

Official Journal

of the European Communities

ISSN 0378-6978

L 89

Volume 40

4 April 1997

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EC) No 592/97 of 11 March 1997 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Cyprus on the adjustment of the regime for imports into the European Community of oranges originating in Cyprus, and amending Regulation (EC) No 1981/94** 1
- Agreement in the form of an Exchange of Letters Between the European Community and Cyprus on the adjustment of the regime for imports into the European Community of oranges originating in Cyprus 4
- ★ **Commission Regulation (EC) No 593/97 of 25 March 1997 imposing a provisional anti-dumping duty on imports of unwrought, unalloyed zinc originating in Poland and Russia** 6
- ★ **Commission Regulation (EC) No 594/97 of 3 April 1997 fixing the amounts to be paid to recognized olive oil producer organizations and associations thereof for the 1996/97 marketing year** 18
- Commission Regulation (EC) No 595/97 of 3 April 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables 19
- Commission Regulation (EC) No 596/97 of 3 April 1997 fixing the export refunds on cereals and on wheat or rye flour, groats and meal 21
- Commission Regulation (EC) No 597/97 of 3 April 1997 on the issue of system B export licences in the fruit and vegetables sector 23
- Commission Regulation (EC) No 598/97 of 3 April 1997 fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex II to the Treaty 24
- Commission Regulation (EC) No 599/97 of 3 April 1997 fixing production refunds on cereals and rice 27

Commission Regulation (EC) No 600/97 of 3 April 1997 fixing the export refunds on cereal-based compound feedingstuffs	28
Commission Regulation (EC) No 601/97 of 3 April 1997 fixing the export refunds on products processed from cereals and rice	30

II *Acts whose publication is not obligatory*

Commission

97/221/EC:

- * **Commission Decision of 28 February 1997 laying down the animal health conditions and model veterinary certificates in respect of imports of meat products from third countries and revoking Decision 91/449/EEC ⁽¹⁾** 32

97/222/EC:

- * **Commission Decision of 28 February 1997 laying down the list of third countries from which the Member States authorize the importation of meat products ⁽¹⁾** 39

97/223/EC:

- * **Commission Decision of 25 March 1997 terminating the anti-dumping proceeding concerning imports of unwrought, unalloyed zinc originating in Kazakhstan, Ukraine and Uzbekistan** 47

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 592/97
of 11 March 1997**

**on the conclusion of an Agreement in the form of an Exchange of Letters
between the European Community and Cyprus on the adjustment of the regime
for imports into the European Community of oranges originating in Cyprus, and
amending Regulation (EC) No 1981/94**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113, in conjunction with the first sentence of Article 228 (2) thereof,

Having regard to the proposal from the Commission,

Whereas, in the context of the Uruguay Round of multi-lateral trade negotiations, the import regime for oranges has been changed;

Whereas, within the negotiations concluded with Cyprus concerning the impact of the Uruguay Round on the trade relations between the parties, certain adjustments to the import regime for oranges from Cyprus are foreseen;

Whereas an agreement has been reached to put into force in advance and until the entry into force of the definitive agreement the provisions regarding the import regime for oranges;

Whereas this Agreement should now be approved;

Whereas Council Regulation (EC) No 1981/94 of 25 July 1994⁽¹⁾, opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco,

the West Bank and the Gaza Strip, Tunisia and Turkey, and providing detailed rules for extending and adapting these tariff quotas, should be amended to implement the new regime for imports into the European Community of oranges originating in Cyprus, as provided for in the abovementioned Agreement, with effect from 1 December 1996,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and Cyprus on the adjustment of the regime for imports into the European Community of oranges originating in Cyprus is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement so as to bind the Community.

Article 3

Council Regulation (EC) No 1981/94 is hereby amended as follows:

⁽¹⁾ OJ No L 199, 2. 8. 1994, p. 1. (Regulation as last amended by Regulation (EC) No 2397/96 (OJ No L 327, 18. 12. 1996, p. 1)).

1. In Annex V, Order No 09.1431 shall be inserted between Order Nos 09.1409 and 09.1407 as follows:

Order No	CN code	Taric	Description	Quota volume (tonnes)	Rate of duty (%)
09.1431	0805 10 01 0805 10 05 0805 10 09 0805 10 11 0805 10 15 0805 10 19 0805 10 21 0805 10 25 0805 10 29 0805 10 31 0805 10 33 0805 10 35 0805 10 61 0805 10 65 0805 10 69		Fresh oranges from 1 December to 31 May of the following year	48 200 ⁽³⁾	0

2. At the end of Annex V the following footnote shall be added:

⁽³⁾ Within this quota, the agreed entry price beyond which the specific additional duty provided in the Community's list of concessions to the WTO is reduced to zero, is:

- ECU 273/tonne from 1 December 1996 to 31 May 1997,
- ECU 271/tonne from 1 December 1997 to 31 May 1998,
- ECU 268/tonne from 1 December 1998 to 31 May 1999,
- ECU 266/tonne from 1 December 1999 to 31 May 2000,
- ECU 264/tonne for every period thereafter, from 1 December to 31 May.

If the entry price for a consignment is up to 2, 4, 6 or 8 % lower than the agreed entry price, the specific custom's duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price for a consignment is less than 92 % of the agreed entry price, the specific custom's duty bound within the WTO shall apply.

Article 4

The Commission shall adopt detailed rules for the application of this Regulation, in accordance with the procedure laid down in Article 46 of Regulation (EC) No 2200/96 ⁽¹⁾.

Article 5

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

It shall apply from 1 December 1996.

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 1.

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

Done at Brussels, 11 March 1997.

For the Council

The President

A. JORRITSMA-LEBBINK

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

Between the European Community and Cyprus on the adjustment of the regime for imports into the European Community of oranges originating in Cyprus

A. Letter from the Community

Sir,

I have the honour to refer to the negotiations on agriculture between the Cypriot authorities and the European Commission concerning the impact of the Uruguay Round on the trade relations between the parties, in which certain adjustments to the import regime for oranges from Cyprus are foreseen; an agreement has been reached to put into force in advance on a provisional basis and pending the entry into force of the global package the provisions regarding the import regime for oranges as follows:

1. From 1 December to 31 May of each season for 48 200 tonnes of oranges originating in Cyprus and imported into the EC the specific duties will be reduced to zero if the following entry price levels are respected:
1996/97: ECU 273/tonne,
1997/98: ECU 271/tonne,
1998/99: ECU 268/tonne,
1999/2000: ECU 266/tonne,
2000/01 and following: ECU 264/tonne.
2. If the entry price of a particular lot is up to 2 %, 4 %, 6 % or 8 % below the entry price agreed upon under paragraph 1, the specific duty shall be 2 %, 4 %, 6 % or 8 % of the agreed entry price, as appropriate.
3. If the entry price of a particular lot is below 92 % of the agreed entry price, the specific duty bound within the WTO shall apply.

This Agreement shall enter into force upon the signature of both parties. It shall be applicable as from 1 December 1996 and until the entry into force of the global package.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the Council of the European Union



B. Letter from Cyprus

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to refer to the negotiations on agriculture between the Cypriot authorities and the European Commission concerning the impact of the Uruguay Round on the trade relations between the parties, in which certain adjustments to the import regime for oranges from Cyprus are foreseen; an agreement has been reached to put into force in advance on a provisional basis and pending the entry into force of the global package the provisions regarding the import regime for oranges as follows:

1. From 1 December to 31 May of each season for 48 200 tonnes of oranges originating in Cyprus and imported into the EC the specific duties will be reduced to zero if the following entry price levels are respected:

1996/97: ECU 273/tonne,

1997/98: ECU 271/tonne,

1998/99: ECU 268/tonne,

1999/2000: ECU 266/tonne,

2000/01 and following: ECU 264/tonne.

2. If the entry price of a particular lot is up to 2 %, 4 %, 6 % or 8 % below the entry price agreed upon under paragraph 1, the specific duty shall be 2 %, 4 %, 6 % or 8 % of the agreed entry price, as appropriate.

3. If the entry price of a particular lot is below 92 % of the agreed entry price, the specific duty bound within the WTO shall apply.

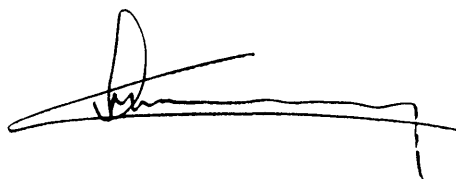
This Agreement shall enter into force upon the signature of both parties. It shall be applicable as from 1 December 1996 and until the entry into force of the global package.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of Cyprus



COMMISSION REGULATION (EC) No 593/97

of 25 March 1997

imposing a provisional anti-dumping duty on imports of unwrought, unalloyed zinc originating in Poland and Russia

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 Articles 7 and 23 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

(1) On 9 June 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 unwrought unalloyed zinc originating in Kazakhstan, Poland, Russia, Ukraine and Uzbekistan and commenced an investigation.

(2) The proceeding was initiated as a result of a complaint lodged by Eurometaux (*Association Européenne des Métaux*), acting on behalf of Community producers whose collective output of unwrought, unalloyed zinc allegedly represented a major proportion of the total Community production of this product.

The complaint contained evidence of dumping of the product originating in the countries indicated above, and of material injury resulting therefrom; this evidence was considered sufficient to justify the initiation of a proceeding.

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

(4) The authorities of the exporting countries, a number of producers in the countries concerned and importers in the Community made their views known, orally and in writing. All parties who so requested were granted a hearing.

(5) The Commission sent questionnaires to all parties known to be concerned and received detailed information from the complaining Community producers, and from certain producers in Kazakhstan, Poland, Ukraine and Uzbekistan. No Russian producer cooperated with the investigation.

(6) The Commission sought and verified all information it deemed necessary for the purpose of a preliminary and carried out investigations at the premises of the following firms:

(a) *Community producers*

- Union Minière, Brussels, Belgium,
- Outokumpu, Kokkola, Finland,
- Metaleurop, Fontenay-sous-Bois, France,
- Ruhrzink, Datteln, Germany,
- Enirisorse, Rome and Portovesme, Sardinia, Italy,
- Pertusola Sud, Rome, Italy;

(b) *Producers/exporters in Poland*

- Huta Cynku 'Miasteczko Slaskie', Miasteczko Slaskie,
- Kombinat Gorniczco-Hutniczy Boleslaw, Bukowno.

(7) The investigation of dumping covered the period from 1 April 1994 to 31 March 1995 (hereinafter 'the investigation period').

The geographical scope of the investigation was the enlarged Community of 15 Member States.

(8) Owing to the volume and complexity of the data gathered and examined, the investigation exceeded the normal duration provided for in Article 6 (9) of Council Regulation (EC) No 3283/94⁽⁴⁾, as amended by Regulation (EC) No 1251/95⁽⁵⁾, under which this proceeding was initiated.

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. *Product under consideration*

(9) The product covered by the complaint and for which the proceeding was opened is unalloyed, unwrought zinc. Unalloyed, unwrought zinc is manufactured in different degrees of purity: 'Super

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No C 143, 9. 6. 1995, p. 12.

⁽⁴⁾ OJ No L 349, 31. 12. 1994, p. 1.

⁽⁵⁾ OJ No L 122, 2. 6. 1995, p. 1.

High Grade' (SHG) which requires a zinc content of 99,99 % or more, 'High Grade' (HG) which requires a zinc content of more than 99,95 % and 'Good Ordinary Brand' (GOB) which requires a zinc content of more than 98,5 %.

- (10) The different grades of zinc fall within the CN codes 7901 11 00 (zinc, not alloyed, containing by weight 99,99 % or more of zinc), 7901 12 10 (zinc, not alloyed, containing by weight 99,95 % or more but less than 99,99 % of zinc) and 7901 12 30 (zinc, not alloyed, containing by weight 98,5 % or more but less than 99,95 % of zinc) respectively. All grades of zinc covered by the proceeding closely resemble each other. These grades are alike as far as their essential physical and technical characteristics are concerned (minimum zinc content for all grades: 98,5 %). They are also alike as far as their main uses are concerned.
- (11) Various processes are used to produce unwrought, unalloyed zinc, the main ones being by electrolytic processing method and by the imperial smelting furnace method. Differences in the production processes used, however, have no major influence on the physical and technical characteristics of the finished product.
- (12) The industrial use of unwrought, unalloyed zinc generally does not vary according to the impurity content. All three grades covered by the proceeding (SHG, HG, GOB) are directly used by industrial users, that is to say, without any purification, for hot-dip galvanizing (corrosion protection of tubes, sheet metal, etc.) and for the production of brass and some other alloys. Only the 'casting alloys' and the 'continuous galvanizing' applications require SHG quality. The Commission has, therefore, come to the conclusion that the three grades are to a very large extent interchangeable.
- (13) The market for unwrought, unalloyed zinc is a world-wide commodity market. Prices for all grades are related to the daily price quotations on the London Metal Exchange (LME), where the price of SHG is established on the basis of world-wide supply and demand.

2. Like product

- (14) The investigation showed unalloyed, unwrought zinc sold on the domestic market of Poland has similar basic characteristics and uses compared with that exported from Poland and Russia to the Community. Similarly, the unwrought, unalloyed zinc manufactured by the Community industry and sold on the Community market has similar basic characteristics and uses when compared to that

exported to the Community from the countries in question.

- (15) Consequently, unalloyed, unwrought zinc sold in Poland, the zinc exported from Poland and Russia to the Community, and that produced and sold in the Community are considered a single like product within the meaning of Article 1 (4) of Regulation (EC) No 384/96 (hereinafter called 'the Basic Regulation').

C. DUMPING

1. Kazakhstan, Ukraine, Uzbekistan

- (16) The Commission found it unnecessary to establish whether imports of unwrought unalloyed zinc originating in Kazakhstan, Ukraine, Uzbekistan were dumped, since the injury caused by these imports was regarded as negligible with regard to the Community consumption determined during the investigation⁽¹⁾.

2. Poland

- (17) Since inflation in Poland was considered significant during the investigation period, normal value was established on a monthly basis. Consequently, the export prices used in the dumping calculations were also established on a monthly basis.

(a) Normal value

- (18) For one Polish producer it was established that profitable domestic sales were taking place in sufficient quantities throughout the investigation period. Monthly normal values were therefore based on prices actually paid or payable, in the ordinary course of trade, by independent parties on the Polish market.
- (19) For the other Polish producer it was established that there were insufficient profitable sales during two months of the investigation period. Therefore, normal values for these months were constructed, in accordance with Article 2 (3) of the Basic Regulation, on the basis of the cost of production (duly adjusted in accordance with Article 2 (5) of the Basic Regulation) plus a reasonable amount for selling general and administrative costs and for profits. For the remaining ten months normal values were based on prices actually paid or payable, in the ordinary course of trade, by independent parties on the Polish market.

⁽¹⁾ Commission Decision (EC) No 97/223/EC of March 1997, terminating the anti-dumping proceeding concerning imports of unwrought unalloyed zinc originating in Kazakhstan, Ukraine and Uzbekistan; see p. 47 of this Official Journal.

- (20) For both Polish producers which cooperated it was found necessary to exclude sales to certain Polish trading companies reported as domestic sales since the final destination of the products concerned was outside Poland. In addition, sales of one producer to an associated party were excluded since those prices appeared to be unreliable because of the relationship between the parties.
- (b) *Export price*
- (21) The monthly average export prices were established on the basis of prices actually paid or payable for the product when sold from the exporting country to the Community. A few sales were, however, excluded from the calculation since conclusive clarification as to their final destination was not possible.
- (c) *Comparison*
- (22) The monthly average normal values were compared to the monthly average export prices at an ex-works level, in accordance with Article 2 (10) of the Basic Regulation, taking into account, where warranted, differences affecting price comparability.
- (23) An adjustment for credit costs was requested by both cooperating Polish companies and this was granted to the extent justified. One company requested an adjustment in respect of taxes on imported raw materials reimbursed when the product was exported (duty draw back). This allowance has been granted to the extent to which satisfactory evidence was provided.
- (24) An adjustment claimed for differences in level of trade was not granted, since the Commission was not provided with substantiated evidence that these differences would affect prices and price comparability as required under Article 2 (10) (d) of the Basic Regulation. In addition, the companies concerned did not demonstrate any consistent and distinct differences in functions between the parties allegedly situated at different levels of trade.
- (25) Similarly, a request for an adjustment for differences in quantities by one of the companies could not be granted since the evidence submitted during the verification showed that no consistent discount policy for differences in quantities was applied by that company.
- (d) *Dumping margin*
- (26) The monthly dumping margins were established on the basis of a comparison of weighted average normal values with weighted average export prices for each month of the investigation period. The comparison showed the existence of dumping for each month.
- (27) Since the dumping margins established for each month varied, a weighted average dumping margin for the investigation period was determined. Expressed as a percentage of the free-at-Community-frontier price for the exporters concerned, the dumping margins are as follows:
- | | |
|--|--------|
| — Huta Cynku 'Miasteczko Slaskie',
Miasteczko Slaskie | 14,4 % |
| — Kombinat Gorniczco-Hutniczy
Boleslaw, Bukowno | 5,5 % |
- (e) *Non-cooperating producers/exporters*
- (28) For the Polish producers/exporters that did not make themselves known or did not reply to the questionnaire, the Commission considered that it would constitute a bonus for non-cooperation if the dumping margin for these companies were any lower than the higher margin determined for the two cooperating exporters/producers. On this basis the following dumping margin was established:
- | | |
|-------------------------------------|--------|
| — Other Polish producers/exporters: | 14,4 % |
|-------------------------------------|--------|
- ### 3. Russia
- (a) *Analogue country*
- (29) Since Russia is considered to be a non-market economy, an analogue market-economy country had to be selected for the establishment of its normal value. Poland was suggested by the complainant and it was found to be a reasonable choice, as the zinc-production process and the access to and nature of raw materials in Poland and Russia appeared to be comparable. In addition, it was established that no significant non-tariff or tariff import restrictions were in place during the investigation period in Poland. Furthermore, sufficient domestic competition appeared to exist and Polish prices for the product concerned were based on the LME. Finally, the Commission established that the like product was sold in representative quantities and in the ordinary course of trade (in excess of 70 % in volume terms) on the Polish market as compared with Russian exports to the Community.
- No comments on the choice of Poland as analogue country have been received from any producers and/or exporters in Russia or from the Russian authorities.

(b) *Normal value*

- (30) Since of the Polish producers employed, according to independent sources, an identical production process to that which was used by the majority of the Russian producers, normal value was established on the basis of the prices and costs of that producer.

The normal value of Poland having been established on a monthly basis, normal value for Russia was also established on a monthly basis.

(c) *Export price*

- (31) As none of the Russian exporters cooperated in the proceeding (see recital 5) the export prices were established on the basis of the facts available, in accordance with Article 18 of the Basic Regulation.

Consequently, monthly average export prices were established on the basis of Eurostat data for the Community of 12 and of import statistics provided by the statistical offices of Austria, Finland and Sweden.

(d) *Comparison*

- (32) In order to allow for a fair comparison normal values and export prices were compared on an ex-frontier basis. Further adjustments were not considered to be appropriate or necessary.

(e) *Dumping margin*

- (33) The monthly dumping margins were established on the basis of a comparison of weighted average normal values with weighted average export prices for each month of the investigation period. The comparison showed the existence of dumping for each month.
- (34) Since the dumping margins established for each month varied, a weighted average dumping margin for the investigation period was determined. Expressed as a percentage of the free-at-Community-frontier price, the country-wide single dumping margin was found to be 7,4 %.

D. COMMUNITY INDUSTRY

- (35) The investigation has confirmed that the six complainant Community producers account for a

major proportion, namely 54 % ⁽¹⁾ of total Community production of unalloyed, unwrought zinc. In addition to the Community producers represented by the complainant, at least four other Community producers are known to the Commission. Although they did not cooperate with the investigation, the Commission has not received any objections to the proceeding from the four companies concerned.

- (36) On that basis, the Commission has determined that the six complainant Community producers, who fully cooperated with the investigation constitute 'the Community industry' in accordance with Article 4 (1) of the Basic Regulation.

E. INJURY

1. Preliminary remarks

Role of the LME and its influence on the Community market for zinc

- (37) The London Metal Exchange is a commodity market where the price of zinc is established daily, on the basis of world-wide supply and demand for this metal. The existence of this system means that a producer of an LME-approved brand of Super High Grade is normally able to find a buyer for its products at all times, albeit with the disadvantage that the transaction is less attractive (for the reasons set out below) than selling direct to industrial consumers.
- (38) The LME-approved warehouses also play the role of an external stock facility, where a producer can convert its production into warrants and thereby obtain cash, and repurchase its stored production if necessary. Therefore the LME warrant system operates as a semi-floor price for zinc producers, although it presents the characteristic that, as LME-approved stocks increase (data on stocks in LME-approved warehouses are publicly available), then the daily quoted price for zinc suffers downward pressure due to increasingly known availability of supply. It is worth noting in this context that world stocks in LME-approved warehouses ⁽²⁾ had increased from 152 000 tonnes at the end of 1991 to 1 019 000 tonnes by the end of the investigation period.

⁽¹⁾ Based on total cooperating companies' production volume (as ascertained by verification), compared to total Community production (source: International Lead and Zinc Study Group).

⁽²⁾ Lead and zinc statistics, Monthly Bulletin of the International Lead and Zinc Study Group, September 1995.

- (39) Direct sales from zinc refiners to industrial users are usually made at a premium over LME quotations. From the point of view of the user of the metal the payment of a premium can be justified by the following considerations: although industrial users of zinc can buy from a LME-approved warehouse, they still have to pay transport costs from the warehouse (the location of which is not necessarily at the discretion of the buyer) and broker's fees for the purchase of the SHG zinc; they do not know what brand of zinc they will obtain; depending on the period of stock turn-over in the LME-approved warehouse, a certain degree of oxidation may also have taken place. Taken as a whole, these factors normally act as a sufficient disincentive when compared with buying direct from a recognized zinc producer, and serve to justify the payment of a premium. Moreover, as mentioned previously, this permanent market outlet is only available to SHG-quality zinc, and not to HG or GOB products (even though the prices of HG and GOB are almost always linked to the LME quoted price for SHG if normal competitive conditions prevail).

2. Total consumption on the Community market

- (40) The apparent consumption of unalloyed unwrought zinc in the European Community has remained relatively stable over recent years: 1 854 000 tonnes in 1991, 1 813 000 tonnes in 1992, with a slight drop in 1993 (1 758 000 tonnes), followed by a small increase in 1994 (1 905 000 tonnes). The total Community consumption of unalloyed, unwrought zinc during the investigation period amounted to 2 037 800 tonnes.

3. Cumulative assessment of the effects of the dumped imports

- (41) Under Article 3 (4) of the Basic Regulation, the effects of imports from more than one country simultaneously subject to an anti-dumping investigation may be assessed cumulatively if it is determined, *inter alia*, that the volume of imports from each country is not negligible. Imports originating in Poland and Russia cannot be considered negligible since the respective market shares of those countries are above the 1 % threshold as provided for in Article 5 (7) of the Basic Regulation.
- (42) The investigation demonstrated that the dumped imports compete amongst themselves and with the Community industry products. Zinc from both Russia and Poland was mainly of GOB and HG quality, suitable for hot-dip galvanizing and for

brass manufacture. Imports from each country compete direct with each other and with the SHG, HG and GOB zinc produced by the Community industry. The dumped imports from Russia and Poland also exhibit similar pricing behaviour.

- (43) On that basis the Commission considers that the requirements laid down in Article 3 (4) of the Basic Regulation are met and that accordingly the effect of the imports from Poland and Russia should be cumulatively assessed.

4. Volume and market share of the dumped imports

- (44) Imports of the product concerned from Russia and Poland into the Community have grown from 19 683 tonnes in 1991 to 66 004 tonnes in 1992, to 123 821 tonnes in 1993, to 103 653 tonnes in 1994, and amounted to 107 572 tonnes during the investigation period (an overall increase of 547 % over four years). Between 1991 and the end of the investigation period dumped imports have therefore increased both in absolute terms and in relative terms, and those increases appear to be significant.
- (45) The market share of unalloyed unwrought zinc from Russia and Poland went up from 1,06 % in 1991 to 5,28 % during the investigation period.

5. Price undercutting and other price effects

- (46) In order to determine whether the exporting producers were undercutting the prices of the Community producers during the investigation period, a price comparison was made on the basis of the Community industry's prices to industrial users and sales made to industrial users by the exporters at a released-for-free-circulation level in the Community.
- (47) The Community industry's prices were established on the basis of the monthly-average LME prices for the investigation period plus a factor of 3 % to cover currency hedging and zinc hedging costs normally associated with the production and sale of refined zinc. This was found to reflect faithfully the actual commercial price for zinc intended for consumption by industrial users.

Hedging should be understood to be a means by which a party who deals in the purchase (zinc concentrates) or sale (unalloyed unwrought zinc) of commodities in large quantities for actual delivery at some future time insures itself against unfavourable changes in price of such commodities by entering into compensatory arrangements or counterbalancing transactions on the other side.

Since all purchases of zinc concentrate and sales of unalloyed unwrought zinc are normally based on the LME daily zinc quotation price which is always traded in US dollars, the Community industry also has to hedge its sales against movements in their invoiced currency against the US dollar for all agreed future sales.

The method based on LME prices was chosen because, given the nature of the zinc market, invoice prices are a less reliable guide to day-to-day commercial prices. Indeed, the invoice price often relates to a price agreed when the order was first received and therefore corresponds to the LME price at the time of order and not to a value when the transaction is completed, which would be based on the most recent LME quotation instead.

- (48) On that basis, the examination of the price of the Russian and Polish dumped imports has shown consistent and significant price undercutting (up to 47 %) of the Community industry's prices to industrial users during the investigation period, as well as consistent and significant price undercutting of the London Metal Exchange world price. This appeared to be almost always the case, irrespective of whether the LME price had been falling or rising.
- (49) The level of undercutting (as defined in recital 47) for imports originating in Russia was found to be on average 5,5 %, and for imports originating in Poland between 8,8 % and 18,5 %.

6. Situation of the Community industry

(a) *Production*

- (50) Community industry production of the product concerned over the period under examination has been in decline, by indexation, from 100 in 1991 to 92 in the investigation period. Only some producers have been able, through investment, to redirect some of their production into the alloys sector (such as Zamak, a zinc/aluminium alloy) where fewer imports compete.

(b) *Capacity utilization*

- (51) The Community industry was working at more than 90 % capacity utilization during the investigation period. However, the investigation showed that, because of the special nature of the production process and the high fixed costs linked to the

production of unalloyed, unwrought zinc, capacity must be as fully used as possible, even when this means that sales of the final products would afterwards be made at a loss. Indeed, there are also high variable costs incurred (such as high energy consumption for start-up) if production is interrupted.

(c) *Stocks*

- (52) Although overall internal stocks (namely those held by zinc refiners themselves) of SHG zinc had decreased, by indexation from 100 to 80 (see recitals 39 and 64), the internal stocks of non-SHG zinc (not saleable through the LME system) had increased, by indexation, from 100 in 1991 to 410 in the investigation period.

(d) *Sales*

- (53) The Community industry has lost sales to industrial users in the Community (by indexation) from 100 in 1991 to 83 at the end of the investigation period. In particular, sales to the brass industry reveal a decline (by indexation) from 100 to 53 and in hot-dip galvanizing channels from 100 to 63 over the same period. This loss of sales, over the same period, in these two sectors is demonstrably much higher than the overall negative sales performance of the Community industry. The Community industry had also increased its sales through the LME system with a consequent downward pressure on its selling prices. The importance of the loss of sales volume can only be fully appreciated in the light of the fact that sales through the LME system (at a time of rising LME-approved stocks) are recorded as sales but are in reality merely increased stock volume which is often simply held by a third party and is therefore still present on the market (see recitals 37 and 38).

(e) *Market share*

- (54) The complainant Community industry's market share has declined from 38 % in 1991 to 31 % in the investigation period, compared with a relatively stable consumption in the Community, with a much higher market share loss in the brass and hot-dip galvanizing sectors (see recital 53).

(f) *Price developments*

- (55) Since the price of zinc, as an internationally traded commodity, fluctuates for reasons not always associated with industrial demand, it does not appear

meaningful to carry out an analysis of the development of the Community industry's prices in relation to those of the dumped imports in isolation, without considering movements in the LME price. On this basis the price effects discussed below were found:

(g) *Price undercutting and associated price depression*

(56) The Polish and Russian dumped imports have been found to undercut the Community industry's prices (as defined in recitals 48 and 49) to such an extent that there was a clear loss of direct sales to industrial users. It should be further recalled that those sales lost to the dumped imports also forced a shift from direct sales to industrial users to sales through the LME. This meant that the Community industry obtained a lower price than it could have obtained otherwise. This had a double effect on prices:

(i) lower price was achieved on such sales, as sales made in this way forgo any premium on the LME price customarily obtained when the sale is made to industrial users of the metal. Furthermore, a seller also incurs other costs (such as broker's fees) associated with such a sale;

(ii) the increased supply of metal into LME-approved warehouses served to contribute to an increasing supply of the metal, over and above known demand at the time.

Both these effects appear to have depressed zinc prices.

(h) *Profitability*

(57) Most of the Community zinc producers have recorded substantial losses, especially those involved in the production of GOB zinc. Losses, as a percentage of turnover have increased from 0,8 % in 1991 to 4,5 % in the investigation period.

(i) *Employment*

(58) The reduction in the number of workers employed in the production of unalloyed, unwrought zinc has been considerable, from 5 516 in 1991 to 5 367 in 1992, 4 677 in 1993 and 4 222 during the investigation period, representing a decrease of 23,5 % over the period concerned.

7. Conclusions on injury

(59) The findings in the factors concerning injury were as follows:

- production volume has decreased by 8 %,
- with regard to stocks, the increase in Community industry non-SHG stocks and LME SHG stocks indicated that there had been a continuing downward pressure on selling prices,
- the complainant Community industry's share of the Community market has declined from 38 % in 1991 to 31 % in the investigation period,
- in the investigation period, the dumped imports from Russia and Poland amounted to approximately 108 000 tonnes and the cumulated market share increased from just under 1 % in 1991 to 5,3 % during the above period,
- both price undercutting and price depression have been demonstrated,
- employment has declined by 23,5 %,
- the Community industry has seen a five-fold increase in the level of losses incurred.

(60) Thus there appear to be clear indications of material injury in the analysis of the relevant economic factors concerning the Community industry. This is especially evident in the Community industry's sales performance in the brass and hot-dip galvanizing sectors of its overall market (as regards market share and sales volume), as well as in the high level of losses made by the Community industry.

In view of the above the Commission concluded that the Community industry has been suffering material injury.

F. CAUSATION OF INJURY

1. Introduction

(61) The Commission examined whether the injury suffered by the Community industry was caused by the Russian and Polish dumped imports and whether other factors had caused or contributed to that injury and, if so, whether such injury caused by other factors was not incorrectly attributed to the dumped imports. The examination had to take account of the depressed state of the Community and international zinc markets during the investigation period and the consequent low prices for zinc.

2. Effect of the dumped imports

- (62) The investigation has shown that given their purity, the dumped imports compete generally with the products of the Community industry and most directly in at least two clearly identifiable areas (hot-dip galvanizing and brass manufacturing). In those areas the Community industry has lost a particularly large proportion of sales, and trade with those sectors has declined from 30 % of total sales made by the Community industry in 1991 to 20 % of total sales during the investigation period. Given that total sales of the Community industry declined by 17 % over the same period, whilst those of the exporting countries concerned increased by over 500 %, it appears that the presence of the dumped imports is also clearly felt in the remaining market segments.

The competition from the dumped imports is carried out essentially on price. In this respect it should be noted that, because the Community industry operates on a refining margin between the cost of zinc concentrate (the raw material) and the value of refined zinc, any price undercutting of the standard market price has a disproportionate effect on the Community industry's cost structure. For instance, the refining margin between zinc concentrate (the raw material) and unalloyed unwrought zinc is between 45 to 50 % of the LME quoted price for SHG zinc. Consequently, an undercutting margin of 5 % on the LME quoted price would mean that the Community industry would have to forgo 10 % of its total margin if it was to compete at the same level of price.

- (63) The Commission noted that, except for factors such as developments concerning the Community industry's domestic sales volume, its consequent market share and total Community consumption, the standard economic factors relevant to injury analysis are all directly affected to some degree by movements in the LME price, which sets the selling price of refined zinc and of the raw material used in the production process. The impact of these movements is further analysed in recital 65.

Nevertheless, it appears that the price undercutting practised by both the Polish and Russian producers has had an additional depressive effect on the ability of the Community producers to sell their production, over and above the cyclical depression of the LME price as reflected by the increasing

stocks in the LME approved warehouse system. Since the Community industry price is transparent, in that it is dictated by the daily price quotations on the LME, any downward deviation from the selling price is injurious. Furthermore, as explained in recitals 38 and 56, the depression of the LME prices has been accentuated by the presence of the dumped imports.

- (64) Within this framework, the significant lost sales in the brass and hot-dip galvanizing sectors brought about by significant price undercutting appeared to have had an injurious effect on the overall economic performance of the Community industry, since the industry, given the structural characteristics of zinc processing, could not respond by cutting prices or by significantly reducing production to save costs (see recital 51). The loss of these sales, the large increase in internal stocks of non-SHG zinc, and the consequent impact on the Community industry can be largely attributed to the imports from Poland and Russia. These dumped imports can therefore be considered, for the purposes of provisional findings, to have had a materially injurious impact on the Community industry.

3. Effects of other factors

(a) Cyclical depression of the LME price

- (65) While it is likely that a portion of the Community industry's injury may have been caused by the cyclical depression of the LME zinc price (and even setting aside the question as to how much of this depression has been influenced by the availability of zinc at dumped prices), this, because of the nature of the zinc-refining business, cannot explain the totality of the injury found. If the price of zinc declines, the practice of currency hedging and zinc hedging both on sales and on purchases of zinc concentrates serves to soften the effects of downward price trends as the refiners' margin remain relatively stable (see recital 47).

(b) Imports from other sources

- (66) It has been suggested that zinc originating in the People's Republic of China may also have caused injury to the Community industry. However, the import data received under the Community prior

surveillance system established under Council Regulation (EC) No 519/94 ⁽¹⁾ indicate that no zinc originating in the People's Republic of China has been imported into the Community from 15 March 1994 until the end of the investigation period.

(c) *Over-capacity and high utilization of existing capacity*

- (67) As to alleged over-capacity and to allegations of excessive capacity utilization, it has to be noted, first, that the capacity of the Community industry has already declined by 9 % in real terms since the end of 1991, and secondly that utilization is not elastic as a result of high cost associated with varying production volume (see recital 51). Thus a constant high level of capacity utilization appears to be a normal and necessary feature of zinc production.

(d) *External events*

- (68) During the investigation period one Community producer suffered an explosion at its production facility and consequently this producer had to shut down production for a significant period of time. However, any shortfall in production of this producer was taken up by another Community producer on a tolling basis, after reactivating its own dormant GOB facilities. Therefore this event has had no effect on the overall performance of the Community industry.

(e) *Exchange rate of the US dollar*

- (69) There had been a continual decline in the value of the US dollar (LME zinc prices are quoted in US dollars) in the investigation period. This may have had an impact on overall profitability of the Community industry, in relation to its fixed, and some variable costs (in Community currencies), compared to the LME US dollar price. However, this effect of the decline in the US dollar appears to have been offset by the parallel decline in raw material costs (also bought in US dollars) and by the universal practice of currency hedging.

4. Conclusion on causation

- (70) There is strong evidence of a causal link between dumped imports and the material injury found. In

particular, whilst the Community industry has seen Community consumption remain relatively stable:

- sales to the brass industry have fallen by 47 % and to hot-dip galvanizers by 37 %, which has contributed to an overall decline in sales of 17 % (as mentioned above, it is in the brass and hot-dip galvanizing sectors that the Community industry competes most directly with the dumped imports),
- Polish and Russian exports were sold below an already cyclically depressed (LME) world-recognized price, as well as substantially below the established Community industry price,
- consequently, even if it cannot be ruled out that other factors such as low world prices and Community prices may have contributed to the unsatisfactory financial performance of the Community industry, the injury suffered by reason of the dumped imports due to the margin of price undercutting found, is nevertheless material.

G. COMMUNITY INTEREST

- (71) Pursuant to Article 21 (1) of the Basic Regulation, the Commission examined, on the basis of all the evidence submitted, the aspects pertinent to the assessment of Community interest. In such an examination, special attention must be paid to the need to remove trade-distorting effects of injurious dumping in order to restore fair and effective competition on the Community market. The need to remove the injurious effects of dumping is balanced by the requirement to assess, in cases where dumping, injury and causation are found to exist, whether there are compelling reasons indicating that the imposition of measures would be contrary to the interests of the Community.

No comment has been received from users on any aspect of Community interest, despite an invitation to do so, as contained in the Notice of Initiation of the proceeding.

1. Interest of the Community industry

- (72) The countries concerned have been found to have sold below the easily identifiable world market price for export and below the normal value (based on prices in Poland, for both countries) and to have

⁽¹⁾ OJ No L 67, 10. 3. 1994, p. 89.

caused material injury to the Community industry. The continuation of such injury in the medium to long term appears likely to result in plant closures, some of which may be in areas of the Community which are already recognized as being economically deprived.

2. Impact on user industries

- (73) Although no representations have been made by importers or users of the dumped products, the Commission has examined the effect on user industries of measures (in particular hot-dip galvanizers and the brass industry). Such effect should be minimal, as the basis of any measure (in accordance with the provisions of the 'lesser duty rule' as explained in recital 76) will take account of the level of the universally recognized world commodity price for zinc. Those customers who have relied on dumped imports for their inputs would not suffer a competitive disadvantage, as the price of zinc in the Community will still be dictated by the LME. Moreover, measures would also ensure that those parts of the user industry that have not had access to the dumped imports will be able to compete more fairly with those users who have had an unfair competitive advantage from buying the dumped imports.

3. Other arguments concerning Community interest

- (74) Two of the Community producers most threatened by the dumped imports (those that produce GOB zinc) have production facilities located in already economically vulnerable areas (Sardinia and Nord-Pas-de-Calais). Furthermore, other Community producers are also located in similar areas in Belgium and in Germany. Consequently, any plant closures or rationalization of production would have a disproportionate effect on the economies of the local areas of these producers.

4. Conclusion

- (75) On the basis of the information submitted, it can be concluded that it is in the Community interest to apply measures to eliminate the trade-distorting effects of injurious dumping and to restore fully fair and effective competition, since no compelling reasons have emerged which would justify the non-imposition of measures.

H. PROVISIONAL DUTY

- (76) In accordance with Article 7 (2) of the Basic Regulation, the Commission considered what level of duty would be adequate to remove the injury to the Community industry caused by dumping. For that purpose the injury elimination threshold was set on the basis of the monthly LME price during the investigation period, plus a factor of 3 % (ex-factory sales premium to cover, *inter alia*, the costs of currency hedging and zinc-price hedging — see recital 47). The injury margins were then calculated by a comparison with actual export prices for Poland at a released-for-Community-free-circulation level, on a monthly transaction-by-transaction basis. For Russia, the Eurostat monthly average price plus Community customs duty was considered to equal free circulation price in the Community and was then compared to the monthly average LME price plus 3 %.
- (77) For Poland, all transactions were found to be carried out at a price level below the injury threshold level except for sales by one company during one month. These latter sales would appear to have been caused by a sudden drop in the LME price for zinc rather than by any change in export pricing policy by the Polish exporter concerned. Accordingly, those sales could not be taken into consideration whereas all other sales were taken into account for the determination of the injury elimination levels. The calculations resulted in the following:

Company	Dumping margin	Injury margin	lesser margin
Huta Cynku 'Miasteczko Slaskie', Miasteczko Slaskie	14,4 %	18,5 %	14,4 %
Kombinat Gornizco-Hutniczy Boleslaw, Bukowno	5,5 %	8,8 %	5,5 %
Residual duty	14,4 %	18,5 %	14,4 %

- (78) For Russia, because of a total lack of cooperation, the Commission could only rely on import data obtained from Eurostat and data provided by the statistical offices of Austria, Finland and Sweden. Consequently, all sales were taken into account, except for sales in three months (for the same reasons as those set out in recital 77). The injury elimination level was found to be 5,5 % (that is, below the corresponding dumping margin) and should therefore form the basis for the duty.
- (79) Although Russian and Polish exports were consistently sold below the LME price, no evidence has emerged in the investigation which could indicate that sales from Russia and/or Poland have depressed the LME price to such an extent (taking into account the conclusions laid down in recitals 38, 56 and 63) as to make the LME price unreliable for the purpose of calculating the injury margin. Exports from Russia and Poland during the investigation period (not saleable through the LME) represented less than 0,07 % of total zinc value (SHG of approved brands only) traded through the LME.

EU-Poland Association Council that its investigation had led to the conclusion that dumping was being practised by Polish exporters of the product concerned. In addition, the findings of the Commission were disclosed to the Polish co-operating parties and to the Polish authorities. In the absence of a solution satisfactory to the Commission, the Commission has decided to impose a provisional anti-dumping duty on imports of the product concerned originating in Poland, in accordance with the provisions of Article 7 of the Basic Regulation.

- (81) In the interest 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 measure which the Commission may propose,

HAS ADOPTED THIS REGULATION:

I. FINAL PROVISIONS

Article 1

- (80) In accordance with the Europe Agreement between the European Communities, their Member States and Poland⁽¹⁾ and in the light of the conclusions of the European Council meeting at Essen, concerning consultations of CEECs in anti-dumping proceedings, the Commission informed the

1. A provisional anti-dumping duty is hereby imposed on imports of unalloyed, unwrought zinc falling within CN codes 7901 11 00, 7901 12 10 and 7901 12 30 originating in Russia and Poland.
2. The rate of duty applicable to the net, free-at-Community-frontier price, before duty, shall be as follows:

Country	Product manufactured and exported by	Rate of duty (%)	Taric Additional code
Poland	Kombinat Gorniczo-Hutniczy Boleslaw, Bukowno	5,5 %	8965
	Other companies	14,4 %	8900
Russia	All companies	5,5 %	—

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.

Commission within 15 days of the date of entry into force of this Regulation.

In accordance with Article 21 (4) of Regulation (EC) No 384/96 the parties concerned may provide comments on the application of this Regulation within one month of the date of its entry into force.

Article 2

Without prejudice to Article 20 of Regulation (EC) No 384/96, the parties concerned may make their views known in writing and apply to be heard orally by the

Article 3

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

Subject to Articles 7, 9, 10 and 14 of Regulation (EC) No 384/96, Article 1 of this Regulation shall apply for a period of six months, unless the Council adopts definitive measures before the expiry of that period.

⁽¹⁾ OJ No L 348, 31. 12. 1993, p. 1.

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

Done at Brussels, 25 March 1997.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 594/97
of 3 April 1997

fixing the amounts to be paid to recognized olive oil producer organizations and associations thereof for the 1996/97 marketing year

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 20d (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 6 (2) thereof,

Whereas Article 20d of Regulation No 136/66/EEC provides that a percentage of the production aid is to be withheld to help finance the work of the producer organizations and associations thereof;

Whereas Article 8 (1) of Commission Regulation (EEC) No 3061/84 of 31 October 1984 laying down detailed rules for the application of the system of production aid for olive oil⁽⁵⁾, as last amended by Regulation (EC) No 1137/96⁽⁶⁾, provides that the unit amounts to be paid to producer organizations and associations thereof are to be fixed on the basis of forecasts of the overall sum to be distributed; whereas the amount withheld was fixed for the 1996/97 marketing year by Council Regulation (EC) No 1583/96⁽⁷⁾; whereas the funds which will be available in each Member State as a result of the abovementioned amount withheld must be redistributed to those eligible in a suitable manner;

Whereas to ensure that the distribution of funds among the producer organizations and associations is uniformly implemented, and with a view to clarity, a specific operative event should be established for the agricultural conversion rate for the amounts fixed; whereas, given the nature of the measure and to facilitate the management thereof, 1 February 1997 should be fixed as the operative event;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1996/97 marketing year, the amounts provided for in Article 8 (1) (a) and (b) of Regulation (EEC) No 3061/84 shall be as follows:

- for Spain: ECU 6,9 and ECU 17,5 respectively,
- for Portugal: ECU 0 and ECU 5 respectively,
- for Greece: ECU 2,4 and ECU 2,4 respectively,
- for France: ECU 1,5 and ECU 1,5 respectively,
- for Italy: ECU 2 and ECU 2 respectively.

Article 2

The amounts referred to in Article 1 shall be converted into national currency using the agricultural conversion rate in force on 1 February 1997.

Article 3

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

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

Done at Brussels, 3 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 288, 1. 11. 1984, p. 52.

⁽⁶⁾ OJ No L 151, 26. 6. 1996, p. 1.

⁽⁷⁾ OJ No L 206, 16. 8. 1996, p. 14.

COMMISSION REGULATION (EC) No 595/97**of 3 April 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 Commis-

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 April 1997.

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

Done at Brussels, 3 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽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 3 April 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 20	052	93,9
	204	80,0
	212	107,0
	624	156,1
	999	109,3
0709 90 75	052	97,3
	204	66,2
	999	81,8
0805 10 11, 0805 10 15, 0805 10 19	052	42,3
	204	46,6
	212	62,8
	220	30,2
	448	24,0
	456	26,6
	600	55,6
	624	49,9
	625	40,6
	999	42,1
0808 10 61, 0808 10 63, 0808 10 69	060	54,9
	388	94,4
	400	93,7
	404	102,6
	508	81,0
	512	76,9
	524	76,8
	528	80,7
	804	115,5
	999	86,3
0808 20 37	052	119,8
	388	73,5
	512	75,7
	528	77,7
	999	86,7

⁽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 596/97

of 3 April 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (2) thereof,

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 95/96⁽⁴⁾;

Whereas export possibilities exist for a quantity of 70 000 tonnes of maize to certain destinations; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95⁽⁵⁾, as last amended by Regulation (EC) No 1527/96⁽⁶⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of

cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 4 April 1997.

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

Done at Brussels, 3 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.
⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.
⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.
⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.
⁽⁵⁾ OJ No L 117, 24. 5. 1995, p. 2.
⁽⁶⁾ OJ No L 190, 31. 7. 1996, p. 23.

ANNEX

to the Commission Regulation of 3 April 1997 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund	Product code	Destination (1)	Amount of refund
0709 90 60	—	—	1008 20 00 9000	—	—
0712 90 19	—	—	1101 00 11 9000	—	—
1001 10 00 9200	—	—	1101 00 15 9100	01	5,00
1001 10 00 9400	01	0	1101 00 15 9130	01	4,50
1001 90 91 9000	—	—	1101 00 15 9150	01	4,00
1001 90 99 9000	01	0	1101 00 15 9170	01	3,75
1002 00 00 9000	03	25,00	1101 00 15 9180	01	3,50
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	22,00	1102 10 00 9500	01	41,00
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	9,00 (2)
1005 10 90 9000	—	—	1103 11 10 9400	—	— (2)
1005 90 00 9000	03	10,00 (3)	1103 11 10 9900	—	—
	04	25,00 (3)	1103 11 90 9200	01	5,00 (2)
	02	—	1103 11 90 9800	—	—
1007 00 90 9000	—	—			

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland and Liechtenstein,
- 04 Slovenia, Czech Republic, Slovakia and Poland.

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

(3) Refund fixed under the procedure laid down in Article 7 (4) of Regulation (EC) No 1162/95 in respect of a quantity of 70 000 tonnes of maize.

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

COMMISSION REGULATION (EC) No 597/97**of 3 April 1997****on the issue of system B export licences in the fruit and vegetables sector**

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

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 324/97⁽²⁾, and in particular Article 5 (5) thereof,

Whereas Commission Regulation (EC) No 351/97⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid;

Whereas, in the light of the information available to the Commission today, the indicative quantities laid down for the current export period for oranges and lemons indicate there is a risk that these quantities for lemons will shortly be exceeded; whereas this overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector;

Whereas, to avoid this situation, applications for system B licences for oranges and lemons exported after 8 April 1997 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B licences for oranges and lemons submitted under Article 1 of Regulation (EC) No 351/97, export declarations for which are accepted after 8 April 1997 and before 6 May 1997, are hereby rejected.

Article 2

This Regulation shall enter into force on 4 April 1997.

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

Done at Brussels, 3 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ No L 52, 22. 2. 1997, p. 10.

⁽³⁾ OJ No L 59, 28. 2. 1997, p. 4.

COMMISSION REGULATION (EC) No 598/97

of 3 April 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 13 (1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁴⁾, as last amended by Regulation (EC) No 229/96⁽⁵⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

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

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁶⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁷⁾, as last amended by Regulation (EC) No 1516/95⁽⁸⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 4 April 1997.

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

Done at Brussels, 3 April 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁵⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽⁶⁾ OJ No L 275, 29. 9. 1987, p. 36.

⁽⁷⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁸⁾ OJ No L 147, 30. 6. 1995, p. 49.

ANNEX

to the Commission Regulation of 3 April 1997 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat:	
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,304
	– in other cases	0,467
1001 90 99	Common wheat and meslin:	
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,487
	– in other cases:	
	– – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾	0,362
	– – in other cases	0,749
1002 00 00	Rye	3,607
1003 00 90	Barley	2,750
1004 00 00	Oats	2,157
1005 90 00	Maize (corn) used in the form of:	
	– starch:	
	– – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾	2,530
	– – in other cases	3,014
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ :	
	– – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾	1,964
	– – in other cases	2,448
	– other (including unprocessed)	3,014
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:	
	– where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾	2,530
	– in other cases	3,014
1006 20	Husked rice:	
	– round grain	19,763
	– medium grain	17,595
	– long grain	17,595
ex 1006 30	Wholly-milled rice:	
	– round grain	25,500
	– medium grain	25,500
	– long grain	25,500
1006 40 00	Broken rice used in the form of:	
	– starch of CN code 1108 19 10:	
	– – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾	2,291
	– – in other cases	2,800
	– other (including unprocessed)	2,800

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	2,750
1101 00	Wheat or meslin flour: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,325
	— in other cases	0,500
1102 10 00	Rye flour	4,942
1103 11 10	Groats and durum wheat meal: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,431
	— in other cases	0,663
1103 11 90	Common wheat groats and spelt: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,691
	— in other cases	1,064

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ No L 136, 31. 5. 1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ No L 159, 1. 7. 1993, p. 112).

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

COMMISSION REGULATION (EC) No 599/97
of 3 April 1997
fixing production refunds on cereals and rice

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 7 (2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors⁽⁴⁾, as last amended by Regulation (EC) No 1516/95⁽⁵⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated must be fixed once a month and may be altered if the price of maize and/or wheat and/or barley changes significantly;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the

Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, potatoes, rice or broken rice, shall be ECU 10,61 per tonne.

2. The refund referred to in Article 3 (3) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from barley and oats, shall be ECU 7,43 per tonne.

Article 2

This Regulation shall enter into force on 4 April 1997.

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

Done at Brussels, 3 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁵⁾ OJ No L 147, 30. 6. 1995, p. 49.

COMMISSION REGULATION (EC) No 600/97
of 3 April 1997
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

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

Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;

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

the quantity of cereal products present in the compound feedingstuff;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 4 April 1997.

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

Done at Brussels, 3 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 3 April 1997 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	30,14
Cereal products ⁽²⁾ excluding maize and maize products	13,79

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

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

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

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

COMMISSION REGULATION (EC) No 601/97

of 3 April 1997

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EC) No 1518/95⁽⁴⁾, as amended by Regulation (EC) No 2993/95⁽⁵⁾, on the import and export system for products processed from cereals and from rice defines the specific

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 147, 30. 6. 1995, p. 55.

⁽⁵⁾ OJ No L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 4 April 1997.

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

Done at Brussels, 3 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 3 April 1997 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	42,20	1104 23 10 9100	45,21
1102 20 10 9400 ⁽¹⁾	36,17	1104 23 10 9300	34,66
1102 20 90 9200 ⁽¹⁾	36,17	1104 29 11 9000	7,64
1102 90 10 9100	30,12	1104 29 51 9000	7,49
1102 90 10 9900	20,48	1104 29 55 9000	7,49
1102 90 30 9100	38,83	1104 30 10 9000	1,87
1103 12 00 9100	38,83	1104 30 90 9000	7,54
1103 13 10 9100 ⁽¹⁾	54,25	1107 10 11 9000	13,33
1103 13 10 9300 ⁽¹⁾	42,20	1107 10 91 9000	35,74
1103 13 10 9500 ⁽¹⁾	36,17	1108 11 00 9200	14,98
1103 13 90 9100 ⁽¹⁾	36,17	1108 11 00 9300	14,98
1103 19 10 9000	36,07	1108 12 00 9200	48,22
1103 19 30 9100	31,12	1108 12 00 9300	48,22
1103 21 00 9000	7,64	1108 13 00 9200	48,22
1103 29 20 9000	20,48	1108 13 00 9300	48,22
1104 11 90 9100	30,12	1108 19 10 9200	42,56
1104 12 90 9100	43,14	1108 19 10 9300	42,56
1104 12 90 9300	34,51	1109 00 00 9100	0,00
1104 19 10 9000	7,64	1702 30 51 9000 ⁽²⁾	51,16
1104 19 50 9110	48,22	1702 30 59 9000 ⁽²⁾	39,17
1104 19 50 9130	39,18	1702 30 91 9000	51,16
1104 21 10 9100	30,12	1702 30 99 9000	39,17
1104 21 30 9100	30,12	1702 40 90 9000	39,17
1104 21 50 9100	40,16	1702 90 50 9100	51,16
1104 21 50 9300	32,13	1702 90 50 9900	39,17
1104 22 20 9100	34,51	1702 90 75 9000	53,61
1104 22 30 9100	36,67	1702 90 79 9000	37,21
		2106 90 55 9000	39,17

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

⁽²⁾ Refunds are granted in accordance with Regulation (EEC) No 2730/75 (OJ No L 281, 1. 11. 1975, p. 20), amended.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 February 1997

laying down the animal health conditions and model veterinary certificates in respect of imports of meat products from third countries and revoking Decision 91/449/EEC

(Text with EEA relevance)

(97/221/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, swine, ovine, and caprine animals, fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 96/91/EC⁽²⁾, and in particular Articles 21 (a) and 22 thereof,

Having regard to 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 (1) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC⁽³⁾ as last amended by Directive 96/90/EC⁽⁴⁾, and in particular Article 10 (2) (c),

Whereas Council Directive 77/99/EEC⁽⁵⁾, as last amended by Council Directive 95/68/EC⁽⁶⁾, defines a meat product through laying down minimum treatment requirements;

Whereas Commission Decision 91/449/EEC⁽⁷⁾ as last amended by Decision 96/92/EC⁽⁸⁾ lays down the specimen animal health certificates in respect of meat products from bovine animals, swine, equidae, sheep and goats imported from third countries;

Whereas it is necessary to lay down animal health conditions and model veterinary certificates required for imports of meat products manufactured from farmed game meat, domestic rabbits and wild game meat from third countries;

Whereas the categories of meat products that may be imported from third countries depend on the health situation of the third country or parts of third country of manufacture; whereas, in order to be able to be imported, certain meat products must have been subjected to a particular treatment;

Whereas a list of third countries from which Member States import meat products is laid down in Commission Decision 97/222/EC⁽⁹⁾;

Whereas it is necessary to lay down the animal health conditions and certificate required to import these products from the manufacturing third country; whereas in order to clarify and simplify the Community legisla-

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 13, 16. 1. 1997, p. 26.

⁽³⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽⁴⁾ OJ No L 13, 16. 1. 1997, p. 24.

⁽⁵⁾ OJ No L 26, 31. 1. 1977, p. 85.

⁽⁶⁾ OJ No L 332, 30. 12. 1995, p. 10.

⁽⁷⁾ OJ No L 240, 29. 8. 1991, p. 28.

⁽⁸⁾ OJ No L 21, 27. 1. 1996, p. 71.

⁽⁹⁾ See page 39 of this Official Journal.

tion, it is justified to group together the animal health conditions and certification required for importations of various categories of meat products and to revoke Decision 91/449/EEC;

Whereas these animal health conditions and veterinary certification apply without prejudice to the requirement for a residues testing programme to have been approved for the third country concerned under Council Decision 79/542/EEC⁽¹⁾, as last amended by Commission Decision 97/160/EC⁽²⁾;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of this Decision:

1. the definition of meat products as laid down in Article 2 (a) of Directive 77/99/EEC shall apply;
2. the meat or meat products used in the manufacture of the meat products must be derived from:
 - domestic poultry of the following species: domestic fowl, turkeys, guinea fowl, geese and ducks,
 - or
 - domestic animals of the following species: bovine animals (including *Bubalus bubalis*, *Bison bison*), swine, sheep, goats and solipeds,
 - or
 - farmed game and domestic rabbits as defined in Article 2 (3) of Council Directive 91/495/EEC⁽³⁾,
 - or
 - wild game as defined in Article 2 (1) (a) of Council Directive 92/45/EEC⁽⁴⁾.

Article 2

Member States shall authorize imports of meat products:

1. derived from the species referred to in Article 1;

and:

2. (a) either

originating from third countries listed in Part II of the Annex to Decision 97/222/EC, or parts of third countries as defined in Part I of the Annex to the same Decision, under the following conditions:

- the meat products contain meat and/or meat products derived from one or more species which have undergone a non-specific treatment as laid down in Part IV of the Annex to Decision 97/222/EC;

- (b) or

originating from third countries, listed in Parts II and III of the Annex to Decision 97/222/EC, or parts of third countries, as defined in Part I of the Annex to the same Decision, under one of the following conditions:

- the meat products contain meat and/or meat products derived from a single species as authorized under the relevant column indicating the species concerned and have been subjected to at least the specific treatment regime required for meat of that species as laid down in Part IV of the Annex to Decision 97/222/EC,
- the meat products contain fresh, processed or partly processed meats from more than one species which are mixed prior to undergoing their final treatment. This final treatment must be at least equal to the most severe treatment as laid down in Part IV of the Annex to Decision 97/222/EC, for any one of the individual meat constituents for the species concerned,
- the final meat product is prepared by the mixing of previously treated meat from more than one species, the earlier treatment which each constituent meat underwent must have been at least equal to the relevant treatment as laid down in Part IV of the Annex to Decision 97/222/EC, for the species of meat concerned.

The treatments indicated in Part IV of the Annex to Decision 97/222/EC represent the minimum acceptable processing conditions for animal health purposes for meat of the species concerned from the indicated countries;

3. the fresh meat used in the production of the meat products must conform to the relevant public health conditions required for importation of that meat into the Community.

⁽¹⁾ OJ No L 146, 14. 6. 1979, p. 15.

⁽²⁾ OJ No L 62, 4. 3. 1997, p. 39.

⁽³⁾ OJ No L 268, 24. 9. 1991, p. 41.

⁽⁴⁾ OJ No L 268, 14. 9. 1992, p. 35.

Article 3

The meat products referred to in Article 2 must conform to the requirements laid down in the specimen health certificate in the Annex. This certificate must accompany the consignment and be duly completed and signed by the official veterinarian.

Article 4

Decision 91/449/EEC is revoked.

Article 5

This Decision shall apply from 1 March 1997.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 28 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

SPECIMEN ANIMAL HEALTH CERTIFICATE FOR MEAT PRODUCTS INTENDED FOR
CONSIGNMENT TO THE EUROPEAN COMMUNITY

Note for the importer: This certificate is only for veterinary purposes and has to accompany the consignment until it reaches the border inspection post.

Reference number of the certificate

Country of destination:
(name of EC Member State)

Reference number of the public health certificate:

Exporting country ⁽¹⁾/region ⁽¹⁾ ⁽²⁾:

Ministry:

Department:

I. Identification of meat products

Indicate the origin of the meat(s) used in the meat product by placing a mark in the boxes opposite each of the species concerned

Domestic species ⁽²⁾

Bovine ☐

Ovine ☐

Caprine ☐

Porcine ☐

Soliped ☐

Poultry (specify) ☐

Farmed game ⁽²⁾

Cloven hoofed (excluding swine) (specify) ☐

Swine ☐

Birds (specify) ☐

Domestic rabbits ☐

Other leporidae (specify) ☐

Wild game ⁽²⁾

Cloven hoofed (excluding swine) (specify) ☐

Swine ☐

Birds (specify) ☐

Soliped ☐

Leporidae (specify) ☐

Others (specify) ☐

⁽¹⁾ Insert the name of the country where the meat product described in the certificate was manufactured. In addition, the name of the region should be inserted if the authorization to export meat products to the Community has been restricted to certain regions of the exporting country (see Annex, Part I to Commission Decision 97/222/EC).

⁽²⁾ Delete as appropriate.

Description of meat products:

Nature of pieces:

Nature of packaging:

Number of pieces or packages:

Required storage and transport temperatures:

Storage life:

Net weight:

II. Origin of meat products

Address(es) and veterinary approval number(s) of:

- (a) the establishment(s) supplying fresh meat:
-
- (b) the meat products establishment(s):
-
- (c) the storage establishment(s):
-

III. Destination of meat products

The meat product will be sent from:
(place of loading)

to:
(country of destination)

by the following means of transport⁽¹⁾:

Name and address of:

- (a) consignor:
-
- (b) consignee:
-

IV. Attestation of health

I, the undersigned official veterinarian, certify that:

1. the meat product contains the following meat constituents and meets the criteria indicated below:

Species ⁽¹⁾	Treatment ⁽²⁾	Origin ⁽³⁾	Animal health conditions ⁽⁴⁾

⁽¹⁾ Insert the code for the relevant species where BO = bovine and farmed cloven-hoofed game (excluding swine), OV = farmed ovine and caprine, SO = farmed soliped, PO = farmed pigs, RA = domestic rabbit, PL = farmed poultry and farmed feathered game, WG = wild cloven-hoofed game (excluding swine), WS = wild swine, WSO = wild soliped, WLP = wild leponidae, WB = wild game birds.

⁽²⁾ Insert A, B, C, D, E or F for the required treatment as specified and defined in Parts II, II and IV of the Annex to Decision 97/222/EC.

⁽³⁾ Insert the ISO code of the country of origin and, in the case of regionalization by Community legislation for the relevant meat constituent, the region.

⁽⁴⁾ Insert the reference number of the relevant Community Decision (where appropriate) which was applicable to the production of the meat used in the manufacture of the meat product described in this certificate.

⁽¹⁾ For lorries the registration number should be given. For bulk containers the container number and the seal number should be included.

2. where the meat product has undergone a treatment other than heating in a hermetically sealed container to an F° value of 3 or more, it has been prepared from fresh meat which:

(a) in the case of fresh meat from bovine, ovine, caprine, porcine or soliped animals:

— satisfies the animal health requirements laid down in Articles 14, 15 and 16 of Council Directive 72/462/EEC and is in accordance with Decision 97/222/EC ⁽¹⁾ ⁽²⁾,

and/or

— originates in a Member State of the European Community and satisfies the requirements of Article 21 (a) (1), second indent, of Council Directive 72/462/EEC ⁽¹⁾,

and/or

— meets any requirements agreed under the provisions of Article 21 (a), last sentence, of Directive 72/462/EEC and has undergone the treatment laid down for the meat of the species concerned in Parts II or III (as appropriate) of the Annex to Decision 97/222/EC, and in the case of biltong and pasteurized meat products satisfies the animal health requirements laid down in Articles 14, 15 and 16 of Directive 72/462/EEC and is in accordance with Decision 97/222/EC ⁽¹⁾ ⁽²⁾;

(b) in the case of fresh meat from domestic poultry:

— satisfies the animal health requirements laid down in Commission Decisions 94/984/EC or 96/181/EC or 96/182/EC ⁽¹⁾,

and/or

— originates in a Member State of the European Community satisfying the requirements of Articles 3, 4 and 5 of Council Directive 91/494/EEC ⁽¹⁾,

and/or

— originates in a third country referred to in Annex II, Chapter I, to Council Directive 92/118/EEC ⁽¹⁾;

(c) in the case of fresh meat from farmed game and domestic rabbits:

— satisfies the relevant animal health and public health requirements laid down in Commission Decision 97/219/EC ⁽¹⁾;

(d) in the case of fresh meat from wild game (excluding wild swine):

— satisfies the relevant animal health and public health requirements laid down in Commission Decision 97/218/EC ⁽¹⁾;

(e) in the case of fresh meat from wild swine:

— satisfies the relevant animal health and public health requirements laid down in Commission Decision 97/220/EC ⁽¹⁾;

3. the meat product:

— consists of meat and/or meat products derived from a single species, and has undergone the treatment satisfying the relevant conditions laid down in the Annex to Decision 97/222/EC ⁽¹⁾,

or

— consists of meat from more than one species where, after mixing the meats together, the entire product has subsequently undergone a treatment which was at least equal to the most severe treatment required for any of the individual meat components contained in the meat product, as laid down in the Annex to Decision 97/222/EC ⁽¹⁾,

or

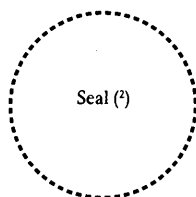
— has been prepared from meat, from more than one species where each of the constituent meats had previously undergone a treatment prior to mixing which satisfied the relevant treatment requirements for meat from that species, as laid down in the Annex to Decision 97/222/EC ⁽¹⁾;

⁽¹⁾ Delete as appropriate.

⁽²⁾ Insert the reference number of the relevant Community Decision (where appropriate) which was applicable to the production of the meat used in the manufacture of the meat product described in this certificate.

4. in the case of poultry meat products which have not undergone a specific treatment and are destined for Member States or regions thereof which have been recognised in accordance with Article 12 of Council Directive 90/539/EEC, the poultry meat was derived from poultry which had not been vaccinated with a live vaccine against Newcastle disease within 30 days prior to slaughter ⁽¹⁾;
5. after treatment all precautions to avoid contamination have been taken.

Done at, on
(place) (date)



.....
(signature of the official veterinarian) ⁽²⁾

.....
(name in capital letters, title and qualification)

⁽¹⁾ Delete as appropriate.

⁽²⁾ The colour of the seal and the signature must be different from the colour of the printing.

COMMISSION DECISION

of 28 February 1997

laying down the list of third countries from which the Member States authorize the importation of meat products

(Text with EEA relevance)

(97/222/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, swine, ovine, and caprine animals, fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 96/91/EC⁽²⁾, and in particular Articles 21 (a) and 22 thereof,

Having regard to 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⁽³⁾ as last amended by Directive 96/90/EC⁽⁴⁾ and in particular Article 10 (2) (c),

Whereas Council Decision 79/542/EEC⁽⁵⁾, as last amended by Commission Decision 97/160/EC⁽⁶⁾ draws up a list of third countries from which Member States authorize, amongst others, imports of meat products derived from meat originating from bovine animals, swine, solipeds, sheep and goats;

Whereas Commission Decision 91/449/EC⁽⁷⁾ as last amended by Decision 96/92/EC⁽⁸⁾ lays down lists of third countries from which Member States are authorized to import meat products from bovine animals, swine, equidae, sheep and goats;

Whereas Commission Decision 94/85/EC⁽⁹⁾ as last amended by Decision 96/2/EC⁽¹⁰⁾ draws up a list of third countries from which the Member States authorize the importation of fresh poultry meat; whereas this list also

applies to imports of meat products derived from poultry-meat;

Whereas Commission Decision 94/86/EC⁽¹¹⁾ as amended by Decision 96/137/EC⁽¹²⁾ draws up a list of third countries from which the Member States authorize the importation of wild game meat; whereas this list applies to imports of wild game meat products;

Whereas Commission Decision 94/278/EC⁽¹³⁾ as last amended by Decision 96/344/EC⁽¹⁴⁾ draws up a list of third countries from which the Member States authorize, amongst others, the importation of meat products derived from rabbit meat, feathered farmed game meat and furred farmed game meat;

Whereas Commission Decision 91/449/EEC is revoked by Commission Decision 97/221/EC⁽¹⁵⁾;

Whereas it is necessary to establish an amended list of approved third countries from which the Member States authorize the importation of meat products manufactured not only from meat derived from bovine animals, swine, equidae, sheep and goats but also from farmed game, domestic rabbits and wild game;

Whereas the categories of meat products that may be imported from third countries depend on the health situation of the third country or parts of third country of manufacture; whereas, in order to be able to be imported, certain meat products must have been subjected to particular treatment;

Whereas Council Directive 77/99/EEC⁽¹⁶⁾, as last amended by Council Directive 95/68/EC⁽¹⁷⁾, defines a meat product through laying down minimum treatment requirements; whereas certain third countries or certain parts of third countries appearing on the abovementioned lists are only to be authorized for imports of meat products which have been subjected to complete heat treatment;

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 13, 16. 1. 1997, p. 26.

⁽³⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽⁴⁾ OJ No L 13, 16. 1. 1997, p. 24.

⁽⁵⁾ OJ No L 146, 14. 6. 1979, p. 15.

⁽⁶⁾ OJ No L 62, 4. 3. 1997, p. 39.

⁽⁷⁾ OJ No L 240, 29. 8. 1991, p. 28.

⁽⁸⁾ OJ No L 21, 27. 1. 1996, p. 71.

⁽⁹⁾ OJ No L 44, 17. 2. 1994, p. 31.

⁽¹⁰⁾ OJ No L 1, 3. 1. 1996, p. 6.

⁽¹¹⁾ OJ No L 44, 17. 2. 1994, p. 33.

⁽¹²⁾ OJ No L 31, 9. 2. 1996, p. 31.

⁽¹³⁾ OJ No L 120, 11. 5. 1994, p. 44.

⁽¹⁴⁾ OJ No L 133, 4. 6. 1996, p. 28.

⁽¹⁵⁾ See page 32 of this Official Journal.

⁽¹⁶⁾ OJ No L 26, 31. 1. 1977, p. 85.

⁽¹⁷⁾ OJ No L 332, 30. 12. 1995, p. 10.

Whereas Decision 97/221/EC lays down the animal health conditions and veterinary certification to be applied by Member States to the import of meat products from third countries;

Whereas it is necessary to lay down the minimum treatments required to import these products from the manufacturing third country;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Member States shall authorize imports of meat products as defined in Decision 97/221/EC from third countries or parts of third countries appearing on the lists in Parts I, II

and III of the Annex, provided that they have undergone the relevant treatment laid down in Part IV of the Annex, and be accompanied by the appropriate veterinary health certification laid down in Commission Decision 97/221/EC.

Article 2

This Decision shall apply from 1 March 1997.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

PART I

Description of regionalized territories as laid down for the countries listed in Parts II and III

Code ISO	Country	Territory		Description of territory
		Code	Version	
BR	Brazil	BR 2	95/1	States of Rio Grande do Sul, Santa Catarina, Paraná, São Paulo and Mato Grosso do Sul
BR	Brazil	BR 3	95/1	The whole of Brazil excluding the districts listed in BR 2
CZ	Czech Republic	CZ 1	95/1	District of Breclav
CZ	Czech Republic	CZ 2	95/1	The whole of the Czech Republic excluding the district listed in CZ 1
HR	Croatia	HR 1	95/1	Provinces of Sisačko-Moslavačka, Karlovačka, Ličko-Senjska, Brodsko-Posavska, Zadarsko-Kninska, Osječko-Baranjska, Šibenska, Vukovarsko-Srijemska, Splitsko-Damlatinska, Dubrovačko-Neretvanska
HR	Croatia	HR 2	95/1	Provinces of Zagrebačka, Krapinsko-Zagorska, Varaždinska, Kopriunicko-Križevačka, Bjelovarsko-Bilogorska, Primorsko-Goranska, Viroviticko-Podravska, Požeško-Slavonska, Istarska, Medimurska, Grad Zagreb
MY	Malaysia	MY 1	95/1	Peninsular (Western) Malaysia only

PART II

Third countries or parts thereof from where meat products are authorized for importation into the European Community

Code ISO	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game — excluding swine	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Domestic poultry 2. Farmed feathered game	Domestic rabbit and farmed leporidae	Wild cloven hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits & hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
AR	Argentina (1)	C	C	C	A	D	A	C	C	—	A	D	—
AU	Australia	A	A	A	A	A	A	A	A	—	A	A	A
BG	Bulgaria	A	A	D	A	D	A	A	D	—	A	D	—
BH	Bahrain	B	B	B	B	—	A	C	C	—	A	—	—
BR	Brazil-BR 2	C	C	C	A	A	A	B	B	—	A	A	—
BR	Brazil-BR 3	C	C	C	A	D	A	C	C	—	A	D	—
BW	Botswana	B	B	B	B	—	A	B	B	A	A	—	—
BY	Belarus	C	C	C	B	—	A	C	C	—	A	—	—
CA	Canada	A	A	A	A	A	A	A	A	—	A	A	A
CH	Switzerland	A	A	A	A	A	A	A	D	—	A	A	—
CL	Chile	B	B	B	A	A	A	B	B	—	A	A	—
CN	People's Republic of China	B	B	B	B	B	A	B	B	—	A	B	—
CO	Colombia	B	B	B	B	—	A	B	B	—	A	—	—
CY	Cyprus	C	C	C	A	A	A	C	C	—	A	A	—
CZ	Czech Republic-CZ 1	A	A	D	A	A	A	A	D	—	A	A	—
CZ	Czech Republic-CZ 2	A	A	A	A	A	A	A	D	—	A	A	—
ES	Estonia	C	C	C	A	—	A	C	C	—	A	—	A
ET	Ethiopia	B	B	B	B	—	A	B	B	—	A	—	—

Code ISO	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game — excluding swine	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Domestic poultry 2. Farmed feathered game	Domestic rabbit and farmed leporidae	Wild cloven game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits & hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
GR	Greenland	—	—	—	—	—	A	—	—	—	A	A	A
HK	Hong Kong	B	B	B	B	D	A	B	B	—	A	—	—
HR	Croatia-HR 1	C	C	C	A	D	A	C	C	—	A	D	—
HR	Croatia-HR 2	A	A	D	A	A	A	A	D	—	A	A	—
HU	Hungary	A	A	A	A	A	A	A	A	—	A	A	—
IL	Israel	B	B	B	B	D	A	B	B	—	A	D	—
IN	India	B	B	B	B	—	A	B	B	—	A	—	—
IS	Iceland	B	B	B	A	—	A	B	B	—	A	—	—
KE	Kenya	B	B	B	B	—	A	B	B	—	A	—	—
KR	Korea (Republic)	—	—	—	—	D	A	—	—	—	A	D	—
LI	Lithuania	C	C	C	A	D	A	C	C	—	A	D	A
LV	Latvia	C	C	C	A	—	A	C	C	—	A	—	A
MA	Morocco	B	B	B	B	—	A	B	B	—	A	—	—
MG	Madagascar	B	B	B	B	D	A	B	B	—	A	D	—
MK	Former Yugoslav Republic of Macedonia	A	A	B	A	—	A	B	B	—	A	—	—
MT	Malta	—	—	—	—	A	A	—	—	—	A	—	—
MY	Malaysia-MY 1	—	—	—	—	D	A	—	—	—	A	D	—
MU	Mauritius	B	B	B	B	—	A	B	B	—	A	—	—
NA	Namibia (1)	B	B	B	B	D	A	B	B	A	A	D	—
NZ	New Zealand	A	A	A	A	A	A	A	A	—	A	A	A

Code ISO	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game — excluding swine	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Domestic poultry 2. Farmed feathered game	Domestic rabbit and farmed leporidae	Wild cloven hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits & hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
PL	Poland	A	A	D	A	A	A	A	D	—	A	A	—
PY	Paraguay	C	C	C	B	—	A	C	C	—	A	—	—
RO	Romania	A	A	D	A	A	A	A	D	—	A	A	A
RU	Russia	C	C	C	B	—	A	C	C	—	A	—	A
SG	Singapore	B	B	B	B	D	A	B	B	—	A	—	—
SI	Slovenia	A	A	D	A	D	A	A	D	—	A	D	—
SK	Slovak Republic	A	A	D	A	A	A	A	D	—	A	A	—
SZ	Swaziland	B	B	B	B	—	A	B	B	A	A	—	—
TH	Thailand	B	B	B	B	A	A	B	B	—	A	D	—
TN	Tunisia	B	B	B	B	—	A	B	B	—	A	D	—
TR	Turkey	—	—	—	—	D	A	—	—	—	A	D	—
UA	Ukraine	—	—	—	—	—	A	—	—	—	A	—	—
US	United States of America	A	A	A	A	A	A	A	A	—	A	A	—
UY	Uruguay	A	A	B	A	D	A	—	—	—	A	D	—
ZA	South Africa (1)	C	C	C	A	D	A	C	C	A	A	D	—
ZW	Zimbabwe (1)	B	B	B	A	D	A	B	B	—	A	D	—

(1) See Part III for minimum treatment requirements for pasteurized meat products and biltong.

PART III

Third countries or parts thereof from where biltong or pasteurized meat products are authorized for importation into the European Community

Code ISO	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game — excluding swine	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Domestic poultry 2. Farmed feathered game	Domestic rabbit and farmed leporidae	Wild cloven hooved game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits & hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
AR	Argentina	F	F	—	—	—	A	—	—	—	A	—	—
NA	Namibia	E	E	—	—	E	A	—	—	A	A	E	—
ZA	South Africa	E	E	—	—	E	A	—	—	A	A	E	—
ZW	Zimbabwe	E	E	—	—	E	A	—	—	E	A	E	—

PART IV

Interpretation of codes used in tables in Parts II and III

— = Importation of meat products containing meat of this species not authorized.

Non-specific treatment regime

A = No minimum specified temperature of other treatment is established for animal health purposes for the meat product. However it must have undergone a treatment such that its cut surface shows that it no longer has the characteristics of fresh meat.

Specific treatment regimes — listed in descending order of severity

B = Treatment in a hermetically sealed container to an F° value of three or more.

C = A minimum temperature of 80 °C which must be reached throughout the meat during the processing of the meat product.

D = A minimum temperature of 70 °C which must be reached throughout the meat during the processing of meat products, or

for ham, treatment consisting of natural fermentation and maturation of not less than nine months and resulting in the following characteristics:

— A_w value of not more than 0,93,

— pH value of not more than 6,0.

E = In the case of 'biltong' type products, a treatment to achieve:

— A_w value of not more than 0,93,

— pH value of not more than 6,0.

F = A heat treatment that ensures a centre temperature of at least 65 °C is reached for a period of time necessary to achieve a pasteurization value (pv) equal to or more than 40.

NB: Where the meat product has undergone a treatment other than heating in a hermetically sealed container to an F° value of three or more, fresh meat used in the manufacture of the meat products referred to in Parts II and III must satisfy the animal health rules applicable to the export of fresh meat to the European Community.

COMMISSION DECISION

of 25 March 1997

terminating the anti-dumping proceeding concerning imports of unwrought,
unalloyed zinc originating in Kazakhstan, Ukraine and Uzbekistan

(97/223/EC)

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 Com-
munity⁽¹⁾, as amended by Regulation (EC) No 2331/96⁽²⁾,
and in particular Articles 9 and 23 thereof,

After consulting the Advisory Committee,

Whereas:

- (1) On 9 June 1995, the Commission announced, by a
notice published in the *Official Journal of the Euro-
pean Communities*⁽³⁾, the initiation of an anti-
dumping proceeding concerning imports of
unwrought unalloyed zinc originating in Kazakhstan,
Poland, Russia, Ukraine and Uzbekistan and
commenced an investigation. As far as Poland and
Russia are concerned, the results of this investigation
are laid down in Commission Regulation (EC) No
593/97⁽⁴⁾;
- (2) The investigation revealed that imports of unwrought,
unalloyed zinc originating in Kazakhstan, Ukraine
and Uzbekistan are below the negligibility threshold
referred to in Article 9 (3) of Regulation (EC) No

384/96, since imports from those countries represent a
market share of below 1 % respectively and below
3 % collectively of the Community consumption.
Consequently, the injury suffered by the Community
industry as a result of imports from Kazakhstan,
Ukraine and Uzbekistan is to be regarded as negligible
and the proceeding should be terminated with respect
to imports of unwrought, unalloyed zinc originating in
those countries,

HAS ADOPTED THIS DECISION:

Sole Article

The proceeding concerning imports of unwrought, unal-
loyed zinc originating in Kazakhstan, Ukraine and Uz-
bekistan is hereby terminated.

Done at Brussels, 25 March 1997.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No C 143, 9. 6. 1995, p. 12.

⁽⁴⁾ See page 6 of this Official Journal.