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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 50/97

of 15 January 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar [1], as last amended by Regulation (EC) No 1599/96 [2],

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

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

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

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

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small quantity that is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

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

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

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

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

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

[1] OJ No L 177, 1. 7. 1981, p. 4.
[2] OJ No L 206, 16. 8. 1996, p. 43.
[3] OJ No L 141, 24. 6. 1995, p. 12.
[4] OJ No L 145, 27. 6. 1968, p. 12.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 January 1997.

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

Done at Brussels, 15 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 (2)
1703 10 00 (1)	7,42	0,00	—
1703 90 00 (1)	11,55	—	0,00

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

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

COMMISSION REGULATION (EC) No 51/97

of 15 January 1997

altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector [1], as last amended by Regulation (EC) No 1599/96 [2], and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 15/97 [3];

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 15/97 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 15/97 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 January 1997.

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

Done at Brussels, 15 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ No L 177, 1. 7. 1981, p. 4.
[2] OJ No L 206, 16. 8. 1996, p. 43.
[3] OJ No L 5, 9. 1. 1997, p. 4.

ANNEX

to the Commission Regulation of 15 January 1997 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	39,82 (1)
1701 11 90 9910	38,30 (1)
1701 11 90 9950	(2)
1701 12 90 9100	39,82 (1)
1701 12 90 9910	38,30 (1)
1701 12 90 9950	(2)
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4329
	— ECU/100 kg —
1701 99 10 9100	43,29
1701 99 10 9910	43,28
1701 99 10 9950	43,28
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4329

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

(2) Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ 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).

COMMISSION REGULATION (EC) No 52/97

of 15 January 1997

fixing the maximum export refund for white sugar for the 22nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1464/96

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 1599/96 [2], and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1464/96 of 25 July 1996 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar [3], requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1464/96 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 22nd partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 22nd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1464/96 the maximum amount of the export refund is fixed at ECU 46,302 per 100 kilograms.

Article 2

This Regulation shall enter into force on 16 January 1997.

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

Done at Brussels, 15 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ No L 177, 1. 7. 1981, p. 4.
[2] OJ No L 206, 16. 8. 1996, p. 43.
[3] OJ No L 187, 26. 7. 1996, p. 42.

COMMISSION REGULATION (EC) No 53/97

of 14 January 1997

imposing a provisional anti-dumping duty on imports of polyester textured filament yarn originating in Malaysia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community [1] as amended by Regulation (EC) No 2331/96 [2], and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

(1) In April 1995, the Commission announced, by a notice published in the *Official Journal of the European Communities* [3], the initiation of an anti-dumping proceeding concerning imports of polyester textured filament yarn originating in Malaysia, pursuant to Article 5 (9) of Council Regulation (EC) No 3283/94 [4], subsequently replaced by Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation').

(2) The proceeding was initiated as a result of a complaint lodged in December 1994 by the International Committee of Rayon and Synthetic Fibres (Cirfs), acting on behalf of Community producers representing allegedly a major proportion of the Community production of polyester textured filament yarn.

The complaint contained evidence of dumping and of material injury resulting therefrom; this evidence was considered sufficient to justify the opening of a proceeding.

(3) The Commission officially advised the producers, exporters and importers known to be concerned, the representatives of the exporting country and the complainant, and gave the parties concerned the opportunity to make their views known in writing and to request a hearing.

(4) The Commission sent questionnaires to all parties known to be concerned.

It received detailed information from the complaining Community producers.

Exporter's questionnaires were sent to 15 alleged producers in Malaysia according to the information supplied by Cirfs; however, only one producer/exporter in Malaysia cooperated in this proceeding.

25 importers known to the Commission were given the opportunity to submit information or to make their views known. Neither these nor other importers cooperated in this proceeding.

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

(a) *Community producers*

Rhône Poulenc (France)

Hoechst AG (Germany)

Montefibre Spa Enichem (Italy)

Akzo Fibres and Polymers Division Enka BV (Netherlands)

Nurel SA (Spain)

Exsa (United Kingdom)

Unifi (Ireland).

(b) *Producer/exporter in the exporting country*

Hualon Corporation (M) Sdn. Bhd., Kuala Lumpur

This cooperating company exported during the investigation period some 90 % of the total Malaysian exports of polyester textured filament yarn to the Community.

(6) The investigation of dumping covered the period from 1 January 1994 to 31 March 1995 (hereinafter referred to as ' the investigation period').

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Description of the product concerned

(7) The product covered by the complaint is polyester textured filament yarn (hereinafter referred to as 'PTY'), which falls under CN codes 5402 33 10 and 5402 33 90. It is directly derived from partially oriented polyester yarn (hereinafter referred to as 'POY'), and is used in both the weaving and the knitting sectors to make polyester or polyester/cotton fabrics.

[1] OJ No L 56, 6. 3. 1996, p. 1.
[2] OJ No L 317, 6. 12. 1996, p. 1.
[3] OJ No C 95, 19. 4. 1995, p. 5.
[4] OJ No L 349, 31. 12. 1994, p. 1.

There are different types of PTY, depending on the weight ('denier'), the number of filaments and the lustre. There are also different qualities, depending on the efficiency of the production process. However, no significant differences exist in the basic physical characteristics and uses of the different types and qualities of PTY. In these circumstances, all types of PTY are considered as one product for the purposes of this proceeding.

2. Like product

(8) The investigation showed that PTY sold on the domestic market of Malaysia has similar basic physical characteristics and uses to the PTY exported from that country to the Community. Similarly, the PTY manufactured by the Community industry and sold on the Community market has similar basic physical characteristics and uses when compared to that exported to the Community from Malaysia.

(9) Consequently, PTY sold on the respective domestic market of the exporting country, PTY exported from this country to the Community and PTY produced by the Community industry and sold in the Community market are considered 'like product', within the meaning of Article 1 (4) of the Basic Regulation.

C. DUMPING

1. Normal value

(10) It was first examined whether the volume of sales of the product concerned by the sole cooperating Malaysian producer on the domestic market reached in total at least 5 % of the volume of the exports of the like product to the Community, a percentage which has consistently been considered to constitute sales in sufficient quantities to permit a proper comparison in accordance with Article 2 (2) of the Basic Regulation. The producer achieved a level in excess of this 5 % threshold.

(11) For each of the types sold on the domestic market and found to be identical or directly comparable to types sold for export to the Community, the Commission then established whether domestic sales per type were made in sufficient quantities.

(12) Domestic sales of each type were considered to have been made in sufficient quantities within the meaning of Article 2 (2) of the Basic Regulation where the volume of each type of PTY sold in Malaysia during the investigation period represented 5 % or more of the quantity of the comparable type of PTY sold for export to the Community.

(13) The Commission subsequently examined whether the domestic sales of each type of PTY could be considered to have been made in the ordinary course of trade, by looking at the proportion of profitable sales of each type in question.

(14) The methodology applied to assess the ordinary course of trade for domestic sales was as follows:

In cases where the volume of the type of PTY sold at a net sales price equal to or above the unit costs, as defined in Article 2 of the Basic Regulation, represented 80 % or more of the total sales volume of that type, the normal value was established as a weighted average of all domestic sales transactions of the type concerned during the investigation period, whether profitable or not.

In cases where the volume of the type of PTY sold at a net sales price equal to or above the unit costs represented less than 80 % of the total sales volume of that type, the normal value was established as a weighted average of profitable domestic sales transactions of the type concerned only, where these transactions were made in sufficient quantities.

As a result of the methodology set out above, normal value for all 20 types of PTY exported to the Community during the investigation period could be based on the domestic selling prices of comparable types of PTY.

2. Export prices

(15) Export prices were established on the basis of the prices actually paid or payable for the product concerned when sold for export from the exporting country to the Community, in accordance with Article 2 (8) of the Basic Regulation.

3. Comparison

(16) Normal value by product type was compared with the export price for the corresponding type, at an ex-works level and at the same level of trade. Normal value, established on a weighted average basis, was compared to a weighted average of prices of all export transactions to the Community, in accordance with Article 2 (11) of the Basic Regulation.

(17) For the purpose of a fair comparison, normal value and export price were adjusted in accordance with the provisions of Article 2 (10) of the Basic Regulation to take account of differences affecting price comparability.

(18) In the case of normal value, adjustments were made to take account of inland transport costs, insurance, handling and loading expenses and payment terms so as to bring the normal value to an ex-factory level.

(19) Adjustments for transport costs (inland and ocean), handling and ancillary expenses as well as payment terms and, where appropriate, commissions and insurance were made to export prices to arrive at an ex-factory level.

(20) Adjustments granted were limited to those claimed for which satisfactory evidence was submitted that the differences concerned affected prices and price comparability.

4. Dumping margin

(21) The comparison made as described under recital (16) above revealed the existence of dumping, the margin of dumping being equal to the amount by which the normal value exceeds the export price to the Community.

A weighted average dumping margin, expressed as a percentage of the free-at-Community-frontier price, customs duty unpaid, was established. For Hualon Corporation (M) Sdn. Bhd., the sole co-operating producer in Malaysia, this margin amounts to 16,4 %.

(22) In the case of producers in Malaysia which neither replied to the Commission's questionnaire nor otherwise made themselves known, and which thus failed to cooperate in the investigation, the Commission considered that the dumping margin should be determined on the basis of the facts available in accordance with Article 18 (1) of the Basic Regulation. In this connection, it was considered that the most reasonable facts were those established during the investigation, and that in order to avoid giving a premium for non-cooperation, the dumping margin attributable to those producers should be based on the highest dumping margin found for a type of PTY most representative, in terms of volume and quality, of the types of PTY exported by the sole cooperating Malaysian producer. The dumping margin thereby established for this type, representing some 20 % of the export volume by Hualon Corporation (M) Sdn. Bhd. to the Community, amounts to 32,5 %, and should be attributed to the producers in Malaysia which failed to cooperate in the investigation.

D. COMMUNITY INDUSTRY

(23) Not all the producers of PTY in the Community cooperated in the investigation, though no producer expressed opposition to the complaint. Accordingly, in order to establish the total PTY production in the Community, data obtained from the responses to the questionnaires, from Eurostat figures and from Cirfs concerning the output of the non-cooperating producers were used. On this basis, the total PTY annual output in the Community during the investigation period was estimated at about 193 000 tonnes, of which 97 000 tonnes were produced by the Community producers supporting the complaint which were not related to exporters of the allegedly dumped product and which cooperated during the proceeding.

(24) As in the review proceeding of anti-dumping measures concerning imports of PTY from Turkey and Taiwan [1] as well as in the anti-dumping proceeding concerning imports of PTY from India, Indonesia and Thailand [2], the Commission considered whether one company, Exsa, producing PTY in the Community, which is a subsidiary of an exporting company located in Turkey, should, in this proceeding too, be excluded from the definition of the Community industry, pursuant to Article 4 (1) (a) of the Basic Regulation.

(25) In this connection, it should be recalled that Exsa purchased the essential element for the PTY production, POY, from its parent company which was found to be exporting POY to the Community market at dumped prices. Exsa processed the POY into PTY which was mainly sold on the Community market. In addition, the Turkish parent company exported PTA at dumped prices to the Community [3]. For these reasons, Exsa was excluded from the definition of the Community PTY industry in both those proceedings.

(26) In the present proceeding, Exsa is not related to any of the Malaysian exporters concerned. However, in view of the fact that Exsa has produced PTY from POY obtained from its parent company which was found to be dumping, the Commission took the view that to include the data relating to PTY produced by this company would distort the assessment of the situation of the Community industry and would thus make it unreliable. Accordingly, Exsa was also excluded in this proceeding from the definition of the Community industry.

[1] Council Regulation (EC) No 1074/96 of 10 June 1996, amending further Regulation (EEC) No 3905/88 as regards definitive anti-dumping duties on imports of polyester yarn originating in Taiwan and Turkey (OJ No L 141, 14. 6. 1996, p. 45).

[2] Commission Regulation (EC) No 940/96 of 23 May 1996, imposing a provisional anti-dumping duty on imports of polyester textured filament yarn originating in Indonesia and Thailand (OJ No L 128, 29. 5. 1996, p. 3).

[3] See recital (112) of Regulation (EC) No 1074/96.

(27) On this basis, the share of the total Community production held by the complainant producers during the investigation period was about 50 %. Therefore, the complainants represent a major proportion of the total Community production of the product concerned within the meaning of Article 4 (1) of the Basic Regulation. For the remainder of this document, the term 'Community industry' refers only to the complaining companies of the Community industry.

E. INJURY

(28) The injury assessment made by the Commission was based on the relevant economic indicators covering the period January 1991 to March 1995 (hereinafter referred to as the 'period under consideration'). This assessment was based on information available for the fifteen Member States.

1. Community consumption of PTY

(29) The Commission determined that the total apparent Community consumption of PTY has, with the exception of 1993, increased during the period under consideration. Thus, it went from around 236 000 tonnes in 1991, to around 243 000 tonnes in 1992 and fell back to around 227 000 tonnes in 1993, to increase again to around 262 000 tonnes in 1994. Total Community consumption during the investigation period (15 months) amounts to around 330 000 tonnes. Overall, consumption of PTY in the Community increased by some 11 % from 1991 to 1994, and this trend seems to have continued in 1995.

2. Exporters' behaviour in the Community market

(a) *Volume and market share of the dumped imports*

(30) At the beginning of the period under consideration, no exports of PTY originating in Malaysia were registered in the Community market (1991). Malaysian exports increased from 0 tonnes in 1991 to around 1 100 tonnes in 1992 (0,4 % market share), to around 2 400 tonnes in 1993 (1,0 % market share), and to around 7 900 during 1994 (3,0 % market share). During the investigation period (see recital (6)), Malaysian exports amounted to around 9 000 tonnes representing, again, a 3,0 % market share (see recital (29)).

(b) *Prices of the dumped imports*

(31) In order to assess the pricing of the imports concerned, PTY types manufactured and sold by the Community producers and those exported from Malaysia to the Community have been divided into comparable product groups, depending on the denier and filament number of the types. The Commission then compared the weighted average Community industry's selling price of each group with the weighted average price of the comparable group of PTY exported, at the same level of trade. On this basis, undercutting margins, obtained per individual group, were then weighted in order to reach one overall margin.

The Community industry's selling prices were established on an ex-works basis and the comparable export prices at a free-at-Community-frontier stage, duty paid.

(32) This comparison showed undercutting margins constantly during the investigation period, ranging from 5 % to 43 %, with an overall weighted average margin of 18,2 %.

3. Situation of the Community industry

(a) *Production, production capacity and capacity utilisation*

(33) The Community industry's production of PTY dropped from around 104 000 tonnes in 1991 to around 92 000 tonnes in 1993, and then recovered to around 95 000 tonnes in 1994. During the investigation period (15 months), the production of the Community industry reached around 121 000 tonnes (representing around 97 000 tonnes on an annual basis).

It should be noted that the actual level of production, although increasing since 1994, was during the investigation period still nearly 7 % lower than the output level in 1991, notwithstanding an increase of 11 % in Community consumption of PTY over the same period.

(34) The PTY production capacity of the Community industry developed from 114 000 tonnes in 1991, to 118 000 tonnes in 1992, to 122 000 tonnes in 1993, and fell back to 107 000 tonnes in 1994. During the investigation period (15 months) the capacity of the Community industry amounted to 135 925 tonnes (representing 108 740 tonnes on an annual basis).

The increase in PTY production capacity from 1991 to 1993 is mainly the result of the development of an Irish company, Unifi, related to a US company. It is noted that this production facility merely replaced imports of POY from the USA.

(35) Capacity utilisation of the Community industry steadily declined from 91 % in 1991 to 76 % in 1993 and then recovered to 89 % during the investigation period, mainly as a result of the reduction in production capacity which took place in 1994.

(b) *Sales volume and market share*

(36) The quantity of PTY sold in the Community by the Community industry moved as follows: 87 000 tonnes in 1991, 91 000 tonnes in 1992, 87 000 tonnes in 1993, 89 000 tonnes in 1994, and reached around 114 000 tonnes during the investigation period (15 months), representing 87 000 tonnes on an annual basis, in the context of growing demand.

(37) The Community industry's market share developed as follows: 37,2 % in 1991, 37,7 % in 1992, 38,7 % in 1993, 34,0 % in 1994, and 34,5 % for the investigation period. This decline in the market share is the result of the relative stability of sales volume by the Community industry in an expanding market, and has to be seen in the light of the expansion of a producer in the period 1992 to 1993 (see recital (34)). Had the sales of this producer not been taken into account, the market share of the remaining producers making up the Community industry would have decreased even more substantially.

(c) *Price movements*

(38) Prices for PTY, charged by the Community industry on the Community market, decreased steadily from 1991 onwards. On average this decrease amounted to 16 % during the investigation period when compared to the prices of the Community industry in 1991, and despite a price increase in raw materials which occurred at the end of the investigation period (see also recitals (58) and (59)).

(d) *Profitability*

(39) It was found that, overall and from 1992 onwards, the Community PTY industry has recorded deteriorating financial results. The profitable situation in 1991 (+ 11,2 %) sharply shrank to an unsatisfactory profit margin of 2,1 % in 1992, and turned into losses as from 1993 (– 9,4 %). Since then, all Community producers have continued to suffer heavy losses, or decreasing profitability, notwithstanding a certain reduction on the overall losses incurred.

(e) *Employment and investment*

(40) Although the production of PTY is not labour intensive, there has been a steady curtailment in employment by the Community industry.

As a result of insufficient profitability, investments by the Community industry were reduced to a level which in many cases jeopardises the efficiency of the production process.

4. Conclusion on injury

(41) On the basis of the unsatisfactory movement of the economic indicators as outlined above, which consists mainly in a decline in actual production, in production capacity and in market share, as well as a price decrease and considerable financial losses, it is provisionally concluded that the Community industry has suffered material injury.

F. CAUSATION OF INJURY

1. Causal link between dumped imports and injury

(42) Dumped imports of PTY originating in Malaysia have been made at low prices as compared to the prices of the Community industry (see recitals (30) (31) and (32)). This finding is particularly relevant as the PTY market is highly transparent, with the effect that pricing behaviour of particular market participants has an effect on the prices that other market participants can obtain; this conclusion is underlined by the fact that the dumped imports concerned have been sold through the same channels and to the same kinds of customers as sales from the Community industry. Furthermore, the investigation has established that these imports have gained a significant share of the Community market during the period under consideration. During the same period, the Community industry has suffered a loss in market share despite the increase recorded in Community consumption of PTY, as well as substantial financial losses.

2. Effect of other facts

(43) In order to ensure that injury suffered by the Community industry due to other factors is not attributed to the dumped imports, the Commission examined further these other factors. This examination was all the more warranted as the profitability of the Community industry had already started to deteriorate in 1992, whereas imports from Malaysia showed the most significant increase in 1994.

(a) *Imports from other countries*

— Taiwan and Turkey

(44) Anti-dumping measures were introduced in 1988 on imports of PTY originating in Turkey and Taiwan and they remain in force, duly amended as the result of a review investigation that shows that the expiry of the measures would lead to a recurrence of injury to the Community industry.

— India, Indonesia and Thailand

(45) Imports into the Community of PTY from India, Indonesia and Thailand are also subject to an anti-dumping proceeding. The findings made in the investigation showed that, while Indian imports were negligible, imports from Indonesia and Thai-

land have increased significantly at dumped prices which undercut Community producers' prices. It was therefore concluded that imports from Indonesia and Thailand contributed materially to the injurious situation of the Community industry and that anti-dumping measures needed to be imposed on those imports.

— USA, South Africa and Slovakia

(46) Imports from these countries were claimed to have influenced the situation of the Community industry and it was alleged that the complaint was discriminatory as a number of countries had not been included.

(47) In this respect, the investigation confirmed that imports of PTY from the USA during the period under consideration had increased reaching a peak level in 1992. Since then, though still significant (4,9 % absolute market share during the investigation period), they dropped consistently, both in volume (− 28 % between 1992 and the investigation period) and in market share (− 21 % between 1992 and the investigation period). Furthermore, as far as import prices are concerned, the information available to the Commission based on Eurostat figures does not specify the types of PTY imported from the USA. Consequently, no conclusion on prices can be drawn, although it should also be noted that the Commission did not have any indication whatsoever that imports of PTY from the USA might have been made at dumped prices.

As to imports of PTY from South Africa, they remained stable at a negligible level of ± 1 % market share. For these imports, a conclusion on prices cannot be drawn in view of the lack of information provided in Eurostat data on the individual types of PTY imported from South Africa, although the imports were made during the investigation period at prices which were, on average, 24 % higher than those of imports originating in Malaysia.

For these reasons, it is concluded that those imports could not have contributed to the deteriorating economic situation of the Community industry.

(48) As far as Slovakia is concerned, imports of PTY into the Community from this country achieved a Community market share in the investigation period of 3,3 %. However, it appeared that since 1993, owing to an investment of a Community producer in Slovakia, a major proportion of imports into the Community originating in that country was made at transfer prices between related parties. It can reasonably be assumed that such imports cannot have been made by the Community producer in question with the intention of adversely affecting its own profitability, and the investigation has shown that the company concerned belonging to the Community industry has seen a deterioration of its financial results. Consequently, it is concluded that the Slovakian imports cannot have had a meaningful impact on the situation of the Community industry.

(b) *Other Community producer*

(49) Since the Community producers supporting the complaint represent only about 50 % of the total Community production of PTY, it was considered necessary to examine the behaviour of the other Community producers of PTY in the Community and their possible impact on the situation of the complainants.

(50) The estimated production capacity of the other PTY producers in the Community appears to have remained stable over the last four years. The same applies to their actual production. As to the market share of these other Community producers, it showed during the investigation period a slight decrease as against that of the Community industry.

(51) Therefore, it does not appear that these producers' behaviour could have a negative impact on the situation of the Community industry other than that resulting from normal competition.

(c) *Exports of the Community industry*

(52) The Malaysian exporter argued that the critical situation alleged by the Community industry on the Community market can be explained by the fact that Community exports have increased since 1991.

(53) This argument is of doubtful logic. Independently of the fact that only non-complaining Community producers were able to increase their exports (export sales of the complaining industry decreased as from 1991), there are no rational grounds for concluding that a strong export performance is a reason for poor results on the domestic market. The claim by the Malaysian exporter, therefore, appears unfounded.

(d) *Exchange rates and market conditions*

(54) The Malaysian exporter claimed that favourable exchange rates of the US dollar against the ecu have fostered Malaysian exports to the Community.

(55) The fact that the exchange rate of the dollar against the ecu might have rendered the imported PTY invoiced in US dollars more attractive to the importers does not detract from the fact that the product was exported at dumped prices throughout the entire period. While the exchange rate fluctuations may have reinforced the injurious effect to the Malaysian imports, they cannot explain nor justify the considerable price undercutting exercised by these imports during the investigation period (see recital (32)).

(56) The Malaysian exporter also alleged that labour costs are much higher in the Community than in Malaysia, which leads to much higher prices of Community produced PTY than of Malaysian-produced PTY.

(57) It should be noted that labour in this type of industry constitutes a minor part of the production costs. The difference in price of the dumped imported yarn and the price of the yarn produced by the Community industry cannot be accounted for to any significant extent by differences in labour costs.

(58) The producer in Malaysia claimed that the imposition of anti-dumping measures would be unjustified in the present circumstances given the dramatic increase in their export prices since the end of 1994 which was more than sufficient to remove any alleged dumping or injury during the investigation period.

(59) This price increase is mainly the result of a cost increase due to higher-priced raw materials and therefore merely reflecting an overall world-wide general increase in prices. As previously stated, undercutting margins were also found throughout the investigation period (see recital (32)), and imports continued to be made at dumped prices.

(60) Furthermore, it should be recalled that it is the Commission's standard practice in anti-dumping proceedings to investigate facts and figures relating to a precise period of investigation. Events occuring after the investigation period, in this case after March 1995, cannot normally be taken into consideration for the purpose of dumping and injury calculations, as the need to verify these events would perpetuate an investigation almost indefinitely. It would also allow exporters to manipulate the results by short-lived price increase after the initiation of the anti-dumping proceeding. In any event, on the basis of the information obtained for the investigation period, the price increase, if maintained after the investigation period, would still be at injurious dumping levels.

(e) *Recession*

(61) The Malaysian producer argued that a recession was a major factor having caused injury to the Community producer.

(62) In this respect it has to be noted that the development of the apparent Community consumption described in recital (29) above does not reflect any recession in the PTY market.

3. Conclusions on causation of injury

(63) The surge of Malysian imports, which were consistently sold during the investigation period at low, dumped prices, undercutting Community producers' prices, has had a particularly destabilizing impact on the Community industry, which experienced a decline in production, market share and prices, as well as substantial financial losses. Like the PTY imports from Taiwan, Turkey, Indonesia and Thailand, which are subject to anti-dumping proceedings, the dumped imports from Malaysia, taken in isolation, must, in these circumstances, be considered to have caused material injury to the Community industry.

G. COMMUNITY INTEREST

1. General considerations

(64) A determination as to whether the Community interest calls for intervention should be based on an appraisal of all the various interests taken as a whole, including those of producers, users and consumers in the Community. In such an examination, the need to eliminate the trade-distorting effects of injurious dumping and to restore effective competition shall be given special consideration while assessing the situation in the Community with and without the imposition of anti-dumping measures.

2. Interest of the Community industry and impact on competition

(65) The investigation has established that the Community industry is facing an injurious situation in the form of an overall decrease in production, market share and selling prices, which together have led to substantial financial losses. In addition, it has had to reduce the number of employees.

Restoring a situation in which the imports concerned will be made at undumped prices should prevent the further deterioration of the situation of the Community industry, which is in danger of becoming uncompetitive given the nature of the injury suffered and given the opportunities for the Community industry to increase its market position. Competitiveness in this sector is largely dependent on the capacity for regular modernization of the production equipment, an investment which may become problematic for the Community industry in view of its precarious financial situation (see also recitals (39) and (40)).

(66) When examining the effect on competition of possible anti-dumping measures in the present case, account has to be taken of the fact that the Community PTY industry held a market share of only around 35 % during the investigation period. In this connection, the following considerations appear relevant.

(67) The imposition of anti-dumping measures could affect the price levels of the Malaysian exporters in the Community and may subsequently have some influence on the relative competitiveness of their products. However, competition on the Community market cannot be expected to be reduced in any significant way as a consequence of such measures. On the contrary, the removal of the unfair advantages gained by the dumping practices is designed to place the Community industry, and possibly those producers in third countries selling to the Community at fair prices, in a position to compete in the Community market with the dumped imports on equal terms, and thus to help to maintain the availability of a wide choice of PTY sources.

(68) It has also to be recalled that the Community industry has been affected by dumped imports from other third countries, namely Taiwan, Turkey, Thailand and Indonesia, which are currently subject to anti-dumping measures or for which measures have been proposed. These countries would be treated in a discriminatory manner, and the effectiveness of the measures would be undermined, if no action is taken to eliminate the injurious effects of dumped imports from Malaysia.

3. Other specific interests involved

(69) The effects of imposing anti-dumping measures on dumped imports of PTY from Malaysia in relation to the specific interests of parties other than the Community industry, including the processing industry, have also to be considered.

(70) Though no arguments were submitted by users of PTY in the Community with regard to the impact of an increase in the price of PTY, the Commission has analysed this aspect and has come to the conclusion that the anti-dumping duties proposed can be considered a minor factor in the global cost structure of the textile industry: the cost of PTY imported from Malaysia accounts for only 14 % of the Community selling price of polyester dyed filament fabric. With a 16,4 % anti-dumping duty, the maximum impact would be 2,3 % on polyester dyed filament fabric.

4. Conclusion on Community interest

(71) Having examined the various interests involved, the Commission concludes that to leave the Community PTY industry suffering material injury, as especially demonstrated by declining production and market share, as well as by financial losses, without protection against the dumped imports concerned, would accelerate the deterioration of that industry and would therefore not be in the interest of the Community. It is furthermore considered necessary to assure a non-discriminatory treatment between dumped imports of PTY from Malaysia and from other third countries.

(72) In these circumstances, no compelling reasons for not imposing anti-dumping measures were found, and it is concluded that the Community interest calls for the imposition of anti-dumping measures.

H. DUTY

(73) Based on the provisional findings made during the investigation, it is considered that anti-dumping measures should be established in such a way as to allow the Community industry to obtain the reasonable profit it has been deprived of through the injurious effects of the dumped imports. To this end, a provisional anti-dumping duty in the form of an *ad valorem* duty should be imposed.

(74) For the purpose of establishing the level of the provisional duty, account was taken of the level of dumping found and the amount of duty necessary to eliminate the injury sustained by the Community industry.

(75) When calculating the amount of duty adequate to remedy the injury suffered by the Community industry, the Commission had to consider that injury has manifested itself mainly in the form of a

loss of market share and worsening financial results due to depressed prices resulting from price undercutting. The removal of such injury requires that the measures taken allow the Community industry to realize sales on the basis of prices at a non-injurious level.

(76) In this respect, the Commission had calculated, at an ex-factory level, the price level considered adequate to remove the injury on the basis of the weighted average cost of production of the Community industry, plus a profit of 6 % considered reasonable for guaranteeing the industry productive investment on a long-term basis. This injury elimination level has then be compared to import prices on a free-at-Community-frontier basis, duty paid.

(77) Since the injury margin thus established exceeds, for the sole Malaysian cooperating exporter, the dumping margin found, the duties should be based on the dumping margin pursuant to Article 7 (2) of the Basic Regulation.

(78) In establishing the level of provisional duty to be imposed in respect of producers in the exporting country concerned which neither replied to the Commission's questionnaire nor otherwise made themselves known, the Commission considered it appropriate, for the reasons outlined in recital (22), to establish the level of provisional anti-dumping duty at the dumping margin provisionally used in that recital for imports originating in Malaysia.

I. RIGHTS OF INTERESTED PARTIES

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of polyester textured filament yarn falling within CN codes 5402 33 10 and 5402 33 90, and originating in Malaysia.

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

Company	Duty	Taric additional Code
Hualon Corporation (M) Sdn. Bhd.	16,4 %	8933
Others	32,5 %	8900

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

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

Article 2

Without prejudice to Article 20 of Regulation (EC) No 384/96, the parties concerned may make known their views in writing and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Article 3

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

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

Done at Brussels, 14 January 1997.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 54/97
of 15 January 1997
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats [1], as last amended by Regulation (EC) No 1581/96 [2], and in particular Article 3 (3) thereof,

Whereas Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 [3], as last amended by Regulation (EEC) No 2962/77 [4];

Whereas Article 3 (3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 3 (4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market; whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period; whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 3 (3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender; whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 3 (3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 [5], as last amended by Regulation (EC) No 150/95 [6], are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 [7], as last amended by Regulation (EC) No 1482/96 [8];

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 January 1997.

(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 206, 16. 8. 1996, p. 11.
(3) OJ No L 78, 31. 3. 1972, p. 1.
(4) OJ No L 348, 30. 12. 1977, p. 53.
(5) OJ No L 387, 31. 12. 1992, p. 1.
(6) OJ No L 22, 31. 1. 1995, p. 1.
(7) OJ No L 108, 1. 5. 1993, p. 106.
(8) OJ No L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 15 January 1997.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 15 January 1997 fixing the export refunds on olive oil

(ECU/100 kg)

Product code	Amount of refund (1)
1509 10 90 9100	28,00
1509 10 90 9900	0,00
1509 90 00 9100	31,50
1509 90 00 9900	0,00
1510 00 90 9100	2,00
1510 00 90 9900	0,00

(1) For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p 1), as well as for exports to third countries.

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

COMMISSION REGULATION (EC) No 55/97

of 15 January 1997

fixing the maximum export refunds for olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats [1], as last amended by Regulation (EC) No 1581/96 [2], and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 2081/96 [3] issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EC) No 2081/96 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the abovementioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 January 1997.

Article 2

This Regulation shall enter into force on 16 January 1997.

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

Done at Brussels, 15 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ No 172, 30. 9. 1966, p. 3025/66.
[2] OJ No L 206, 16. 8. 1996, p. 11.
[3] OJ No L 279, 31. 10. 1996, p. 17.

ANNEX

to the Commission Regulation of 15 January 1997 fixing the maximum export refunds for olive oil for the fourth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 9100	30,20
1509 10 90 9900	—
1509 90 00 9100	33,50
1509 90 00 9900	—
1510 00 90 9100	3,01
1510 00 90 9900	—

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

COMMISSION REGULATION (EC) No 56/97

of 15 January 1997

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 2375/96 [2], and in particular Article 4 (1) 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 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 Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 January 1997.

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

Done at Brussels, 15 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

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(1) OJ No L 337, 24. 12. 1994, p. 66.
(2) OJ No L 325, 14. 12. 1996, p. 5.
(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 15 January 1997 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 15	052	42,0
	204	53,4
	624	194,2
	999	96,5
0707 00 10	053	198,8
	624	130,5
	999	164,7
0709 10 10	220	192,2
	999	192,2
0709 90 71	052	129,0
	053	197,1
	204	146,3
	999	157,5
0805 10 01, 0805 10 05, 0805 10 09	052	36,8
	204	48,0
	212	48,0
	220	35,1
	448	24,1
	600	67,3
	624	72,2
	999	47,4
0805 20 11	052	55,1
	204	68,4
	999	61,8
0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	64,9
	464	89,9
	624	89,4
	999	81,4
0805 30 20	052	78,7
	528	44,5
	600	82,1
	999	68,4
0808 10 51, 0808 10 53, 0808 10 59	052	79,7
	060	46,3
	064	56,0
	400	87,8
	404	85,7
	720	78,1
	728	103,6
	999	76,7
0808 20 31	052	135,7
	064	76,7
	400	101,5
	624	73,5
	999	96,8

(1) Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 57/97

of 15 January 1997

fixing the import duties in the cereals sector

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 923/96 [2],

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector [3], and in particular Article 2 (1) thereof,

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 for the 1996/97 marketing year as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 January 1997.

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

Done at Brussels, 15 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ No L 181, 1. 7. 1992, p. 21.
[2] OJ No L 126, 24. 5. 1996, p. 37.
[3] OJ No L 161, 29. 6. 1996, p. 125.

ANNEX I

Import duties for the products listed in Article 10 (2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by sea from other ports (2) (ECU/tonne)
1001 10 00	Durum wheat (1)	15,90	5,90
1001 90 91	Common wheat seed	41,01	31,01
1001 90 99	Common high quality wheat other than for sowing (3)	41,01	31,01
	medium quality	44,90	34,90
	low quality	60,27	50,27
1002 00 00	Rye	73,27	63,27
1003 00 10	Barley, seed	73,27	63,27
1003 00 90	Barley, other (3)	73,27	63,27
1005 10 90	Maize seed other than hybrid	92,07	82,07
1005 90 00	Maize other than seed (3)	92,07	82,07
1007 00 90	Grain sorghum other than hybrids for sowing	73,27	63,27

(1) In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

(2) For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2 (4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

(3) The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 30 December 1996 to 14 January 1997)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	114,63	121,08	114,97	82,74	171,27 (1)	113,91 (1)
Gulf premium (ECU/tonne)	31,55	21,20	11,94	12,37	—	—
Great Lakes premium (ECU/tonne)	—	—	—	—	—	—

(1) Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,68 per tonne; Great Lakes — Rotterdam: ECU 22,35 per tonne.

3. Subsidy (third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne).

COUNCIL DIRECTIVE 96/90/EC

of 17 December 1996

amending Directive 92/118/EEC laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Having regard to the opinion of the Economic and Social Committee (3),

Whereas Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC (4), provides for the drawing up of Community lists of establishments for which the competent authority in the third country has given the Community guarantees that the establishments in question comply with Community requirements;

Whereas for ungulate skins, bones, horns, hooves and products thereof, apiculture products, game trophies, slurry, wool, hair, bristles and feathers listed respectively in Annex I, Chapters 3, 5 (B), 12, 13, 14 and 15, and honey it is sufficient to ensure that the establishment has been registered by the competent authority in the third country;

Whereas, because the meat of reptiles and species not covered by specific requirements and products derived from them are being consumed in the Community, health conditions should be laid down on the production, placing on the market and importation of these animal products;

Whereas Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products (5) applies to milk and products derived from milk produced by cows, ewes, goats and buffaloes only;

Whereas trade in and imports of milk and milk-based products obtained from other species should be subject to specific health conditions;

Whereas, for that purpose, it is essential to entrust to the Commission, in accordance with the Standing Veterinary Committee procedure, the task of adopting the necessary implementing measures to ensure uniform health conditions for production, placing on the market and importation of these animal products;

Whereas it should be laid down that this Directive shall apply without prejudice to Council Regulation (EEC) No 3626/82 of 3 December 1982 on the implementation in the Community of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (6),

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 92/118/EEC is hereby amended as follows:

1. In Article 10,

(i) paragraph (2) (b) shall be replaced by the following:

'(b) unless otherwise specified in Annex II,

— the products referred to in Chapters 3, 5 (B), 12, 13, 14 (I) (unprocessed slurry) and 15 of Annex I and honey must come from an establishment that has been registered by the competent authority of the third country;

— products other than those referred to in the first indent must come from establishments on a Community list to be drawn up in accordance with the procedure laid down in Article 18;'

(1) OJ No C 110, 16. 4. 1996, p. 9.
(2) OJ No C 347, 18. 11. 1996.
(3) Opinion delivered on 27 November 1996 (not yet published in the Official Journal).
(4) OJ No L 62, 15. 3. 1993, p. 49. Directive as last amended by Commission Decision 96/340/EC (OJ No L 129, 30. 5. 1996, p. 25).
(5) OJ No L 268, 14. 9. 1992, p. 1.
(6) OJ No L 384, 31. 12. 1982, p. 1. Regulation as last amended by Regulation (EEC) No 197/90 (OJ No L 29, 31. 1. 1990, p. 1).

(ii) in paragraph 3 (a), the following third subparagraph shall be inserted:

'Pending the fixing of the detailed rules of application provided for in the fourth and fifth indents of Chapter 2 of Annex II, Member States shall ensure that imports of products referred to therein are subject to compliance with the minimum guarantees laid down in the said indents.';

(iii) paragraph 3 (b) shall be deleted;

(iv) in paragraph 6, replace the terms 'in paragraphs 2 (a) and 3 (b)' by 'in paragraph 2 (a) and (b) second indent'.

2. In the introductory sentence in Annex II Chapter 2 the words 'Before 1 January 1994' shall be replaced by 'Before 1 July 1997'.

3. The following indents shall be added in Annex II, Chapter 2:

'— trade in and imports of milk and milk-based products intended for human consumption, obtained from species not covered by Directive 92/46/EEC; depending on the species, specific requirements may be laid down as regards:

— animal health and the health status of dairy herds, in particular with regard to tuberculosis and brucellosis;

— hygiene in respect of

— milking,

— the collection, transport, treatment and processing of milk,

— staff,

— testing for residues of pharmacologically and/or hormonally active substances, antibiotics, pesticides or other harmful substances in milk or milk products,

— criteria applicable to raw milk as a raw material,

— microbiological criteria applicable to finished products,

— the production, placing on the market and importation of meat of species not covered by specific requirements, and in particular reptile meat and products thereof, intended for human consumption.

Depending on the species, specific requirements may be laid down as regards:

— microbiological and parasitological criteria,

— hygiene during slaughter,

— testing for residues.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 July 1997. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 17 December 1996.

For the Council

The President

I. YATES

COUNCIL DIRECTIVE 96/91/EC

of 17 December 1996

amending Directive 72/462/EEC on health and veterinary inspection problems on importation of animals of the bovine, ovine, caprine and porcine species, fresh meat and meat-based products from third countries

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Having regard to the opinion of the Economic and Social Committee (2),

Whereas Directive 72/462/EEC (3) laid down health and veterinary inspection conditions governing imports into the Community of meat-based products covered by Directive 77/99/EEC (4);

Whereas the inclusion by Directive 92/5/EEC (5) of stomachs, bladders, and intestines, cleaned, salted or dried and/or heated within the scope of Directive 77/99/EEC made import of those products subject to the requirements of Directive 77/462/EEC and in particular made it a requirement that they must come from a slaughterhouse approved in accordance with Directive 72/462/EEC;

Whereas the Commission proposed applying different arrangements to them and including them in Annex II to Directive 92/118/EEC (6);

Whereas the Council considers that it is unable to state a position on this proposal in the absence of import conditions, harmonized certificates or veterinary equivalence agreements with the Community's main partners;

Whereas, in order to avoid an interruption of trade flows in these products with certain third countries as from 1 January 1997 when the transitional measures applicable to imports of these products expire, imports from establishments offering the health and veterinary inspection guarantees required by Community legislation other than the slaughterhouses approved pursuant to Directive 72/462/EEC should be authorized to continue,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following second subparagraph shall be inserted in Article 21b of Directive 72/462/EEC:

'Pending the establishment by the Commission of import certificates and lists of establishments from which imports of intestines and the other products referred to in Article 2 (b) (v) of Directive 77/99/EEC or the conclusion of veterinary equivalence agreements, and until 31 December 1997 at the latest, Member States shall be authorized to import these products in accordance with the national rules in force by way of derogation from the requirements laid down in paragraphs 1, 2 and 4 (a) (i).'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January 1997. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The method of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field governed by this Directive.

(1) OJ No C 341, 5. 12. 1994, p. 206.
(2) OJ No C 397, 31. 12. 1994, p. 37.
(3) OJ No L 302, 31. 12. 1972, p. 28. Directive as last amended by the Act of Accession of 1994.
(4) OJ No L 26, 31. 1. 1977, p. 85. Directive as last amended by Directive 95/68/EC (OJ No L 332, 30. 12. 1995, p. 10).
(5) OJ No L 57, 2. 3. 1992, p. 1.
(6) OJ No L 62, 15. 3. 1993, p. 49. Directive as last amended by Directive 96/340/EC (OJ No L 129, 30. 5. 1996, p. 35).

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 17 December 1996.

For the Council

The President

I. YATES

COUNCIL DIRECTIVE 96/93/EC

of 17 December 1996

on the certification of animals and animal products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the European Parliament (2),

Whereas Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market (3) and Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and animal products with a view to the completion of the internal market (4), put the responsibility on the Member State of production or dispatch to ensure that veterinary checks, and where applicable, certification, are carried out in an appropriate manner;

Whereas to ensure the smooth functioning of the internal market in live animals and animal products, Member States should be able to rely completely on the integrity of certification at the places of production and dispatch;

Whereas this objective cannot be achieved by Member States individually; whereas, therefore, common rules should be adopted on the obligations of competent authorities and certifying officers and with respect to the certification of animal and animals products in accordance with Community legislation;

Whereas it is appropriate to ensure that the rules and principles applied by third-country certifying officers provide guarantees which are at least equivalent to those laid down in this Directive;

Whereas effective measures must be taken to prevent misleading or fraudulent certification,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive lays down the rules to be observed in issuing the certificates required by veterinary legislation.

Article 2

1. For the purposes of this Directive:

'veterinary legislation' means the legislation listed in Annex A to Directive 89/662/EEC and Annexes A and B to Directive 90/425/EEC;

'certifying officer' means the official veterinarian or — in the cases provided for in veterinary legislation — any other person authorized by the competent authority to sign the certificates required by that legislation.

2. In addition to the definitions in paragraph 1, the definitions contained in Article 2 of Directives 89/662/EEC and 90/425/EEC shall apply *mutatis mutandis.*

Article 3

1. The authority shall ensure that certifying officers have a satisfactory knowledge of the veterinary legislation as regards the animals or products to be certified and, in general, are informed as to the rules to be followed for drawing up and issuing the certificates and — if necessary — as to the nature and extent of the enquiries, tests or examinations which should be carried out before certification.

2. Certifying officers must not certify data of which they have no personal knowledge or which cannot be ascertained by them.

3. Certifying officers must not sign blank or incomplete certificates, or certificates relating to animals or products which they have not inspected or which have passed out of their control. Where a certificate is signed on the basis of another certificate or attestation, the certifying officer shall be in possession of that document before signing.

4. Nothing in this Article shall prevent an official veterinarian from certifying data which have been:

(a) ascertained on the basis of paragraphs 1 to 3 of this Article by another person so authorized by the competent authority and acting under the control of the official veterinarian, provided that he or she can verify the accuracy of the data, or

(1) OJ No C 373, 29. 12. 1994, p. 16.
(2) OJ No C 56, 6. 3. 1995, p. 165.
(3) OJ No L 395, 30. 12. 1989, p. 13. Directive as last amended by Council Directive 92/118/EEC (OJ No L 62, 15. 3. 1993, p. 49).
(4) OJ No L 224, 18. 8. 1990, p. 29. Directive as last amended by Council Directive 92/118/EEC.

(b) obtained, within the context of monitoring programmes, by reference to officially recognized quality assurance schemes or by means of an epidemiological surveillance system

where this is authorized under veterinary legislation.

5. Detailed rules for implementing this Article may be adopted in accordance with the procedure laid down in Article 7.

Article 4

1. The competent authorities shall take all necessary steps to ensure the integrity of certification. In particular they shall ensure that certifying officers designated by them:

(a) have a status which ensures their impartiality and have no direct commercial interest in the animals or products being certified or in the holdings or establishments in which they originate;

(b) are fully aware of the significance of the contents of each certificate which they sign.

2. Certificates shall be drawn up at least in a language understood by the certifying officer and at least in one of the official languages of the country of destination as provided for in Community legislation.

3. Each competent authority shall be in a position to link certificates with the relevant certifying officer and ensure that a copy of all certificates issued is available for a period to be determined by it.

Article 5

1. Member States shall introduce such checks and have such control measures taken as are necessary to prevent the issuing of false or misleading certification and the fraudulent production or use of certificates purported to be issued for the purposes of veterinary legislation.

2. Without prejudice to any legal proceedings or penalties, the competent authorities shall carry out investigations or checks and take appropriate measures to penalize any instances of false or misleading certification which are brought to their attention. Such measures may include the temporary suspension of the certifying officers from their duties until the investigation is over.

In particular, if it is found in the course of the checks that:

(a) a certifying officer has knowingly issued a fraudulent certificate, the competent authority shall take all necessary steps to ensure, as far as is possible, that the person concerned cannot repeat the offence;

(b) an individual or an undertaking has made fraudulent use of or has altered an official certificate, the competent authority shall take all necessary measures to ensure, as far as is possible, that the individual or undertaking cannot repeat the offence. Such measures may include a refusal subsequently to issue an official certificate to the person or undertaking concerned.

Article 6

In the context of the inspections provided for by Community veterinary legislation and the audits to be carried out under the equivalence agreements between the Community and third countries, the Commission shall ensure that the rules and principles applied by third-country certifying officers offer guarantees at least equivalent to those laid down in this Directive.

Should it emerge from these inspections and/or audits or from the checks provided for in Directives 90/675/EEC and 91/496/EEC that third-country certifying officers have not complied with these principles, additional guarantees or specific requirements may be decided on in accordance with the procedure provided for in Article 7 of this Directive.

Article 7

Where reference is made to the procedure provided for in this Article, the Standing Veterinary Committee set up by Council Decision 68/361/EEC [1] shall act in accordance with the rules laid down in Article 18 of Directive 89/662/EEC.

Article 8

Before 31 December 1998 the Commission shall submit a report to the Council, accompanied by proposals on the possible use of secure methods of electronic transmission and certification.

The Council shall act by qualified majority on those proposals.

Article 9

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1998. They shall forthwith inform the Commission thereof.

[1] OJ No L 255, 18. 10. 1968, p. 23.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 17 December 1996.

For the Council

The President

I. YATES

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 December 1996

amending Decision 95/514/EC on the equivalence of field inspections carried out in third countries on seed-producing crops and on the equivalence of seed produced in third countries

(97/33/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed [1], and in particular Article 16 (1) thereof,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed [2], and in particular Article 16 (1) thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed [3], and in particular Article 16 (1) thereof,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants [4], and in particular Article 15 (1) thereof,

Having regard to the proposal from the Commission,

Whereas, in Decision 95/514/EC [5] it has been determined for a limited period that field inspections carried out in certain third countries on seed-producing crops of certain species satisfies the conditions laid down in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC; whereas in Decision 95/514/EC it has also been determined that seed of certain species produced in certain third countries was equivalent to corresponding seed produced in the Community;

Whereas Decision 95/514/EC will expire on 31 December 1996; whereas a new decision is therefore necessary;

Whereas, in this Decision, reference to the OECD schemes for the varietal certification of seed moving in international trade was made as one of the bases for Community equivalence;

Whereas in 1995 a system of alternative seed certification was included in these schemes as an experiment;

Whereas, the results of this experiment have not yet been evaluated;

Whereas, in these circumstances, it appears desirable to ensure continuation of the equivalence, but to limit it, to a further period of 12 months,

(1) OJ No 125, 11. 7. 1966, p. 2290/66. Directive as last amended by the 1994 Act of Accession.
(2) OJ No 125, 11. 7. 1966, p. 2298/66. Directive as last amended by Commission Directive 96/18/EC (OJ No L 76, 26. 3. 1996, p. 21).
(3) OJ No 125, 11. 7. 1966, p. 2309/66. Directive as last amended by Commission Directive 95/6/EC (OJ No L 67, 25. 3. 1995, p. 30).
(4) OJ No L 169, 10. 7. 1969, p. 3. Directive as last amended by Commission Directive 96/18/EC (OJ No L 76, 26. 3. 1996, p. 21).
(5) OJ No L 296, 9. 12. 1995, p. 34. Decision as last amended by Commission Decision 96/217/EC (OJ No L 72, 21. 3. 1996, p. 37).

HAS ADOPTED THIS DECISION:

Article 1

In Article 6 of Decision 95/514/EC '31 December 1996' shall be replaced by '31 December 1997'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 December 1996.

For the Council

The President

I. YATES

COUNCIL DECISION

of 17 December 1996

amending Decision 95/408/EC on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs

(97/34/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs [1], and in particular Article 9 thereof,

Having regard to the proposal from the Commission,

Whereas the interim period opened by Decision 95/408/EC ends on 31 December 1996; whereas, for administrative reasons, the drawing up of the lists of third country establishments from which Member States are authorized to import certain products in accordance with the Directives on health rules applicable to those products has been delayed;

Whereas, in order to prevent any disruptions in traditional trade patterns, the interim period during which a simplified system may be applied for the approval of third country establishments exporting certain products of animal origin, fishery products or live bivalve molluscs should be extended,

HAS ADOPTED THIS DECISION:

Article 1

In Article 9 of Council Decision 95/408/EC, the date of 31 December 1996 shall be replaced by 31 December 1998.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 December 1996.

For the Council

The President

I. YATES

[1] OJ No L 243, 11. 10. 1995, p. 17.

COMMISSION

COMMISSION DECISION

of 14 January 1997

terminating the anti-dumping proceedings concerning imports of certain sections of iron or non-alloy steel originating in the Czech Republic and Hungary

(97/35/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2277/96/ECSC of 28 November 1996 on protection against dumped imports from countries not members of the European Coal and Steel Community [1], and in particular Article 23 thereof,

Having regard to Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community [2], and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

(1) In October 1994, the Commission received a complaint lodged by the European Confederation of Iron and Steel Industries (Eurofer) concerning imports of certain sections of iron or non-alloy steel originating in the Czech Republic and Hungary.

The complaint was lodged on behalf of producers of the product in question allegedly representing a major proportion of total steel-section output in the Community.

The complaint contained sufficient evidence of dumping of the imports concerned and of material injury resulting therefrom to justify the initiation of anti-dumping proceedings.

(2) After consultation, therefore, the Commission announced by a notice published in the *Official Journal of the European Communities* [3] the initiation of anti-dumping proceedings with regard to the imports referred to in the complaint and it commenced an investigation.

(3) The investigation period selected for the determination of dumping was from 1 January 1994 to 30 June 1995. In respect of injury, the investigation covered the period from 1 January 1991 to 30 June 1995.

(4) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainant and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.

(5) Because of the volume of information gathered and the complexity of the investigation, the proceeding exceeded the normal duration of one year as provided for in Article 7 (9) of Decision No 2424/88/ECSC.

B. THE PRODUCTS UNDER CONSIDERATION

(6) The products covered by the complaint and the notice of initiation of proceedings are certain U- or I-sections (ECSC) of iron or non-alloy steel, not further worked than hot-rolled, hot-drawn or extruded, of a height of 80 mm or more but not exceeding 300 mm. Those products are currently classifiable under CN codes 7216 31 11, 7216 31 19, ex 7216 31 91, ex 7216 31 99, 7216 32 11, 7216 32 19, ex 7216 32 91 and ex 7216 32 99.

[1] OJ No L 308, 29. 11. 1996, p. 11.
[2] OJ No L 209, 2. 8. 1988, p. 18.
[3] OJ No C 180, 14. 7. 1995, p. 2.

C. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDINGS

(7) In the course of the investigation, by a letter of 11 September 1996, the complainant Community producers withdrew the complaint concerning imports of certain sections of iron or non-alloy steel originating in the Czech Republic and Hungary.

(8) In those circumstances, the anti-dumping proceedings concerning imports of certain sections of iron or non-alloy steel originating in the Czech Republic and Hungary can be terminated without imposition of protective measures.

(9) The Advisory Committee has been consulted and has raised no objection.

(10) The interested parties were informed of the essential facts and considerations on the basis of which the Commission intended to terminate the proceedings and have been given the opportunity to comment,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceedings concerning imports of certain sections of iron or non-alloy steel originating in the Czech Republic and Hungary are hereby terminated.

Done at Brussels, 14 January 1997.

For the Commission

Leon BRITTAN

Vice-President

CORRIGENDA

Corrigendum to Council Regulation (EC, Euratom) No 2729/94 of 31 October 1994 amending Regulation (EEC, Euratom) No 1552/89 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources

(Official Journal of the European Communities No L 293 of 12 November 1994)

Page 5, Article 1, point 2, line 1:

for: '... the fifth subparagraph ...',

read: '... the sixth subparagraph ...'.

Corrigendum to Commission Decision 97/24/EC of 17 December 1996 amending for the fifth time Decision 95/32/EC approving the Austrian programme for the implementation of Article 138 of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden

(Official Journal of the European Communities No L 8 of 11 January 1997)

In the table of contents:

for:

'97/24/EC:

Commission Decision of 17 December 1996 amending for the fifth time Decision 95/32/EC approving the Austrian programme for the implementation of Article 138 of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden',

read:

'97/24/EC:

* **Commission Decision of 17 December 1996 amending for the fifth time Decision 95/32/EC approving the Austrian programme for the implementation of Article 138 of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden'.**
