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EN

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

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

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1745/95

of 18 July 1995

suspending Regulations (EC) No 1088/95, (EC) No 1089/95, (EC) No 1090/95 and (EC) No 1091/95 on the opening of invitations to tender for the refund for the export of cereals to all third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1664/95 ⁽²⁾, and in particular Article 5 thereof,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of exports on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, and in particular Article 4 (2) thereof,

Whereas Commission Regulations (EC) No 1088/95 ⁽⁴⁾, (EC) No 1089/95 ⁽⁵⁾, (EC) No 1090/95 ⁽⁶⁾ and (EC) No 1091/95 ⁽⁷⁾ provide for the issuing of invitations to tender for export refunds;

Whereas for economical reasons, it is appropriate to suspend until 7 September 1995 these invitations to tender;

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

HAS ADOPTED THIS REGULATION :

Article 1

The tenders under Regulations (EC) No 1088/95, (EC) No 1089/95, (EC) No 1090/95 and (EC) No 1091/95 are hereby suspended until 7 September 1995.

Article 2

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, 18 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 158, 8. 7. 1995, p. 13.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 109, 16. 5. 1995, p. 13.

⁽⁵⁾ OJ No L 109, 16. 5. 1995, p. 16.

⁽⁶⁾ OJ No L 109, 16. 5. 1995, p. 19.

⁽⁷⁾ OJ No L 109, 16. 5. 1995, p. 22.

COMMISSION REGULATION (EC) No 1746/95

of 18 July 1995

fixing for the 1995/96 marketing year the minimum price to be paid to producers for tomatoes and the amount of production aid for processed tomato products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 1032/95⁽²⁾, and in particular Articles 4 (4) and 5 (5) thereof,

Whereas Council Regulation (EEC) No 668/93 of 17 March 1993, on the introduction of a limit to the granting of production aid for processed tomato products⁽³⁾ has fixed the quantities to which aid can be granted from the 1993/94 marketing year;

Whereas Council Regulation (EEC) No 1206/90⁽⁴⁾, as amended by Regulation (EEC) No 2202/90⁽⁵⁾, lays down general rules for the system of production aid for processed fruit and vegetables;

Whereas, under Article 4 (1) of Regulation (EEC) No 426/86, the minimum price to be paid to producers is to be determined on the basis of the minimum price applying during the previous marketing year, the movement of basic prices in the fruit and vegetable sector and the need to ensure the normal marketing of fresh products for the various uses, including supply of the processing industry; whereas, under the final subparagraph of Article 4 (1) of the above Regulation, from the 1992/93 marketing year, the minimum price to be paid to the producer is to be adjusted according to the soluble dry weight content of the raw material used in the production of tomato concentrate, juice and flakes;

Whereas Commission Regulation (EEC) No 2022/92⁽⁶⁾ lays down the detailed rules of application for the payment of the minimum price to the producer for certain tomatoes on the basis of the soluble dry weight content;

Whereas, in the absence of a Council Decision fixing the basic prices for fruit and vegetables up to the end of the 1994/95 marketing year, the Commission, in fixing the minimum price, has taken account in particular of its

proposals to the Council and the prices adopted by the Council for the first three months of the marketing year;

Whereas Article 5 of Regulation (EEC) No 426/86 lays down the criteria for fixing the amount of production aid; whereas account must, in particular, be taken of the aid fixed for the previous marketing year adjusted to take account of changes in the minimum price to be paid to producers and the difference between the cost of the raw material in the Community and in the major competing third countries; whereas, in respect of tomato concentrates, preserved whole peeled and unpeeled tomatoes and tomato juices, trends in the volume and prices of imports must be taken into consideration;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1995/96 marketing year:

- (a) the minimum price referred to in Article 4 of Regulation (EEC) No 426/86 to be paid to producers for the products listed in Annex I, and
- (b) the level of production aid referred to in Article 5 of the same Regulation for the products listed in Annex II

shall be as set out in the said Annexes.

Article 2

Where processing takes place outside the Member State in which the produce was grown, that Member State shall furnish proof to the Member States paying the production aid that the minimum price payable to the producer has been paid.

Article 3

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 July 1995.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 105, 9. 5. 1995, p. 3.

⁽³⁾ OJ No L 72, 25. 3. 1993, p. 1.

⁽⁴⁾ OJ No L 119, 11. 5. 1990, p. 74.

⁽⁵⁾ OJ No L 201, 31. 7. 1990, p. 4.

⁽⁶⁾ OJ No L 207, 23. 7. 1992, p. 9.

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

Done at Brussels, 18 July 1995.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

Minimum price to be paid to producers

Product	ECU/100 kg net, ex-producer
Tomatoes intended for the manufacture of :	
(a) tomato concentrate and juice with a soluble dry weight content of between 4,8 % and 5,4 %	9,549 ⁽¹⁾
(b) preserved whole peeled and unpeeled tomatoes or frozen whole peeled tomatoes :	
— the San Marzano variety	15,807
— the Roma and similar varieties	12,161
(c) preserved non-whole peeled and unpeeled tomatoes and non-whole frozen peeled tomatoes	9,549
(d) tomato flakes with a soluble dry weight content of between 4,8 % and 5,4 %	12,161 ⁽¹⁾

⁽¹⁾ These prices are rectified by :

- 5 % if the soluble dry weight content is less than 4,8 % but is 4 % or more ;
- + 5 % if the soluble dry weight content is more than 5,4 %.

ANNEX II

Production aid

Product	ECU/100 kg net
1. Tomato concentrates with a dry weight content of 28 %, or more but less than 30 %	30,155
2. Preserved whole peeled tomatoes in tomato juice :	
(a) of the San Marzano variety	10,843
(b) of the Roma and similar varieties	7,647
3. Preserved whole peeled tomatoes of the Roma and similar varieties in water	6,500
4. Preserved whole unpeeled tomatoes of the Roma and similar varieties	5,353
5. Frozen whole peeled tomatoes	
(a) of the San Marzano variety	10,843
(b) of the Roma and similar varieties	7,647
6. Preserved peeled tomatoes, non-whole or in pieces	} 5,353
7. Preserved unpeeled tomatoes, non-whole or in pieces	
8. Non-whole frozen peeled tomatoes	
9. Tomato flakes	100,344
10. Tomato juice with a dry weight content of 7 % or more but less than 12 % :	
(a) with a dry weight content of 7 % or more but less than 8 %	7,799
(b) with a dry weight content of 8 % or more but less than 10 %	9,359
(c) with a dry weight content of 10 % or more	11,438
11. Tomato juice with a dry weight content of less than 7 % :	
(a) with a dry weight content of 5 % or more	6,239
(b) with a dry weight content of 4,5 % or more but less than 5 %	4,939

COMMISSION REGULATION (EC) No 1747/95
of 18 July 1995

establishing Projected Regional Reference Amounts, and the value of the advance payments to be made to producers of soya beans, rape seed, colza seed and sunflower seed, for the 1995/96 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽¹⁾, as last amended by Commission Regulation (EC) No 1664/95⁽²⁾, and in particular Article 12 thereof,

Whereas Article 5 (1) (c) of Council Regulation (EEC) No 1765/92 specifies that the Commission shall establish a Projected Regional Reference Amount for each region identified in a Member State's Regionalization Plan on the basis of a comparison between the cereals or oilseeds yields for that region and the Community's average cereal or oilseed yield;

Whereas Article 11 (2) of Council Regulation (EEC) No 1765/92 specifies that producers who apply for an oilseeds compensatory payment shall be entitled to an advance payment of no more than 50 % of the appropriate Projected Regional Reference Amount;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder,

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

Done at Brussels, 18 July 1995.

HAS ADOPTED THIS REGULATION:

Article 1

1. A succinct explanation of the calculation of the Projected Regional Reference Amounts, as required by Article 5 (3) of Regulation (EEC) No 1765/92, is given in Annex I.

2. The Projected Regional Reference Amounts for the 1995/96 marketing years shall be as given in Annex II.

Article 2

Without prejudice to the provisions adopted by Member States pursuant to Commission Regulation (EC) No 240/95⁽³⁾, the advance payments to be made to producers of oilseeds under the terms of Article 11 (2) of Regulation (EEC) No 1765/92 shall, for the 1995/96 marketing year, be of a value equal to 50 % of the appropriate Projected Regional Reference Amount given in Annex II.

Article 3

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 158, 8. 7. 1995, p. 13.

⁽³⁾ OJ No L 29, 8. 2. 1995, p. 2.

*ANNEX I***A succinct explanation of the calculation of the Projected Regional Reference Amounts for producers of oilseeds in the 1995/96 marketing year**

The Projected Regional Reference Amounts have been calculated in accordance with the provisions of Article 5 (1) (c) of Regulation (EEC) No 1765/92.

In calculating these amounts the Commission has respected the information supplied by the Member States pursuant to Article 3 (2) of the same Regulation, and the choice of whether the comparison of yields is based on cereals or oilseeds pursuant to Article 5 (1) (c) of the same Regulation.

The Projected Regional Reference Amounts for the 1995/96 marketing year are given in Annex II.

ANNEX II

Projected regional reference amounts 1995/96

Member State	Region	Reference	Yield (tonnes/Ha)	Projected Reference amount (ECU/Ha)
België/Belgique :	Polders/Polders	Oilseeds	2,40	440,85
	Leemstreek/Limoneuse	Oilseeds	3,31	608,00
	Zandleemstreek/Sablo-limoneuse	Oilseeds	3,12	573,10
	Condroz/Condroz	Oilseeds	3,07	563,92
	Weidestreek/Herbagère	Oilseeds	3,03	556,57
	Zandstreek/Sablonneuse	Oilseeds	2,85	523,51
	Kempen/Campine	Oilseeds	2,72	499,63
	Famenne/Famenne	Oilseeds	2,97	545,55
	Fagnes/Fagnes	Oilseeds	3,15	578,61
	Ardenne/Ardenne	Oilseeds	2,99	549,22
	Jurastreek/Jurassique	Oilseeds	3,38	620,86
	Hen. Kempen/Campine-Hennuyère	Cereals	6,44	606,90
Hoge Ardenne/Haute Ardenne	Cereals	3,77	355,28	
Danmark :		Oilseeds	2,700	495,95
Deutschland :	Schleswig-Holstein	Oilseeds	3,380	620,86
	Hamburg	Oilseeds	3,070	563,92
	Bremen	Oilseeds	3,130	574,94
	Niedersachsen :			
	— Regions 1-9	Oilseeds	3,060	562,08
	— Region 10	Oilseeds	3,440	631,88
	Nordrhein-Westfalen	Oilseeds	3,110	571,26
	Hessen	Oilseeds	3,100	569,43
	Rheinland-Pfalz	Oilseeds	2,850	523,51
	Baden-Württemberg	Oilseeds	2,970	545,55
	Bayern	Oilseeds	3,180	584,12
	Saarland	Oilseeds	2,700	495,95
	Berlin	Oilseeds	2,680	492,28
	Brandenburg :			
	— Region 1	Oilseeds	3,440	631,88
	— Region 2	Oilseeds	2,680	492,28
	Mecklenburg-Vorpommern	Oilseeds	3,440	631,88
	Sachsen	Oilseeds	2,960	543,71
	Sachsen-Anhalt	Oilseeds	2,670	490,44
	Thüringen	Oilseeds	2,870	527,18
Ελλάδα:	— Region 1	Oilseeds	1,900	349,00
	— Region 2	Oilseeds	2,200	404,11
España :	Non-irrigated :	1 Cereals	0,900	84,82
		2 Cereals	1,200	113,09
		3 Cereals	1,500	141,36
		4 Cereals	1,800	169,63
		5 Cereals	2,000	188,48
		6 Cereals	2,200	207,33
		7 Cereals	2,500	235,60
		8 Cereals	2,700	254,45
		9 Cereals	3,200	301,57
		10 Cereals	3,700	348,68
		11 Cereals	4,100	386,38

Member State	Region	Reference	Yield (tonnes/Ha)	Projected Reference amount (ECU/Ha)
	Irrigated :	1 Cereals	2,900	273,29
		2 Cereals	3,000	282,72
		3 Cereals	3,100	292,14
		4 Cereals	3,200	301,57
		5 Cereals	3,500	329,84
		6 Cereals	3,600	339,26
		7 Cereals	3,700	348,68
		8 Cereals	3,800	358,11
		9 Cereals	3,900	367,53
		10 Cereals	4,000	376,96
		11 Cereals	4,100	386,38
		12 Cereals	4,200	395,80
		13 Cereals	4,300	405,23
		14 Cereals	4,400	414,65
		15 Cereals	4,500	424,08
		16 Cereals	4,600	433,50
		17 Cereals	4,700	442,92
		18 Cereals	4,800	452,35
		19 Cereals	4,900	461,77
		20 Cereals	5,000	471,20
		21 Cereals	5,100	480,62
		22 Cereals	5,200	490,04
		23 Cereals	5,300	499,47
		24 Cereals	5,400	508,89
		25 Cereals	5,500	518,32
		26 Cereals	5,600	527,74
		27 Cereals	5,700	537,16
		28 Cereals	5,800	546,59
		29 Cereals	5,900	556,01
		30 Cereals	6,000	565,43
		31 Cereals	6,100	574,86
		32 Cereals	6,200	584,28
		33 Cereals	6,300	593,71
		34 Cereals	6,400	603,13
		35 Cereals	6,500	612,55
		36 Cereals	6,800	640,83
		37 Cereals	6,900	650,25
		38 Cereals	7,000	659,67
		39 Cereals	7,100	669,10
		40 Cereals	7,200	678,52
		41 Cereals	7,300	687,95
		42 Cereals	7,400	697,37
		43 Cereals	7,500	706,79
		44 Cereals	7,600	716,22
		45 Cereals	7,700	725,64
		46 Cereals	8,200	772,76
		47 Cereals	8,400	791,61
		48 Cereals	10,500	989,51
		49 Cereals	10,600	998,93
France :	Zone I :			
	— Soya II :			
	Non-irrigated	Cereals	5,930	558,84
	Irrigated	Cereals	8,120	765,22
	— Rape/sunflower	Cereals	6,023	767,60
	Zone II :			
	— Soya :			
	Non-irrigated	Cereals	4,680	441,04
	Irrigated	Cereals	8,770	826,48
	— Rape-sunflower	Cereals	5,554	523,40
Ireland :		Oilseeds	3,300	606,17

Member State	Region	Reference	Yield (tonnes/Ha)	Projected Reference amount (ECU/Ha)
Italia :				
	Torino montagna interna	Cereals	2,224	209,59
	Torino collina interna	Oilseeds	3,612	663,48
	Torino pianura	Oilseeds	4,257	781,95
	Vercelli montagna interna	Cereals	4,853	457,34
	Vercelli collina interna	Oilseeds	4,233	777,54
	Vercelli pianura	Oilseeds	4,826	886,47
	Novara montagna interna	Cereals	3,731	351,61
	Novara collina interna	Oilseeds	3,744	687,72
	Novara pianura	Oilseeds	4,343	797,75
	Cuneo montagna interna	Oilseeds	3,762	691,03
	Cuneo collina interna	Oilseeds	3,877	712,15
	Cuneo pianura	Oilseeds	4,052	744,30
	Asti collina interna	Oilseeds	3,254	597,72
	Asti pianura	Oilseeds	3,409	626,19
	Alessandria montagna interna	Oilseeds	3,550	652,09
	Alessandria collina interna	Oilseeds	3,384	621,59
	Alessandria pianura	Oilseeds	3,359	617,00
	Aosta montagna interna	Cereals	2,328	219,39
	Varese montagna interna	Oilseeds	3,950	725,56
	Varese collina interna	Oilseeds	3,437	631,33
	Varese pianura	Oilseeds	3,244	595,88
	Como montagna interna	Cereals	6,652	626,88
	Como collina interna	Oilseeds	3,541	650,43
	Como pianura	Oilseeds	4,033	740,81
	Sondrio montagna interna	Cereals	4,793	451,69
	Milano collina interna	Oilseeds	4,349	798,85
	Milano pianura	Oilseeds	4,512	828,79
	Bergamo montagna interna	Cereals	3,817	359,71
	Bergamo collina interna	Oilseeds	4,375	803,63
	Bergamo pianura	Oilseeds	5,000	918,43
	Brescia montagna interna	Cereals	5,469	515,39
	Brescia collina interna	Oilseeds	5,000	918,43
	Brescia pianura	Oilseeds	5,000	918,43
	Pavia montagna interna	Oilseeds	3,377	620,31
	Pavia collina interna	Oilseeds	3,578	657,23
	Pavia pianura	Oilseeds	4,059	745,58
	Cremona pianura	Oilseeds	4,584	842,02
	Mantova collina interna	Oilseeds	4,620	848,63
	Mantova pianura	Oilseeds	4,864	893,45
	Bolzano montagna interna	Cereals	1,848	174,15
	Trento montagna interna	Cereals	4,374	412,20
	Verona montagna interna	Oilseeds	5,000	918,43
	Verona collina interna	Oilseeds	4,715	866,08
	Verona pianura	Oilseeds	4,972	913,29
	Vicenza montagna interna	Oilseeds	4,439	815,38
	Vicenza collina interna	Oilseeds	5,000	918,43
	Vicenza pianura	Oilseeds	4,817	884,82
	Belluno montagna interna	Oilseeds	3,499	642,72
	Treviso collina interna	Oilseeds	4,422	812,26
	Treviso pianura	Oilseeds	4,490	824,75
	Venezia pianura	Oilseeds	4,537	833,39
	Padova collina interna	Oilseeds	4,044	742,83
	Padova pianura	Oilseeds	4,161	764,32
	Rovigo pianura	Oilseeds	4,357	800,32
	Udine montagna interna	Cereals	4,320	407,11
	Udine collina interna	Oilseeds	4,159	763,95
	Udine pianura	Oilseeds	4,405	809,14
	Gorizia collina interna	Oilseeds	4,049	743,75
	Gorizia pianura	Oilseeds	4,371	802,89
	Trieste pianura	Cereals	4,879	459,79
	Pordenone montagna interna	Oilseeds	3,012	553,26
	Pordenone collina interna	Oilseeds	3,570	655,76
	Pordenone pianura	Oilseeds	4,016	737,68
	Imperia montagna interna	Cereals	3,372	317,77
	Imperia collina interna	Cereals	3,372	317,77
	Imperia collina litoranea	Cereals	3,372	317,77

Member State	Region	Reference	Yield (tonnes/Ha)	Projected Reference amount (ECU/Ha)
	Savona montagna interna	Cereals	3,372	317,77
	Savona montagna litoranea	Cereals	3,372	317,77
	Savona collina interna	Cereals	3,372	317,77
	Savona collina litoranea	Cereals	3,372	317,77
	Genova montagna interna	Cereals	3,372	317,77
	Genova montagna litoranea	Cereals	3,372	317,77
	Genova collina interna	Cereals	3,372	317,77
	Genova collina litoranea	Cereals	3,372	317,77
	La Spezia montagna interna	Cereals	3,372	317,77
	La Spezia collina interna	Cereals	3,372	317,77
	La Spezia collina litoranea	Cereals	3,372	317,77
	Piacenza montagna interna	Cereals	3,676	346,42
	Piacenza collina interna	Oilseeds	3,607	662,56
	Piacenza pianura	Oilseeds	3,769	692,31
	Parma montagna interna	Oilseeds	3,631	666,97
	Parma collina interna	Oilseeds	3,693	678,35
	Parma pianura	Oilseeds	3,685	676,88
	Reggio Emilia montagna interna	Cereals	3,188	300,43
	Reggio Emilia collina interna	Oilseeds	2,989	549,04
	Reggio Emilia pianura	Oilseeds	3,991	733,09
	Modena montagna interna	Cereals	3,834	361,31
	Modena collina interna	Oilseeds	3,599	661,09
	Modena pianura	Oilseeds	4,073	748,15
	Bologna montagna interna	Cereals	4,360	410,88
	Bologna collina interna	Oilseeds	3,277	601,94
	Bologna pianura	Oilseeds	3,765	691,58
	Ferrara pianura	Oilseeds	4,442	815,94
	Ravenna collina interna	Oilseeds	3,366	618,29
	Ravenna pianura	Oilseeds	3,527	647,86
	Forlì montagna interna	Cereals	2,828	266,51
	Forlì collina interna	Oilseeds	3,190	585,96
	Forlì collina litoranea	Oilseeds	3,125	574,02
	Forlì pianura	Oilseeds	3,426	629,31
	Massa Carrara montagna interna	Cereals	5,659	533,30
	Massa Carrara montagna litoranea	Cereals	7,970	751,09
	Massa Carrara collina interna	Cereals	5,952	560,91
	Lucca montagna litoranea	Cereals	5,320	501,35
	Lucca montagna interna	Cereals	3,437	323,90
	Lucca pianura	Oilseeds	3,135	575,86
	Pistoia montagna interna	Oilseeds	3,536	649,52
	Pistoia collina interna	Oilseeds	3,495	641,98
	Firenze montagna interna	Oilseeds	2,971	545,73
	Firenze collina interna	Oilseeds	2,695	495,03
	Firenze pianura	Oilseeds	2,873	527,73
	Livorno collina litoranea	Oilseeds	3,089	567,41
	Pisa collina interna	Oilseeds	2,850	523,51
	Pisa collina litoranea	Oilseeds	2,848	523,14
	Pisa pianura	Oilseeds	2,947	541,32
	Arezzo montagna interna	Oilseeds	2,967	545,00
	Arezzo collina interna	Oilseeds	2,816	517,26
	Siena montagna interna	Oilseeds	2,560	470,24
	Siena collina interna	Oilseeds	3,027	556,02
	Grosseto montagna interna	Oilseeds	2,478	455,18
	Grosseto collina interna	Oilseeds	3,013	553,45
	Grosseto collina litoranea	Oilseeds	2,961	543,90
	Grosseto pianura	Oilseeds	3,040	558,41
	Perugia montagna interna	Oilseeds	2,964	544,45
	Perugia collina interna	Oilseeds	3,003	551,61
	Terni montagna interna	Oilseeds	3,837	704,80
	Terni collina interna	Oilseeds	3,103	569,98
	Pesaro Urbino montagna interna	Oilseeds	2,979	547,20
	Pesaro Urbino collina interna	Oilseeds	3,005	551,98
	Pesaro Urbino collina litoranea	Oilseeds	3,066	563,18
	Ancona montagna interna	Oilseeds	3,099	569,24
	Ancona collina interna	Oilseeds	3,122	573,47
	Ancona collina litoranea	Oilseeds	3,160	580,45
	Macerata montagna interna	Oilseeds	3,075	564,84

Member State	Region	Reference	Yield (tonnes/Ha)	Projected Reference amount (ECU/Ha)
	Macerata collina interna	Oilseeds	3,218	591,10
	Macerata collina litoranea	Oilseeds	3,207	589,08
	Ascoli Piceno montagna interna	Cereals	3,446	324,75
	Ascoli Piceno collina interna	Oilseeds	3,054	560,98
	Ascoli Piceno collina litoranea	Oilseeds	3,067	563,37
	Viterbo collina interna	Oilseeds	3,027	556,02
	Viterbo pianura	Oilseeds	3,239	594,96
	Rieti montagna interna	Oilseeds	3,352	615,72
	Rieti collina interna	Oilseeds	3,186	585,23
	Roma montagna interna	Oilseeds	3,016	554,00
	Roma collina interna	Oilseeds	3,114	572,00
	Roma collina litoranea	Oilseeds	3,138	576,41
	Roma pianura	Oilseeds	3,133	575,49
	Latina montagna interna	Oilseeds	2,662	488,97
	Latina collina interna	Oilseeds	3,637	668,07
	Latina collina litoranea	Cereals	4,697	442,64
	Latina pianura	Oilseeds	3,398	624,17
	Frosinone montagna interna	Oilseeds	2,401	441,03
	Frosinone collina interna	Oilseeds	3,305	607,08
	L'Aquila montagna interna	Oilseeds	3,038	558,04
	Teramo montagna interna	Oilseeds	2,849	523,32
	Teramo collina interna	Oilseeds	3,003	551,61
	Teramo collina litoranea	Oilseeds	3,104	570,16
	Pescara montagna interna	Cereals	3,323	313,16
	Pescara collina interna	Oilseeds	2,976	546,65
	Pescara collina litoranea	Oilseeds	3,108	570,90
	Chieti montagna interna	Cereals	2,443	230,23
	Chieti collina interna	Oilseeds	2,850	523,51
	Chieti collina litoranea	Oilseeds	3,098	569,06
	Campobasso montagna interna	Oilseeds	2,875	528,10
	Campobasso collina interna	Oilseeds	2,981	547,57
	Campobasso collina litoranea	Oilseeds	2,983	547,94
	Isernia montagna interna	Cereals	3,005	283,19
	Isernia collina interna	Cereals	3,788	356,98
	Caserta montagna interna	Oilseeds	4,000	734,75
	Caserta collina interna	Oilseeds	2,712	498,16
	Caserta collina litoranea	Oilseeds	3,237	594,59
	Caserta pianura	Oilseeds	3,176	583,39
	Benevento collina interna	Oilseeds	2,763	507,53
	Benevento montagna interna	Oilseeds	2,941	540,22
	Napoli collina interna	Oilseeds	3,560	653,92
	Napoli collina litoranea	Cereals	5,316	500,98
	Napoli pianura	Cereals	8,209	773,61
	Avellino montagna interna	Oilseeds	2,901	532,87
	Avellino collina interna	Cereals	3,809	358,96
	Salerno montagna interna	Cereals	1,842	173,59
	Salerno collina interna	Oilseeds	3,760	690,66
	Salerno collina litoranea	Cereals	2,087	196,68
	Salerno pianura	Oilseeds	3,656	671,56
	Foggia montagna interna	Oilseeds	2,898	532,32
	Foggia collina interna	Oilseeds	2,897	532,14
	Foggia collina litoranea	Cereals	2,485	234,18
	Foggia pianura	Oilseeds	2,901	532,87
	Bari collina interna	Oilseeds	2,916	535,63
	Bari pianura	Cereals	1,535	144,66
	Taranto collina litoranea	Oilseeds	3,121	573,29
	Taranto pianura	Oilseeds	2,783	511,20
	Brindisi collina litoranea	Cereals	1,154	108,75
	Brindisi pianura	Oilseeds	3,970	729,24
	Lecce pianura	Oilseeds	3,637	668,07
	Potenza montagna interna	Cereals	1,611	151,82
	Potenza montagna litoranea	Cereals	1,601	150,88
	Potenza collina interna	Oilseeds	2,458	451,50
	Matera montagna interna	Oilseeds	2,444	448,93
	Matera collina interna	Oilseeds	2,508	460,69
	Matera pianura	Oilseeds	2,788	512,12
	Cosenza montagna interna	Oilseeds	4,000	734,75

Member State	Region	Reference	Yield (tonnes/Ha)	Projected Reference amount (ECU/Ha)
	Cosenza montagna litoranea	Cereals	1,632	153,80
	Cosenza collina interna	Oilseeds	2,758	506,61
	Cosenza collina litoranea	Cereals	1,451	136,74
	Cosenza pianura	Oilseeds	3,185	585,04
	Catanzaro montagna interna	Oilseeds	3,375	619,94
	Catanzaro collina interna	Cereals	2,074	195,45
	Catanzaro collina litoranea	Cereals	1,861	175,38
	Catanzaro pianura	Cereals	1,664	156,81
	Reggio Calabria montagna interna	Cereals	1,702	160,40
	Reggio Calabria montagna litoranea	Cereals	1,612	151,91
	Reggio Calabria collina litoranea	Cereals	1,697	159,92
	Reggio Calabria pianura	Cereals	2,678	252,37
	Trapani collina interna	Cereals	1,706	160,77
	Trapani collina litoranea	Cereals	1,606	151,35
	Trapani pianura	Cereals	1,606	151,35
	Palermo montagna interna	Cereals	1,918	180,75
	Palermo montagna litoranea	Cereals	1,610	151,73
	Palermo collina interna	Cereals	1,584	149,27
	Palermo collina litoranea	Cereals	1,556	146,64
	Palermo pianura	Cereals	1,507	142,02
	Messina montagna interna	Cereals	1,278	120,44
	Messina montagna litoranea	Cereals	1,222	115,16
	Messina collina litoranea	Cereals	1,289	121,47
	Agrigento montagna interna	Cereals	1,669	157,29
	Agrigento collina interna	Cereals	1,512	142,49
	Agrigento collina litoranea	Cereals	1,333	125,62
	Agrigento pianura	Cereals	1,667	157,10
	Caltanissetta collina interna	Cereals	1,333	125,62
	Caltanissetta collina litoranea	Cereals	1,080	101,78
	Caltanissetta pianura	Cereals	1,027	96,78
	Enna montagna interna	Cereals	1,100	103,66
	Enna collina interna	Oilseeds	2,397	440,30
	Catania montagna interna	Oilseeds	2,922	536,73
	Catania montagna litoranea	Cereals	5,000	471,20
	Catania collina interna	Oilseeds	2,326	427,25
	Catania collina litoranea	Oilseeds	2,575	472,99
	Catania pianura	Oilseeds	2,509	460,87
	Ragusa collina interna	Cereals	2,200	207,33
	Ragusa collina litoranea	Cereals	2,584	243,51
	Ragusa pianura	Cereals	3,590	338,32
	Siracusa collina interna	Cereals	1,362	128,35
	Siracusa collina litoranea	Oilseeds	2,700	495,95
	Siracusa pianura	Oilseeds	2,625	482,18
	Sassari montagna interna	Cereals	1,750	164,92
	Sassari collina interna	Cereals	1,667	157,10
	Sassari collina litoranea	Cereals	1,752	165,11
	Sassari pianura	Oilseeds	3,999	734,56
	Nuoro montagna interna	Cereals	1,350	127,22
	Nuoro collina interna	Cereals	1,536	144,75
	Nuoro collina litoranea	Cereals	1,772	166,99
	Cagliari collina interna	Oilseeds	4,000	734,75
	Cagliari collina litoranea	Oilseeds	4,000	734,75
	Cagliari pianura	Oilseeds	3,904	717,11
	Oristano collina interna	Oilseeds	2,991	549,41
	Oristano pianura	Oilseeds	4,000	734,75
Luxembourg :		Oilseeds	2,700	495,95
Nederland :		1 Cereals	7,110	670,04
		2 Cereals	5,060	476,85
Österreich :		Oilseeds	2,74	503,30

Member State	Region	Reference	Yield (tonnes/Ha)	Projected Reference amount (ECU/Ha)
Portugal :	Segueiro	1 Cereals	1,800	169,63
		2 Cereals	1,400	131,93
		3 Cereals	2,500	235,60
		4 Cereals	4,000	376,96
		5 Cereals	3,500	329,84
		6 Cereals	3,000	282,72
		7 Cereals	1,000	94,24
	Regadio	Madeira Cereals	2,000	188,48
		Açores Cereals	3,800	358,11
		1 Cereals	10,000	942,39
		2 Cereals	8,500	801,03
		3 Cereals	8,000	753,91
		4 Cereals	7,000	659,67
		5 Cereals	5,000	471,20
		6 Cereals	3,000	282,72
	Madeira Cereals	4,500	424,08	
Suomi :		Oilseeds	1,59	292,06
Sverige :	Zone 1	Oilseeds	2,674	491,18
	Zone 2	Oilseeds	2,259	414,95
	Zone 3	Cereals	4,147	390,81
	Zone 4	Cereals	3,626	341,71
	Zone 5	Cereals	2,875	270,94
United Kingdom :	England	Oilseeds	3,080	565,75
	Wales	Oilseeds	3,140	576,78
	Northern Ireland	Oilseeds	2,920	536,36
	Scotland (LFA)	Oilseeds	2,840	521,67
	Scotland (remainder)	Oilseeds	3,450	633,72

COMMISSION REGULATION (EC) No 1748/95

of 17 July 1995

imposing a provisional anti-dumping duty on imports of peroxodisulphates (persulphates), originating in the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3283/94 of 22 December 1994 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as last amended by Regulation (EC) No 1251/95⁽²⁾, and in particular Article 23 thereof,

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⁽³⁾, as last amended by Regulation (EC) No 522/94⁽⁴⁾, and in particular Article 11 thereof,

After consulting the Advisory Committee,

Whereas :

A. PROCEDURE

- (1) In November 1993, the Commission received a complaint lodged by the European Chemical Industry Council (Cefic) representing the totality of the Community production.

The complaint contained evidence of dumping of the said product originating in the People's Republic of China and of material injury resulting therefrom which was considered sufficient to justify the initiation of a proceeding.

- (2) The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽⁵⁾, the initiation of an anti-dumping proceeding concerning imports of persulphates originating in the People's Republic of China, falling within CN code ex 2833 40 00 and commenced an investigation.
- (3) The Commission officially notified the complainants, the exporters and importers known to be concerned and the representatives of the exporting country of the initiation of the proceeding and gave

the parties concerned the opportunity to make their views known in writing and to request a hearing.

- (4) The three complainant Community producers, represented by CEFIC, replied to the questionnaire.
- (5) Two Chinese exporters, Guangdong Chemicals Import & Export Corporation and Fujian Provincial Chemicals Import & Export Corporation, and two independent importers, replied to the Commission's questionnaire. Representatives of Guangdong Chemicals Imports and Export Corporation and Fujian Provincial Chemicals Import & Export Corporation were granted a hearing and made their views known in writing.
- (6) The Commission sought and verified all the information it deemed to be necessary for the purpose of a preliminary determination and carried out investigations at the premises of the following :

(a) Community producers :

- Peroxid Chemie GmbH, Pullach, Germany,
- Degussa AG, Frankfurt am Main, Germany,
- Air Liquide Chimie (Chemoxal), Paris, France ;

(b) Importers in the Community :

- Sinochem Trading Hamburg GmbH, Hamburg, Germany,
- Copci, Paris, France.

- (7) The Commission also sent questionnaires to two producers in Japan which was selected as reference country for the establishment of normal value and verifications were carried out at the premises of these two companies.
- (8) The investigation of dumping covered the period from 1 January to 31 December 1993 (the investigation period).

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Definition of product

- (9) The product concerned is peroxodisulphates (ammonium persulphate ((NH₄)₂S₂O₈), sodium persulphate (Na₂S₂O₈) and potassium persulphate (K₂S₂O₈)) (hereinafter referred to as 'persulphates').

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1.

⁽²⁾ OJ No L 122, 2. 6. 1995, p. 1.

⁽³⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽⁴⁾ OJ No L 66, 10. 3. 1994, p. 10.

⁽⁵⁾ OJ No C 64, 2. 3. 1994, p. 4.

Ammonium persulphate is produced by electrochemical synthesis i.e. anodic oxidation of sulphuric acid. Sodium and potassium persulphates are produced by conversion of ammonium persulphates by adding soda or potassium lye. However, some manufacturers produce sodium and potassium persulphates by direct electrolysis of the respective sulphates. The three types of persulphates have the same end uses as an initiator and oxidizing agent in the textile and chemical industries. The three different types of persulphates can be substituted one for another. End-users often have preference for one of the types of persulphate due to environmental reasons or because their facilities have been adapted to suit one specific type of persulphate. However, as the three types of persulphates are perfectly interchangeable they should be treated as one product for the purpose of this proceeding.

- (10) According to the notice of initiation, the product being dumped is persulphate having a content of persulphate of more than 99 %. The preliminary investigation revealed that the content of persulphate does not have substantial impact on prices or market conditions. Persulphates having a content of persulphate of 99 % or less is to a large extent interchangeable with products having a higher degree of purity. In order to cover the entire market segment and to avoid circumvention of any measures, persulphates, having a content of less than 99 %, have been included in the scope of this investigation.

2. Like product

- (11) The Commission found that the three types of persulphates which are produced by producers in the Community, producers in the People's Republic of China and producers in Japan (selected as reference country, see section D.1 Normal value) are identical on a type-by-type basis in their chemical composition and in their applications. Based on these findings, the Commission considered persulphates imported from the People's Republic of China alike to the product manufactured and sold by the Community and Japanese producers, within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the basic Regulation').

C. COMMUNITY INDUSTRY

- (12) The three producers in the Community of persulphates are Peroxid Chemie GmbH, Germany, Degussa AG, Germany and Air Liquide (Chemoxal SA), France.

- (13) During the investigation period one producer purchased a quantity of sodium persulphates in the People's Republic of China. In accordance with Article 4 (5) of the basic Regulation, the Commission examined whether this particular purchase should have the effect of excluding this Community producer from the Community industry. Information provided by the Community producer in question has substantiated that the purchase of persulphates in the People's Republic of China was carried out exclusively to protect and maintain the position of the company in the domestic market during a start-up phase of the production of sodium persulphates. Based on these findings the Commission decided not to exclude the producer from the Community industry.

D. DUMPING

1. Normal value

- (14) As the People's Republic of China is a non-market economy country, the determination of normal value has to be based on a market economy country. The complainant suggested the USA as reference country. The Commission sent questionnaires to the sole producer in the USA. However, the producer in the USA refused to cooperate with the Commission. The Commission sent questionnaires to other known producers of persulphates i.e. in Taiwan, Turkey, Japan, India and Mexico as alternatives. The producer in India did not reply and the producer in Mexico refused to cooperate with the Commission. The producer in Taiwan did not submit sufficient information and refused on-the-spot verifications.
- (15) Producers in Turkey and Japan agreed to cooperate with the Commission. In order to examine, which of the two countries is the most suitable as reference country, the companies provided further information as requested by the Commission. According to the information submitted the total production of persulphates by the sole producer in Turkey is limited. The company does not produce sodium persulphates and domestic sales of ammonium and potassium persulphates to independent customers are insignificant. The major part of the production of persulphates goes to captive use by related companies in downstream textile production. Imports of persulphates into Turkey is subject

to payment of 12,5 % import tax. On the other hand, Japan is the second largest producer of persulphates in the world and there are two independent producers in Japan, which is likely to ensure competition on the Japanese market. All three types of persulphates are produced in Japan based on the same manufacturing processes as in the People's Republic of China. Persulphates are imported to Japan, however in small quantities. There is no duty on imports of persulphates into Japan. The principal ingredient for the production of persulphates, sulphuric acid, is a world-wide commodity product, and access to this raw material is to a large extent equal to all producers.

- (16) The Chinese exporters opposed the choice of Japan as reference country and requested that at least the determination of normal value for Chinese ammonium persulphate be based on data pertaining to Turkey.
- (17) Examining the arguments submitted by the Chinese exporters and referring to the facts stated above, the advantages of Japan as a suitable reference country, on balance, still outweigh the arguments presented in favour of Turkey. In particular the volume of production in Japan of all three types of persulphates and the fact that there are two competing companies in the Japanese market are important elements in favour of the choice of Japan, whereas the Turkish sales of any of the persulphate types produced in Turkey not destined for captive use are too small to be representative.
- (18) Normal value has been established in accordance with point (a) (i) of Article 2 (5) of the Basic Regulation on the basis of the net selling price at which the like product is sold in Japan, based on information submitted by the two Japanese companies willing to cooperate with the Commission. The producers in Japan sell the product concerned in the domestic market to unrelated purchasers for domestic consumption in representative quantities and at profitable prices.

2. Export price

- (19) In accordance with Article 2 (8) of the Basic Regulation, export prices for cooperating exporters were established on the basis of sales to unrelated importers actually paid or payable for the products sold for export to the Community by the cooperating exporters. These exports represent approximately 30 % by volume of the total imports of persulphates during the investigation period according to Eurostat. This percentage is considered too small to be representative for all imports of persulphate from the People's Republic of China. In these circumstances the export prices of the Chinese export sales by non cooperating exporters have to be based on the facts available. According to infor-

mation from Eurostat, the price pattern of all the Chinese export sales, do not differ significantly from export prices of the cooperating exporters which, among themselves, are at the same level. Based on these findings, the Commission decided to establish export prices for the non cooperating exporters on the basis of the export prices of the two cooperating exporters, in accordance with Article 7 (7) (b) of the Basic Regulation.

E. COMPARISON

- (20) Normal values for each type of persulphate have been compared with the export prices on a transaction-by-transaction basis of the corresponding types of persulphates. The comparison was made at ex-factory level. To this end, costs for inland freight have been deducted from both normal value and export prices. In accordance with Article 2 (9) and (10) of the Basic Regulation, adjustments were made to take account of differences affecting price comparability, in particular with regard to packing and other selling expenses.

F. DUMPING MARGIN

- (21) Following price comparison, a single weighted average dumping margin for all the three types of persulphates has been established. As the People's Republic of China is a non-market economy country, this margin applies to all exporters of persulphates originating in China. The margin expressed as a percentage of the cif Community frontier import price is 110,1 %.

G. INJURY

1. Consumption

- (22) In order to calculate total consumption of persulphates in the Community the Commission added Community producers' sales in the Community to the total imports into the Community falling within CN code ex 2833 40 00. Total consumption is estimated as being 19 700 tonnes in 1989, 19 900 tonnes in 1990, 19 800 tonnes in 1991, 19 800 tonnes in 1992 and 18 500 in 1993.

2. Factors relating to dumped imports

(a) Volume of dumped imports

- (23) According to Eurostat the dumped imports of the products in question have increased from 1 454 tonnes in 1989 to 3 367 tonnes in 1993, making the People's Republic of China the largest exporter of persulphates to the Community having obtained in 1993 a share of 52,8 % of total imports into the Community.

(b) Market share

- (24) The imports from the People's Republic of China during this period correspond to an increase of the Chinese exporters' market share from 7,4 % in 1989 to 18,1 % in 1993. The market share of the Chinese exporters has continuously increased during this period.

(c) Prices

- (25) During the investigation period persulphates from the People's Republic of China were imported at prices which undercut those of the Community producers by a weighted average of 41,8 % for all three types of persulphates. To establish price undercutting, CIF Community frontier export prices of the Chinese products have been adjusted by an estimated margin of independent importers and compared to Community producers' prices ex-works considered to be at a comparable level of trade.

3. Factors relating to the state of the Community industry

(a) Total production

- (26) The production of the Community producers of persulphates decreased from 20 249 tonnes in 1989 to 16 159 tonnes in 1993, i.e. by 20,2 %. Community production has decreased continuously during this period.

(b) Capacity utilization

- (27) In the period 1989 to 1993 capacity utilization decreased continuously by 21 %.

(c) Stocks

- (28) The stocks of the Community producers decreased from 1989 to 1993 on average by 32,2 %. The decrease in stocks can be attributed exclusively to one of the producers, who, in a contracting market with price depression, opted for a scale down in production in order to reduce stocks.

(d) Sales and market shares

- (29) Community producers' sales on the Community market show a decrease from 15 081 tonnes in 1989 to 12 287 tonnes in 1993 while market shares of these producers dropped from 76,7 % in 1989 to 66,2 % in 1993 (1990 : 70,1 % ; 1991 : 65,4 % ; 1992 : 65,3 %).

(e) Prices

- (30) Average domestic sales prices of the Community industry dropped by 18 % from 1989 to 1993. As persulphates to a large extent have homogeneous

characteristics irrespective of origin, prices are decisive for the purchasing decisions of the operators in the market.

(f) Profitability

- (31) The decline in sales volume from 1989 to 1993, at the same time as a substantial drop in prices, affected the profitability of the Community industry. Profitability for all Community producers decreased substantially, while one of them suffered heavy financial losses.

(g) Employment

- (32) The development in employment from 1989 to 1993 shows a decrease of 13,4 % in the number of employees involved in the production of persulphates.

4. Conclusion on injury

- (33) In view of the elements stated above, in particular the substantial decline in production, sales and employment of the Community producers, during a period when consumption only decreased by 5,6 %, combined with the fall in profitability, the Commission concluded, for the purpose of its preliminary findings, that the Community industry had suffered material injury within the meaning of Article 4 (1) of the basic Regulation.

H. CAUSAL LINK BETWEEN THE DUMPED IMPORTS AND THE INJURY

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

(a) Effect of the dumped imports

- (35) The Commission found that the increase in volume and market share of the dumped imports was reflected in an almost identical decrease in the volume and market share of the Community industry. The Community industry's endeavours to reduce prices and maintain the sales volume led to a fall in profit and for one producer financial losses.

(b) Effect of other factors

- (36) The Commission considered the possible effect of other factors regarding the situation of the Community industry. In particular the Commission examined the extent to which the contraction in

consumption had affected the industry. However, since the fall in consumption was only 5,6 % from 1989 to 1993, compared with a decrease in sales volume of the Community industry of 18,5 %, the situation of the industry could not have been caused exclusively by a contraction in demand.

- (37) As far as imports from other third countries are concerned, Eurostat figures show that the volume of imports of these countries was practically unchanged from 1989 to 1993 and their average prices were higher than those of Chinese imports.

(c) *Conclusion*

- (38) Under the circumstances stated above the Commission concluded, for the purpose of its provisional findings, that imports originating in the People's Republic of China sold at dumped prices in increasing volumes leading to a decline in profitability of the Community industry, have caused material injury to this industry.

I. COMMUNITY INTEREST

- (39) The purpose of anti-dumping measures is in particular to eliminate the trade-distorting effects of injurious dumping and to restore effective competition.
- (40) Reduced profit or even annual losses have been major problems for the Community industry and without measures the industry could suffer a further deterioration in its financial situation with a possibility of a total shutdown of the production of persulphates in the Community. On the other hand, end-users benefit from supplies at low dumped prices. However, the cost of persulphates as an oxidizing agent forms an extremely small part of the overall cost of the end-users. Under these circumstances it would, on balance, not be in the interest of the Community to expose itself to the risk of total shutdown of an entire industry for the benefit of short term advantages for end-users of persulphates. Imports in considerable quantities from other third countries ensure that no adverse consequence on the competitive situation on the Community market is to be expected from the imposition of anti-dumping measures.
- (41) In view of these considerations the Commission concluded that it is in the interest of the Community to adopt measures to eliminate the injury caused to the Community industry by dumped imports of persulphates from the People's Republic of China.

J. PROVISIONAL DUTY

- (42) In accordance with Article 13 (3) of the Basic Regulation, the Commission examined whether a lower duty than the dumping margin would be adequate to remove the injury sustained by the Community industry. As demonstrated in recital 25 prices of the Community producers have been undercut by the dumped imports. Moreover, as one producer has incurred financial losses and the two other producers have experienced a decline in profits, the removal of injury requires that the industry be put in a position in which its prices on average could be increased to a level which would include a reasonable profit. In order to achieve this, export prices should be increased accordingly.
- (43) For calculating the level of duty required to eliminate the injury, cif Community frontier prices of the imports sold by the co-operating exporters and adjusted (see recital 25) have been compared with the cost of production of the Community producers to which has been added a margin of profit of 5 % deemed sufficient to ensure the viability of the Community industry. The injury margin on a weighted average basis for all the three types of persulphate expressed as a percentage of the cif Community frontier price corresponds to 83,3 %.
- (44) The injury margin established being below the dumping margin found, the provisional duty to be imposed should correspond to the injury threshold established in accordance with Article 13 (3) of the Basic Regulation.

K. FINAL PROVISION

- (45) In the interests of sound administration a reasonable period should be allowed for interested parties to make known their views in writing on the findings contained in this Regulation and to request to be heard by the Commission,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of peroxodisulphates (persulphates), originating in the People's Republic of China falling within CN code ex 2833 40 00 (Taric code : 2833 40 00*10).
2. The rate of provisional duty shall be 83,3 % of the net, free-at-Community frontier price, before duty.

3. The release for free circulation in the Community of the product referred to in paragraph 1 originating in the People's Republic of China shall be subject to the provision of a security equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88 the parties concerned may make known their views in writing and apply to be heard by the

Commission within one month of the date of entry into force of this Regulation.

Article 3

This Regulation shall enter into force on the day following 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, 17 July 1995.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 1749/95

of 18 July 1995

fixing an export tax in relation to products falling within CN codes 1001 10 00
and 1103 11 10

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 1664/95⁽²⁾, and in particular Article 16 thereof,

Whereas Article 16 of Council Regulation (EEC) No 1766/92 provides that where quotations or prices on the world market for certain products reaches the level of Community prices and such situation is likely to continue and deteriorate thereby disturbing or threatening to disturb the Community market, appropriate measures may be taken; whereas Article 15 of Commission Regulation (EC) No 1501/95⁽³⁾ provides that where such conditions are met, an export tax may be fixed and may vary according to destination;

Whereas prices on the world market for durum wheat have reached the level of those in the Community and the trend in those prices is that they will increase; whereas this has also affected the price of groats and meal

of durum wheat; whereas this is likely to lead to their export from the Community; whereas it has therefore been decided to fix an export tax for these products at a level which will avoid disturbance to the Community market;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export tax referred to in Article 15 of Regulation (EC) No 1501/95, for the export of products falling within CN codes 1001 10 00 and 1103 11 10 is fixed at the level set out in the Annex to this Regulation.

Article 2

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, 18 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 158, 8. 7. 1995, p. 13.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.

ANNEX

CN code	Level of export tax in ECU/tonne
1001 10 00	30
1103 11 10	45

COMMISSION REGULATION (EC) No 1750/95**of 18 July 1995****amending representative prices and additional duties for the import of certain products in the sugar sector**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1101/95 ⁽²⁾,

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

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1568/95 ⁽⁴⁾, as last amended by Regulation (EC) No 1725/95 ⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 July 1995.

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

Done at Brussels, 18 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 150, 1. 7. 1995, p. 36.

⁽⁵⁾ OJ No L 163, 14. 7. 1995, p. 25.

ANNEX

to the Commission Regulation of 18 July 1995 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	25,08	3,76
1701 11 90 ⁽¹⁾	25,08	8,99
1701 12 10 ⁽¹⁾	25,08	3,63
1701 12 90 ⁽¹⁾	25,08	8,56
1701 91 00 ⁽²⁾	33,32	8,57
1701 99 10 ⁽²⁾	33,32	4,34
1701 99 90 ⁽²⁾	33,32	4,34
1702 90 99 ⁽³⁾	0,33	0,33

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

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

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 1751/95

of 18 July 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 last amended by Regulation (EC) No 1363/95⁽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 Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

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

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 19 July 1995.

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

Done at Brussels, 18 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.⁽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 18 July 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(ECU/100 kg)</i>			<i>(ECU/100 kg)</i>			
CN code	Third country code ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value	
0702 00 35	052	47,7		508	92,0	
	060	80,2		512	51,8	
	066	41,7		524	45,8	
	068	32,4		528	59,0	
	204	50,9		800	144,3	
	212	117,9		804	82,0	
	624	75,0		999	78,7	
	999	63,7		0808 20 51	052	84,8
					388	72,9
0707 00 25	052	50,1		512	44,7	
	053	166,9		528	76,2	
	060	39,2		800	64,3	
	066	53,8		804	64,8	
	068	60,4		999	68,0	
	204	49,1		0809 10 40	052	64,6
	624	207,3			064	102,5
	999	89,5			999	83,5
0709 90 77	052	55,6	0809 20 51, 0809 20 59	052	160,0	
	204	77,5		061	170,0	
	624	196,3		064	177,6	
	999	109,8		068	63,1	
0805 30 30	388	61,9		400	335,7	
	512	55,7		624	239,5	
	524	56,4		676	166,2	
	528	57,9		999	187,4	
	600	54,7		0809 30 31, 0809 30 39	052	59,2
	624	78,0			220	121,8
	999	60,8			624	106,8
	0808 10 71, 0808 10 73, 0808 10 79	039		91,6	0809 40 30	999
388		68,8	624	245,1		
400		73,4	999	245,1		

⁽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.'