

Official Journal

of the European Communities

ISSN 0378-6978

L 150

Volume 40

7 June 1997

English edition

Legislation

Contents

I Acts whose publication is obligatory

- Commission Regulation (EC) No 1022/97 of 6 June 1997 on the supply of meat as food aid 1
- * Commission Regulation (EC) No 1023/97 of 6 June 1997 imposing a provisional anti-dumping duty on certain imports of flat pallets of wood originating in Poland and accepting undertakings offered from certain exporters in connection with those imports 4
- * Commission Regulation (EC) No 1024/97 of 6 June 1997 fixing the storage aid for unprocessed dried grapes and dried figs from the 1996/97 marketing year 18
- * Commission Regulation (EC) No 1025/97 of 6 June 1997 concerning imports of certain textile products originating in the Russian Federation 20
- * Commission Regulation (EC) No 1026/97 of 6 June 1997 reintroducing customs duties on products of CN codes 3102 10 10 and 3102 10 90 to 3102 90 00, originating in the Republics of Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia for which tariff ceilings were opened by Council Regulation (EC) No 70/97 25
- * Commission Regulation (EC) No 1027/97 of 6 June 1997 determining, for the 1997 marketing year, the estimated loss of income and the estimated level of the premium payable per ewe and per female goat and fixing the first advance payment for this premium and an advance payment of the specific aid for sheep and goat farming in certain less favoured areas of the Community 27
- * Commission Regulation (EC) No 1028/97 of 6 June 1997 amending Regulation (EEC) No 2047/84 determining the rice intervention centres other than Vercelli and repealing Regulation (EEC) No 3406/93 establishing the varieties of Indica rice for the purposes of intervention 29

| | |
|--|----|
| * Commission Regulation (EC) No 1029/97 of 6 June 1997 amending Regulation (EC) No 1487/95 establishing the supply balance for the Canary Islands for products from the pigmeat sector and fixing the aid for products coming from the Community | 30 |
| * Commission Regulation (EC) No 1030/97 of 6 June 1997 amending for the fourth time Regulation (EC) No 414/97 adopting exceptional support measures for the market in pigmeat in Germany | 32 |
| * Commission Regulation (EC) No 1031/97 of 6 June 1997 amending for the fifth time Regulation (EC) No 413/97 adopting exceptional support measures for the market in pigmeat in the Netherlands | 34 |
| Commission Regulation (EC) No 1032/97 of 6 June 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables | 36 |
| Commission Regulation (EC) No 1033/97 of 6 June 1997 temporarily suspending the issue of export licences for certain milk products and determining the extent to which export licences may be issued against applications currently pending | 38 |
| Commission Regulation (EC) No 1034/97 of 6 June 1997 amending representative prices and additional duties for the import of certain products in the sugar sector | 39 |
| * Council Directive 97/26/EC of 2 June 1997 amending Directive 91/439/EEC on driving licences | 41 |

II *Acts whose publication is not obligatory*

Commission

97/350/EC:

| | |
|--|----|
| * Commission Decision of 29 May 1997 amending Decision 92/160/EEC establishing the regionalization of certain third countries for imports of equidae and repealing Decision 96/487/EC on protective measures in relation to dourine in Russia ⁽¹⁾ | 44 |
|--|----|

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1022/97
of 6 June 1997
on the supply of meat as food aid**

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽¹⁾, and in particular Article 24 (1) (b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated beef in its own juice to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽²⁾, as amended by Regulation (EEC) No 790/91⁽³⁾; whereas it is necessary to specify the time limits and conditions of

supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Meat shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 6 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation No** (1): 280/96
2. **Programme**: 1996
3. **Recipient** (2): Euronaid, Postbus 12, NL-2501 CA Den Haag, Nederland (tel.: (31 70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: Cuba
6. **Product to be mobilized**: Beef in its own juice
7. **Characteristics and quality of the goods** (3) (4) (5): —
8. **Total quantity (tonnes)**: 155
9. **Number of lots**: 1
10. **Packaging and marking** (7) (8): see OJ No C 267, 13. 9. 1996, p. 1 (15.0 A, B and C.2)
see OJ No C 114, 29. 4. 1991, p. 1 (VIIA.(3))
Language to be used for the marking: Spanish
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 28. 7. — 17. 8. 1997
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 23. 6. 1997
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 7. 7. 1997
 - (b) period for making the goods available at the port of shipment: 11. — 31. 8. 1997
 - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 15 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1): Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels
Telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04 (exclusively)
25. **Refund payable on application by the successful tenderer** (4): refunds only for products covered by product code 1602 50 39 9425, referred to in Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EC) No 2230/96 (OJ No L 305, 27. 11. 1996, p. 1). The refund is the one applicable at the deadline for the submission of tenders.

Notes:

- (1) The operation number should be mentioned in all correspondence.
- (2) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (4) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.
- The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ No L 188, 27. 7. 1996, p. 22), shall not apply to this amount.
- (5) Meat product, minimum 60 % chemically lean, stable at ambient temperature (salted, tinned and cooked) consisting solely of bovine meat, meeting the requirements laid down in Annex B Chapter II to Directive 77/99/EEC (OJ No 26, 31. 1. 1977, p. 60) and the following requirements after cooking:
- moisture: maximum 70 %
 - protein: minimum 13,5 % (proportion of collagenous to total protein no more than 35 %)
 - fat: maximum 20 %
 - salt: maximum 2 %, 50 ppm of maximum total nitrate expressed as sodium nitrate
 - sugar: maximum 1 %
 - ash: maximum 2,5 %.
- The meat may not contain bone, ligament, gristle, hair, foreign bodies or any additive, in particular thickeners other than tendon collagen of bovine origin. Presentation when sliced must be a firm moulded product (15-30 mm pieces) with a limited quantity of minced meat. It must be free of unpleasant odours and tastes.
- Guaranteed conservation period: minimum four years from manufacture.
- (6) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate.
- (7) Notwithstanding OJ No C 114, point VIIA.3 (c) is replaced by the following: 'the words "European Community"', and point VIIA.3 (b) by the following: the description 'Beef in its own juice' (in Spanish: 'carne bovina en su jugo').
- (8) Shipment to take place in 20-foot containers, FCL/FCL.
- The supplier will be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The beneficiary will be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
- The provisions of Article 13 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.
- The supplier must submit to the recipient's agent a complete packing list of each container, specifying the number of metal canisters belonging to each operation number as specified in the invitation to tender.
- The supplier must seal each container with a numbered locktainer (sysko locktainer 180 seal), the number of which is to be provided to the recipient's forwarder.
-

COMMISSION REGULATION (EC) No 1023/97

of 6 June 1997

imposing a provisional anti-dumping duty on certain imports of flat pallets of wood originating in Poland and accepting undertakings offered from certain exporters in connection with those imports

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 8 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) In July 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 flat pallets of wood originating in Poland.

The proceeding was initiated as a result of a complaint lodged by Anton Heggenstaller AR, Unterbernbach/Bayern, Germany, specifically on behalf of the *Federation des fabricants de palettes et emballages en bois* (FEFPEB), which in turn acts on behalf of all its member associations of producers in France, Germany, Italy, Netherlands, Portugal, Sweden, and the United Kingdom and also on behalf of several individual Community producers. The complaint contained evidence of dumping of the product concerned originating in Poland and of material injury resulting therefrom which was considered sufficient to justify the initiation of a proceeding.

- (2) The Commission officially advised the producers, exporters and importers known to be concerned, the representatives of the exporting country and the complainants, of the initiation of an investigation; it gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (3) Sampling of exporters and Community producers has been applied in view of the large number of

economic operators concerned. The Commission sent questionnaires to the companies selected for the sample of exporters, to exporters who have requested individual treatment, to an importer in the Community related to those exporters and to the companies selected for the sample of Community producers.

- (4) The Commission verified all the information it deemed necessary for the purpose of a preliminary determination and carried out investigations at the premises of a number of producers in the Community and producers/exporters in Poland as well as at the premises of an importer in the Community related to Polish exporters. The producers/exporters in Poland and the related importer in the Community investigated are listed below:

(a) *producers/exporters in Poland:*

- PPHU Alpa, Spolka z o o, Dobrzyca,
- PPHiU Eldagran, Slawoborze,
- Intur-Kfs, Spolka z o o, Inowroclaw,
- ZPH Palettenwerk Kazimierz Kozik, Bystra Podhalanska,
- Paletex, Roman Panasiuk, Warsaw,
- PPHU Palimex, Spolka z o o, Wloszakowice,
- RSP Rzecko, Choszczno,
- Sabelmar Import-Export, Konczyce Male,
- Tor-Pal, Spolka z o o, Kwidzyn,
- ZPPD, Zielona Gora;

(b) *importer in the Community*

- Pallettenservice Brigitte Möncke, Hamburg, Germany.

- (5) In view of the magnitude of the Community industry's negative situation determined during the injury investigation, it did not appear appropriate to single out those companies which were participating in the sample of Community producers (see below recitals 33 and 34) by specifying their names in this Regulation. This could damage their commercial relationship with regard to their customers and suppliers.

- (6) The investigation of dumping covered the period from 1 January 1994 to 31 December 1994 ('the investigation period'). The examination of injury covered the period from 1 January 1991 to the end of the investigation period.

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No C 178, 13. 7. 1995, p. 6.

- (7) Injury to the Community industry and dumping by Polish exporters have been established on the basis of the relevant facts collected in the territory of the Community including the new Member States, Austria, Finland and Sweden, even for the period prior to 1 January 1995, the date of accession: since any measures would be applicable to imports into the Community as a whole, the investigation should also cover the Community as a whole.

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (8) The product under consideration is flat wooden pallets, falling under CN Code 4415 20 20. These are flat portable platforms of wood used for handling, storage and transport of goods and materials. Flat wooden pallets are either made to order or are of standard specifications, such as the EUR-pallet, which is the most important standard type in terms of quantities traded, and the various CP-pallet types, namely CP1, CP3 and CP5.
- (9) It was established that all types of pallets, whether sold on the Polish market, exported from Poland to the Community or produced by the Community industry, have the same use and that their basic physical and technical characteristics are identical or closely resembling. Accordingly, all these pallets were considered to be like products under Article 1 (4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation').

C. DUMPING

1. Sampling

- (10) In view of the large number of Polish producers/exporters which had expressed their willingness to cooperate in the proceeding and had made sufficient information available (56 companies), the Commission decided to limit the investigation to a reasonable number of parties and selected a representative sample of eight companies, on the basis of the information available at the time of the selection and in accordance with Article 17 of the Basic Regulation. The final selection was made in consultation with and with the consent of the complainant, the Polish authorities and the cooperating Polish exporters.

The eight companies selected are:

- PPHiU Eldagran, Slawoborze,
- Eurohandels, Spolka z o o, Szczecin,
- Intur-Kfs, Spolka z o o, Inowroclaw,

- Biuro Handlowe Jawar Export-Import, Trzebnica,
- ZPH Palettenwerk Kazimierz Kozik, Bystra Podhalanska,
- RSP Rzecko, Choszczono,
- Sabelmar Import-Export, Konczyce Male,
- ZPPD, Zielona Gora.

- (11) In addition, two Polish exporters which were not selected for the sample asked for individual treatment in the proceeding. In accordance with Article 17 (3) of the Basic Regulation, the Commission acceded to this request, given that, in particular, pursuant to Article 24 of the Basic Regulation the proceeding was not subject to statutory deadlines, and therefore the individual examinations would not prevent completion of the investigation in good time. The individually treated companies are:

- PPHU Alpa, Spolka z o o, Dobrzyca,
- PPHU Palimex, Spolka z o o, Wloszakowice.

- (12) One Polish exporter selected for the sample did not reply to the questionnaire. Another Polish exporter, which did not produce pallets and did not sell on the domestic market, replied to the questionnaire; however its suppliers, whose cooperation was indispensable for establishing normal value, refused to cooperate. Accordingly, the Commission had to disregard the information submitted by the exporter concerned.

- (13) In these circumstances, the Commission considered it appropriate to add to the initial sample two more producers, in order to reinforce the representativeness of the sample, both in quantitative terms and in relation to the conditions of the Polish domestic market for pallets.

The two additional companies selected are:

- Paletex, Roman Panasiuk, Warsaw,
- Tor-Pal, Spolka z o o, Kwidzyn.

- (14) Some of the companies included in the sample and some of the other cooperating companies are members of the Polish Association of EUR-Pallet Producers. The members of this association have claimed to be treated separately from the non-members, on the grounds that the latter, being non-organized small producers, were much more likely to be practising dumping.

- (15) The investigation has shown, however, that no significant differences exist between the two groups of companies which would justify a separate treatment.

2. Normal value

- (16) In general, normal value had to be constructed in accordance with Article 2(3) of the Basic Regulation since domestic sales were not made either in sufficient quantities or in the ordinary course of trade. In constructing normal value for a given pallet type, selling, general and administrative expenses (SG&A-expenses) actually incurred by the producer concerned in domestic sales of this type or other types were used, provided that such sales had been made in sufficient quantities. Profits realised by the producer concerned in domestic sales of other types were used when those sales were made in sufficient quantities and in the ordinary course of trade. In other cases, the amount of SG&A-expenses and profits were calculated by reference to the weighted average of those incurred and realised by other producers investigated in relation to domestic sales of comparable types.
- (17) Only for one producer could normal value be based for all types exported to the Community on the actual domestic prices to independent customers of the corresponding sales of comparable types, since these sales were made in sufficient quantities and in the ordinary course of trade.
- (18) As regards one type exported to the Community by eight of the producers investigated, six of them did not sell a comparable type on their domestic market either in sufficient quantities or in the ordinary course of trade. In accordance with Article 2(1) of the Basic Regulation, the normal value of the type concerned for five out of these six companies was established on the basis of the weighted average price of the two other producers investigated which sold domestically the type in question in sufficient quantities and in the ordinary course of trade. As to the sixth producer, normal value was constructed according to the methodology mentioned in paragraph 16 since the weighted average price of the two other producers appeared to be lower than the cost of production of the producer in question for the type concerned sold in the domestic market in sufficient quantities.

3. Export price

- (19) In general, the export price was established by reference to the prices actually paid or payable for the pallets sold for export to independent importers in the Community.

- (20) One producer made some of its sales of pallets to an unrelated company located in Poland which subsequently exported the pallets to the Community. Given that the producer was aware of the final destination of the pallets, the latter were considered as sold for export to the Community by the producer in question. Export price for the sales concerned was thus established on the basis of the prices actually paid or payable by the unrelated Polish exporter to the producer investigated.
- (21) Two producers made all their exports to the Community to the same related importer at prices which were considered not to be reliable. Therefore, it was decided to construct the export price of these producers on the basis of the prices at which the imported products were first resold to an independent buyer in the Community, in accordance with Article 2(9) of the Basic Regulation. An adjustment for all costs incurred between importation and resale by the importer and for profits accruing was made so as to establish a reliable export price. The margin of profit was estimated by reference to that normally realised by an independent importer in the Community.

4. Comparison

- (22) The weighted average normal value by pallet type was compared to the weighted average export price of all export transactions to the Community for the comparable type, in accordance with Article 2(11) of the Basic Regulation. The comparison was made on an ex-factory basis and at the same level of trade. For the purpose of ensuring a fair comparison, the Commission took account, in accordance with Article 2(10) of the Basic Regulation, of differences in factors which were claimed and demonstrated to affect prices and price comparability.
- (23) Two producers have claimed an adjustment for differences in discounts. The Commission did not grant such an adjustment since the producers failed to demonstrate that the discounts claimed were actually given or agreed.
- (24) Several companies have claimed an adjustment for differences in level of trade between sales made in the export and those in the domestic market, on the grounds that they sold exclusively to traders in the Community whereas in Poland they sold exclusively or mainly to end-users.

For one of two producers whose normal value was based on their own domestic prices, the Commission did not grant an adjustment for differences in level of trade since consistent and distinct differences in prices and functions of the sellers for the different levels of trade in the domestic market could not be found. For the other producer, however, though an existing difference in level of trade could not be quantified because of the absence of more than one level in the domestic market, a special adjustment was granted. As regards producers for which normal value had to be constructed, the latter was already established at the level of trade of the export sales and, therefore, an adjustment for differences in level of trade was not necessary.

- (25) For the conversion of the export invoices — expressed in Community currencies (mostly DM) — into domestic currency (Zloty), four producers claimed the use of the exchange rate prevailing 60 days after the invoice date instead of the exchange rate of the date of the invoice. In support of their claim these companies referred to Article 2 (10) (j) of the Basic Regulation and the continuous devaluation of the Zloty during the investigation period. The Commission did not grant such an adjustment since the purpose of Article 2 (10) (j) is to grant exporters time to adjust their export prices in order to reflect sustained movements in exchange rates. It follows that this Article does not provide for an adjustment which takes into account exchange rate variations that occur after the date of sale.

5. Dumping margins

(a) Cooperating producers in the sample

- (26) The comparison as described above in recital 22 shows the existence of dumping in respect of six producers. For two producers no dumping was found. The provisional dumping margins for the eight producers expressed as a percentage of the CIF import price at the Community frontier are the following:

| | |
|--|-------|
| — PPHiU, Eldagran, Slawoborze | 4,9 % |
| — Intur-Kfs, Spolka z o o, Inowroclaw | 9,7 % |
| — ZPH Palettenwerk Kazimierz Kozik, Bystra Podhalanska | 4,0 % |
| — RSP Rzecko, Choszczno | 0,0 % |
| — Sabelmar Import-Export, Konczyce Male | 9,8 % |
| — Paletex, Roman Panasiuk, Warsaw | 9,8 % |

| | |
|----------------------------------|--------|
| — Tor-Pal, Spolka z o o, Kwidzyn | 0,0 % |
| — ZPPD, Zielona Gora | 10,6 % |

(b) Individually treated producers

- (27) The comparison as described above shows the existence of dumping in respect of the two individually treated producers (PPHU Alfa, Spolka z o o, Dobrzyca, and PPHU, Palimex, Spolka z o o, Wloszakowice). Since the two producers are indirectly related through the same related importer they were allocated one single dumping margin in order to preclude the possibility that all future exports to the Community might be channelled through the company having the lower dumping margin. This single dumping margin was established on the basis of the weighted average of the producers' individual dumping margins and amounts to 6,3 %.

(c) Other cooperating producers not included in the sample

- (28) In order to establish the dumping margin to be applied to the cooperating Polish producers not included in the sample the Commission calculated a weighted average dumping margin for the producers in the sample, as stipulated in Article 9 (6) of the Basic Regulation.
- (29) For the purpose of this calculation, the *de minimis* margins and the margins established on the basis of best information available were disregarded, in accordance with Article 9 (6) of the Basic Regulation.

- (30) This exercise led to a weighted average dumping margin of 6,3 %.

(d) Non-cooperating companies

- (31) For the two exporters included in the sample but who did not cooperate in the investigation and for any other non-cooperating producers in Poland, provisional dumping margins had to be established on the basis of the facts available. For this purpose, the highest dumping margin found for the investigated producers was used: 10,6 %. The reason is that, under Article 18 (6) of the Basic Regulation, it would constitute a bonus for non-cooperation, notwithstanding the considerable proportion of total exports from Poland to the Community covered by the cooperating producers, to assume that the dumping margin to be allocated to companies which either did not cooperate or did not make themselves known was lower than the highest found for a cooperating producer investigated.

D. COMMUNITY INDUSTRY

1. Definition

- (32) The Community producers who supported the complaint in this proceeding constituted a major proportion of the total Community production of the product concerned, in accordance with Article 4 (1) and 5 (4) of the Basic Regulation.

One importer claimed that several producers in the Community were importing the allegedly dumped pallets from Poland. The investigation has nevertheless shown that the quantities of pallets imported from Poland by some Community producers were relatively small in relation to the production volume of such producers whose core interests clearly remained in the production of pallets in the Community. The limited imports in question were a defensive reaction to low-priced imports from Poland.

Consequently, it would not be warranted to exclude producers importing pallets from Poland from the assessment of Community industry. Thus, the Community producers who supported the complaint represent the Community industry within the meaning of Article 4 (1) of the Basic Regulation.

2. Sampling

- (33) In view of the large number of companies supporting the complaint, which are mainly located in France, Germany, Italy, the Netherlands, Sweden, United Kingdom and Portugal, the following approach was taken: as a first step, the markets for France, Italy, the Netherlands and Germany were found to be representative of the whole Community market. The reason was that those Member States (hereinafter referred to as the 'selected markets') together account for the large majority of total Community production and total Community imports from Poland of the product concerned, namely over 70 % of total production and over 85 % of total imports from Poland.
- (34) As a second step, and in accordance with Article 17 of the Basic Regulation, the investigation into the situation of the Community industry producers located in the selected markets was limited to some of them, by way of sampling.

This sample of producers (hereinafter referred to as 'the sample') covered a representative volume of production and sales of the Community industry which in the Commission's judgement could be investigated within a reasonable time period. The sample consisted of nine producers located in the selected markets which were chosen from among those who had expressed support for the complaint.

Three producers were selected in Germany and two in each of the other three selected markets. The

selection was made on the basis of turnover, geographic location across and within each Member State and a certain product mix.

In accordance with Article 17 of the Basic Regulation, all interested parties were informed of this selection and did not object to it.

E. INJURY

- (35) On the basis of the definition of the Community industry and the sample as set out above, injury as defined in paragraphs 2, 3 and 5 of Article 3 of the Basic Regulation has been investigated on the basis of two categories of information: the first category relates to the situation of the Community industry and the sales concerned, market shares, production, capacity, capacity utilization and employment indicators. The relevant information was collected and verified at the level of the national pallet associations and of the Member States' authorities. The second category of data covers performance-related injury indicators of the individual companies in the sample and their profitability, price movements, price undercutting and price underselling. The latter data received from the sample have been cross-checked with the information obtained from the authorities of the Member States and from the national pallet associations.

Imports of Polish pallets by Community producers were disregarded when the injury factors pertinent to the Community industry were established.

1. Community consumption

- (36) The total consumption in the Community was established on the basis of the total imports of pallets into the Community, plus the total sales of pallets manufactured in the Community, less the total Community exports of pallets to third countries. From 1991 to 1994, consumption, expressed in tonnes, was fairly stable at around 5 200 000 tonnes.

2. Volume and market share of dumped imports

- (37) From 1991 to the end of the investigation period the volume of imports from Poland increased from 297 000 tonnes to 557 000 tonnes, giving an increase of 87 %.
- (38) In terms of market share the Commission established that the share of the Community market held by the dumped Polish imports increased from 5,7 % to 10,6 %, an 86 % increase.

3. Price level and price comparison in the Community

(a) Average price of dumped Polish imports

- (39) The average Polish import price per tonne on a global basis, that is to say, covering all different models of imported pallets, calculated on the basis of the Eurostat import statistics, decreased from ECU 212 in 1991 to ECU 157 in the investigation period, a 26 % decrease.
- (40) The average cif price per tonne for the investigation period, calculated on the basis of data submitted by the cooperating sampled Polish exporters was established at ECU 158 per tonne and hence in line with the average import price established for all Polish imports.

(b) Price movements of the Community industry

- (41) It was established that the general movement of prices of all types of pallets sold by the sample throughout the Community between 1991 and the end of the investigation period showed a decrease of 7,5 %.
- (42) Furthermore, the movement of prices charged by the sample in the selected markets, where Polish imports are particularly present, was also analysed. This exercise was carried out for those models of pallets which represent the major part of both Polish imports and sample sales in the Community, namely the EUR-pallet and CP1, CP3 and CP5 pallet types. This analysis showed that during the above period the prices of the sample had decreased by over 15 %.

(c) Price undercutting

- (43) The resale prices to independent buyers in the Community charged by the Polish exporters investigated were compared with the prices charged by the sample for identical models, in the selected markets and at the same level of trade.

The identical models compared were the EUR pallet, CP1, CP3 and CP5 pallet types.

- (44) Sales of the above pallet types represented the greater part of the total turnover of the sample during the investigation period. The above models were also found to be highly representative of the overall export turnover to the Community by the Polish exporters investigated during the same period.
- (45) As a result, average undercutting margins ranging from 2 % to 31 % were established for the above

Polish exporters. The weighted average undercutting margin, expressed as a percentage of resale price of the sample, was about 14 %.

4. Situation of the Community industry

(a) Sales

- (46) Sales by the Community industry from 1991 to the investigation period decreased by 7 % in volume, from around 2 921 000 tonnes to 2 716 000 tonnes.

(b) Market share

- (47) As a result of the above decrease in sales, the market share held by the Community industry decreased from 55,8 % in 1991 to 51,6 % in 1994, that is by 7,5 %.

(c) Production, capacity and capacity utilization

- (48) Between 1991 and the investigation period the production of the Community industry decreased by 6,6 %, from 2 861 000 tonnes to 2 674 000 tonnes.

During the same period the total capacity of the Community industry was stable at around 3 100 000 tonnes. However the capacity utilization of the Community industry decreased by more than five percentage points, from 91 % to 86 %.

(d) Employment

- (49) Between 1991 and 1994, the number of people employed by the Community industry decreased by 2 800 — a decrease of 14 %. It was also established that over 100 small and medium-size enterprises belonging to this industry had disappeared in the Community during the same period.

(e) Profitability

- (50) The average return on sales for the product concerned deteriorated from a profit of 1,5 % of turnover in 1991 to losses of 2,9 % during the investigation period.

5. Conclusion on injury

- (51) All the injury factors deteriorated during the whole period under analysis. In particular it has been established that the Community industry has experienced a decrease in sales prices and has incurred financial losses. This finding is reached despite the fact that certain injury factors, such as sales, improved from 1993 up to the investigation period. Such an improvement, however, has to be seen in the light of the market recovery of 9 % in the same period.

- (52) Despite the fact that the Community industry significantly lowered its prices, from 1991 to 1994, in a stagnant market it still suffered the loss of part of its market share whereas at the same time the Polish exporters were continually increasing theirs.

The Community industry production, as well as sales volume and capacity utilization, also decreased. The employment situation was found to be very negative and the deterioration of profitability, together with a loss on sales, had negative effects on the cash flow and the ability of the Community industry to raise capital.

- (53) Analysis of the abovementioned injury factors shows that the Community industry has suffered material injury during the period under examination.

F. CAUSATION OF INJURY

- (54) The Commission examined whether the material injury sustained by the Community industry had been caused by dumped Polish imports or whether other factors might have caused or contributed to this injury in order to ensure that injury caused by other factors was not attributed to the dumped imports concerned.

Such other factors which might have had an impact on the situation of the Community industry are competition from other producers in the Community, imports other than those from Poland and the economic environment during the whole period covered by the current investigation, in particular a possible contraction in demand.

1. Impact of dumped imports

- (55) It was established that pallets produced in the Community and those imported from Poland are in direct competition with each other on the Community market. This competition occurs essentially on the basis of price given that pallets are mainly of standard specification and that there are no significant differences in quality between imported pallets and those produced in the Community. Both are aimed at the same customers and are sold through similar sales channels throughout the whole Community market. Therefore, in such a transparent market, the presence of low-priced dumped imports had a direct negative impact on the situation of the Community industry over the period under examination.
- (56) As is apparent from the above injury findings, there is a coincidence between the deterioration of the situation of the Community industry in terms of

sales, production, market share, employment and profitability and the growth in volume of low-priced Polish imports significantly undercutting prices of the Community industry.

- (57) In order to illustrate the impact of dumped Polish imports and the injury suffered by the Community industry, the Commission has analysed separately, at global level, the injury indicators pertinent to the Community industry in the selected markets where the presence of low-priced Polish pallets is greatest.

In those markets, it has been established that imports from Poland increased by 88 % from 1991 to 1994, whereas the Community industry lost 12 % of market share, and its sales volume decreased by 11 %, its production by 12 %, its capacity utilization by 9 % and its employment by 22 %.

- (58) The degree of deterioration in the economic situation of the Community industry in the selected markets is even more pronounced than that established for that industry over the Community market as a whole. This conclusion is reinforced by the higher price erosion suffered in those markets by the Community industry, as described in recital (42) above.

- (59) Furthermore, an analysis of the performance of both the Polish exporters and the Community industry in the whole Community market, when consumption was decreasing in 1993 or recovering in 1994, showed that dumped imports from Poland consistently and constantly had a negative impact on the Community industry.

- (60) As a matter of fact, despite a decrease in consumption of more than 5 % in 1993 when compared with 1992, the import volume from Poland increased by 8 % and its market share by two percentage points while the average Polish import price decreased by 12 %. In the same period sales and production of the Community industry decreased by 3 % despite a decrease in the average sales prices of 8 %. This resulted in a further deterioration of the financial situation of the Community industry as indicated by its negative results in 1993 (losses of 2,7 % on turnover).

- (61) In 1994 (the investigation period), despite a 9 % increase in consumption over 1993, Community industry sales increased by only 5 %, leading to a further loss in market share of 2 % and negative financial results despite an increase in the sales price of 4 %. Meanwhile, Polish exporters continued to reduce their sales prices, with the result that their sales increased by 34 % and market share by 39 %.

- (62) The conclusions of the above detailed analysis and the causal link between the material injury suffered by the Community industry and Polish dumped imports are strengthened by the findings as to the situation of the Community industry in the selected markets where the negative impact of dumped Polish imports is stronger.

2. Other factors

(a) *Situation of the other producers in the Community*

- (63) Analysis of the situation of the other producers in the Community has shown that, during the period covered by the injury investigation, the trends in their injury factors have also been negative since 1992 up to the investigation period; their market share decreased by 4 %, from 34,7 % to 33,3 %, employment decreased by 5 % and capacity utilization by 4 %.

On the basis of the available information there are no indications that the other producers in the Community are using technology which is more developed than the rest of the pallet industry. Therefore, as differences, if any, between the production performances of both the complaining and non-complaining producers in the Community are very limited, the injury suffered by the former producers cannot be the result of poor cost efficiency or production efficiency.

However, the other producers traditionally have, in addition to the activity of producing pallets, diversified trading activities, (wood and other related goods, refurbished pallets, and such like) which explains that they were in a somewhat better situation than the complaining producers during the investigation period.

- (64) It should be pointed out that pallets sold by many of the other producers in the Community are aimed at local purchasers ordering small quantities of goods, whereas the complaining producers usually deliver to customers ordering large quantities of pallets; therefore competition between the two groups of Community producers was rather limited. Consequently the negative trends in the other Community producers' injury indicators add weight to the conclusion that they, too, suffered from dumped Polish imports.

(b) *Other imports to the Community*

- (65) From 1991 to the investigation period, other imports into the Community, and particularly those from Hungary, the Czech Republic and

Slovakia which together account for 75 % of all the other imports of pallets into the Community, decreased by 33 %. Their average import price was fairly stable and the market share they lost, namely from 6 % points in 1991 to 4 % points during the investigation period, was lost solely in favour of Polish exporters. Therefore any impact that they had, on the Community industry was also very limited.

(c) *Economic environment*

- (66) The investigation has shown that the general recessive situation in the Community has also caused a downturn in the pallet market, mainly in 1993 as the trend in pallet consumption in the Community market indicates. However, given its general nature, such a situation should affect all the economic operators in a comparable way. The result of the analysis made above has demonstrated that this was not the case as regards its impact on the situation of Polish imports in the Community market, which increased, and on sales of the Community industry, which decreased.

- (67) In fact, the results of the injury investigation have shown that during the whole investigation period Polish imports had a negative impact on the situation of the Community industry, both during the recessive period and afterwards, when the effects of the downturn practically disappeared during 1994.

Indeed, despite a significant recovery in the market in 1994 compared with 1993, the general situation of the Community industry worsened because of the increasing import volume and the low level of the Polish prices which, contrary to the general tendency, continued to decrease in that period, hereby preventing the recovery of the Community industry.

Accordingly, the excessive situation in the Community may have weakened the Community industry and all the other economic operators, but Polish imports have clearly prevented a recovery during the upsurge from 1994 onwards.

3. Conclusion on causality

- (68) Given the fact that pallets are technically a simple product and that pallets exported to the Community originating in Poland and pallets produced by the Community industry and sold on the Community market were found to be like products sold through similar sales channels in the Community, the Commission considers that the dumped imports of Polish pallets have had a negative impact on the overall Community market.

This impact was amplified by the fact that the pallet market is transparent, with the result that low prices are well-known by potential and regular customers of Community producers and of Polish exporters.

- (69) For these reasons, and on the basis of the detailed analysis carried out above, the Commission concludes that dumped Polish imports have caused material injury to the Community industry.

G. COMMUNITY INTEREST

1. General

- (70) In spite of the limited information submitted by interested parties or otherwise available to the Commission, an assessment of all the various interests of economic operators in the Community was made. To that end, and in accordance with Article 21 of the Basic Regulation, the Commission provisionally examined whether, despite the findings of injury caused by dumped imports, it could be clearly concluded that it would not be in the Community interests to apply provisional anti-dumping measures.

For this purpose the Commission has considered the impact of possible measures and the consequences of not taking any measures.

2. Consequences for the Community industry

- (71) As regards the Community industry the Commission found that during the period under examination, even though the industry was competitive and globally viable, its economic situation deteriorated, as the price suppression, price depression and financial losses suffered clearly indicate.
- (72) If no measures were taken, the situation of many Community producers, mainly composed of small and medium-sized enterprises, would no doubt deteriorate even further and certainly lead to companies having to close down. This possibility is illustrated by the number of company closures that this industry has experienced in the recent past, as indicated in recital (49) above. This would have the effect of reducing competition and employment in the Community market.

3. Impact on the upstream industry

- (73) The wood industry, supplier of the main raw material for pallet production, depends to a large extent on its sales to the pallet industry. Disappearance of part of the pallet industry would therefore have considerable adverse consequences in

terms of profitability and employment in the whole wood industry, which would, if no measures were taken, also be negatively affected by dumped imports from Poland.

4. Impact on users

- (74) The Commission has analysed the potential users of pallets in the market. This analysis has shown that the main users are transport and logistics companies, together with a heterogeneous group of industries (namely construction material, chemical products, breweries, and such like) using pallets for their own packaging and transport.

- (75) It is considered that without any measures to restore fair competition, the user industries may derive some benefits from buying low-priced pallets. However, any consequent cost advantage would be very marginal given that pallets are inexpensive, can be re-used a considerable number of times and only cover a limited portion of the user's transport costs. This conclusion is underlined by the fact that no such user companies came forward to submit information in the light of this investigation.

In addition, any effect of cost increase for users of pallets would be dampened by the high degree of competition on the Community market, where a great number of suppliers not affected by the measures are active.

5. Impact on importers

- (76) In a general submission, one importer argued that measures would be against Community interest.

He claimed that measures would only have adverse effects on pallet prices, costs and employment in the Community, especially for importers and users, asserting also, in that context, that Polish and Community produced pallets are often not comparable, owing mainly to reasons of quality.

- (77) Due to the lack of any supporting information related to the above submission, the Commission concluded that the arguments raised could not be taken into account.

6. Impact on the competitive environment

- (78) As regards competition in the wood pallet market, two aspects have to be highlighted. First, the form and the level of the measures envisaged are not such as to foreclose the Community market to Polish exporters and therefore will ensure the continued presence of Polish products in the market.

Secondly, as regards other imports to the Community which were found to have lost a considerable share in the market during the period under investigation, there are no indications that these imports could not increase their presence in the Community market once fair competitive conditions are restored.

Thus, the benefit of a market governed by additional competitive forces would probably be available to users of the product concerned.

7. Conclusion

- (79) The Commission has considered the negative effects of any price increase on importers and users as against the consequences which the absence of measures would entail for the Community industry and the economic situation as a whole.

The Commission concludes that without the imposition of measures, the closure of more small and medium-sized undertakings in the Community is very likely, with all the negative consequences that this would have on the economy as a whole. As to the possible negative impact on importers and users, it is considered that the advantages of not taking measures would only benefit a limited number of importers, and not necessarily the user industries, bearing in mind the benefit which enhanced fair competition would have on the whole market.

- (80) On the basis of the above facts and considerations and after having examined all the information available, and in particular after giving specific consideration to the need to eliminate the trade-distorting effects of injurious dumping and to restore effective competition, the Commission found that, on balance, there are no compelling reasons for not taking action against the dumped imports in question.

H. PROVISIONAL MEASURES

1. Injury elimination level

- (81) In establishing the level of the measures necessary to remove the injury caused by the dumped imports, the Commission compared the export price of these imports with the price level which would allow the Community industry to cover its costs and achieve a reasonable profit.
- (82) Accordingly, injury elimination levels were determined on a pallet type basis by comparing the export prices of a given type with the average cost of production of the Community producers investigated for the comparable type, increased by a

profit margin of 5 % on turnover. This profit was considered to be needed by the Community industry for long-term investment in the absence of injurious dumping.

2. Undertakings

- (83) Some Polish producers have offered price undertakings with regard to the most important pallet type, in terms of export volume — the EUR-pallet — in accordance with Article 8 (1) of the Basic Regulation. The various price increases offered under the undertakings match the levels necessary to eliminate the injurious effect of the dumping found. Therefore the Commission considers that the undertaking offered by the exporting producers concerned can be accepted.
- (84) The Commission points out that in the event of a breach or withdrawal of the undertaking a provisional anti-dumping duty may be imposed, based on best information available, pursuant to Article 8 (10) of the Basic Regulation.
- (85) Furthermore, it should be noted that, in accordance with Article 8 (6) of the Basic Regulation, the investigation of dumping and injury will be completed, notwithstanding the acceptance of undertakings during the course of the investigation.

3. Provisional duties

- (86) According to Article 7 (2) of the Basic Regulation, the level of the provisional duty should be equal to the margin of dumping or the amount necessary to remove the injury, whichever is lower.
- (87) For all Polish producers investigated the provisional amounts necessary to remove the injury (injury elimination levels) were in all instances higher than the dumping margins found, both being expressed as a percentage of the cif value at the Community border, duty unpaid, of the imports in question. Furthermore, the weighted average injury elimination level provisionally established for the Polish producers in the sample was higher than the corresponding weighted average dumping margin. Consequently, in all cases the provisional duties should be based on the dumping margins found.
- (88) For two Polish producers no provisional duty will be imposed since no dumping was provisionally found.
- (89) For the two Polish producers included in the sample but who did not co-operate in the investigation and for any other non co-operating producers in Poland, the provisional duty should be based, for the reasons given in recital 31 above, on the highest dumping margin found for the co-operating producers investigated.

I. FINAL PROVISIONS

- (90) Pursuant to the Europe Agreement concluded between the Communities and Poland, the Commission informed the EC/Poland Association Council on 27 November 1996 about the provisional findings made and the intended provisional measures, with a view to seeking a solution acceptable to Poland and the Community. Since no decision was made by the Association Council within 30 days from the date of this information, the Commission may adopt provisional anti-dumping measures on imports of the product concerned originating in Poland, in accordance with Article 33 (3) (b) on the EC/Poland Europe Agreement.
- (91) In the interests of sound administration, a period should be fixed in 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 measures which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is imposed on imports of flat pallets of wood, falling within CN code ex 4415 20 20 (Taric code: 4415 2020 10), originating in Poland.
2. The rate of the provisional duty shall be 10,6 %, applicable to the net, free-at-Community-frontier price, before duty (Taric additional code: 8900).
3. Products manufactured by the following companies shall be excluded from the rate mentioned under paragraph 2:

- (a) The companies listed below, to which shall instead be applied the following duties:

| Manufacturer | Rate of Duty | Taric Additional code |
|---|--------------|-----------------------|
| Zielonogorskie Przedsiębiorstwo Przemysłu Drzewnego, PL-65-950 Zielona Góra | 10,6 % | 8013 |
| Firma 'Sabelmar', Leszek Sabela, PL-43-525 Konczyce Małe | 9,8 % | 8014 |
| PPHU 'Alpa' Sp. z o.o., PL-76-038 Dobrzyca | 6,3 % | 8015 |

| Manufacturer | Rate of Duty | Taric Additional code |
|--|--------------|-----------------------|
| PPHU 'Palimex' Sp. z o.o., PL-64-140 Włoszakowice | 6,3 % | 8015 |
| PW 'Intur-KFS' Sp. z o.o., PL-88-100 Inowrocław | 9,7 % | 8016 |
| 'Paletex' Produkcja Palet, Roman Panasiuk, PL-01-601 Warszawa | 9,8 % | 8014 |
| Przedsiębiorstwo Produkcji Handlu i Usług S.C. 'Eldagran', Mr. M. Zeminski, PL-78-314 Sławoborze | 4,9 % | 8017 |
| ZPH 'Palettenwerk', K. Kozik, PL-34-789 Bystra Podhalanska | 4,0 % | 8018 |

- (b) The companies listed in Annex I to which shall instead be applied a duty of 6,3 % (Taric additional code: 8019)

4. Products manufactured by the following companies shall be excluded from any provisional duty:

| Manufacturer | Taric Additional code |
|---|-----------------------|
| Przedsiębiorstwo Produkcyjno Handlowe 'Tor-Pal' Sp. z o.o., PL-82-500 Kwidzyn | 8020 |
| Rolnicza Spółdzielnia Produkcyjna Rzecko PL-73-200 Choszczno | 8020 |

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

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

Article 2

Notwithstanding Article 1, the provisional duties shall not apply to imports of one specific pallet type, the EUR-pallet, being a flat pallet of wood, marked by the registered mark 'EUR' and the initials of the approving railway, manufactured, exported and invoiced direct to buyers in the Community by the companies listed in Annex II (Taric additional code: 8021) in respect of which the undertakings offered are hereby accepted.

Article 3

Pursuant to Article 20 (1) of Regulation (EC) No 384/96 and without prejudice to Article 20 (2) and (3) of that Regulation the parties concerned may make their views known in writing and may apply within 15 days of the date of entry into force of this Regulation to be heard orally by the Commission.

Pursuant to Article 21 (4) of Regulation (EC) No 384/96, the parties concerned may comment on the application of

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

Article 4

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.

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

Done at Brussels, 6 June 1997.

For the Commission

Leon BRITTAN

Vice-President

ANNEX I

Manufacturer

'Baum-Holz' SC, PL-10-547 Olsztyn
'DAST' GmbH, PL-60-682 Poznan
Drew-Pol Import-Export, Mr. Wodarz Norbert, PL-46-030 Murow
Eugeniusz Dziurny — Czeslaw Nowak, PL-38-313 Snietnica
FPH 'Tina' — E.J. Grabias, PL-40-733 Katowice
Firma Produkcyjno-Handlowa, Mr. Tadeusz Fisher, PL-87-313 Maly Gleboczek
Firma Produkcyjno-Uslugowo-Handlowa 'Rol-Mar', Mr. Adam Piatek, PL-57-300 Klodzko
Import-Export, Miroslaw Przybyiek, PL-98-363 Klonowa
Internationale Paletten Company, PL-84-300 Leborg
'Kross-Pol' Sp. z o o, PL-78-100 Kolobrzeg
PPH 'Drewnex' SA, PL-31-159 Kraków
PPH 'GKT' SC, PL-23-414 Majdan Nowy
PPH 'Pamadex' J. Szczypka, PL-43-518 Ligota
PPH 'Unikat', PL-23-408 Aleksandrow IV
PPHU 'ADAPOL' SC, PL-06-200 Wolomin
Sp. 'PPHU' Alwa z o o, PL-76-123 Tychowo
PPHU 'SMS' — St. Mrozowicz, PL-83-320 Suleczyno
PTH 'Mirex', PL-78-100 Kolobrzeg
'PW Peteco' Sp. z o o, PL-04-330 Warszawa
Parafia Rzymsko-Katolicka, M. B. Niepokalanej Dzialalnosc Gospodaroza, PL-33-300 Nowy Sacz
Produkcja Palet 'Andrzej Adamus', Mr. Marek Gajzler, PL-63-523 Kuznia Grabowska
Produkcja, Skup Palet Drewnianych, Stanislaw Lachowicz, PL-37-536 Majdan Sieniawski 170
Przedsiębiorstwo 'Amesko', Mr. Andrzej Skora, Director, PL-55-100 Trzebnica
Przedsiębiorstwo Handlowe Uslugowe 'Justyna', PL-66-620 Gubin
Przedsiębiorstwo Handlowe-Uslugowe 'Akropol', PL-30-140 Kraków
Przedsiębiorstwo Handlowe Uslugowe Produkcyjne 'Lech', Mr. Lech Szewc, PL-68-200 Zary
Przedsiębiorstwo Obrobki Drewna 'Palet-Pol' Sp. o o, Mr. Andrzej Niemiec, PL-66-311 Dabrowka WLKP
Przedsiębiorstwo Produkcyjno Handlowe, Zygmunt Skibinski, ul. Kopernika 18, PL-87-820 Kowal
Przedsiębiorstwo Produkcyjno Handlowe-Uslugowe, 'AWA' Sp. z o o, PL-33-300 Nowy Sacz
Przedsiębiorstwo Wielobranzowe, Mr. Zdzislaw Milocki, PL-14-100 Ostroda
'Scan-Product-System Wood' SA, Podczerwone, PL-34-470 Czarny Dunajec
SC 'Cama', Mr. Dariusz Zuk, PL-21-004 Krasienin
SUTR 'Rol Trak', PL-59-230 Prochowice
Stolarstwo Export-Import, Mr. Tadeusz Swirski, PL-57-520 Dlugopole Zdroj
Torunskie Przedsiębiorstwo Przemyslu Drzewnego w Toruniu, Mr. Adam Wisniewski, PL-87-100 Torun
'Transdrewneks' Sp. z o o, PL-86-317 Grudziadz-Owczarki
WZPUM 'Euro-Tech', Import-Export Spedycja, PL-87-111 Rakszawa
Wytwarzanie Skrzyń i Opakowan Drewnianych, Malgorzata i Ryszard Nowak, PL-77-207 Piaszyna
Zaklad Produkcyjno Bohuszko, Mr. Ryszard Bohuszko, PL-69-220 Osno
Zaklad Produkcyjno Handlowy 'Maw' SC, Mr. Andrzej Kulej, PL-58-536 Lubomierz
Zaklad Uslugowo-Handlowy 'Rolmex', Mr. E. Cackowski, Direktor, PL-87-600 Lipno
Zaklad Wielobranzowy Produkcyjno Uslugowy, Ryszard Potoniec, PL-33-370 Muszyna
Zaklad Przerobu Drewna, JZS Kawinsky, PL-78-500 Drawsko Pomorskie
Zphu 'Drewex', Spolka Cywilna, Ms. Agnieszka Pawlaczyk, PL-66-440 Skwierzyna

ANNEX II

Manufacturer

'Baum-Holz' SC, PL-10-547 Olsztyn
Eugeniusz Dziurny — Czeslaw Nowak, PL-38-313 Snietnica
FPH 'Tina' — E.J. Grabias, PL-40-733 Katowice
Firma 'Sabelmar' — Leszek Sabela, PL-43-525 Konczyce Male
Import-Export, Mirosław Przybyłek, PL-98-363 Klonowa
Internationale Paletten Company, PL-84-300 Leborg
'Kross-Pol' Sp. z o o, PL-78-100 Kolobrzeg
PPH 'Drewnex' SA, PL-31-159 Kraków
PPH 'GKT' SC, PL-23-414 Majdan Nowy
PPH 'Pamadex' J. Szcypka, PL-43-518 Ligota
PPH 'Unikat', PL-23-408 Aleksandrow IV
PPHU 'ADAPOL' SC, PL-06-200 Wolomin
PPHU 'Alpa' Sp. z o o, PL-76-038 Dobrzyca
'PPHU' Alwa Sp. z o o, PL-76-123 Tychowo
PPHU 'Palimex' Sp. z o o, PL-64-140 Włoszakowice
PPHU 'SMS' — St. Mrozowicz, PL-83-320 Suleczyno
PTH 'Mirex', PL-78-100 Kolobrzeg
PW 'Intur-KFS' Sp. z o o, PL-88-100 Inowroclaw
PW 'Peteco' Sp. z o o, PL-04-330 Warszawa
'Paletex' Produkcja Palet, Roman Panasiuk, PL-01-601 Warszawa
Produkcja Palet 'Andrzej Adamus', Mr. Marek Gajzler, PL-63-523 Kuznia Grabowska
Przedsiębiorstwo Produkcyjno Handlowe, Zygmunt Skibinski, ul. Kopernika 18, PL-87-820 Kowal
Przedsiębiorstwo Handlowe-Usługowe 'Akropol', PL-30-140 Kraków
SUTR 'Rol Trak', PL-59-230 Prochowice
'Scan-Product-System Wood' SA, Podczerwone, PL-34-470 Czarny Dunajec
'Transdrewnex' Sp. z o o, PL-86-317 Grudziadz-Owczarki
WZPUM 'Euro-Tech', Import-Export Spedycja, PL-87-111 Rakszawa
ZPH 'Palettenwerk' — K. Kozik, PL-34-789 Bystra Podhalanska
Zakład Przerobu Drewna, JZS Kawinsky, PL-78-500 Drawsko Pomorskie.

COMMISSION REGULATION (EC) No 1024/97

of 6 June 1997

fixing the storage aid for unprocessed dried grapes and dried figs from 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 (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2201/96⁽²⁾, and in particular Article 8 (8) thereof,

Whereas Article 1 (1) of Commission Regulation (EEC) No 627/85 of 12 March 1985 on storage aid and financial compensation for unprocessed dried grapes and figs⁽³⁾, as last amended by Regulation (EC) No 1922/95⁽⁴⁾, provides that storage aid shall be fixed per day and per 100 kilograms net of sultanas of category 4 and figs of category C; whereas paragraph 2 of the same Article provides that one rate of storage aid for dried grapes shall apply until the end of February of the year following that in which the products were bought and another rate shall apply to storage beyond that period;

Whereas the storage aid shall be calculated taking into consideration the technical cost of storage and the financing of the purchase price paid for the products;

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

HAS ADOPTED THIS REGULATION:

Article 1

The storage aid referred to in Article 1 of Regulation (EEC) No 627/85 shall, for products from the 1996/97 marketing year, be as set out in the Annex.

Article 2

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

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

Done at Brussels, 6 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 297, 21. 11. 1996, p. 29.

⁽³⁾ OJ No L 72, 13. 3. 1985, p. 17.

⁽⁴⁾ OJ No L 185, 4. 8. 1995, p. 19.

ANNEX

**STORAGE AID FOR UNPROCESSED DRIED GRAPES AND DRIED FIGS FROM THE
1996/97 MARKETING YEAR**

A. DRIED GRAPES

(ECU per day per 100 kilograms net)

| | Until 28 February 1998 | From 1 March 1998 |
|------------------------|---------------------------|-------------------|
| Sultanas of category 4 | 0,0207 | 0,0080 |

B. DRIED FIGS

(ECU per day per 100 kilograms net)

| | |
|--------------------------|--------|
| Dried figs of category C | 0,0273 |
|--------------------------|--------|

COMMISSION REGULATION (EC) No 1025/97

of 6 June 1997

concerning imports of certain textile products originating in the Russian Federation

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules⁽¹⁾, as last amended by Commission Regulation (EC) No 1937/96⁽²⁾ and in particular Article 12 (2) and Article 17 (6), in conjunction with Article 25 (5) thereof,

Whereas the agreement in the form of an exchange of letters between the European Community and the Russian Federation on trade in textile products initialled on 19 December 1995 expired on 31 December 1996 and whereas, pending the resumption and completion of negotiations directed towards the initialling of a new agreement with the Russian Federation, Commission Regulation (EC) No 2446/96⁽³⁾ as amended by Regulation (EC) No 562/97⁽⁴⁾ was adopted in order to safeguard the economic interests of the Community in the further conduct of trade in textile products with that country;

Whereas the measures brought in by that Regulation are to apply until 30 June 1997, by which date it appears unlikely that a new textiles agreement can be negotiated and brought into application;

Whereas it is necessary, given the sensitivity of the textiles and clothing sector to introduce an import regime for the second six months of 1997 setting quantitative limits for imports of certain textile products originating in the Russian Federation;

Whereas experience of administering the quantitative limits established by Regulation (EC) No 2446/96 has shown that for certain categories of products requests for import authorizations considerably exceeded the quantitative limits; whereas it is appropriate to introduce more precise criteria for management in order to ensure that requests for authorization of imports correspond to a real intention to import; whereas for this purpose the issue of an import authorization should be subject to the presentation of a contract;

Whereas in order to allow as many traders as possible access to the quantitative limits it also appears appropriate to limit the quantities allocated by each licence to a maximum amount; whereas with a view to an optimal utilization of the quantitative limits it is also appropriate to provide that each operator is only able to present a new request for authorization of imports after having used 50 % of the quantity covered by a previously issued licence;

Considering that with a view to ensuring an optimal utilization of the quantitative limits it is appropriate to fix the duration of validity of the import licences to three months from the date of their issue;

Whereas in order to ensure the continuity of trade it is appropriate to introduce new quantitative limits covering the rest of the year 1997 and that these limits should be set by reference to the period covered together with an increase which does not prejudice the results of the negotiation of a new textiles agreement;

Whereas for categories 2, 2a, 39, 117 and 118, the quantitative limits for which were exhausted shortly after their introduction by Regulation (EC) No 2446/96, it is necessary in order to ensure the continuity of trade to render the new quantitative limits, under the new rules of management, accessible from the date of entry into force of this Regulation;

Whereas for the other categories of products, for which the quantitative limits have not been completely exhausted it is appropriate that the new rules of management and the new quantitative limits be applicable following the date of expiry of Regulation (EC) No 2446/96, that is from 1 July 1997;

Whereas it is necessary to make it clear that the provisions of this Regulation do not prevent imports of textile products covered by a valid import licence issued pursuant to Regulation (EC) No 2446/96;

Whereas in the interim the negotiations to reach a new bilateral agreement between the Community and the Russian Federation before the expiry of this present Regulation will continue;

Whereas the reduced number of quantitative restrictions in comparison with those existing in the agreement as well as the increased levels provided for in this Regulation are introduced on the basis that the Russian Federation will not adopt, during the validity of this Regulation,

(¹) OJ No L 67, 10. 3. 1994, p. 1.

(²) OJ No L 255, 9. 10. 1996, p. 4.

(³) OJ No L 333, 21. 12. 1996, p. 7.

(⁴) OJ No L 85, 27. 3. 1997, p. 38.

measures in the textiles and clothing sector concerning quantitative restrictions, or increased tariffs or non-tariff barriers such as certification or other import requirements applicable to import of products originating in the Community, other than those measures in force in the Russian Federation at the date of 1st January 1996; whereas the introduction of any such measure will therefore entail a review of the provisions of this Regulation;

Whereas these measures conform to the opinion delivered by the Committee set up by Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

Article 1

1. As from the date of entry into force of this Regulation imports into the Community of textile products listed in Annex I to this Regulation originating in the Russian Federation shall be subject to the quantitative limits established in that Annex.

2. As from 1 July 1997 imports into the Community of textile products listed in Annex II to this Regulation originating in the Russian Federation shall be subject to the quantitative limits established in that Annex.

3. As from 1 July 1997, re-imports into the Community, after outward economic processing in the Russian Federation, of textile products listed in Annex III to this Regulation originating in the Community shall be subject to the quantitative limits established in that Annex.

Article 2

Without prejudice to the provisions of this Regulation, the provisions of Regulation (EC) No 517/94 are applicable to imports referred to in this Regulation.

Article 3

As from the date of entry into force of this Regulation in respect to products listed in Annex I and as from 1 July 1997 in respect to products listed in Annex II the following provisions are applicable:

1. The quantity requested by each operator in obtaining an import licence shall not exceed the maximum quantities set out in Annex IV.
2. Any importer who has used an import licence to the extent of 50 % or more of the quantity allocated to him pursuant to paragraph 1 may make a further application for a licence for the same category of

products provided that quantities remain available within the relevant quantitative limit.

3. The competent authorities of the Member States shall issue import licences only after being notified of the Commission's decision and only if an operator can prove the existence of a contract and, without prejudice to the provisions of paragraph 2, certify in writing that he has not already been allocated a Community import licence under this Regulation for the relevant category.

4. Import licences issued pursuant to this Regulation shall be valid for three months from the date of their issue.

Article 4

Only the quantities of products listed in Annexes I, II and III of this Regulation released for free circulation into the Community, following the date of entry into force of this Regulation in respect of the products listed in Article 1 (1) and after 1 July 1997 in respect of those products set out in Article 1 (2) and (3), on the basis of an import licence issued under this Regulation or on the basis of a prior authorization for economic outward processing pursuant to Commission Regulation (EC) No 3017/95⁽¹⁾ shall be deducted from the respective limits set out in the said annexes.

Article 5

The provisions of this Regulation shall not apply to imports into the Community of products covered by Annexes I, II and III the importation of which has been authorized pursuant to Regulation (EC) No 2446/96.

Article 6

The provisions of this Regulation shall be subject to review in the event that, during the period of its validity, the Russian Federation introduces measures in respect of quantitative restrictions or increased tariffs or non-tariff barriers such as certification or other import requirements applicable to imports of textile and clothing products originating in the Community, other than those measures in force in the Russian Federation at the date of 1 January 1996.

Article 7

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

It is applicable until 31 December 1997.

⁽¹⁾ OJ No L 314, 28. 12. 1995, p. 40.

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

Done at Brussels, 6 June 1997.

For the Commission

Leon BRITTAN

Vice-President

ANNEX I

Community quantitative limits referred to in Article 1 (1)

| Category (1) | Unit | Quantity |
|--------------|--------|----------|
| 2 | tonnes | 8 251 |
| 2a | tonnes | 634 |
| 39 | tonnes | 512 |
| 117 | tonnes | 933 |
| 118 | tonnes | 550 |

(1) The full description of products falling within these categories is set out in Annex I of Regulation (EC) No 517/94.

ANNEX II

Community quantitative limits referred to in Article 1 (2)

| Category (1) | Unit | Quantity |
|--------------|--------------|----------|
| 1 | tonnes | 2 614 |
| 3 | tonnes | 1 016 |
| 4 | 1 000 pieces | 1 440 |
| 5 | 1 000 pieces | 914 |
| 6 | 1 000 pieces | 1 604 |
| 7 | 1 000 pieces | 452 |
| 8 | 1 000 pieces | 1 376 |
| 9 | tonnes | 946 |
| 20 | tonnes | 1 372 |
| 22 | tonnes | 736 |
| 12 | 1 000 pairs | 2 256 |
| 13 | 1 000 pieces | 2 990 |
| 15 | 1 000 pieces | 572 |
| 16 | 1 000 pieces | 416 |
| 21 | 1 000 pieces | 680 |
| 24 | 1 000 pieces | 700 |
| 29 | 1 000 pieces | 318 |
| 83 | tonnes | 236 |
| 33 | tonnes | 266 |
| 37 | tonnes | 910 |
| 50 | tonnes | 282 |
| 74 | 1 000 pieces | 306 |
| 90 | tonnes | 486 |
| 115 | tonnes | 244 |

(1) The full description of products falling within these categories is set out in Annex I of Regulation (EC) No 517/94.

ANNEX III

OUTWARD PROCESSING TRAFFIC

Community quantitative limits referred to in Article 1 (3)

| Category (1) | Unit | Quantity |
|--------------|--------------|----------|
| 4 | 1 000 pieces | 488 |
| 5 | 1 000 pieces | 1 118 |
| 6 | 1 000 pieces | 3 094 |
| 7 | 1 000 pieces | 1 976 |
| 8 | 1 000 pieces | 1 790 |
| 12 | 1 000 pairs | 2 386 |
| 13 | 1 000 pieces | 714 |
| 15 | 1 000 pieces | 1 898 |
| 16 | 1 000 pieces | 694 |
| 21 | 1 000 pieces | 2 714 |
| 24 | 1 000 pieces | 1 380 |
| 29 | 1 000 pieces | 2 180 |
| 83 | tonnes | 250 |
| 74 | 1 000 pieces | 500 |

(1) The full description of products falling within these categories is set out in Annex I of Regulation (EC) No 517/94.

ANNEX IV

Maximum Quantities referred to in Article 3 (1)

| Category | Unit | Maximum quantity |
|----------|--------------|------------------|
| 1 | tonnes | 20 |
| 2 | tonnes | 30 |
| 2a | tonnes | 10 |
| 3 | tonnes | 10 |
| 4 | 1 000 pieces | 20 |
| 5 | 1 000 pieces | 10 |
| 6 | 1 000 pieces | 10 |
| 7 | 1 000 pieces | 10 |
| 8 | 1 000 pieces | 20 |
| 9 | tonnes | 10 |
| 20 | tonnes | 15 |
| 22 | tonnes | 10 |
| 39 | tonnes | 10 |
| 12 | 1 000 pairs | 15 |
| 13 | 1 000 pieces | 15 |
| 15 | 1 000 pieces | 10 |
| 16 | 1 000 pieces | 10 |
| 21 | 1 000 pieces | 10 |
| 24 | 1 000 pieces | 10 |
| 29 | 1 000 pieces | 10 |
| 83 | tonnes | 10 |
| 33 | tonnes | 10 |
| 37 | tonnes | 10 |
| 50 | tonnes | 10 |
| 74 | 1 000 pieces | 10 |
| 90 | tonnes | 10 |
| 115 | tonnes | 10 |
| 117 | tonnes | 10 |
| 118 | tonnes | 10 |

COMMISSION REGULATION (EC) No 1026/97
of 6 June 1997

reintroducing customs duties on products of CN codes 3102 10 10 and 3102 10 90 to 3102 90 00, originating in the Republics of Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia for which tariff ceilings were opened by Council Regulation (EC) No 70/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 70/97 of 20 December 1996, concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia and to imports of wine originating in the Republic of Slovenia⁽¹⁾, as amended by Regulation (EC) No 825/97⁽²⁾,

Whereas, in pursuant of Article 1 of that Regulation, the republics of Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia benefit from preferential tariff arrangements, in particular subject to tariff ceilings; whereas Article 4 (3) of Regulation (EC) No 70/97 provides that as soon as the ceilings have been reached, the Commission may adopt a Regulation reintroducing, until the end of the calendar year, the customs duties actually applied in respect of third countries;

Whereas imports of the products specified in the Annex and originating in the said Republics, eligible for tariff preferences have been charged against the ceilings

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

Done at Brussels, 6 June 1997.

concerned up to the total amount; whereas the situation on the Community market for these products requires the reintroduction of customs duties in respect of the Republics concerned;

Whereas customs duties for these products should therefore be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

From 10 June until 31 December 1997, the levying of customs duties suspended by Regulation (EC) No 70/97, shall be reintroduced on imports into the Community of the products shown in the Annex and originating in the Republics of Bosnia-Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia.

Article 2

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

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 16, 18. 1. 1997, p. 1.

⁽²⁾ OJ No L 119, 8. 5. 1997, p. 4.

ANNEX

| Order No | CN code | Description |
|----------|--|---|
| (1) | (2) | (3) |
| 01.0010 | 3102 3102 10 10 | Mineral or chemical fertilizers, nitrogenous: -- Urea containing more than 45 % by weight of nitrogen on the dry anhydrous product |
| 01.0020 | 3102 10 90 3102 21 00 3102 29 00 3102 30 3102 30 10 3102 30 90 3102 40 3102 40 10 3102 40 90 3102 50 3102 50 90 3102 60 00 3102 70 3102 70 90 3102 80 00 3102 90 00 | -- Other -- Ammonium sulphate; double salts and mixtures of ammonium sulphate and ammonium nitrate: -- Ammonium sulphate -- Other -- Ammonium nitrate, whether or not in aqueous solution: -- In aqueous solution -- Other -- Mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilizing substances: -- With a nitrogen content not exceeding 28 % by weight -- With a nitrogen content exceeding 28 % by weight -- Sodium nitrate: -- Other -- Double salts and mixtures of calcium nitrate and ammonium nitrate -- Calcium cyanamide: -- Other -- Mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution -- Other, including mixtures not specified in the foregoing subheadings |

COMMISSION REGULATION (EC) No 1027/97
of 6 June 1997

determining, for the 1997 marketing year, the estimated loss of income and the estimated level of the premium payable per ewe and per female goat and fixing the first advance payment for this premium and an advance payment of the specific aid for sheep and goat farming in certain less favoured areas of the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 1589/96⁽²⁾, and in particular Article 5 (6) thereof,

Having regard to Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽³⁾, as last amended by Regulation (EC) No 2348/96⁽⁴⁾, and in particular Article 13 thereof,

Whereas Article 5 (1) and (5) of Regulation (EEC) No 3013/89 provides for the grant of a premium to compensate for any loss of income sustained by producers of sheepmeat and, in certain areas, of goatmeat; whereas those areas are defined in Annex I to Regulation (EEC) No 3013/89 and in Article 1 of Commission Regulation (EEC) No 1065/86 of 11 April 1986 determining the mountain areas in which the premium for goatmeat is granted⁽⁵⁾, as amended by Regulation (EEC) No 3519/86⁽⁶⁾;

Whereas, pursuant to Article 5 (6) of Regulation (EEC) No 3013/89 and to enable an advance payment to be made to sheepmeat and goatmeat producers, the foreseeable loss of income should be estimated in the light of the foreseeable trend in market prices;

Whereas, pursuant to Article 5 (2) of Regulation (EEC) No 3013/89, the amount of the premium per ewe for producers of heavy lambs is obtained by multiplying the loss of income referred to in the second subparagraph of paragraph 1 of that Article by a coefficient expressing the

annual average production of heavy lamb meat per ewe producing these lambs expressed per 100 kilograms of carcase weight; whereas the coefficient for 1997 has not yet been fixed in view of the lack of full Community statistics; whereas, pending the fixing of that coefficient, a provisional coefficient should be used; whereas Article 5 (3) of that Regulation also fixes the amount per ewe for producers of light lambs and per female of the caprine species and at 80 % of the premium per ewe for producers of heavy lambs;

Whereas, pursuant to Article 8 of Regulation (EEC) No 3013/89, the premium must be reduced by the impact on the basic price of the coefficient provided for in paragraph 2 of that Article; whereas that coefficient is fixed by Article 8 (4) at 7 %;

Whereas, in accordance with Article 5 (6) of Regulation (EEC) No 3013/89, the half-yearly advance payment is fixed at 30 % of the expected premium; whereas, in accordance with Article 4 (3) of Commission Regulation (EEC) No 2700/93⁽⁷⁾, as last amended by Regulation (EC) No 1526/96⁽⁸⁾, the advance payment is to be paid only if it is equal to or greater than ECU 1;

Whereas the agricultural conversion rate has been frozen until 1 January 1999 for certain currencies by Council Regulation (EC) No 1527/95⁽⁹⁾;

Whereas, under Regulation (EEC) No 1323/90⁽¹⁰⁾, as last amended by Commission Regulation (EC) No 40/96⁽¹¹⁾, the Council instituted specific aid for sheep and goat farming in certain less-favoured areas of the Community; whereas it lays down that the aid is to be granted under the same conditions as those for the grant of the premium for producers of sheepmeat and goatmeat; whereas, in view of the present uncertainty of the market situation in certain Member States, the Member States should be authorized, for the 1997 marketing year, to pay immediately an amount equal to 90 % of the aid;

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 25.

⁽³⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽⁴⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽⁵⁾ OJ No L 97, 12. 4. 1986, p. 25.

⁽⁶⁾ OJ No L 325, 20. 11. 1986, p. 17.

⁽⁷⁾ OJ No L 245, 1. 10. 1993, p. 99.

⁽⁸⁾ OJ No L 190, 31. 7. 1996, p. 21.

⁽⁹⁾ OJ No L 148, 30. 6. 1995, p. 1.

⁽¹⁰⁾ OJ No L 132, 23. 5. 1990, p. 17.

⁽¹¹⁾ OJ No L 10, 13. 1. 1996, p. 6.

Whereas Regulation (EEC) No 1601/92 provides for the application of specific measures relating to agricultural production in the Canary Islands; whereas those measures entail the grant of a supplement to the ewe premium to producers of light lambs and she-goats on the same conditions as those governing the grant of the premium referred to in Article 5 of Regulation (EEC) No 3013/89; whereas those conditions provide that Spain is authorized to pay an advance on the said supplementary premium;

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

HAS ADOPTED THIS REGULATION:

Article 1

A difference is hereby estimated between the basic price, reduced by the impact of the coefficient laid down in Article 8 (2) of Regulation (EEC) No 3013/89, and the foreseeable market price during 1997 is ECU 102,785 per 100 kg.

Article 2

1. The estimated amount of the premium payable per ewe is as follows:

- producers of heavy lambs: ECU 16,446,
- producers of light lambs: ECU 13,157.

2. Pursuant to Article 5 (6) of Regulation (EEC) No 3013/89, the first advance that the Member States are authorized to pay to producers shall be as follows:

- producers of heavy lambs: ECU 4,934 per lamb,
- producers of light lambs: ECU 3,947 per lamb.

Article 3

1. The estimated amount of the premium payable per female of the caprine species in the areas designated in

Annex I to Regulation (EEC) No 3013/89 and in Article 1 of Regulation (EEC) No 1065/86: ECU 13,157.

2. Pursuant to Article 5 (6) of Regulation (EEC) No 3013/89, the first advance which the Member States are authorized to pay to goatmeat producers located in the areas designated in paragraph 1 shall be as follows: ECU 3,947 per female of the caprine species.

Article 4

The advance of the specific aid which the Member States are authorized to pay to producers of sheepmeat and goatmeat in less-favoured areas pursuant to Article 1 (1) of Regulation (EEC) No 1323/90, within the meaning of Council Directive 75/268/EEC⁽¹⁾, shall be as follows:

- ECU 5,977 per ewe in the case of the producers referred to in Article 5 (2) and (4) of the said Regulation,
- ECU 4,130 per ewe in the case of the producers referred to in Article 5 (3) of the said Regulation,
- ECU 4,130 per she-goat in the case of the producers referred to in Article 5 (5) of the said Regulation.

Article 5

Pursuant to Article 13 (3) of Regulation (EEC) No 1601/92, the first advance on the supplementary premium for the 1997 marketing year for producers of light lambs and she-goats in the Canary Islands within the limits provided for in Article 1 (1) of Council Regulation (EEC) No 3493/90⁽²⁾ shall be as follows:

- ECU 2,834 per ewe in the case of producers referred to in Article 5 (3) of that Regulation,
- ECU 2,834 per she-goat in the case of producers referred to in Article 5 (5) of that Regulation.

Article 6

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, 6 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 128, 19. 5. 1975, p. 1.

⁽²⁾ OJ No L 337, 4. 12. 1990, p. 7.

COMMISSION REGULATION (EC) No 1028/97
of 6 June 1997

amending Regulation (EEC) No 2047/84 determining the rice intervention centres other than Vercelli and repealing Regulation (EEC) No 3406/93 establishing the varieties of Indica rice for the purposes of intervention

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular Article 8 (a) thereof,

Whereas the intervention centres are determined by Commission Regulation (EEC) No 2047/84 ⁽²⁾, as last amended by Regulation (EEC) No 2933/93 ⁽³⁾; whereas as a result of the consultations provided for in Article 8 (a) of Regulation (EC) No 3072/95 the list of such centres should be amended;

Whereas Article 3(1) of Regulation (EC) No 3072/95 introduces a single intervention price for a standard quality; whereas, therefore, Commission Regulation (EEC) No 3406/93 of 13 December 1993 establishing the varieties of indica rice for the purposes of intervention ⁽⁴⁾, as amended by Regulation (EC) No 896/94 ⁽⁵⁾, should be repealed;

Whereas those measures should take effect at the start of the period of application of the intervention arrangements;

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

In the Annex to Regulation (EEC) No 2047/84, points 2 and 3 are replaced by the following:

2. ITALY

| Province | Intervention centre |
|-----------|---------------------|
| Piemonte | Vercelli |
| | Novara |
| Lombardia | Pavia |
| | Mantova |
| Sardegna | Oristano |

3. GREECE

| Province | Intervention centre |
|----------------|---------------------|
| Central Greece | Bolos |
| | Lamia |
| | Mesolongi |
| Macedonia | Skotoysa |
| | Drymos |
| | Platy |
| | Provatas |
| | Pyrgos |
| | Salonika |
| | Serres |
| Peleponnese | Messini |
| | Scala' |

Article 2

Regulation (EC) No 3406/93 is hereby repealed.

Article 3

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

It shall apply from 1 April 1997.

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

Done at Brussels, 6 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 190, 18. 7. 1984, p. 5.

⁽³⁾ OJ No L 265, 26. 10. 1993, p. 13.

⁽⁴⁾ OJ No L 310, 14. 12. 1993, p. 14.

⁽⁵⁾ OJ No L 104, 23. 4. 1994, p. 17.

COMMISSION REGULATION (EC) No 1029/97
of 6 June 1997

amending Regulation (EC) No 1487/95 establishing the supply balance for the Canary Islands for products from the pigmeat sector and fixing the aid for products coming from the Community

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures for the Canary Islands concerning certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 4 (4) thereof,

Whereas the amounts of aid for the supply of pigmeat products to the Canary Islands have been laid down in Commission Regulation (EC) No 1487/95 establishing the supply balance for the Canary Islands for products from the pigmeat sector and fixing the aid for products coming from the Community ⁽³⁾, as last amended by Regulation (EC) No 525/97 ⁽⁴⁾;

Whereas, to develop the production potential of the archipelago and satisfy the increase in local demand, the number of pure-bred breeding pigs should be increased;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1487/95 is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 6 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 145, 29. 6. 1995, p. 63.

⁽⁴⁾ OJ No L 82, 22. 3. 1997, p. 37.

ANNEX

ANNEX III

Supply in the Canary Islands of pure-bred breeding pigs originating in the Community for the period from 1 July 1996 to 30 June 1997

| CN code | Description of the goods | Number of animals to supply | Aid (ECU/head) |
|------------|--|-----------------------------|----------------|
| 0103 10 00 | Pure-bred breeding pigs ⁽¹⁾ : | | |
| | — male animals | 275 | 483 |
| | — female animals | 5 500 | 423 |

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

COMMISSION REGULATION (EC) No 1030/97
of 6 June 1997
amending for the fourth time Regulation (EC) No 414/97 adopting exceptional
support measures for the market in pigmeat in Germany

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Commission Regulation (EC) No 3290/94⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Germany, exceptional support measures for the market in pigmeat have been adopted for that Member State by Commission Regulation (EC) No 414/97⁽³⁾, as last amended by Regulation (EC) No 923/97⁽⁴⁾;

Whereas Annex I to Regulation (EC) No 414/97 should be amended and Annex II thereto should be replaced with a new Annex so as to take account of the amendment of the zones subject to health and trading restrictions as a result of the outbreak of new cases of classical swine fever in Brandenburg;

Whereas rapid and effective application of the exceptional market support measures is one of the best instruments

for combating the spread of classical swine fever; whereas the retroactive application of this Regulation from 23 May 1997 is therefore justified;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 414/97 is hereby amended as follows:

1. Annex I is replaced by Annex I to this Regulation;
2. Annex II is replaced by Annex II to this Regulation.

Article 2

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

It shall apply from 23 May 1997.

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

Done at Brussels, 6 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

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

⁽³⁾ OJ No L 62, 4. 3. 1997, p. 29.

⁽⁴⁾ OJ No L 133, 24. 5. 1997, p. 2.

ANNEX I

ANNEX I

Total number of animals from 18 February 1997.

| | |
|---------------|--------------|
| Fattened pigs | 102 500 head |
| Piglets | 48 000 head' |

ANNEX II

ANNEX II

1. In North Rhine-Westphalia, the protection and surveillance zones in the following *kreise*:
 - Paderborn,
 - Soest,
 - Gütersloh,
 - Lippe.
 2. In Mecklenburg-Western Pomerania, the protection and surveillance zones in the following *kreise*:
all *kreise* with exception of Nordwestmecklenburg and Ludwigslust.
 3. In Lower Saxony, the protection and surveillance zones in the following *kreise*:
 - Lüchow-Dannenberg,
 - Uelzen.
 4. In Brandenburg, the protection and surveillance zone in the following *kreis*:
 - Prignitz.'
-

COMMISSION REGULATION (EC) No 1031/97
of 6 June 1997
amending for the fifth time Regulation (EC) No 413/97 adopting exceptional
support measures for the market in pigmeat in the Netherlands

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Commission Regulation (EC) No 3290/94⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in the Netherlands, exceptional support measures for the market in pigmeat have been adopted for that Member State by Commission Regulation (EC) No 413/97⁽³⁾, as last amended by Regulation (EC) No 924/97⁽⁴⁾;

Whereas the Dutch authorities, with a view to combating classical swine fever more effectively, introduced a ban on the transport of pigs in the southern Netherlands; whereas pigs originating in that zone are subject to veterinary and trading restrictions; whereas that zone should be included, with effect from 23 May 1997, in the exceptional market support measures laid down in Regulation (EC) No 413/97;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 413/97 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

Only animals raised in the zones defined by the Dutch authorities and referred to in Annex II to this Regulation can be delivered, provided that the veterinary provisions laid down by the Dutch authorities apply in the zones on the day the animals are delivered.'

2. Annex II is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 23 May 1997.

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

Done at Brussels, 6 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

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

⁽³⁾ OJ No L 62, 4. 3. 1997, p. 26.

⁽⁴⁾ OJ No L 133, 24. 5. 1997, p. 3.

*ANNEX**ANNEX II*

1. The protection and surveillance zones in the following areas:

- Venhorst,
- Best,
- Berkel-Enschot,
- Ammerzoden,
- Nederweert,
- Soerendonk,
- Baarle-Nassau.

2. The zone in which the transport of pigs is banned, as defined in the ministerial decree of 14 April 1997 published in the *Staatscourant* of 15 April 1997, p. 12.

COMMISSION REGULATION (EC) No 1032/97
of 6 June 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 7 June 1997.

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

Done at Brussels, 6 June 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 6 June 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 |
|------------------------------------|-----------------------------------|-----------------------|
| 0709 90 77 | 052 | 77,4 |
| | 999 | 77,4 |
| 0805 30 30 | 052 | 97,2 |
| | 388 | 77,3 |
| | 528 | 61,0 |
| | 999 | 78,5 |
| 0808 10 61, 0808 10 63, 0808 10 69 | 060 | 49,9 |
| | 388 | 86,0 |
| | 400 | 86,5 |
| | 404 | 112,3 |
| | 508 | 89,7 |
| | 512 | 74,5 |
| | 528 | 69,2 |
| | 804 | 90,1 |
| | 999 | 82,3 |
| | 0809 10 20 | 400 |
| 999 | | 278,4 |
| 0809 20 49 | 400 | 254,9 |
| | 999 | 254,9 |

⁽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 1033/97
of 6 June 1997

temporarily suspending the issue of export licences for certain milk products
and determining the extent to which export licences may be issued against
applications currently pending

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 1587/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products⁽³⁾, as last amended by Regulation (EC) No 417/97⁽⁴⁾, and in particular Article 8 (3) thereof,

Whereas the issue of the licences requested for certain products would result in an overrun of the maximum quantities which can be exported with refunds during the 12 months' period in question; whereas the issue of export licences for the products concerned should be temporarily suspended and licences only issued for certain of those products for which applications are pending and for which allocation coefficients have been fixed,

Article 1

1. The issue of export licences for milk and milk products falling within CN code 0406 is hereby suspended for the period 7 to 12 June 1997.
2. Licences shall be issued against applications submitted between 2 and 4 June 1997 which are currently pending and against which licences should have been issued from 9 June 1997 for products falling within CN codes 0406 30, 0406 90 13, 0406 90 15, 0406 90 17, 0406 90 25, 0406 90 27, 0406 90 78 and 0406 90 87 for which an allocation coefficient of 0,53 has been fixed.
3. Licences shall be issued against applications for products falling within CN code 0406 submitted between 2 and 4 June 1997 other than those referred to in paragraph 2, which are currently pending and against which licences should have been issued from 9 June 1997.
4. No licences shall be issued for products falling within CN code 0406 for which applications submitted on 6 June 1997 are still pending and against which licences would have been issued from 13 June 1997.

Article 2

This Regulation shall enter into force on 7 June 1997.

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

Done at Brussels, 6 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 64, 5. 3. 1997, p. 1.

COMMISSION REGULATION (EC) No 1034/97
of 6 June 1997
amending representative prices and additional duties for the import of certain
products in the sugar sector

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

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 1127/96 ⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1195/96 ⁽⁵⁾, as last amended by Regulation (EC) No 1021/97 ⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 June 1997.

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

Done at Brussels, 6 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 150, 25. 6. 1996, p. 12.

⁽⁵⁾ OJ No L 161, 29. 6. 1996, p. 3.

⁽⁶⁾ OJ No L 148, 6. 6. 1997, p. 13.

ANNEX

to the Commission Regulation of 6 June 1997 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

| CN code | Amount of representative prices per 100 kg net of product concerned | Amount of additional duty per 100 kg net of product concerned |
|---------------------------|---|---|
| 1701 11 10 ⁽¹⁾ | 24,77 | 3,91 |
| 1701 11 90 ⁽¹⁾ | 24,77 | 9,15 |
| 1701 12 10 ⁽¹⁾ | 24,77 | 3,72 |
| 1701 12 90 ⁽¹⁾ | 24,77 | 8,72 |
| 1701 91 00 ⁽²⁾ | 28,11 | 11,18 |
| 1701 99 10 ⁽²⁾ | 28,11 | 6,66 |
| 1701 99 90 ⁽²⁾ | 28,11 | 6,66 |
| 1702 90 99 ⁽³⁾ | 0,28 | 0,37 |

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

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

⁽³⁾ By 1 % sucrose content.

COUNCIL DIRECTIVE 97/26/EC
of 2 June 1997
amending Directive 91/439/EEC on driving licences

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75 thereof,

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

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

Acting in accordance with the procedures laid down in Article 189c of the Treaty ⁽³⁾,

- (1) Whereas Council Directive 91/439/EEC of 29 July 1991 on driving licences ⁽⁴⁾ provides that national driving licences shall be issued in accordance with the Community model described in Annex I or Ia thereto, and that they shall state the conditions on which the driver is authorized to drive;
- (2) Whereas the said Annexes I and Ia provide that any additional information or restrictions shall be indicated in code form;
- (3) Whereas the codes and sub-codes applying to the conditions of issue governed by Directive 91/439/EEC are valid throughout the Community;
- (4) Whereas, in accordance with the principle of subsidiarity, Community action is needed in order to enable driving licences to be understood and reciprocally recognized, and in order to facilitate the free movement of persons by avoiding the practical problems that would face drivers, road hauliers, administrations and inspectors if Member States were to use differing codes;
- (5) Whereas provision should be made for a simplified procedure for adapting the technical aspects of the harmonized Community codes listed in Annexes I and Ia and for adapting Annexes II and III to Directive 91/439/EEC;
- (6) Whereas, in the interests of clarity and of conformity with Council Directive 92/61/EEC of 30 June 1992 relating to the type approval of two or three-wheel

motor vehicles ⁽⁵⁾, the opportunity offered by this amendment should be taken in order to align the definition of the term 'motorcycle' in respect of design speed,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/439/EEC is amended as follows:

1. In Article 3 (3):
 - (a) in the second indent, '50 km/h' shall be replaced by '45 km/h';
 - (b) the third indent shall be replaced by the following:

— "motorcycle" means any two-wheel vehicle with or without sidecar, fitted with an engine having a cylinder capacity of more than 50 cm³ if of the internal combustion type and/or having a maximum design speed of more than 45 km/h.'
2. The following Articles shall be inserted:

Article 7a

1. A subdivision of the harmonized Community codes set out in Annexes I and Ia shall be defined in accordance with the procedure laid down in Article 7b, with particular reference to codes 04, 05, 44 and 55.

This procedure shall also be followed for deciding whether the use of certain subdivisions of harmonized Community codes should, if necessary, be made compulsory.

2. The amendments necessary to adapt the parts of Annexes I and Ia which concern the harmonized codes and Annexes II and III to scientific and technical progress shall be adopted in accordance with the procedures laid down in Article 7b.

Article 7b

1. The Commission shall be assisted by a committee on driving licences, hereinafter referred to as 'the committee', composed of the representatives of the Member States and chaired by the representative of the Commission.

⁽¹⁾ OJ No C 110, 16. 4. 1996, p. 7, and OJ No C 31, 31. 1. 1997, p. 3.

⁽²⁾ OJ No C 204, 15. 7. 1996, p. 20.

⁽³⁾ Opinion delivered on 5 September 1996 (OJ No C 277, 23. 9. 1996, p. 15), common position of the Council of 20 December 1996 (OJ No C 69, 5. 3. 1997, p. 7) and decision of the European Parliament of 9 April 1997 (OJ No C 132, 28. 4. 1997).

⁽⁴⁾ JO No L 237, 24. 8. 1991, p. 1. Directive as last amended by Directive 96/47/EC (JO No L 235, 17. 9. 1996, p. 1).

⁽⁵⁾ JO No L 225, 10. 8. 1992, p. 72. Directive as amended by the 1994 Act of Accession.

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

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

(b) If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council the Council has not acted, the proposed measures shall be adopted by the Commission.'

3. In Annex I (2), page 4 of the licence, and in Annex Ia (2), page 2 of the licence, point (a) (12), the first indent shall be replaced by the following:

— codes 01 to 99: harmonized Community codes

- 01 Eyesight correction
- 02 Hearing aid/communication aid
- 03 Prosthesis/orthosis for the limbs
- 04 Subject to the possession of a valid medical certificate
- 05 Driving subject to restrictions for medical reasons
- 10 Modified transmission
- 15 Modified clutch
- 20 Modified braking systems
- 25 Modified accelerator systems
- 30 Modified combined braking and accelerator systems
- 35 Modified control layouts
- 40 Modified steering
- 42 Modified rearview mirror(s)
- 43 Modified driving seat
- 44 Modifications to motorcycles
- 45 Motorcycle combinations only
- 50 Restricted to a specific vehicle/chassis number
- 51 Restricted to a specific vehicle/registration plate

55 Combinations of vehicle modifications

- 70 Exchange of licence No ... issued by ... (UNECE distinguishing sign in the case of a third country)
- 71 Duplicate of licence No ... (UNECE distinguishing sign in the case of a third country)
- 72 Restricted to category A vehicles having a maximum cylinder capacity of 125 cm³ and a maximum power of 11 kW (A1)
- 73 Restricted to category B vehicles of the motor tricycle or quadricycle type (B1)
- 74 Restricted to category C vehicles the maximum authorized mass of which does not exceed 7 500 kg (C1)
- 75 Restricted to category D vehicles with not more than 16 passenger seats, excluding the driver's seat (D1)
- 76 Restricted to category C vehicles the maximum authorized mass of which does not exceed 7 500 kg (C1), attached to a trailer the maximum authorized mass of which exceeds 750 kg, provided that the maximum mass of the vehicle train thus formed does not exceed 12 000 kg and that the maximum authorized mass of the trailer does not exceed the unladen mass of the drawing vehicle (C1 + E)
- 77 Restricted to category D vehicles with not more than 16 passenger seats, excluding the driver's seat (D1), attached to a trailer the maximum authorized mass of which exceeds 750 kg, provided that (a) the maximum authorized mass of the vehicle train thus does not exceed 12 000 kg and the maximum authorized mass of the trailer does not exceed the unladen mass of the drawing vehicle and (b) the trailer is not used to carry passengers (D1 + E)
- 78 Restricted to vehicles with automatic transmission (Annex II, 8.1.1, second paragraph)
- 79 (...) Restricted to vehicles which comply with the specifications indicated in brackets, in the context of the application of Article 10 (1) of the Directive.'

Article 2

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

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 2 June 1997.

For the Council

The President

H. VAN MIERLO

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 May 1997

amending Decision 92/160/EEC establishing the regionalization of certain third countries for imports of equidae and repealing Decision 96/487/EC on protective measures in relation to dourine in Russia

(Text with EEA relevance)

(97/350/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and imports from third countries of equidae⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 12 and 13 (2) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC, and 90/675/EEC⁽²⁾, as last amended by Directive 96/43/EC⁽³⁾, and in particular Article 18 (7) thereof,

Whereas in accordance with Commission Decision 92/160/EEC⁽⁴⁾, as last amended by Decision 97/10/EC⁽⁵⁾, imports into the Community of equidae from Russia were

only allowed from the territories west of the Ural Mountains;

Whereas following the confirmation of the presence of dourine in Russia, the Commission adopted Decision 96/487/EC⁽⁶⁾;

Whereas the competent veterinary authorities of Russia have now confirmed the freedom from dourine of certain administrative territories of the Russian Federation; whereas therefore Decision 92/160/EEC should be amended so as to take account of the modified regionalization of Russia;

Whereas the competent veterinary authorities of Russia have also provided guarantees for the control of dourine in the Russian Federation; whereas the aforementioned guarantees are sufficient to warrant resumption of imports of equidae from certain subjects of the Russian Federation; whereas consequently Decision 96/487/EC should be repealed;

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

In the Annex to Decision 92/160/EEC the words:

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 42.

⁽²⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽³⁾ OJ No L 162, 1. 7. 1996, p. 1.

⁽⁴⁾ OJ No L 71, 18. 3. 1992, p. 27.

⁽⁵⁾ OJ No L 3, 7. 1. 1997, p. 9.

⁽⁶⁾ OJ No L 198, 8. 8. 1996, p. 50.

'Russia

territories west of the Ural Mountains'

are replaced by the words:

'Russia

- the provinces of Arkhangelsk, Vologda, Murmansk, Leningrad, Novgorod, Pskov, Briansk, Vladimir, Ivanovo, Tver, Kaluga, Kostroma, Moskva, Orjol, Riasan, Smolensk, Tula, Jaroslavl, Nijninogorod, Kirov, Belgorod, Voroneg, Kursk, Lipezk, Tambov, Astrahan, Volgograd, Penza, Saratov, Uljanovsk, Rostov, Orenburg, Perm and Kurgan
- the regions of Stavropol and Krasnodar
- the republics of Karelia, Marij-El, Mordovia, Chuvachia, Kalmykia, Tatarstan, Dagestan, Kabardino-Balkaria, Severnaya Osetia, Ingushetia and Karachaevo-Cherkesia.'

Article 2

Decision 96/487/EC is repealed.

Article 3

Member States shall amend the measures they apply in respect of Russia to bring them into line with this Decision. They shall inform the Commission thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 29 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission
