comparable price would exist for these products in that territory. The normal value would thus have to be based on the prices on the domestic market of the country of origin. However, since the People's Republic of China is a non-market economy country, normal value must be established in accordance with Article 2 (5) of the Basic Regulation.

(iii) *Domestic sales price on the Filipino market*

- (32) The Commission considered whether normal value could be established on the basis of the prices at which the product is actually sold for consumption on the Filipino market. In this respect, it was noted that the cooperating Filipino company sold its disposable flint lighters to several big customers, one of these customers being an independent distributor which resold the lighters to both retailers and wholesalers, another being a big tobacco company. The Commission also established that the sales prices allowed for a profit on sales (see recital 23).

It is therefore concluded that the domestic sales prices of the cooperating producer on the Filipino market constitute an appropriate basis for the establishment of normal value.

(b) *Export price*

- (33) The Commission sent questionnaires to all exporters known from the two previous investigations concerning this product. Only the two exporters and one importer mentioned under recital 7, as well as one Chinese producer (namely Dong Guan Lighter Factory, Dong Guan City, People's Republic of China) submitted completed replies.

The total quantities reported by the cooperating exporters and the cooperating importer represent 53 % of the total imports. For the remaining exports and in accordance with Article 7 (7) (b) of the Basic Regulation, since Eurostat statistics contain price information based on a mix of different lighters (from the point of view of presentation, shape, size, etc.) and, therefore, not suitable for the purpose of establishing the export price and given the level of cooperation, the export price for the non-cooperating exporters was based on the average price of the cooperating company with the lowest average price. At the same time, it was assumed that the lighters delivered by non-cooperating exporters were 'naked' lighters sold in 50 unit packs (so-called 'bulk').

- (34) The cooperating exporters requested individual treatment (i.e. 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, it was considered that the utmost prudence was required in this matter.

In this respect, it has to be recalled that the newcomer review investigation referred to in recital 2 concluded that no individual treatment could be granted to any of the four Chinese companies involved in the said investigation. Since that conclusion concerned, among others, the two companies having cooperated in the current investigation and given that the companies in question did not submit any new substantiated evidence with regard to their claimed independence, the granting of individual treatment to the applicants was considered neither appropriate nor consistent with the Community Institutions' established approach.

(c) Comparison

- (35) Although all disposable flint lighters can be considered as one single product, they are sold in different forms, i.e. naked, printed, sleeved, etc. The exports from China reported by cooperating companies consisted, by about 80 %, of naked lighters in 'bulk'. Only small quantities exported concerned one or two side printed disposable lighters. For the purposes of the dumping calculation, only the normal value and the export price of naked lighters in bulk packing were compared. This approach was considered reasonable since naked lighters in bulk constituted the great major-

ity of the exported quantities as reported by cooperating companies.

- (36) The importer having cooperated claimed that the lighters manufactured by the cooperating Filipino company were not comparable with the Chinese lighters because they were made out of different material, i.e. the body of the Filipino lighter is made of nylon and the body of the Chinese lighter of plastic. With regard to the other parts, the same importer also claimed that differences existed and should be taken into account in the form of a price adjustment of 100 %. This importer claimed that these physical differences resulted in a higher cost of production and thus have an impact on the selling price for the Filipino lighter when compared to the Chinese lighter.

As concerns the material used for the manufacture of the body, the information available to the Commission showed that the type of raw material used by Chinese producers is indeed less costly per kilogram than the one used by the Filipino producer. However, the technical characteristics of the plastic body lighter indicate that the walls of the body are up to 2,5 times thicker than the walls of the nylon body lighter, and therefore that more material is used. In addition, the processing cycle is longer in the case of the plastic body lighter due to the longer period required for cooling. On balance, the difference in cost is thus negligible.

The Commission accepts that the parts used by the Chinese and the Filipino producers are not absolutely identical and that consequently the assembly process is not strictly identical. However, on the basis of the information made available to the Commission, an allegedly more sophisticated part and/or a slightly different part was not systematically more costly to produce than the corresponding allegedly less sophisticated one. Furthermore, no information was available to suggest that the alleged physical differences, which only negligibly affect costs, have an impact on sales prices.

In these circumstances, it is concluded that no price adjustment is warranted to take account of alleged physical and/or qualitative differences.

- (37) For the purpose of ensuring a fair comparison, an adjustment to normal value was granted in respect of the domestic sales tax on the Filipino market. As far as the export price is concerned and where available, the actual freight, insurance and other costs were deducted to arrive at fob level, otherwise a percentage corresponding to the latter deductions was taken. No further adjustment was claimed or considered necessary.

Domestic sales prices in the Philippines and Chinese export prices were compared at the same level of sales, i.e. fob national border.

(d) Dumping margin

- (38) The dumping margin expressed as a percentage of the cif Community frontier value of the imports was found to be 80,3 %.

E. INJURY

(a) General remarks

- (39) It should be stressed that the present review investigation was carried out further to a request from the Community industry alleging that dumping of Chinese disposable flint lighters had dramatically increased since the conclusion of the original investigation and claiming that the measures in force should be amended in order to remove further injury caused to the Community industry.

Taking into account the provisions of Article 13 (3) of the Basic Regulation, it was necessary to investigate the level of injury. In the original investigation, the injurious effects of Chinese dumped imports had been assessed and established cumulatively with imports from three other third countries. Accordingly, an injury investigation was also conducted with a view to establishing whether the increased dumping by the Chinese exporters had led to further injury which would warrant a modification of the measures in place in respect of the People's Republic of China.

(b) Total Community consumption

- (40) In calculating total consumption of the product in question on the Community market, the Commission added Community producers' sales in the Community of disposable flint lighters to the total imports of these products into the Community, as declared falling within CN code 9613 10 00. On this basis, the total consumption has grown between 1989 (i.e. the investigation period of the original investigation) and 1993 by 15 %.

It is known, however, that the imports falling within CN code 9613 10 00 do not only cover disposable flint lighters but also disposable piezo lighters. The quantity of imported piezo lighters is not exactly known and, therefore, it is not possible

to assess the consumption increase due to the imports of this type of disposable lighter. The Commission made an attempt to differentiate flint and piezo lighters in global import statistics on the basis of Taric statistics supposed to differentiate these two types of disposable lighters but no reliable historical data could be established on this basis.

Nevertheless, as far as the People's Republic of China is concerned, it should be noted that the information available to the Commission showed that no piezo lighters were imported from that country up to and during the current investigation period. This means, as far as the People's Republic of China is concerned, that no over-estimation of its market share for disposable flint lighters could occur since all imports from China falling within that CN code related to imports of the product under investigation.

(c) Factors relating to the dumped imports

(i) Volume and market share

- (41) Between 1989 and the end of the investigation period, imports from China increased substantially when compared with 1989. Imported quantities were indeed 9,6 million units in 1989, then 69,3 in 1990, 78,1 in 1991, 45,5 in 1992 and 71,6 million units in 1993 (investigation period adjusted to 12 months).

After a relative decrease in 1992 due to the imposition of measures in 1991, the imports increased by a much higher rate than consumption. Consequently, the market share of Chinese imports increased substantially, i.e. from 1,5 % in 1989 to 11 % in 1991, then from 7 % in 1992 to 10 % in 1993 (investigation period adjusted to 12 months).

(ii) Prices

- (42) In the context of this review investigation, it is extremely important to note that the export price of the Chinese lighters dropped by around 23 % in the current investigation period when compared to the original investigation period (1989). In this respect, it should also be noted that this trend was established on the basis of figures reported by the cooperating exporters and the cooperating importer since, for the reasons stated in recital 33, Eurostat statistics were not suitable for the purpose of establishing export prices.

(43) The prices of Chinese lighters were also compared with those of lighters produced in the Community and sold by the Community industry. As in the original investigation, the Commission considered that only those lighters with an equal or almost equal amount of gas, and therefore a similar quantity of ignitions, should be taken as a basis for this price comparison exercise, which was made on the basis of a representative percentage of sales, at the level of sales to wholesalers and large retailers. For the reasons stated in recital 36, which are also relevant in this context, no adjustment was applied to take account of other alleged physical and/or qualitative differences.

(44) The sales price of the imported Chinese disposable lighters was, during the investigation period, significantly below the average sales price of the comparable disposable lighters produced by the Community producers. The weighted average margin of price undercutting was found to amount to 26 % (expressed on the basis of the Community sales price).

(d) Situation of the Community industry

(i) General

(45) The lighter market is very price sensitive. In order to be able to sell or to keep market share, the numerous producers and buyers on the market tend to adjust their prices to the lowest level possible. Faced with low priced dumped imports from the People's Republic of China, the Community industry was forced to lower its prices in order to try to maintain market share, production level and capacity utilization.

(ii) Production, sales and market share

(46) Production and sales of the Community industry remained stable between the original investigation period and the current investigation period, despite a certain improvement noticeable in 1990 and 1991. However, over the same period, in a growing market, its market share decreased by 9 percentage points, while the market share held by Chinese imports grew by 8,5 percentage points.

(iii) Prices, profitability and employment

(47) Prices of the Community industry have, on average, dropped when comparing the original investigation period with the current investigation period. A decrease in price was indeed the only means to keep the loss of market share to a minimum.

Despite this decrease, the Community industry did not achieve this result.

(48) Since the original investigation period the financial situation of the Community industry as a whole — after a certain improvement in 1991 — deteriorated up to the end of the current investigation period. The continued price fall could not be offset by reductions in costs. In 1993 the average sales price was below the average cost, including selling, general and administrative expenses.

(49) The Community industry has made considerable efforts to cope with the continuous decrease of prices, notably by reducing the number of its employees between the original investigation period and the current investigation period by 13 % but, at the same time, maintaining production and sales in order to remain viable.

(e) Conclusion on injury

(50) In these circumstances, it is concluded that the injury suffered by the Community industry has considerably worsened. In a growing market, the Community producers concerned have lost market share and their profitability has deteriorated in spite of severe cost reductions, including reduction of jobs.

F. CAUSATION OF INJURY

(51) The Commission examined whether the additional injury suffered by the Community industry was caused by the Chinese exporters' increased dumping and whether other factors may have caused or contributed to that injury.

(a) Effect to the dumped imports

(52) In examining the effects of the dumped imports, it was found that the increasing volume of the low priced dumped imports from the People's Republic of China coincided with the loss of market share, the price decreases and the deterioration in the financial situation of the Community industry.

(53) Indeed, between the original investigation period and the current investigation period the market share held by Chinese imports has considerably increased, namely from 1,5 % to 10 %, i.e. 8,5 % of total consumption, while the Community industry's market share decreased by 9 % of total Community consumption. During the same period, the level of undercutting by Chinese exports also increased from around 20 % before the imposition of the measures to 26 % in the current investigation period.

Given that the market in question is highly price sensitive, as already explained in recital 45, it is clear that this substantial and increasing price undercutting by Chinese dumped imports, with consequentially increased market share, has significantly affected the Community industry, both in respect of volumes sold by this industry on a market that was experiencing growth and on its selling prices, with the consequent impact on unit costs and profit.

Given, in addition, that the dumping margin of Chinese imports has substantially increased during the same period, it is concluded that such heavily dumped imports have caused further injury to the Community industry concerned.

(b) Effect of other factors

- (54) The Commission examined whether factors other than the dumped imports had caused or contributed to the material injury suffered by the Community industry, such as falling exports to third countries by the Community industry or an increase of imports from countries other than the People's Republic of China.
- (55) Between the original investigation period and 1993, exports to third countries by the Community industry showed an overall stable trend (in volume, index basis 1989 = 100, 1990 amounted to 106, 1991 to 105, 1992 to 95 and 1993 to 100). This evolution cannot therefore be considered as a factor having adversely affected the Community industry.
- (56) Imports from countries other than the People's Republic of China showed between 1989 and the investigation period a stable market share at around 25 % of total consumption. A more detailed analysis showed that certain countries have taken over traditional suppliers now subject to anti-dumping measures (other than the Chinese) and may have entered the market due to an aggressive pricing policy, which may have had an impact on the situation of the Community industry.

This is confirmed by the recent lodging of a complaint and initiation of an anti-dumping proceeding concerning imports of disposable flint lighters originating in certain third countries which were not involved in the original proceeding⁽¹⁾. However, the hypothetical existence of dumped imports from other third countries does not detract from the fact that Chinese imports, having dramati-

cally increased their market share by increased undercutting and dumping, should be considered, in isolation, as a cause of further material injury to the Community industry.

- (57) One importer claimed that the introduction of new products such as the piezo disposable lighter and the flameless refillable lighter had adversely affected the Community industry by contracting demand and depressing prices for disposable flint lighters. However, these allegations were not supported by evidence indicating that purchases of these new products by Community consumers were replacing those of disposable flint lighters. In fact, it appears that the product concerned remained attractive, given the increased imports and consumption.
- (58) The same importer also claimed that the economic recession was one of the main reasons for the injury suffered by the Community industry. As a result, consumers were allegedly looking for the lowest priced lighter available. Prices have therefore dropped, it was argued, and the Chinese lighters become more attractive to consumers.
- While it is clear that Chinese dumped prices severely undercut the Community industry's prices and thus affected its pricing policy and profitability, no substantiated evidence of the alleged impact of the economic recession on the Community lighter market as a whole, and on the Community industry's situation in particular, has been provided. Indeed, while such impact, if any, would also be noticeable on the overall Community market, it should be stressed that the consumption of disposable flint lighters in the Community has increased (see recital 40). In these circumstances, the argument that the economic recession would be responsible for the injury suffered by the Community industry cannot be accepted.
- (59) The same importer claimed that the difficult situation of the Community industry also related to the fact that, compared with refillable lighters, the disposable flint lighters it was producing were environmentally unfriendly products and that the increasing environmental awareness of consumers in the Community made it more difficult to sell such disposable products, on which governments were moreover considering the imposition of so-called 'Eco taxes'.

In this context, it is worth noting that although imported lighters are equally environmentally unfriendly, they remain the subject of intense trading. The consumption of disposable lighters in general also continues to increase. In addition, the

⁽¹⁾ OJ No C 67, 18. 3. 1995, p. 3.

above argument based on the increasing environmental awareness of consumers was not supported by any clear evidence that a significant proportion of the Community consumers was now showing a marked preference for refillable lighters.

- (60) Finally, this importer also claimed that any injury to the Community industry should be significantly diminished because the increase in imports from the People's Republic of China, noticeable in 1993, was due to developments on the Italian and UK markets, namely the abolition of excise taxes on disposable lighters which, until the end of 1992, were limiting the consumption of these products.

This argument cannot be accepted. Indeed, nothing explains why the abolition of excise taxes in the said Member States should result in an increase in imports which was significant with regard to products of Chinese origin only. In the absence of unfair trading practices, any competitive suppliers would have been able to enter, and compete on, the expanding Italian and UK markets. The fact that Chinese dumped imports gained a substantial share of the market in Italy and the United Kingdom underlines the specific impact of the Chinese dumped imports, which resulted in the Chinese achieving a larger market share by lower prices. These circumstances do not therefore warrant a modification to the findings regarding the causation of injury.

(c) Conclusion on causation

- (61) In view of the above, it is evident that Chinese dumped imports have put a considerable downward pressure on disposable flint lighter prices in the Community market.

The effect of other factors, such as imports from other third countries, on the injury sustained by the Community industry cannot be totally set aside. However, given the various elements set out above and especially the significant increase in quantities imported at dumped prices from the People's Republic of China, combined with the greater level of price undercutting by Chinese exporters, it is concluded that the dumped imports from the People's Republic of China have, taken in isolation, caused further injury to the Community industry, and that this injury was material.

G. COMMUNITY INTEREST

- (62) In the previous investigations, the adoption of measures was considered to be in the interest of the Community. Since no new arguments have been made which could lead to a reconsideration of this

position, the findings of Regulation (EEC) No 3433/91 in this respect are confirmed.

H. DUTY

(a) Injury elimination level

- (63) In the original investigation, for the purpose of establishing the injury elimination level, it was considered that any measure should allow the Community industry to cover its costs of production and to achieve a reasonable profit, namely 15 % on sales turnover. This profit margin was considered as the minimum necessary to finance new investments in manufacturing facilities and research and development. It was also considered that the comparison should be restricted to those models with an equal or almost equal amount of gas, and therefore a similar quantity of ignitions.

In the absence of any new substantiated argument in respect of the profit that the Community industry should be allowed to achieve, it was considered appropriate to follow the same approach in the current investigation as in the original investigation. For the reasons stated in recital 36, which are also relevant in this context, it was considered that alleged physical differences, other than the amount of gas, should not be taken into account for the purpose of determining comparable models.

On the above basis, the comparison showed that, in order to eliminate injury, Chinese cif prices would have to increase by 96,6 %.

- (64) Since the injury elimination level is higher than the dumping margin, the duty should be based on the dumping margin found.

(b) Form of the duty

- (65) Since prices of the Chinese imported disposable flint lighters steadily decreased after the imposition of the measures in 1991, it is highly foreseeable that an increased *ad valorem* duty would again lose its effectiveness within a relatively short time. Therefore, a simple amendment to the current *ad valorem* duty does not appear to be appropriate. The number of different types of lighters, i.e. naked, printed one side, printed two sides, one colour, multiple colours, etc., makes it virtually impossible to fix a minimum price level for disposable lighters.

It is therefore considered appropriate to amend the measure in force by imposing a specific duty per lighter (namely ECU 0,065 per piece). In this respect, it has to be noted that by applying such a duty which stays within the limits of the dumping margin, the additional value of special features will not be penalized. In other words, no duty will be

applied to the added value concerning printing or other special items which are at present very exceptional in the case of Chinese imports.

I. PERIOD OF VALIDITY OF THE REGULATION

- (66) This Regulation should be considered as an amendment to Regulation (EEC) No 3433/91 within the meaning of Article 15 (1) of Regulation (EEC) No 2423/88 only in so far as the People's Republic of China is concerned. The measure imposed on imports from the People's Republic of China should, therefore, lapse after a period of five years starting from the date on which this Regulation enters into force, subject to the provisions of Regulation (EC) No 3283/94⁽¹⁾,

1. the first phrase of Article 1 (2) shall be replaced by the following :

'2. The rate of the duty, applicable to the net, free-at-Community frontier price before duty, or the amount of duty per lighter, shall be set as follows :'

2. paragraph (b) of Article 1 (2) shall be replaced by the following :

'(b) ECU 0,065 per lighter for the products originating in the People's Republic of China ;'.

HAS ADOPTED THIS REGULATION :

Article 2

Article 1

Regulation (EEC) No 3433/91 is hereby amended as follows :

This Regulation shall enter into force on the 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, 2 May 1995.

For the Council

The President

A. JUPPÉ

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1.

II

(Acts whose publication is not obligatory)

COMMISSION

**DECISION No 1/95 OF THE EC-CZECH REPUBLIC JOINT COMMITTEE
of 7 April 1995**

on amendments to Decision No 1/93 of the EC-Czech Republic and Slovak Republic Joint Committee concerning the export of certain steel products from the Czech Republic to the Community

(95/153/ECSC)

THE JOINT COMMITTEE,

Whereas, by Decision No 1/93 (C) of the EC-Czech Republic and Slovak Republic Joint Committee, the Parties agreed on the introduction of a tariff quota system concerning the export of certain products from the Czech Republic to the Community;

Whereas Article 1 (1) of that Decision established tariff quotas for certain ECSC and EC products;

Whereas, following the annual review, it is necessary to amend the quotas applicable for the period 1 January to 31 December 1995 to take account in particular of the accession of new Member States to the EC;

Whereas following consultations in the framework of the Joint Committee the Parties consider that Decision No 1/93 (C) should, therefore, be amended,

HAS DECIDED AS FOLLOWS:

Article 1

The limits established pursuant to Article 1 (1) of Decision No 1/93 (C) for imports into the Community from the Czech Republic effected between 1 January and 31 December 1995 of the products set out in the table therein shall be amended as follows:

(tonnes)

	1995	
Cold-rolled sheet	29 452	(+ 5 152)
Wire rod	269 820	(+ 27 820)
Hot-rolled strip and hoop	6 600	(+ 1 800)
Seamless tubes	77 774	(+ 19 702)
Welded tubes (less than 406,4 mm)	94 601	(+ 24 601)

Article 2

From the date of entry into force of this Decision imports into the Community of quarto plates produced by a reversible rolling mill process falling within the CN codes set out in the following table shall be subject to the duties applicable under the Interim Agreement and, in addition, to the further rates of duty, in percentage of their customs value, as set out in that table.

The duties applicable to imports of quarto plates produced by reversible rolling mill process which are :

- within the limits of the quotas set out in the table, and
- accompanied by both a movement certificate EUR 1 and a licence issued by the Czech authorities set out in the form set out in Annex I to Commission Decision No 1970/93/ECSC,

shall be those of the Interim Agreement without the additional rates of duty set out in the following table :

Order No	CN codes	Description	Volume of quota (tonnes)	Rate of additional duty
09 5065	7208 33 99 7208 43 99 7208 45 10	Quarto plates produced by a reversible rolling mill process	16 000	25 %

Article 3

This Decision shall be binding on both the Community and the Czech Republic which shall take the measures necessary to implement it.

This Decision shall enter into force on the date of signature.

Done at Brussels, 7 April 1995.

For the Community
Salvatore SALERNO

For the Czech Republic
Pavel DVOŘÁK

DECISION No 1/95 OF THE EC-SLOVAK REPUBLIC JOINT COMMITTEE
of 7 April 1995
concerning amendments to Decision No 1/93 of the EC-Czech Republic and
Slovak Republic Joint Committee concerning the export of certain steel
products from the Slovak Republic to the Community

(95/154/ECSC)

THE JOINT COMMITTEE,

Whereas, by Decision No 1/93 (S) of the EC-Czech Republic and Slovak Republic Joint Committee, the parties agreed on the introduction of a tariff quota system concerning the export of certain products from the Slovak Republic to the Community;

Whereas Article 1 (1) of that Decision established tariff quotas for certain ECSC and EC products;

Whereas, following the annual review, it is necessary to amend the quotas applicable for the period 1 January to 31 December 1995 to take account in particular of the accession of new Member States to the EC;

Whereas following consultations in the framework of the Joint Committee the parties consider that Decision No 1/93 (S) should, therefore, be amended,

HAS DECIDED AS FOLLOWS:

Article 1

The limits established pursuant to Article 1 (1) of Decision No 1/93 (S) for imports into the Community from the Slovak Republic effected between 1 January and 31 December 1995 of the products set out in the table therein shall be amended as follows:

	1995	<i>(tonnes)</i>
Hot-rolled coils	267 000	(+ 67 000)
Cold-rolled sheet	132 552	(+ 21 852)
Hot-rolled strip and hoop	43 862	(+ 662)
Cut lengths	152 340	(+ 40 340)
Seamless tubes	36 024	(+ 9 096)

Article 2

This Decision shall be binding on both the Community and the Slovak Republic which shall take the measures necessary to implement it.

This Decision shall enter into force on the date of signature.

Done at Brussels, 7 April 1995.

For the Community
 Salvatore SALERNO

For the Slovak Republic
 Miroslav ADAMIŠ