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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 622/98
of 16 March 1998**

on assistance to the applicant States in the framework of the pre-accession strategy, and in particular on the establishment of Accession Partnerships

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

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

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

Whereas the conditions to be fulfilled by the associated central and eastern European States wishing to join the European Union were set out at the European Council meeting in Copenhagen in June 1993; whereas the main difficulties these States are encountering in meeting those conditions are identified in the course of implementing the procedure provided for in Article O of the Treaty on European Union;

Whereas the Heads of State and Government meeting at the European Council in Amsterdam from 16 to 17 June 1997 reiterated their intention of reinforcing the Union's pre-accession strategy to facilitate the applicants' preparations for accession, and whereas the Commission presented a package of proposals in this connection entitled 'Agenda 2000';

Whereas the European Council in Luxembourg stated that the new instrument of Accession Partnerships, to be established after consultation with the applicant States of central and eastern Europe, constitutes the key feature of the enhanced pre-accession strategy in mobilizing within a single framework all forms of Community assistance to the applicants;

Whereas it would be appropriate for European Community assistance within the framework of these Accession Partnerships to focus on the aforementioned difficulties and be guided by defined principles, priorities, intermediate objectives and conditions;

Whereas these Partnerships, and in particular their intermediate objectives, should assist each State in preparing for membership within a framework of economic and social convergence and in developing its national programme for the taking up of the *acquis* as well as a relevant timetable for its implementation;

Whereas it is essential to manage the available financial resources carefully and in line with the priorities arising out of the Commission's opinions on the accession applications and out of the examination of these opinions within the Council;

Whereas Community assistance under the pre-accession strategy should be provided by applying to the States concerned the aid programmes adopted in accordance with the provisions of the Treaties; whereas, therefore, the present Regulation will have no financial implications;

Whereas Community assistance is conditional upon respect of the commitments contained in the Europe Agreements and upon progress towards fulfilment of the Copenhagen criteria;

Whereas the programming of the financial resources making up Community assistance will be decided in accordance with the procedures set out in the Regulations relating to the corresponding financial instruments or programmes;

Whereas it is appropriate for the Council to adopt the principles, priorities, intermediate objectives and conditions applicable to each individual Accession Partnership by 15 March 1998, in order to enable the Commission to establish by the end of 1998 the first of its regular reports on the progress made by each applicant State;

Whereas the role played by the bodies set up under the Europe Agreements is central to ensuring the proper implementation and follow-up of these Accession Partnerships;

⁽¹⁾ OJ C 48, 13. 2. 1998, p. 18.

⁽²⁾ Opinion delivered on 11 March 1998 (not yet published in Official Journal).

Whereas implementing the Accession Partnerships is likely to help achieve the Community's objectives; whereas, the Treaty does not provide, for the adoption of this Regulation, powers other than those of Article 235,

HAS ADOPTED THIS REGULATION:

Article 1

As part of the enhanced pre-accession strategy, Accession Partnerships shall be established for the applicant States of central and eastern Europe. Each Accession Partnership shall provide a single framework covering:

- the priorities, as defined in the analysis of the situation in each State, on which preparations for accession must concentrate in view of the political and economic criteria and the obligations incumbent upon a Member State of the European Union as defined by the European Council,
- the financial resources for assisting each applicant State to implement the priorities identified during the pre-accession period.

Article 2

Following a proposal by the Commission, the Council shall decide by qualified majority on the principles, priorities, intermediate objectives and conditions contained in the individual Accession Partnerships, as they will be submitted to each applicant State, as well as on subsequent significant adjustments applicable to them.

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

Done at Brussels, 16 March 1998.

Article 3

This Regulation shall have no financial implications. Under the pre-accession strategy, the Community assistance shall be the assistance provided for in the programmes adopted in accordance with the provisions of the Treaty.

On the basis of decisions taken by the Council pursuant to Article 2, the programming of the financial resources of the assistance granted in the framework of the Accession Partnerships shall be established in accordance with the procedures set out in the Regulations relating to the corresponding financial instruments or programmes.

Article 4

Where an element that is essential for continuing to grant pre-accession assistance is lacking, in particular when the commitments contained in the Europe Agreement are not respected and/or progress towards fulfilment of the Copenhagen criteria is insufficient, the Council, acting by a qualified majority on a proposal from the Commission, may take appropriate steps with regard to any pre-accession assistance granted to an applicant State.

Article 5

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

For the Council
The President
J. CUNNINGHAM

COMMISSION REGULATION (EC) No 623/98

of 19 March 1998

amending Regulation (EC) No 577/97 laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designation used in the marketing of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1898/87 of 2 July 1987 on the protection of designations used in the marketing of milk and milk products⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 4(2) thereof,

Whereas Article 3 of Commission Regulation (EC) No 577/97 of 1 April 1997 laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products⁽²⁾, as last amended by Regulation (EC) No 2181/97⁽³⁾, establishes rules for the use of the designation 'butter' for composite products as defined in Article 2(3) of Regulation (EEC) No 1898/87; whereas it provides that the minimum milk fat content of composite products with the designation 'butter' is 75 %;

Whereas Article 4 of Regulation (EC) No 577/97 specifies the procedure to be followed in order to obtain an authorisation to use the designation 'butter' for a composite product of which an essential part is butter but, for which the minimum milk fat content of 75 % cannot be respected for technical and/or organoleptic reasons;

Whereas experience has shown that it would be difficult to apply this procedure on a case-by-case basis in a way which would ensure fairness and consistency; whereas simple rules which can be easily understood should be applied for the denomination of composite products containing butter; whereas these rules should take into consideration the development of the market for composite products;

Whereas a general rule allowing the use of the designation 'butter' for composite products of which an essential part is butter, for which the minimum milk fat content is less than 75 % but at least 62 % is acceptable, provided

that the designation includes terms which will ensure that the consumer is not misled;

Whereas the products consisting of butter, sugar and an alcoholic drink form a well-defined group of composite products with particular characteristics; whereas special provision should be made for the use of the designation 'butter' for these products;

Whereas, in order to ensure that the objectives of Regulation (EEC) No 1898/87 are fully attained, having regard to the wide range of the milk fat content in the composite products which will be able to benefit from use of the designation 'butter', it is necessary to make it a condition for the use of this designation that the milk fat content is indicated on the product label;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 577/97 is amended as follows:

1. Article 3 is replaced by the following text:

Article 3

1. The designation "butter" may be used for composite products of which an essential part within the meaning of Article 2(3) of Regulation (EEC) No 1898/87 is butter if the end product contains at least 75 % milk fat and has been manufactured solely from butter within the meaning of Part A (1) of the Annex to Regulation (EC) No 2991/94 and the other added ingredient(s) mentioned in the description.

2. The designation "butter" may be used for composite products containing less than 75 % but at least 62 % milk fat if the other requirements specified in paragraph 1 are met and if the product designation includes the term "butter preparation".

⁽¹⁾ OJ L 182, 3. 7. 1987, p. 36.

⁽²⁾ OJ L 87, 2. 4. 1997, p. 3.

⁽³⁾ OJ L 299, 4. 11. 1997, p. 1.

3. By derogation from paragraphs 1 and 2, the designation "butter" may be used in association with a word or words to designate the products listed in Annex III containing at least 34 % milk fat.

4. The use of the designation "butter" under paragraphs 1, 2 and 3 shall be subject to the requirement to indicate in the labelling and presentation of the products the milk fat content and, if the other added ingredients contain fat, the total fat content.

5. The term "butter preparation" in paragraph 2 and the indications in paragraph 4 must appear in a conspicuous place and be easily visible and clearly legible.

2. Article 4 is deleted.

3. The Annex to this Regulation becomes Annex III.

Article 2

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

It shall apply from 1 September 1998.

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

Done at Brussels, 19 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

ANNEX III

Products referred to in Article 3(3)

Type of product	Composition of product	Minimum milk fat content
Alcoholic butter (butter containing alcoholic beverages)	Butter, alcoholic beverage, sugar	34 % ¹

COMMISSION REGULATION (EC) No 624/98
of 19 March 1998
amending Regulation (EC) No 1423/95 laying down detailed implementing rules
for the import of products in the sugar sector other than molasses

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular Article 15(4) thereof,

Whereas, pursuant to Article 1(2) of Commission Regulation (EC) No 1423/95 ⁽³⁾, as last amended by Regulation (EC) No 1143/97 ⁽⁴⁾, representative price on the world market, on the basis of which additional duties are fixed, are fixed for each marketing year in accordance with the procedure laid down in Article 41 of Regulation (EEC) No 1785/81 and may be amended if the fluctuation in the elements of the calculation produces a rise or fall of ECU 0,5 per 100 kilograms or more;

Whereas, as a result of continued variations in representative prices on the world market, the system currently in force involves frequent adaptation of additional duties; whereas these frequent fluctuations in representative prices and additional duties, taking place often for very

small amounts, complicate the system; whereas, for purposes of simplification, legal certainty for traders and rationalisation of the procedure for the Commission, the threshold for the amendment of representative prices on the world market from which additional duties must be adapted should be increased to ECU 1,20 per kilogram;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the second subparagraph of Article 1(2) of Regulation (EC) No 1423/95, 'ECU 0,5 per 100 kilograms' is replaced by 'ECU 1,20 per 100 kilograms'.

Article 2

This Regulation shall enter into force on the seventh 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, 19 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ L 165, 24. 6. 1997, p. 11.

COMMISSION REGULATION (EC) No 625/98

of 19 March 1998

amending Regulation (EEC) No 980/92 laying down detailed rules for applying the aid scheme for the marketing in Martinique and Guadeloupe of rice produced in French Guiana as regards the destination of the rice in respect of which aid is paid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 3(5) thereof,

Whereas point 3(d) of Article 1 of Regulation (EC) No 2598/95 provides that the volume of rice produced locally in French Guiana which may benefit from aid for disposal and marketing shall be increased to take account of profitability requirements; whereas, in particular, under Regulation (EC) No 2598/95 a limited quantity of that production up to 4 000 tonnes may benefit from aid so that it can be disposed of or marketed elsewhere in the Community;

Whereas the provisions required to implement Regulation (EC) No 2598/95 and so amend Commission Regulation (EEC) No 980/92 of 21 April 1992 laying down detailed rules for applying the aid scheme for the marketing in Martinique and Guadeloupe of rice produced in French Guiana⁽³⁾ should be adopted; whereas these technical adaptations should cover in particular the arrangements for granting the aid for contracts for disposal or marketing concluded between the entry into force of Regulation (EC) No 2598/95 and the entry into force of this Regulation, the definition of the parties to the contract for the disposal or marketing of rice produced in French Guiana, the measures to be taken to ensure that the maximum quantities which may benefit from aid are not exceeded and appropriate checks to ensure compliance with the aim of the scheme;

Whereas, in order to comply with the aim of the measure, the necessary steps should be taken to ensure that the products receiving aid are not exported, reconsigned from the overseas departments to the rest of the Community or

reconsigned from the rest of the Community to the overseas departments;

Whereas, to ensure effective application of the aid arrangements, this Regulation should apply from the date of entry into force of Regulation (EC) No 2598/95; whereas, however, the effects of reconsignments and exports from Guadeloupe and Martinique to the rest of the Community and to non-member countries carried out in accordance with the provisions replaced by this Regulation should be considered definitive; whereas accordingly the new text of Article 6 of Regulation (EC) No 980/92 should apply to reconsignments and exports from Guadeloupe and Martinique with effect from the date of entry into force of this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 980/92 is amended as follows:

1. The title is replaced by the following:

‘Commission Regulation (EEC) No 980/92 of 21 April 1992 laying down detailed rules for applying the aid scheme for the marketing of rice produced in French Guiana’.

2. Article 1(1) is replaced by:

‘1. For the purposes of applying the aid scheme provided for in Article 3(3) of Regulation (EEC) No 3763/91, “annual contract” means a contract by which an operator, either a natural or a legal person established elsewhere in the Community other than in French Guiana, undertakes, before the beginning of the marketing period, to dispose of or market in Guadeloupe, Martinique or elsewhere in the Community all or part of the rice production of a producer or a producers’ association or union in French Guiana’.

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 104, 22. 4. 1992, p. 31.

3. The following paragraph is added to Article 2:

'4. For the purposes of Article 3(3) of Regulation (EEC) No 3763/91, applications for aid concerning the period between 12 November 1995 and 20 March 1998 shall be submitted to the competent departments of the French administration in accordance with conditions to be laid down by those departments.

Aid shall be paid on submission of proof satisfactory to the competent departments that the products conferring entitlement to aid have in fact been disposed of or marketed in Guadeloupe, Martinique or elsewhere in the Community.

The competent departments shall make appropriate checks on the truthfulness and accuracy of the applications for aid and supporting documents.'

4. Article 5 is replaced by the following:

Article 5

1. If necessary, the competent French authorities shall lay down a uniform coefficient of reduction to be applied to the applications in question to ensure that, each year, aid is not granted for a quantity, expressed in terms of milled rice equivalent, exceeding 12 000 tonnes for all the quantities for which applications have been submitted and, within that ceiling, exceeding 4 000 tonnes in respect of the quantities disposed of or marketed elsewhere in the Community other than in Guadeloupe and Martinique.

2. The uniform coefficient or reduction shall be calculated as follows:

(a) where the quantities in respect of which the applications for aid submitted total less than 12 000 tonnes but, as regards rice disposed of or marketed elsewhere in the Community other than in Guadeloupe and Martinique, more than the maximum volume of 4 000 tonnes, the coefficient *i* obtained from the formula:

$$i = \frac{4\,000}{x}$$

where *x* is the quantity of rice from French Guiana actually disposed of and marketed elsewhere in the Community other than in Martinique and Guadeloupe

shall be applied to that latter quantity;

(b) where the quantities in respect of which the applications for aid submitted total more than 12 000 tonnes but, as regards rice disposed of or marketed elsewhere in the Community other than in Guadeloupe and Martinique, less than the maximum volume of 4 000 tonnes, the coefficient *j* obtained from the formula:

$$j = \frac{12\,000}{y}$$

where *y* is the total quantity of rice from French Guiana in respect of which applications for aid were submitted

shall be applied to all the quantities of rice;

(c) where the quantities in respect of which the applications for aid submitted total more than 12 000 tonnes and, as regards rice disposed of or marketed elsewhere in the Community other than in Guadeloupe and Martinique, more than the maximum volume of 4 000 tonnes, the coefficient *z* obtained from the formula:

$$z = \frac{12\,000}{(i * x) + k}$$

where:

x is the quantity of rice from French Guiana actually disposed of and marketed elsewhere in the Community other than in Martinique and Guadeloupe,

i is the coefficient of reduction for applications for aid in respect of the quantity of rice from French Guiana actually disposed of and marketed elsewhere in the Community other than in Martinique and Guadeloupe referred to at (a),

k is the quantity of rice from French Guiana actually disposed of and marketed in Martinique and Guadeloupe,

shall be applied.

The competent French authorities shall immediately notify the Commission of the application of this paragraph and of the quantities involved.

3. Aid shall be paid in respect of quantities actually disposed of and marketed under an annual contract or contracts and in accordance with the applicable provisions.

4. For the purposes of this Article, the coefficient for the processing of:

- paddy rice into wholly milled rice is fixed at 0,45,
- husked rice into wholly milled rice is fixed at 0,69,
- semi-milled rice into wholly milled rice is fixed at 0,93'.

5. Article 6 is replaced by the following:

Article 6

1. Products receiving aid under Article 3(3) of Regulation (EEC) No 3763/91 may not be exported; products disposed of and marketed in Guadeloupe and Martinique may not be reconsigned to the rest of the Community.

Products disposed of and marketed elsewhere in the Community which have benefited from the aid referred to in the first subparagraph may not be re-consigned to Guadeloupe, Martinique or French Guiana.

2. The competent authorities shall take all the necessary inspection measures to ensure compliance with paragraph 1. Such measures shall include, in particular, unannounced physical checks. The Member State concerned shall notify the Commission of the measures taken to this effect'.

6. The following paragraph is added to Article 9:

'No later than 30 June and 31 December of each year, the competent French authorities shall send the Commission full information concerning implementa-

tion of the aid scheme, and in particular the quantities concerned, the amount of aid granted and the destination of the consignments'.

7. The Annex 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 12 November 1995. However, in the case of reconsignments from Guadeloupe and Martinique to the rest of the Community and exports from those islands to non-member countries, Article 1(5) shall apply only from the date of entry into force of this Regulation.

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

Done at Brussels, 19 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

ANNEX

APPLICATION FOR AID

- Product:
- Marketing period: from to
- Business name of producer or producer's organisation:
-
- Address for administrative purposes:
(street, number, locality, telephone, telex):
-
- Business name of the natural or legal person established in Martinique/Guadeloupe:
-
- Address for administrative purposes:
-
- Bank and account number to which the aid is to be paid:
-
- Legal relationship between the operators (association contract):
-

To be completed by the Member State (by product and by marketing period)

Application received on:	Amount (in national currency)
ELIGIBLE EXPENDITURE	
1. Quantities marketed:	
2. Value of the production disposed of/marketed, delivered at port of unloading, unloaded onto means of transport:	
3. Expenditure to be taken into consideration after assessment of the value indicated at 2 on the basis of supporting documents:	
4. Destination of the consignment:	
5. Coefficient of reduction (Quantity actually marketed) x i, j or z ⁽¹⁾ :	
6. Eligible expenditure (4 x 3):	
7. Aid percentage (10 % or 13 %):	
8. Amount payable (5 x 6):	

⁽¹⁾ See Article 5(2)

COMMISSION REGULATION (EC) No 626/98
of 19 March 1998
setting the intervention thresholds for melons and water melons for the 1998/99
marketing year

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables⁽¹⁾, as amended by Commission Regulation (EC) No 2520/97⁽²⁾, and in particular Article 27(1) and (2) thereof,

Whereas Article 27(1) of Regulation (EC) No 2200/96 provides for the possibility of setting an intervention threshold if the market in a product listed in Annex II thereto is suffering or at risk of suffering from imbalances giving or liable to give rise to too large a volume of withdrawals; whereas such a development would be likely to cause budget problems for the Community;

Whereas intervention thresholds were fixed for melons and water melons for the 1997/98 marketing year by Commission Regulation (EC) No 1109/97⁽³⁾; whereas, since the conditions laid down in the abovementioned Article 27 continue to be met for those products, new thresholds should be set for the 1998/99 marketing year and the period to be taken into account for the assessment of the overrun of the thresholds should also be determined;

Whereas, pursuant to the abovementioned Article 27, an overrun of the intervention threshold results in a reduction in the Community withdrawal compensation in the marketing year following the year in which the threshold is exceeded; whereas the consequences of such an overrun should be determined and a reduction in proportion to the size of the overrun, up to a maximum percentage, should be fixed;

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

Done at Brussels, 19 March 1998.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The intervention thresholds for the 1998/99 marketing year shall be:

- 176 600 tonnes for melons, and
- 197 400 tonnes for water melons.

2. The overrun of the intervention thresholds laid down in paragraph 1 shall be assessed on the basis of withdrawals effected between 1 February 1998 and 31 January 1999.

Article 2

If the quantity of melons or water melons withdrawn during the period set in Article 1(2) exceeds the relevant threshold set in Article 1(1), the Community withdrawal compensation set in Annex V to Regulation (EC) No 2200/96 for the following marketing year shall be reduced in proportion to the size of the overrun based on the production used to calculate the relevant threshold.

However, the reduction in the Community compensation shall not exceed 30 %.

Article 3

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

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 346, 17. 12. 1997, p. 41.

⁽³⁾ OJ L 162, 19. 6. 1997, p. 12.

COMMISSION REGULATION (EC) No 627/98
of 19 March 1998
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 20 March 1998.

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

Done at Brussels, 19 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 19 March 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	53,3
	212	108,7
	624	223,6
	999	128,5
0709 10 00	220	166,5
	999	166,5
0709 90 70	052	111,0
	204	102,9
	999	107,0
0805 10 10, 0805 10 30, 0805 10 50	052	36,5
	204	32,3
	212	44,5
	600	55,3
	624	47,3
	999	43,2
0805 30 10	600	72,3
	999	72,3
0808 10 20, 0808 10 50, 0808 10 90	052	42,5
	060	40,7
	388	110,2
	400	98,7
	404	102,6
	508	80,3
	512	93,2
	524	98,3
	528	84,7
	720	72,9
	999	82,4
	0808 20 50	052
388		70,3
400		102,2
512		74,0
528		74,4
999		91,7

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2317/97 (OJ L 321, 22. 11. 1997, p. 19). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 628/98
of 19 March 1998

**temporarily suspending the issuing of export licences for certain milk products
and determining what proportion of the amounts covered by pending applica-
tions for export licences may be allocated**

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organisation of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (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 prod-
ucts ⁽³⁾, as last amended by Regulation (EC) No 2497/
97 ⁽⁴⁾, and in particular Article 8(3) thereof,

Whereas uncertainty is a feature of the market in certain
milk products; whereas it is necessary to prevent specula-
tive applications that may lead to a distortion in
competition between traders, threatening the continuity
of exports of those products for the remainder of the
current period; whereas the issuing of export licences for
the products concerned should be temporarily suspended,

and licences for some of these products should not be
issued in respect of applications pending,

HAS ADOPTED THIS REGULATION:

Article 1

1. The issuing of export licences for products falling
within CN codes 0402 21 and 0402 29 is hereby
suspended for the period 20 to 26 March 1998.

2. No further action shall be taken in respect of
applications for licences pending for products falling
within CN codes 0402 21 and 0402 29 which would have
been issued from 20 March 1998 with the exception of
those referred to in Article 6(1) of Regulation (EC) No
1466/95.

Article 2

This Regulation shall enter into force on 20 March 1998.

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

Done at Brussels, 19 March 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ L 345, 16. 12. 1997, p. 12.

COMMISSION REGULATION (EC) No 629/98

of 19 March 1998

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

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

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, as amended by Regulation (EC) No 192/98⁽⁴⁾, and in particular Article 13 (3) thereof,

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

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 1909/97⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

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

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Regulation (EC) No 1516/95⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 March 1998.

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

Done at Brussels, 19 March 1998.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁷⁾ OJ L 275, 29. 9. 1987, p. 36.

⁽⁸⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁹⁾ OJ L 147, 30. 6. 1995, p. 49.

ANNEX

to the Commission Regulation of 19 March 1998 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases	0,462 0,186 0,710
1002 00 00	Rye	2,979
1003 00 90	Barley	1,885
1004 00 00	Oats	1,876
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (3): — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — in other cases	1,373 2,028 1,043 1,699 2,028 1,373 2,028
1006 20	Husked rice: — round grain — medium grain — long grain	3,178 2,829 2,829
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	4,100 4,100 4,100
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in other cases — other (including unprocessed)	1,510 2,200 2,200

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	1,885
1101 00	Wheat or meslin flour: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,568
	— in other cases	0,873
1102 10 00	Rye flour	4,081
1103 11 10	Groats and durum wheat meal: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—
	— in other cases	—
1103 11 90	Common wheat groats and spelt: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,568
	— in other cases	0,873

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

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

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

COMMISSION REGULATION (EC) No 630/98**of 19 March 1998****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1339/97**

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries was opened pursuant to Commission Regulation (EC) No 1339/97 ⁽⁵⁾, as amended by Regulation (EC) No 507/98 ⁽⁶⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

For tenders notified from 13 to 19 March 1998, pursuant to the invitation to tender issued in amended Regulation (EC) No 1339/97, the maximum refund on exportation of common wheat shall be ECU 16,98 per tonne.

Article 2

This Regulation shall enter into force on 20 March 1998.

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

Done at Brussels, 19 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 7.

⁽⁶⁾ OJ L 63, 4. 3. 1998, p. 20.

COMMISSION REGULATION (EC) No 631/98
of 19 March 1998
concerning tenders notified in response to the invitation to tender for the export
of barley issued in Regulation (EC) No 1337/97

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1337/97 ⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC)

No 1766/92 and on the basis of the tenders notified, to make no award;

Whereas on the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund or a minimum tax should not be fixed;

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

No action shall be taken on the tenders notified from 13 to 19 March 1998 in response to the invitation to tender for the refund or the tax for the export of barley issued in Regulation (EC) No 1337/97.

Article 2

This Regulation shall enter into force on 20 March 1998.

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

Done at Brussels, 19 March 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 1.

COMMISSION REGULATION (EC) No 632/98
of 19 March 1998

**fixing the maximum export refund on rye in connection with the invitation to
tender issued in Regulation (EC) No 1338/97**

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1338/97 ⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

For tenders notified from 13 to 19 March 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1338/97, the maximum refund on exportation of rye shall be ECU 39,95 per tonne.

Article 2

This Regulation shall enter into force on 20 March 1998.

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

Done at Brussels, 19 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 4.

COMMISSION REGULATION (EC) No 633/98
of 19 March 1998

**fixing the maximum export refund on oats in connection with the invitation to
tender issued in Regulation (EC) No 1773/97**

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 1773/97 of 12 September 1997 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾, as last amended by Regulation (EC) No 547/98 ⁽⁶⁾, and in particular Article 8 thereof,

Whereas an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1773/97;

Whereas Article 8 of Regulation (EC) No 1773/97 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid

down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

For tenders notified from 13 to 19 March 1998, pursuant to the invitation to tender issued in Regulation (EC) No 1773/97, the maximum refund on exportation of oats shall be ECU 33,95 per tonne.

Article 2

This Regulation shall enter into force on 20 March 1998.

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

Done at Brussels, 19 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 250, 13. 9. 1997, p. 1.

⁽⁶⁾ OJ L 72, 11. 3. 1998, p. 11.

COMMISSION REGULATION (EC) No 634/98
of 19 March 1998
concerning tenders notified in response to the invitation to tender for the import
of maize issued in Regulation (EC) No 2506/97

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 12(1) thereof,

Whereas an invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 2506/97⁽³⁾;

Whereas Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as amended by Regulation (EC) No 1963/95⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award;

Whereas on the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed;

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

No action shall be taken on the tenders notified from 13 to 19 March 1998 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 2506/97.

Article 2

This Regulation shall enter into force on 20 March 1998.

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

Done at Brussels, 19 March 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 345, 16. 12. 1997, p. 28.

⁽⁴⁾ OJ L 177, 28. 7. 1995, p. 4.

⁽⁵⁾ OJ L 189, 10. 8. 1995, p. 22.

COMMISSION REGULATION (EC) No 635/98

of 19 March 1998

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, as amended by Regulation (EC) No 192/98⁽⁴⁾, and in particular Article 13 (3) thereof,

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

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

Whereas Article 4 of Commission Regulation (EC) No 1518/95⁽⁵⁾, as amended by Regulation (EC) No 2993/95⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽⁵⁾ OJ L 147, 30. 6. 1995, p. 55.

⁽⁶⁾ OJ L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 20 March 1998.

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

Done at Brussels, 19 March 1998.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 19 March 1998 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	28,39	1104 23 10 9100	30,42
1102 20 10 9400 ⁽¹⁾	24,34	1104 23 10 9300	23,32
1102 20 90 9200 ⁽¹⁾	24,34	1104 29 11 9000	7,24
1102 90 10 9100	9,20	1104 29 51 9000	7,10
1102 90 10 9900	6,25	1104 29 55 9000	7,10
1102 90 30 9100	33,77	1104 30 10 9000	1,78
1103 12 00 9100	33,77	1104 30 90 9000	5,07
1103 13 10 9100 ⁽¹⁾	36,50	1107 10 11 9000	12,64
1103 13 10 9300 ⁽¹⁾	28,39	1107 10 91 9000	10,91
1103 13 10 9500 ⁽¹⁾	24,34	1108 11 00 9200	14,20
1103 13 90 9100 ⁽¹⁾	24,34	1108 11 00 9300	14,20
1103 19 10 9000	29,79	1108 12 00 9200	32,45
1103 19 30 9100	9,50	1108 12 00 9300	32,45
1103 21 00 9000	7,24	1108 13 00 9200	32,45
1103 29 20 9000	6,25	1108 13 00 9300	32,45
1104 11 90 9100	9,20	1108 19 10 9200	33,44
1104 12 90 9100	37,52	1108 19 10 9300	33,44
1104 12 90 9300	30,02	1109 00 00 9100	0,00
1104 19 10 9000	7,24	1702 30 51 9000 ⁽²⁾	35,51
1104 19 50 9110	32,45	1702 30 59 9000 ⁽²⁾	27,18
1104 19 50 9130	26,36	1702 30 91 9000	35,51
1104 21 10 9100	9,20	1702 30 99 9000	27,18
1104 21 30 9100	9,20	1702 40 90 9000	27,18
1104 21 50 9100	12,26	1702 90 50 9100	35,51
1104 21 50 9300	9,81	1702 90 50 9900	27,18
1104 22 20 9100	30,02	1702 90 75 9000	37,21
1104 22 30 9100	31,89	1702 90 79 9000	25,82
		2106 90 55 9000	27,18

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

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

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

COMMISSION REGULATION (EC) No 636/98
of 19 March 1998
fixing the export refunds on cereal-based compound feedingstuffs

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

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

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

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

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

the quantity of cereal products present in the compound feedingstuff;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 20 March 1998.

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

Done at Brussels, 19 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 19 March 1998 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

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

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	20,28
Cereal products ⁽²⁾ excluding maize and maize products	6,62

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

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

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

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

COMMISSION REGULATION (EC) No 637/98**of 19 March 1998****fixing the export refunds on rice and broken rice**

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⁾, as amended by Regulation (EC) No 192/98 ⁽²⁾, and in particular the second subparagraph of Article 13 (3) thereof,

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

Whereas Article 13 (4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas export possibilities exist for a quantity of 2 000 tonnes of rice to certain destinations; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation

(EC) No 444/98 ⁽⁵⁾ should be used; whereas account should be taken of this when the refunds are fixed;

Whereas Article 13 (5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 March 1998.

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 154, 15. 6. 1976, p. 11.

⁽⁴⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁵⁾ OJ L 56, 26. 2. 1998, p. 12.

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

Done at Brussels, 19 March 1998.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 19 March 1998 fixing the export refunds on rice and broken rice

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
Product code	Destination ⁽¹⁾	Amount of refunds ⁽²⁾	Product code	Destination ⁽¹⁾	Amount of refunds ⁽²⁾
1006 20 11 9000	01	24,00	1006 30 65 9900	01	30,00
1006 20 13 9000	01	24,00		04	30,00
1006 20 15 9000	01	24,00	1006 30 67 9100	05	36,00
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	24,00	1006 30 92 9100	01	30,00
1006 20 94 9000	01	24,00		02	36,00
1006 20 96 9000	01	24,00		03	41,00
1006 20 98 9000	—	—		04	30,00
1006 30 21 9000	01	24,00	1006 30 92 9900	01	30,00
1006 30 23 9000	01	24,00		04	30,00
1006 30 25 9000	01	24,00		—	—
1006 30 27 9000	—	—	1006 30 94 9100	01	30,00
1006 30 42 9000	01	24,00		02	36,00
1006 30 44 9000	01	24,00		03	41,00
1006 30 46 9000	01	24,00		04	30,00
1006 30 48 9000	—	—	1006 30 94 9900	01	30,00
1006 30 61 9100	01	30,00		04	30,00
	02	36,00		—	—
	03	41,00	1006 30 96 9100	01	30,00
	04	30,00		02	36,00
1006 30 61 9900	01	30,00		03	41,00
	04	30,00		04	30,00
1006 30 63 9100	01	30,00	1006 30 96 9900	01	30,00
	02	36,00		04	30,00
	03	41,00		—	—
	04	30,00	1006 30 98 9100	05	36,00
1006 30 63 9900	01	30,00	1006 30 98 9900	—	—
	04	30,00		—	—
1006 30 65 9100	01	30,00	1006 40 00 9000	—	—
	02	36,00			
	03	41,00			
	04	30,00			

⁽¹⁾ The destinations are identified as follows:

- 01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Ceuta and Melilla,
- 03 Zones IV, V, VII (c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87,
- 05 Ceuta and Melilla.

⁽²⁾ Refunds fixed under the procedure laid down in Article 7(4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 2 000 tonnes.

NB: The zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

COMMISSION DIRECTIVE 98/17/EC
of 11 March 1998
amending Directive 92/76/EEC recognising protected zones exposed to particular
plant health risks in the Community

(Text with EEA relevance)

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

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Commission Directive 98/2/EC⁽²⁾, and in particular the first subparagraph of Article 2(1)(h) thereof,

Having regard to Commission Directive 92/76/EEC of 6 October 1992 recognising protected zones exposed to particular plant health risks in the Community⁽³⁾, as last amended by Directive 96/76/EC⁽⁴⁾,

Whereas within the meaning of Commission Directive 92/76/EEC certain zones in France, Ireland and Italy were provisionally recognised as 'protected zones' in respect of certain harmful organisms for a period expiring on 31 December 1997;

Whereas, from information supplied by Ireland and Italy and from the survey monitoring information gathered by Commission experts it appears that the provisional recognition of the protected zones for Ireland and Italy in respect of *Erwinia amylovora* (Burr.) Winsl. et al. should be extended for a further limited period to enable the responsible official bodies of Ireland and Italy to complete the information on the distribution of *Erwinia amylovora* and to complete their efforts for the eradication of this harmful organism in their respective countries;

Whereas, from information supplied by France and from the survey monitoring information gathered by Commission experts it became apparent that the provisional recognition of the protected zone for France in respect of beet necrotic yellow vein virus should be changed to a 'permanent' status and extended beyond 31 December 1997;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In the first subparagraph of Article 1 of Directive 92/76/EEC:

- (a) the text 'in the case of (b) 2 for Ireland and the region of Apulia in Italy the said zones are recognised until 31 December 1997' is replaced by 'in the case of (b) 2 for Ireland and the region of Apulia in Italy the said zones are recognised until 31 December 1998', and
- (b) the text 'and for France, the zone is recognised until 31 December 1997' is deleted.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive with effect from 15 March 1998. They shall immediately 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 procedure for such a reference shall be adopted by Member States.

2. Member States shall immediately communicate to the Commission the essential provisions of domestic law which they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 11 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ L 15, 21. 1. 1998, p. 34.

⁽³⁾ OJ L 305, 21. 10. 1992, p. 12.

⁽⁴⁾ OJ L 317, 6. 12. 1996, p. 20.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 March 1998

terminating the reinvestigation commenced pursuant to Article 12 of Council Regulation (EC) No 384/96 of the anti-dumping measures applicable to imports of microwave ovens originating in the Republic of Korea

(98/225/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as amended by Regulation (EC) No 2331/96⁽²⁾, and in particular Article 12 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Measures in force

- (1) In January 1996, the Council, by Regulation (EC) No 5/96⁽³⁾, imposed definitive anti-dumping duties on imports of microwave ovens (hereinafter referred to as 'MWOs') originating *inter alia* in the Republic of Korea.

2. Request for a review

- (2) On 5 December 1996, a request for a review, pursuant to Article 12 of Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation'), of the anti-dumping measures applicable to imports of MWOs originating in the Republic of Korea was lodged on behalf of: Cefemo (France),

acting on behalf of its two parent companies, namely AEG (Germany) and Brandt (France); Candy (Italy); DeLonghi (Italy); and Moulinex (France). The collective output of MWOs of these Community producers constituted a major proportion of the total Community production of that product within the meaning of Article 5(4) of the Basic Regulation.

- (3) In the request, it was alleged that the abovementioned anti-dumping measures concerning MWOs from the Republic of Korea had led to no movement, or insufficient movement, in resale prices or subsequent selling prices in the Community. To that end, the complainants submitted sufficient evidence on resale prices and subsequent selling prices before and after imposition of the anti-dumping duties.

B. REVIEW INVESTIGATION PURSUANT TO ARTICLE 12 OF THE BASIC REGULATION

1. Initiation of the investigation pursuant to Article 12

- (4) On 18 January 1997, the Commission announced by a notice published in the *Official Journal of the European Communities*⁽⁴⁾, the initiation of a review pursuant to Article 12 of the Basic Regulation of the anti-dumping measures applicable to imports of MWOs originating in the Republic of Korea, and commenced an investigation.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ L 2, 4. 1. 1996, p. 1.

⁽⁴⁾ OJ C 19, 18. 1. 1997, p. 3.

- (5) The Commission officially advised the producers/exporters known to be concerned, the representatives of the exporting country and the complainant Community producers, of the initiation of the review. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.
- (6) The Commission sent questionnaires to all exporters known to be concerned, namely, Samsung Electronics Co., Ltd (hereinafter referred to as 'SEC'), Daewoo Electronics Co., Ltd. (hereinafter referred to as 'DWE'), LG Electronics Inc. (hereinafter referred to as 'LGE'), and Korea Nisshin Co., Ltd. (hereinafter referred to as 'Nisshin'). The Commission received replies from DWE, SEC and their related importers as well as from LGE within the time limit set. LGE declared that it had not exported the product concerned to the Community during the investigation period of the review (hereinafter referred to as the 'IP').
- (7) Nisshin abstained from replying to the questionnaire. Consequently, in accordance with Article 18 of the Basic Regulation, Nisshin was considered to be a non-cooperating party and was informed accordingly. Findings for Nisshin were based on the best facts available.
- (8) The Commission carried out verification visits at the premises of the following companies:
- (a) *Producers/exporters in the Republic of Korea*
- Samsung Electronics Co., Ltd, Seoul,
 - Daewoo Electronics Co., Ltd, Seoul,
 - LG Electronics Inc., Seoul.
- (b) *Importers related to the producers/exporters*
- Samsung Electronics France,
 - Samsung Electronics United Kingdom,
 - Daewoo Electronics SA, France,
 - Daewoo Electronics Sales UK.
- (9) Questionnaires were also sent to independent importers known to have imported MWOs from the Republic of Korea so as to ascertain the resale prices and/or subsequent selling prices of the product concerned before and after the imposition of the anti-dumping duties. The following independent importers received questionnaires:
- Amfo Electronics BV, Netherlands,
 - Comet, United Kingdom,
 - Dixons, United Kingdom.
- However, none of these importers submitted information on their resale prices during the original investigation period (hereinafter referred to as 'OIP') and the IP.
- (10) Interested parties were informed of the essential facts and considerations on the basis of which the Commission intended that the anti-dumping measures in force should remain unchanged and that the investigation concerning the review should be terminated, and were given an opportunity to comment. The parties' oral and written comments were considered and, where appropriate, the findings have been changed accordingly.
- (11) The IP of the review investigation covers the period from 1 January to 31 December 1996. Information relating to the IP was used not only to determine the level of resale and subsequent selling prices after the imposition of anti-dumping measures but also to reassess export prices and to recalculate dumping margins.
- (12) In establishing whether or not resale and subsequent selling prices had moved sufficiently, the price levels pertaining to the IP were compared to the corresponding price levels during the OIP which had covered the period from 1 October 1992 to 30 September 1993.
- (13) Owing to the volume of the data gathered and examined, in particular in view of the high number of related importers and sales subsidiaries involved, the complexity of the analysis of the movement of the resale and subsequent selling prices, the numerous changes in the models exported in both investigation periods and the fact that normal values had to be re-examined, the investigation exceeded the normal period of six months provided for in Article 12(4) of the Basic Regulation.

2. Registration of imports

- (14) In their replies to the questionnaires, two Korean producers/exporters provided information on revised normal values pursuant to Article 12(5) of the Basic Regulation.
- (15) Accordingly, in April 1997, following receipt of the replies to the questionnaire, the Community industry submitted a request in accordance with Article 14(5) of the Basic Regulation so as to make imports into the Community of MWOs subject to registration. The request was based on the grounds that, since the re-examination of normal values could entail a longer reinvestigation period, it was necessary to register imports pending the outcome of the reinvestigation.
- (16) On 25 June 1997, having concluded that sufficient grounds existed, the Commission, after consultation of the Advisory Committee, adopted

Regulation (EC) No 1144/97⁽¹⁾ making imports of MWOs originating in the Republic of Korea subject to registration in order to ensure that, should the reinvestigation result in increased dumping, the amended anti-dumping measures could subsequently be applied against those imports from the date of such registration.

3. Product concerned

- (17) The product concerned by the request and for which the review was initiated is the same as in the original investigation, namely microwave ovens for domestic use, currently classifiable within CN code 8516 50 00.

4. Movement of resale prices in the Community

(a) *Determination of the resale prices before and after the imposition of anti-dumping measures*

- (18) In order to establish whether the measures had led to any movement or sufficient movement, the Commission sought information on resale prices and subsequent selling prices of MWOs in the Community before and after the imposition of anti-dumping measures.
- (19) In this connection, the two cooperating Korean producers/exporters, namely DWE and SEC, which had exported the product concerned to the Community during the IP, provided information on resale prices for certain MWO models considered comparable to those exported and resold in the Community during the OIP by their related importers.
- (20) Although information with regard to resale prices and/or subsequent selling prices was requested from independent importers known to have resold MWOs imported from the Republic of Korea before and after the imposition of anti-dumping measures, no such information was made available to the Commission. As a result, findings had to be made on the basis of the available information of the resale prices charged by the related importers.
- (21) In its determination of whether or not resale prices had moved sufficiently, the Commission established, on a model basis, a benchmark price which could have been expected following the imposition of the anti-dumping measures, by adding to the resale prices of MWOs per model during the OIP, the applicable amount of the anti-dumping duty. In establishing the benchmark price, any changes in the selling, general and administrative expenses (hereinafter referred to as 'SG&A') incurred by the related sales subsidiaries in the Community

between the OIP and the IP were taken into account.

(b) *Comparison*

- (22) The abovementioned benchmark prices were compared to the resale price of MWO models sold during the IP, which, although not identical to those sold in the OIP, were considered comparable in terms of their main characteristics.
- (23) The comparison revealed that, on a weighted average basis, the resale prices charged by DWE and SEC during the IP undercut the benchmark prices significantly.

(c) *Conclusion*

- (24) The Commission concluded that the resale prices had not moved sufficiently to reflect the adoption of the anti-dumping measures and, therefore, that a reassessment of export prices was warranted.
- (25) With regard to the above findings, one exporter argued that the decline in resale prices since the imposition of anti-dumping measures was mainly caused by changes in technology and consumer preferences in the Community leading to changes in the trading patterns and cost savings, which in their turn were reflected in significant changes of normal values which ought to be taken into account. To this end, both exporters had supplied complete information on revised normal values within the time limits set out by the Basic Regulation.
- (26) In the light of the above, having determined that a reassessment of export prices was warranted, the Commission proceeded to extend the scope of the investigation in accordance with Article 12(5) of the Basic Regulation in order to include in the re-examination the normal values of MWOs exported by DWE and SEC.
- (27) With regard to LGE, the investigation showed that no exports of MWOs had, indeed, been made to the Community during the IP. As a result, the Commission concluded that the reassessment of export prices was not appropriate for that company.

5. Reassessment of export prices

- (28) Pursuant to Article 12(2) of the Basic Regulation, the Commission reassessed export prices in accordance with Article 2(8) and (9) of that Regulation.
- (29) In cases where export sales were made direct to independent importers in the Community, export prices were determined on the basis of the prices paid or payable by these unrelated importers, in accordance with Article 2(8) of the Basic Regulation.

⁽¹⁾ OJ L 166, 25. 6. 1997, p. 1.

- (30) In accordance with the provisions of Article 2(9) of the Basic Regulation, where exports were made to companies related to the exporting producer and located in the Community export prices were constructed on the basis of the price at which the imported product was first resold to an independent buyer, with adjustments for all costs incurred between importation and resale, including anti-dumping duties paid and a reasonable margin for profit. In the absence of any new information that profitability in this business sector had changed, it was considered reasonable to retain the profit margin of 5 % used in the original investigation.
- (31) The SG&A expenses reported by the related importers were adjusted, when necessary, for costs related to MWO sales which were borne by the importer but paid by the producer/exporter, in accordance with Article 2(9) of the Basic Regulation.

6. Recalculation of dumping margins

(a) *Normal value*

- (32) In order to recalculate the dumping margins pursuant to Article 2(2) of the Basic Regulation, the Commission first established whether the total domestic sales of MWOs by each of the two producers/exporters concerned were representative as compared to their export sales to the Community. It was found that both companies had domestic sales volumes substantially in excess of their export sales to the Community.
- (33) Subsequently, it was examined whether each producer/exporter sold, on its domestic market, MWO models which were comparable to the exported models. It was found that several models were not comparable as they differed not only in their main characteristics, namely in capacity, functioning and operating system, but also in numerous other technical aspects. Since, for these models, no comparable models could be found by the other cooperating producer/exporter either, normal value had to be constructed for such models.
- (34) For the remaining models, the Commission considered, on a model-by-model basis, whether sales in the domestic market were made in sufficient quantities and in the ordinary course of trade, as far as price was concerned. It was found that both companies had certain models for which domestic sales volumes were below 5 % of the comparable export sales. Thus, for these models

normal value was also constructed in accordance with Article 2(3) of the Basic Regulation.

- (35) The Commission then turned to consider whether those other models which were sold domestically in sufficient quantities, were also sold in the ordinary course of trade. In this connection, the Commission used information on the cost of production provided by the company for each model sold domestically. For certain models sold on average at a loss, normal values also had to be constructed. For other models sold on average above unit cost, normal value was established on the basis of the weighted average selling price of only the profitable sales, as these sales ranged between 80 % and 10 % of the total sales volume of the relevant model concerned.
- (36) In constructing the normal value, each producer's/exporter's manufacturing cost for the MWO models exported to the Community, plus each producer's/exporter's SG&A expenses as incurred for all sales of the like product on the domestic market, and a reasonable margin for profit, were taken into account. The margin of profit was established on the basis of all MWO models which were sold profitably and in representative quantities by each producer on the domestic market.

Finally, in establishing normal value for the comparable MWO models sold domestically in sufficient quantities and in the ordinary course of trade, the weighted average domestic prices of each of the models were used.

(b) *Comparison*

- (37) The weighted average normal value by model, as determined above, was compared at an ex-factory level with the export price on a weighted average basis.
- (38) For the purpose of ensuring a fair comparison, due allowance in the form of adjustments was made for differences affecting price comparability. Those allowances which were claimed and demonstrated to affect price comparability were granted in accordance with Article 2(10) of the Basic Regulation. Thus, adjustments were made in respect of physical characteristics, import charges and indirect taxes, rebates, transport and other related costs, credit, after-sales costs as well as for differences in level of trade.

- (i) Cooperating producers/exporters
- (39) As far as the cooperating producers/exporters were concerned, the comparison between the re-examined normal values and the reassessed export prices did not reveal any increased dumping margins for either company as compared with those found in the initial investigation.
- (ii) Non-cooperating producers/exporters
- (40) In the case of Nisshin and any other Korean exporting producer which either failed to reply to the questionnaire or did not make itself known, findings were to be made on the basis of the facts available, pursuant to Article 18 of the Basic Regulation.
- (41) In this respect, however, it was found that the export volume to the Community during the IP reported by SEC and DWE covered the totality of the imports of MWOs from the Republic of Korea as recorded by Eurostat. In those circumstances, the recalculation of dumping margins for the non-cooperating producers/exporters did not appear necessary.

C. TERMINATION OF THE INVESTIGATION

- (42) Since the comparison of reassessed export prices and re-examined normal values has not shown any

increased dumping margins, the review investigation should be terminated without changing the anti-dumping measures in force, in accordance with Article 12 of the Basic Regulation.

- (43) The Advisory Committee has been consulted.
- (44) In the light of the above, the Commission, in accordance with Article 12 of the Basic Regulation, concludes that the anti-dumping measures in force should remain unchanged and that the reinvestigation pursuant to Article 12 should be terminated,

HAS DECIDED AS FOLLOWS:

Sole Article

The reinvestigation concerning imports of microwave ovens falling within CN code 8516 50 00 and originating in the Republic of Korea is hereby terminated.

Done at Brussels, 19 March 1998.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION DECISION

of 19 March 1998

amending Decision 97/216/EC concerning certain protection measures relating to classical swine fever in the Netherlands

(Text with EEA relevance)

(98/226/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and, in particular, Article 10, paragraph 4 thereof,

Whereas outbreaks of classical swine fever have occurred in the Netherlands;

Whereas in view of the trade in live pigs, semen, embryos and ova, these outbreaks are liable to endanger the herds of other Member States;

Whereas the Netherlands have taken measures within the framework of Council Directive 80/217/EEC of 22 January 1980, introducing Community measures for the control of classical swine fever⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden;

Whereas, as a result of the disease situation the Commission adopted Decision 97/216/EC of 26 March 1997⁽⁴⁾, concerning protection measures relating to classical swine fever in the Netherlands and repealing Commission Decision 97/122/EC;

Whereas in the light of the evolution of the disease it is necessary to amend the measures adopted by Decision 97/216/EC;

Whereas, since it is possible to identify geographically areas which present a particular risk, the restrictions on trade can apply on a regional basis;

Whereas Dutch authorities have already adopted specific provisions for the trade of live pigs from some areas of

their territory to the rest of the Netherlands in order to avoid further spread of classical swine fever;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The Netherlands shall not send pigs to other Member States unless the pigs come from an area outside the area described in the Annex.
2. Pigs sent from the area outside the area described in the Annex to other Member States shall be directly sent from the holding of origin to the place, holding or slaughterhouse of destination.
3. Pigs for breeding and production sent from the area outside the area described in the Annex to other Member States shall come from holdings where no live pigs have been introduced during the 30-day period immediately prior to the dispatch of the pigs in question.
4. Movements of pigs coming from areas outside the area described in the Annex to other Member States shall only be allowed following three days advance notification to the central and local veterinary authorities in the Member State of destination and dispatched by the local competent veterinary authority.
5. The Netherlands shall not send pigs from the area described in the Annex to other parts of its territory.

Article 2

The Netherlands shall not send to other Member States porcine semen unless the semen originates from boars kept at a collection centre referred to in Article 3(a) of Council Directive 90/429/EEC⁽⁵⁾ and situated outside the area described in the Annex.

⁽¹⁾ OJ L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ L 87, 2. 4. 1997, p. 24.

⁽⁵⁾ OJ L 224, 18. 8. 1990, p. 62.

Article 3

1. The Health certificate provided for in Council Directive 64/432/EEC⁽¹⁾ accompanying pigs sent from the Netherlands must be completed by the following:

‘Animals in accordance with Commission Decision 98/226/EC of 19 March 1998 amending Decision 97/216/EC concerning certain protection measures relating to Classical Swine Fever in the Netherlands’.

2. The Health certificate provided for in Council Directive 90/429/EEC accompanying boar semen sent from the Netherlands must be completed by the following:

‘Semen in accordance with Commission Decision 98/226/EC of 19 March 1998 amending Decision 97/216/EC concerning certain protection measures relating to Classical Swine Fever in the Netherlands’.

Article 4

1. The Netherlands shall ensure that vehicles transporting pigs from areas outside the area described in the Annex to other Member States shall not transit through the area described in the Annex.

2. The Netherlands shall ensure that vehicles which have been used for the transport of pigs are cleaned and disinfected after each operation and the transporter shall furnish proof of such disinfection.

Article 5

Article 1 of Commission Decision 97/216/EC is hereby repealed.

Article 6

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 121, 29. 7. 1964, p. 1977/64.

ANNEX

The territory of the Netherlands situated inside:

- the Dutch-German border between the crosspoint of the Bijland Kanaal with the border at the municipality of Millingen aan de Rijn and the Drielandenpunt at the village of Vaals;
 - the Dutch-Belgian border between Vaals and the Schelde-Rijnkanaal;
 - the Schelde-Rijnkanaal in direction North, crossing the motorway A 58, until it joins the river Volkerak;
 - the river Volkerak, until it crosses the crosspoint Hellegatsplein and joins the river Hollands Diep, until it crosses the motorway A 16 and joins the river Nieuwe Merwede which passes into the river Waal;
 - the river Waal, crossing the motorway A 27 at Gorinchem, the motorway A 2 at Zaltbommel and the motorway A 325 at Nijmegen until the Dutch-German border at the municipality of Millingen aan de Rijn.
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