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Legislation

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⁽¹⁾ Text with EEA relevance

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

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(¹) Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 638/98
of 20 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 21 March 1998.

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

Done at Brussels, 20 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 20 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 | 50,9 |
| | 212 | 108,7 |
| | 624 | 169,7 |
| | 999 | 109,8 |
| 0709 10 00 | 220 | 166,5 |
| | 999 | 166,5 |
| 0709 90 70 | 052 | 109,1 |
| | 204 | 102,9 |
| | 624 | 209,3 |
| | 999 | 140,4 |
| 0805 10 10, 0805 10 30, 0805 10 50 | 052 | 36,5 |
| | 204 | 35,2 |
| | 212 | 42,3 |
| | 600 | 51,2 |
| | 624 | 48,6 |
| | 999 | 42,8 |
| 0805 30 10 | 600 | 70,0 |
| | 999 | 70,0 |
| 0808 10 20, 0808 10 50, 0808 10 90 | 052 | 42,5 |
| | 060 | 40,4 |
| | 388 | 111,1 |
| | 400 | 96,8 |
| | 404 | 93,4 |
| | 508 | 101,9 |
| | 512 | 98,5 |
| | 524 | 95,2 |
| | 528 | 92,7 |
| | 720 | 72,9 |
| | 999 | 84,5 |
| | 0808 20 50 | 052 |
| 388 | | 68,2 |
| 400 | | 102,2 |
| 512 | | 79,5 |
| 528 | | 80,2 |
| 720 | | 65,9 |
| 999 | | 88,9 |

⁽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 639/98**of 20 March 1998****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2097/97**

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 Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2097/97 ⁽³⁾;

Whereas, Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2097/97 is hereby fixed on the basis of the tenders submitted from 16 to 19 March 1998 at ECU 292,00 per tonne.

Article 2

This Regulation shall enter into force on 21 March 1998.

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

Done at Brussels, 20 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 292, 25. 10. 1997, p. 22.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 640/98

of 20 March 1998

fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2098/97

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 Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2098/97 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2098/97 is hereby fixed on the basis of the tenders submitted from 16 to 19 March 1998 at ECU 62,00 per tonne.

Article 2

This Regulation shall enter into force on 21 March 1998.

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

Done at Brussels, 20 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 292, 25. 10. 1997, p. 25.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 641/98

of 20 March 1998

fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2095/97

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 Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2095/97 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2095/97 is hereby fixed on the basis of the tenders submitted from 16 to 19 March 1998 at ECU 87,00 per tonne.

Article 2

This Regulation shall enter into force on 21 March 1998.

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

Done at Brussels, 20 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 292, 25. 10. 1997, p. 16.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 642/98

of 20 March 1998

fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 2096/97

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 Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2096/97 ⁽³⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽⁴⁾, as last amended by Regulation (EC) No 299/95 ⁽⁵⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice 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

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2096/97 is hereby fixed on the basis of the tenders submitted from 16 to 19 March 1998 at ECU 46,00 per tonne.

Article 2

This Regulation shall enter into force on 21 March 1998.

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

Done at Brussels, 20 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 292, 25. 10. 1997, p. 19.

⁽⁴⁾ OJ L 61, 7. 3. 1975, p. 25.

⁽⁵⁾ OJ L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 643/98

of 20 March 1998

concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2094/97

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 Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽³⁾, and in particular Article 9 (1) thereof,

Whereas Commission Regulation (EC) No 2094/97 ⁽⁴⁾ opens an invitation to tender for the subsidy on rice exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy 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 submitted from 16 to 19 March 1998 in response to the invitation to tender referred to in Regulation (EC) No 2094/97 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1 006 20 98.

Article 2

This Regulation shall enter into force on 21 March 1998.

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

Done at Brussels, 20 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 20, 27. 1. 1998, p. 16.

⁽³⁾ OJ L 29, 7. 9. 1989, p. 8.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 14.

COMMISSION REGULATION (EC) No 644/98

of 20 March 1998

supplementing the Annex to Regulation (EC) No 1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92

(Text with EEA relevance)

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

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, as last amended by Commission Regulation (EC) No 1068/97⁽²⁾, and in particular Article 17(2) thereof,

Whereas, for certain names notified by the Member States pursuant to Article 17 of Regulation (EEC) No 2081/92, additional information was requested in order to ensure that they complied with Articles 2 and 4 of that Regulation; whereas that additional information shows that the names comply with the said Articles; whereas they should therefore be registered and added to the Annex to Commission Regulation (EC) No 1107/96⁽³⁾, as last amended by Regulation (EC) No 134/98⁽⁴⁾;

Whereas, following the accession of three new Member States, the six-month period provided for in Article 17 of

Regulation (EEC) No 2081/92 is to begin on the date of their accession; whereas some of the names notified by those Member States comply with Articles 2 and 4 of that Regulation and should therefore be registered;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Regulatory Committee on Geographical Indications and Designations of Origin,

HAS ADOPTED THIS REGULATION:

Article 1

The names in the Annex to this Regulation are hereby added to the Annex to Regulation (EC) No 1107/96.

Article 2

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

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

Done at Brussels, 20 March 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24. 7. 1992, p. 1.

⁽²⁾ OJ L 156, 13. 6. 1997, p. 10.

⁽³⁾ OJ L 148, 21. 6. 1996, p. 1.

⁽⁴⁾ OJ L 15, 21. 1. 1998, p. 6.

*ANNEX***A. PRODUCTS INTENDED FOR HUMAN CONSUMPTION LISTED IN ANNEX II TO THE TREATY****Fresh meat (and offal)**

GERMANY

- Schwäbisch-Hällisches Qualitätsschweinefleisch (PGI)

Meat-based products

ITALY

- Greußener Salami (PGI)

Oils and fats*Olive oil*

ITALY

- Toscano (PGI)
- Terra d'Otranto (PDO)

B. FOODSTUFFS LISTED IN ANNEX I TO REGULATION (EEC) No 2081/92**Beer**

GERMANY

- Gögginger Bier (PGI)
 - Reuther Bier (PGI)
 - Wernesgrüner Bier (PGI)
-

COMMISSION REGULATION (EC) No 645/98

of 20 March 1998

on the issuing of import licences for bananas under the tariff quota for the second quarter of 1998 and on the submission of new applications

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas Commission Regulation (EEC) No 1442/93 ⁽³⁾, as last amended by Regulation (EC) No 1409/96 ⁽⁴⁾, lays down detailed rules for the application of the arrangements for importing bananas into the Community; whereas Commission Regulation (EC) No 478/95 ⁽⁵⁾, as amended by Regulation (EC) No 702/95 ⁽⁶⁾, lays down additional rules for the application of the tariff quota arrangements laid down in Articles 18 and 19 of Regulation (EEC) No 404/93;

Whereas Article 9(3) of Regulation (EEC) No 1442/93 lays down that, where, in the case of a given quarter and a given origin, for a country or group of countries referred to in Annex I to Regulation (EC) No 478/95, the quantities covered by import licence applications from one or more of the categories of operators appreciably exceed the indicative quantity fixed, a reduction percentage to be applied to applications shall be set; whereas, however, that provision does not apply to category C licence applications nor to category A and B applications relating to a quantity of 150 tonnes or less, provided that the total quantity covered by the category A and B applications does not exceed, for a given origin, 15 % of the total of the quantities applied for;

Whereas, pursuant to Article 9(1) of Regulation (EEC) No 1442/93, the indicative quantities for import under the tariff quota are laid down for the second quarter of 1998 in Commission Regulation (EC) No 442/98 ⁽⁷⁾;

Whereas in the case of the quantities covered by licence applications that are either less than or not significantly more than the indicative quantities fixed for the quarter in question, licences are issued for the quantities applied for; whereas, however, for certain origins, the quantities applied for considerably exceed the indicative quantities or the percentages set out in the Annex to Regulation (EC) No 478/95; whereas, therefore, a reduction percentage should be set to be applied under the aforementioned conditions to licence applications for the origin or origins involved and category of licence in question;

Whereas, the maximum quantity for which licence applications may still be submitted should be set taking account of the indicative quantities fixed by Regulation (EC) No 442/98 and the applications accepted at the end of the application period;

Whereas this Regulation should apply immediately to permit licences to be issued as quickly as possible;

Whereas the Management Committee for Bananas has not issued an opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be issued under the tariff quota for the import of bananas, provided for in Articles 18 and 19 of Regulation (EEC) No 404/93, for the second quarter of 1998:

1. for the quantity indicated in the licence application:

- (a) multiplied, in the case of the origin 'Costa Rica', by the reduction coefficient of 0,6418 for category B licence applications, excluding applications relating to a quantity of 150 tonnes or less;

⁽¹⁾ OJ L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ L 181, 20. 7. 1996, p. 13.

⁽⁵⁾ OJ L 49, 4. 3. 1995, p. 13.

⁽⁶⁾ OJ L 71, 31. 3. 1995, p. 84.

⁽⁷⁾ OJ L 56, 26. 2. 1998, p. 8.

- (b) multiplied, in the case of the origin 'Others', by the reduction coefficient of 0,5652 for category A and B licence applications, excluding applications relating to a quantity of 150 tonnes or less;
- (c) multiplied, in the case of the origin 'Colombia', by the reduction coefficient of 0,7077 for category B licence applications, excluding applications relating to a quantity of 150 tonnes or less;
2. for the quantity indicated in the licence application, in the case of an origin other than those referred to in point 1 above;

3. for the quantity indicated in the application, in the case of category C licences.

Article 2

The quantities for which licence applications may still be lodged in respect of the second quarter of 1998 are laid down in the Annex hereto.

Article 3

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

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

Done at Brussels, 20 March 1998.

For the Commission
 Franz FISCHLER
 Member of the Commission

ANNEX

| | <i>(in tonnes)</i> |
|--------------------|--|
| | Quantities available for new requests |
| COLOMBIA | |
| — Category A | 87 391,432 |
| COSTA RICA | |
| — Category A | 76 308,315 |
| NICARAGUA | |
| — Category A | 15 708,000 |
| — Category B | 6 732,000 |
| VENEZUELA | 13 429,838 |
| DOMINICAN REPUBLIC | 15 312,706 |
| BELIZE | 5 100,000 |
| CAMEROON | 2 550,000 |
| CÔTE D'IVOIRE | 2 096,329 |
| Other ACP | 1 473,351 |

COMMISSION REGULATION (EC) No 646/98
of 20 March 1998
amending representative prices and additional duties for the import of certain
products in the sugar sector

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

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 1143/97 ⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1222/97 ⁽⁵⁾, as last amended by Regulation (EC) No 620/98 ⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 21 March 1998.

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

Done at Brussels, 20 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.

⁽⁵⁾ OJ L 173, 1. 7. 1997, p. 3.

⁽⁶⁾ OJ L 82, 19. 3. 1998, p. 39.

ANNEX

to the Commission Regulation of 20 March 1998 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

| CN code | Amount of representative prices per 100 kg net of product concerned | Amount of additional duty per 100 kg net of product concerned |
|---------------------------|---|---|
| 1701 11 10 ⁽¹⁾ | 22,48 | 5,06 |
| 1701 11 90 ⁽¹⁾ | 22,48 | 10,29 |
| 1701 12 10 ⁽¹⁾ | 22,48 | 4,87 |
| 1701 12 90 ⁽¹⁾ | 22,48 | 9,86 |
| 1701 91 00 ⁽²⁾ | 24,63 | 13,17 |
| 1701 99 10 ⁽²⁾ | 24,63 | 8,40 |
| 1701 99 90 ⁽²⁾ | 24,63 | 8,40 |
| 1702 90 99 ⁽³⁾ | 0,25 | 0,40 |

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

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

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 16 March 1998

amending Decisions 95/409/EC, 95/410/EC and 95/411/EC concerning the methods to be used for microbiological testing to be undertaken on meat intended for Finland and Sweden

(98/227/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

Having regard to Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat ⁽¹⁾ and in particular Article 5(3)(a),

Having regard to Council Directive 71/118/EEC of 15 February 1971 on health problems affecting the production and placing on the market of fresh poultrymeat ⁽²⁾ and in particular Article 5(3)(a),

Having regard to Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and exports from third countries, of poultry and hatching eggs ⁽³⁾ and in particular Article 10b(1),

Whereas the Scientific Veterinary Committee in its report of 3 June 1996 has given an opinion concerning microbiological testing methods offering equivalent guarantees and whereas account should be taken of it;

Whereas it is therefore appropriate to amend Decisions 95/409/EC ⁽⁴⁾, 95/410/EC ⁽⁵⁾ and 95/411/EC ⁽⁶⁾ laying down microbiological testing by sampling for certain meat intended for Finland and Sweden, in order to introduce the possibility, firstly, of using the microbiological method offering equivalent guarantees proposed in the opinion and, secondly, of authorizing new methods offering equivalent guarantees;

⁽¹⁾ OJ L 121, 29. 7. 1964, p. 2012/64. Directive as amended by Directive 95/23/EC (OJ L 243, 11. 10. 1995, p. 7).

⁽²⁾ OJ L 55, 8. 3. 1971, p. 23. Directive as amended by Directive 96/23/EC (OJ L 125, 23. 5. 1996, p. 10).

⁽³⁾ OJ L 303, 31. 10. 1990, p. 6. Directive as amended by the 1994 Act of Accession.

⁽⁴⁾ OJ L 243, 11. 10. 1995, p. 21.

⁽⁵⁾ OJ L 243, 11. 10. 1995, p. 25.

⁽⁶⁾ OJ L 243, 11. 10. 1995, p. 29.

Whereas for the authorisation of new methods offering equivalent guarantees, it is appropriate to provide for a procedure of close cooperation between the Commission and the Member States analogous to those set out in Article 16 of Directive 64/433/EEC or in Article 21 of Directive 71/118/EEC or in Article 32 of Directive 90/539/EEC,

HAS ADOPTED THIS DECISION:

Article 1

In the Annex to Decision 95/409/EC, Section C shall be replaced by the following:

‘SECTION C

MICROBIOLOGICAL METHOD FOR THE EXAMINATION OF THE SAMPLES

Microbiological testing of the samples for salmonella should be carried out to the standard of the International Organisation for Standardisation ISO 6579: 1993 or revised editions, or by the method described by the Nordic Committee on Food Analysis (NMKL method No 71, fourth edition, 1991) or revised editions. However, methods offering equivalent guarantees may be authorised in accordance with the procedure laid down in Article 16 of Directive 64/433/EEC.

Where the results of analysis are contested between Member States, the standard of the International Organisation for Standardisation ISO 6579: 1993 or revised editions should be regarded as the reference method.’

Article 2

In Annex A to Decision 95/410/EC, point 3 shall be replaced by the following point:

‘3. Microbiological method for the examination of the samples

Microbiological testing of the sample for salmonella should be carried out to the standard of the International Organisation for Standardisation ISO 6579: 1993 or revised editions, or by the method described by the Nordic Committee on Food Analysis (NMKL method No 71, fourth edition, 1991) or revised editions. However, methods offering equivalent guarantees may be authorised in accordance with the procedure laid down in Article 32 of Directive 90/539/EEC.

Where the results of analysis are contested between Member States, the standard of the International Organisation for Standardisation ISO 6579: 1993 or revised editions should be regarded as the reference method.’

Article 3

In the Annex to Decision 95/411/EC Section C shall be replaced by the following:

‘SECTION C

MICROBIOLOGICAL METHOD FOR THE EXAMINATION OF THE SAMPLES

Microbiological testing of the samples for salmonella should be carried out to the standard of the International Organisation for Standardisation ISO 6579: 1993 or revised editions, or by the method described by the Nordic Committee on Food Analysis (NMKL method No 71, fourth edition, 1991) or revised editions. However, methods offering equivalent guarantees may be authorised in accordance with the procedure laid down in Article 21 of Directive 71/118/EEC.

Where the results of analysis are contested between Member States, the standard of the International Organisation for Standardisation ISO 6579: 1993 or revised editions should be regarded as the reference method.’

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 16 March 1998.

For the Council

The President

J. CUNNINGHAM

RULES OF PROCEDURE OF THE COOPERATION COUNCIL
between the European Communities and their Member States, of the one part,
and the Russian Federation, of the other part,
as established on 27 January 1998

(98/228/EC)

THE COOPERATION COUNCIL,

Having regard to the Agreement on Partnership and Cooperation establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, signed at Corfu on 24 June 1994, hereinafter referred to as 'the Agreement', and in particular Articles 90 to 93 thereof⁽¹⁾,

Having regard to the Protocol to the Agreement, signed in Brussels on 21 May 1997,

Whereas the Agreement entered into force on 1 December 1997,

HAS ESTABLISHED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Presidency

The Cooperation Council shall be presided over alternately for periods of 12 months by a member of the Council of the European Union, on behalf of the Communities and their Member States, and a member of the Government of the Russian Federation. However, the first period shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year.

Article 2

Meetings

The Cooperation Council shall meet regularly at ministerial level once a year. At the request of either Party, special sessions of the Cooperation Council may be held if the Parties so agree.

The meetings of the Cooperation Council, as agreed by the Parties, are convened jointly by the Secretaries.

Article 3

Members and their representation in the Cooperation Council

Members of the Cooperation Council as defined in Article 91 of the Agreement may be represented by a designated minister or official if they are prevented from attending.

The official should normally be the Head of the Mission of the Russian Federation to the European Communities,

or the Head of the Permanent Representation to the EU or a senior official.

In all other cases, a member wishing to be represented shall notify the Chairman of the name of his representative before the meeting at which he is to be so represented.

The representative of a member of the Cooperation Council shall exercise all the rights of that member.

Article 4

Delegations

The members of the Cooperation Council may be accompanied by officials.

Before each meeting, the Chairman shall be informed of the intended composition and of the head of the delegation of each Party.

The Cooperation Council may invite other persons to attend its meetings in order to provide information on particular subjects.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official appointed by the Russian Federation shall act jointly as Secretaries of the Cooperation Council.

Article 6

Documents

When the deliberations of the Cooperation Council are based on written supporting documents, such documents shall be numbered and circulated as documents of the Cooperation Council by the two Secretaries.

Article 7

Correspondence

All communications addressed to the Cooperation Council or to the Chairman of the Cooperation Council shall be forwarded to both Secretaries of the Cooperation Council.

The two Secretaries shall ensure that correspondence is forwarded to the Chairman of the Cooperation Council and, where appropriate, circulated as documents referred

⁽¹⁾ OJ L 327, 28. 11. 1997, p. 1.

to in Article 6 to other members of the Cooperation Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the Permanent Representations of the EU Member States and the Mission of the Russian Federation in Brussels.

Communications from the Chairman of the Cooperation Council shall be sent to the recipients by the respective Secretary and, where appropriate, circulated as documents referred to in Article 6 to the other members of the Cooperation Council at the addresses indicated in the preceding paragraph.

Article 8

Agenda for the meetings

1. A provisional agenda for each meeting shall be agreed with the two Parties. It shall be forwarded to the addressees referred to in Article 7 not later than 15 days before the beginning of the meeting by the respective Secretary.

The provisional agenda shall include the items in respect of which a request for inclusion in the agenda has been received by either of the two Secretaries not later than 21 days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been received by the Secretaries not later than the date of dispatch of the agenda.

The agenda shall be adopted by the Cooperation Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda only if the two Parties so agree.

2. In agreement with the Parties, the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

Article 9

Minutes

Draft minutes of each meeting shall be drawn up jointly by the Secretaries in two authentic copies.

The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Cooperation Council,
- statements the entry of which has been requested by a member of the Cooperation Council,
- the recommendations made, the statements agreed upon and the conclusions adopted on specific items.

The minutes shall also include a list of members of the Cooperation Council or their representatives who participated at the meeting.

The draft minutes shall be submitted not later than one month after each meeting to the Cooperation Council for approval. When approved, two authentic copies of the

minutes shall be signed by the two Secretaries and be filed by the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 7 above.

Article 10

Recommendations

1. The Cooperation Council shall make its recommendations by common agreement between the Parties.

During the inter-sessional period the Cooperation Council may make recommendations or approve minutes by written procedure if Parties so agree. A written procedure consists of an official exchange of letters between the two Secretaries, acting in agreement with the Parties.

2. The recommendations of the Cooperation Council within the meaning of Article 90 of the Agreement shall be entitled 'recommendation', followed by a serial number, by the date of their adoption and by a general description of their subject.

The recommendations of the Cooperation Council shall be authenticated by the two Secretaries and two authentic copies signed by Heads of delegation of the two Parties.

Recommendations shall be forwarded to each of the addressees referred to in Article 7 above as documents of the Cooperation Council.

Article 11

Publicity

Unless otherwise decided, the meetings of the Cooperation Council shall not be public.

Each Party may decide on the publication of the recommendations of the Cooperation Council in its respective official publication.

Article 12

Languages

The official languages of the Cooperation Council shall be the official languages of the Parties.

The Cooperation Council shall normally base its deliberations on documentation prepared in these languages.

Article 13

Expenses

The European Communities and the Russian Federation shall each bear their expenses incurred by reason of their participation in the meetings of the Cooperation Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpretation at meetings and translation of documents shall be borne by the European Communities, with the exception of expenditure in connection with interpretation or translation from one of the official languages of the European Communities into Russian which shall be borne by the Russian Federation.

Other expenditure relating to the material organisation of the meetings, including expenditure in connection with reproduction of those documents circulated at the meetings, shall be borne by the Party which hosts the meeting.

Article 14

Cooperation Committee

1. The Cooperation Committee is hereby established in accordance with Article 92 of the Agreement in order to assist the Cooperation Council in carrying out its duties. It shall be composed of representatives of the

Commission of the European Communities and of representatives of the members of the Council of the European Union on the one hand, and of representatives of the Government of the Russian Federation on the other, normally at senior civil servant level.

2. The Cooperation Committee shall prepare the meetings and the deliberations of the Cooperation Council, monitor the implementation of the recommendations of the Cooperation Council where appropriate and, in general, ensure continuity of the Partnership and the proper functioning of the Agreement. It shall submit any proposals or draft recommendations for adoption to the Cooperation Council.

3. Consultations referred to in Articles 16, 17 and 53 as well as in Annex 2 of the Agreement shall take place within the Cooperation Committee. The consultations may continue in the Cooperation Council if the Parties agree.

4. The rules of procedure of the Cooperation Committee are annexed to the present rules of procedure.

ANNEX

RULES OF PROCEDURE OF THE COOPERATION COMMITTEE

*Article 1***Presidency**

The Cooperation Committee shall be presided over alternately for periods of 12 months by a representative of the Commission of the European Communities, on behalf of the Communities and their Member States, and a representative of the Government of the Russian Federation. The first period shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year. For that period and thereafter for each 12-month period, the Cooperation Committee shall be chaired by the Party which holds the Presidency of the Cooperation Council.

*Article 2***Meetings**

The Cooperation Committee shall meet once a year and when circumstances require with the agreement of the Parties.

Each meeting of the Cooperation Committee shall be held at a time and place agreed by the Parties.

The meetings of the Cooperation Committee are jointly convened by the two Secretaries.

*Article 3***Delegations**

Before each meeting, the President shall be informed of the intended composition of the delegation of each Party.

*Article 4***Secretariat**

An official of the Commission of the European Communities and an official of the Government of the Russian Federation shall act jointly as Secretaries of the Cooperation Committee.

All communications to and from the President of the Cooperation Committee provided for in this Annex shall be forwarded to the Secretaries of the Cooperation Committee and to the Secretaries of the Cooperation Council and to the President of the Cooperation Council.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Cooperation Committee shall not be public.

*Article 6***Agenda for the meetings**

1. A provisional agenda for each meeting shall be drawn up by the Secretaries of the Cooperation Committee. It shall be forwarded to the addressees referred to in Article 4 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion in the agenda not later than 21 days before the beginning of the meeting, save that items shall not be written into the provisional agenda unless the supporting documentation has been received by the Secretaries not later than the date of dispatch of the agenda.

The agenda shall be adopted by the Cooperation Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. In agreement with the Parties the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

3. The Cooperation Committee may ask experts to attend its meetings in order to provide information on particular subjects.

*Article 7***Minutes**

Minutes shall be taken for each meeting. Minutes shall sum up the conclusions arrived at by the Cooperation Committee.

Upon adoption by the Cooperation Committee, the minutes shall be signed by the President and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4 of the present Annex.

*Article 8***Recommendations**

The Cooperation Committee shall not make recommendations except in the specific cases where it is empowered by the Cooperation Council under Article 92.2 of the Agreement. In such cases, these acts shall be entitled 'recommendation', followed by a serial number, by the date of their adoption and by description of their subject. Recommendations shall be made by common agreement between the Parties.

Recommendations of the Cooperation Committee shall be forwarded to the addressees referred to in Article 4 of the present Annex. The Cooperation Committee may decide on the publication of such recommendations.

The recommendations of the Cooperation Committee shall be signed by the President and the Secretaries.

Article 9

Expenses

The Community and the Russian Federation shall each bear their expenses incurred by reason of their participation in the meetings of the Cooperation Committee and of its subcommittees and working groups, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpretation at meetings and translation of documents shall be borne by the European Communities, with the exception of expenditure in connection with interpretation or translation from one of the official languages of the European

Communities into Russian which shall be borne by the Russian Federation.

Other expenditure relating to the material organisation of the meetings, including expenditure in connection with reproduction of those documents circulated at the meetings, shall be borne by the Party which hosts the meeting.

Article 10

Subcommittees and working groups

The Cooperation Committee may set up subcommittees and working groups to assist it in carrying out its duties. They shall be considered to work under the authority of the Cooperation Committee, to which they shall report after each one of their meetings. Subcommittees and working groups shall not make recommendations.

The Cooperation Committee may modify the terms of reference of any subcommittees or working groups, or eliminate any of them, or set up further subcommittees or working groups.

COMMISSION

COMMISSION DECISION

of 20 March 1998

terminating the anti-dumping proceeding concerning imports of tungsten ores and concentrates originating in the People's Republic of China

(98/229/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 Articles 9 and 11 thereof,

After consulting the Advisory Committee,

Whereas:

considered sufficient to justify the initiation of an anti-dumping review.

- (3) On 21 September 1995, the Commission announced, by a Notice published in the *Official Journal of the European Communities*⁽⁶⁾, the initiation of a review of Regulation (EEC) No 2735/90 and commenced an investigation pursuant to Article 11(2) of Council Regulation (EC) No 3283/94⁽⁷⁾, which was replaced during the investigation by Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation').

A. PROCEDURE

1. Measures in force

- (1) By Regulation (EEC) No 2735/90⁽³⁾, as amended by Regulation (EC) No 610/95⁽⁴⁾, the Council imposed a definitive anti-dumping duty on imports of tungsten ores and concentrates originating in the People's Republic of China falling within CN code 2611 00 00.

2. Request for a review

- (2) Following the publication in February 1995 of a Notice of the impending expiry⁽⁵⁾ of the measures in force, the Commission received in June 1995 a request for a review lodged by Eurométaux, on behalf of the totality of Community producers of the product concerned. The request contained evidence that the expiry of the anti-dumping measures would be likely to result in a continuation or recurrence of dumping and injury which was

3. Investigation

- (4) The Commission officially advised the producers/exporters and importers known to be concerned, the representatives of the exporting country and the Community producers of the initiation of the review, and gave the parties concerned the opportunity to make their views known in writing and to request a hearing within the time-limit set in the Notice referred to in recital 3.
- (5) The present review exceeded the period of one year within which it should normally have been concluded pursuant to Article 11(5) of the Basic Regulation, since two other reviews concerning tungsten products, namely tungstic oxide and acid on the one hand, and tungsten carbide and fused carbide on the other hand, were carried out in parallel. In view of the links between the products in the production chain, it was decided to submit the results of all these investigations at the same time.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ L 264, 27. 9. 1990, p. 1.

⁽⁴⁾ OJ L 64, 22. 3. 1995, p. 1.

⁽⁵⁾ OJ C 48, 25. 2. 1995, p. 3.

⁽⁶⁾ OJ C 244, 21. 9. 1995, p. 3.

⁽⁷⁾ OJ L 349, 31. 12. 1994, p. 1.

B. WITHDRAWAL OF THE REQUEST FOR AN EXPIRY REVIEW AND TERMINATION OF THE PROCEEDING

- (6) In the course of the investigation, the complainant, Eurométaux, formally withdrew its request for the expiry review in view of a recent considerable decrease in imports of tungsten ores and concentrates originating in the People's Republic of China.
- (7) In accordance with Article 11(5) in conjunction with Article 9(1) of the Basic Regulation, when the Community industry withdraws its request for an expiry review, the proceeding may be terminated unless such termination would not be in the Community interest. The present investigation has not brought to light any considerations of Community interest which would support the continuation of the proceeding.
- (8) Therefore, interested parties were informed of the Commission's intention to terminate the proceeding and were given the opportunity to comment. No comments were received indicating that such termination would not be in the Community interest.
- (9) The Advisory Committee has been consulted and has raised no objection.
- (10) In the light of the above, the Commission has concluded that the continuation of protective measures is unnecessary and that the proceeding should be terminated,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of tungsten ores and concentrates falling under CN code 2611 00 00 and originating in the People's Republic of China, is hereby terminated.

Done at Brussels, 20 March 1998.

For the Commission
Leon BRITTAN
Vice-President

COMMISSION DECISION

of 20 March 1998

terminating the anti-dumping proceeding concerning imports of tungstic oxide and tungstic acid originating in the People's Republic of China

(98/230/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 9(2) thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) By Regulation (EEC) No 2736/90⁽³⁾, the Council imposed a 35 % definitive anti-dumping duty on imports of tungstic oxide and tungstic acid originating in the People's Republic of China. By Decision 90/479/EEC⁽⁴⁾, the Commission accepted undertakings given by two major Chinese exporters concerning the product subject to measures.
- (2) Following the withdrawal of the undertakings by the two exporters concerned, the Commission imposed, by Regulation (EC) No 2286/94⁽⁵⁾, provisional anti-dumping duties on the product concerned.
- (3) By Regulation (EC) No 610/95⁽⁶⁾, the Council amended Regulation (EEC) No 2736/90 and imposed a definitive duty of 35 % on imports of tungstic oxide and tungstic acid in respect of those two exporters.

B. REVIEW INVESTIGATION

- (4) Following the publication in February 1995 of a notice of the impending expiry of the measures⁽⁷⁾ in force, Eurométaux, representing the totality of Community producers of the product concerned, requested a review of the measures. The request contained evidence of dumping of the product originating in the People's Republic of China and of renewed material injury likely to result in the event of expiry of the existing measures. That

evidence was considered sufficient to justify the opening of a review.

- (5) On 21 September 1995, the Commission announced by a notice published in the *Official Journal of the European Communities*⁽⁸⁾, the initiation of a review of Regulation (EEC) No 2736/90. That review was initiated under Article 11(2) of Council Regulation (EC) No 3283/94⁽⁹⁾, which was replaced during the investigation by Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation').
- (6) The Commission officially advised the producers/exporters and importers known to be concerned, the representatives of the exporting country and the Community producers of the initiation of the review, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing within the time-limit set in the above notice.
- (7) The Community producers, exporters/producers and some importers which were also users of the product concerned made their views known in writing and were granted a hearing.
- (8) The Commission sought and verified all information it deemed necessary for the purpose of the investigation and carried out verification visits at the premises of the following companies:
 - (a) *Community producers*
 - Wolfram Bergbau und Hüttengesellschaft m.b.H., St Peter, Austria,
 - H. C. Starck GmbH & Co KG, Goslar, Germany,
 - Eurotungstène Poudres, Grenoble, France,
 - (b) *Importers/users in the Community*
 - AB Sandvik Hard Materials, Sweden,
 - Seco Tools AB, Sweden,
 - Cerametal, Luxembourg,
 - (c) *Related importer*
 - Minmetals North-Europe AB, Sweden,
 - (d) *Producer in the analogue country*
 - Metek Metal Technology Ltd, Israel.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ L 264, 27. 9. 1990, p. 4.

⁽⁴⁾ OJ L 264, 27. 9. 1990, p. 57.

⁽⁵⁾ OJ L 248, 23. 9. 1994, p. 8.

⁽⁶⁾ OJ L 64, 22. 3. 1995, p. 1.

⁽⁷⁾ OJ C 48, 25. 2. 1995, p. 3.

⁽⁸⁾ OJ C 244, 21. 9. 1995, p. 7.

⁽⁹⁾ OJ L 349, 31. 12. 1994, p. 1.

- (9) The dumping investigation covered the period from 1 October 1994 to 30 September 1995 (hereinafter referred to as the 'investigation period'). The examination of injury covered the period from 1991 up to the end of the investigation period.
- (10) The present review exceeded the period of one year within which it should normally have been concluded pursuant to Article 11(5) of the Basic Regulation, due to the complexity of the investigation, and in particular due to the difficulties in obtaining reliable data on an appropriate analogue country. Furthermore, two other investigations⁽¹⁾ concerning tungsten products, namely tungsten ores and concentrates, on the one hand, and tungsten carbide and fused carbide, on the other, were initiated at the same time as the present review and had to be carried out in parallel given the links between these products in the tungsten production chain. Finally, further developments in relation to the tungsten market were presented at a late stage of the investigation.

C. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Product under consideration

- (11) The product covered by the present review is the same as the one under consideration in Regulation (EEC) No 2736/90 and falls under CN code 2825 90 40.

The product concerned is tungstic oxide and tungstic acid:

- tungstic oxide (blue or yellow powder) is a compound of tungsten and oxygen (WO_3), usually produced by heat treatment (calcination) of ammonium paratungstate (APT) or by recycling of various tungsten containing scrap compositions,
- tungstic acid is a compound of tungsten, hydrogen and oxygen (H_2WO_4) produced either by precipitation from sodium tungstate solution or by the decomposition of calcium tungstate. It is marketed either untreated or following thermal decomposition in the form of industrial-quality tungstic oxide.

Tungstic oxide and tungstic acid are intermediate products or input-materials mostly used to manufacture other downstream tungsten-containing products in the tungsten chain although certain types can be directly used for very limited applications in ceramics. They have very similar chemical characteristics, are nearly identical in terms of tungsten content and there are, after specific minor processing, no significant differences in their industrial uses. Consequently, tungstic oxide and tungstic acid, as in the previous investigation, are

regarded as one single product for the purpose of the investigation (and hereinafter referred to as 'oxide/acid').

2. Like product

- (12) As established in the original investigation, it is considered that oxide/acid exported from the People's Republic of China and oxide/acid manufactured and sold by the Community producers and by producers in the analogue country are like products within the meaning of Article 1(4) of the Basic Regulation because they have essentially the same physical, chemical and technical characteristics and end-uses.

D. DUMPING

1. Normal value

1.1 Selection of the analogue country

- (13) Since the People's Republic of China is not a market economy country, normal value had to be determined on the basis of information obtained in an analogue country. For this purpose South Korea had been suggested by the applicant. The notice of initiation envisaged accordingly the use of that country as an analogue country. Although substantial efforts were made by the Commission to secure cooperation from South Korean manufacturers of the product concerned, those producers did not agree to cooperate in the review.
- (14) As an alternative, the complainants suggested the United States of America as an analogue country. However, from the several US manufacturers approached in this respect by the Commission, only one, the company Teledyne Advanced Materials, was willing to provide some general information.

In any event, when analysing the data submitted by that company, it appeared that, during the investigation period, that company mainly purchased oxide/acid of Chinese and Russian origin and produced only a negligible quantity of oxide/acid from calcination of ammonium paratungstate 'APT' (that is, the immediate upstream product in the production chain) for its internal consumption; further, the company did not sell any oxide/acid either on the domestic or on the export markets.

In addition, the other US manufacturers appeared to be in the same situation: no US-produced oxide/acid is sold on the open domestic market, nor is there any significant quantity of US-produced oxide/acid exported, as it is considered an intermediate product destined exclusively for the internal consumption in producing further downstream products in the tungsten chain.

⁽¹⁾ OJ L 244, 21. 9. 1995, pp. 3 and 5.

In consequence, the United States was not considered an appropriate analogue country for the purpose of this review.

- (15) Therefore, the Commission expended considerable effort in contacting companies in various other (*prima facie* suitable) analogue countries in order to obtain cooperation, in particular, from producers in Canada, Japan and Israel.
- (16) From the various producers contacted, only one producer of oxide/acid, Metek Metal Technology Ltd. (hereinafter 'Metek'), Israel, agreed to cooperate for the purpose of this review. The choice of Israel as analogue country was considered appropriate in view of the following factors:

- the oxide/acid produced in Israel had the same characteristics as that produced by cooperating Chinese exporters/producers,
- the oxide/acid manufacturing process of the cooperating Israeli producer is based on the calcination of APT or the reprocessing of various tungsten containing scrap compositions. The Israeli production process is similar to the one applied by the cooperating Chinese producers/exporters. It is modern and efficient,
- in terms of sourcing, Metek had unimpeded access to the raw materials for the production of the product concerned, namely APT and tungsten containing scrap compositions, which were purchased at world-market prices during the investigation period from sources in the People's Republic of China and Russia (for APT), or from other suppliers located in Europe and the United States (for scrap compositions),
- the oxide/acid production volume of this Israeli producer was sufficiently significant to provide for a reasonable cost of production, as compared to the Chinese product,
- in addition, the Israeli oxide/acid market itself is open and competitive, because imports are exempted from any customs duties or other import restrictions, and there is a significant volume of imports.

On the basis of the above factors, and in accordance with Article 2(7) of the Basic Regulation, Israel was therefore considered to be an appropriate and not unreasonable choice of an analogue country for establishing normal value for the product under investigation.

- (17) No objections were raised to the choice of Israel as an analogue country, either by the Chinese exporters/producers, the Chinese authorities, or any other party concerned.

1.2 Constructed normal value

- (18) The People's Republic of China being a non-market economy country and Israel having been selected as an appropriate analogue country, normal value for the Chinese exports had to be established in accordance with Article 2(7) of the

Basic Regulation. Since the cooperating Israeli producer was primarily producing the product concerned for its own consumption in the production of tungsten metal powder, besides a small export-oriented production, it was thus considered that the most reasonable basis for the normal value would be a constructed value, calculated by adding together the cost of production, (that is, manufacturing costs and selling, general and administrative expenses (hereinafter 'SG&A')), and a reasonable margin of profit.

- (19) The cost of manufacture was obtained by adding all costs, both fixed and variable, for materials and manufacturing in the country of origin. In the absence of data specific to oxide/acid for other producers/exporters in the country of origin, as far as SG&A are concerned they were calculated by reference to SG&A on sales of tungsten metal powder, that is, the same general category of product, by Metek on its domestic market during the investigation period, in accordance with Article 2(6)(b) of the Basic Regulation.

The same basis was used for the calculation of a profit margin. The level of the profit margin was also in line with the profit margin used in the original investigation.

2. Export prices

- (20) The Commission received comprehensive data on export prices from two Chinese producers/exporters and four importers. The data covered almost the totality of Chinese exports of oxide/acid to the Community during the investigation period, as confirmed by Eurostat figures.

For those Chinese exports which were sold directly for export to independent customers in the Community, export prices were established on the basis of the prices actually paid or payable for the product concerned, in accordance with Article 2(8) of the Basic Regulation. For those Chinese exports which were made through a related company (Minmetals North-Europe AB) and represent the majority of all Chinese exports, export prices were constructed on the basis of resale prices to the first independent customers in the Community, in accordance with Article 2(9) of the Basic Regulation. An adjustment was made for all costs, including duties and taxes incurred between importation and resale, and for profit. The profit margin was established on the basis of data obtained from three unrelated importers in the same business sector.

3. Comparison

- (21) In accordance with Article 2(11) of the Basic Regulation, a weighted average normal value, on a fob Israeli frontier basis, was compared to a weighted average export price on a fob Chinese frontier basis, and at the same level of trade.

For the purpose of a fair comparison, in accordance with Article 2(10) of the Basic Regulation, due allowance in form of adjustments was made for differences in respect of transport, insurance, credit costs, handling and ancillary costs, which were claimed and shown to affect price comparability.

4. Dumping margin

- (22) The above comparison showed the existence of dumping, the dumping margin being equal to the amount by which the normal value exceeded the export price.

Expressed as a percentage of the free-at-Community frontier price, duty unpaid, the single weighted average dumping margin amounts to 5,6 %.

E. COMMUNITY INDUSTRY

- (23) A number of claims were made by the Chinese exporters and some users in the Community concerning the definition of the Community industry and the standing of the producers supporting the review request.
- (24) The Chinese exporters claimed that one of the companies supporting the review request was an important purchaser of the dumped imports and should therefore be excluded from the definition of the Community industry, pursuant to Article 4(1)(a) of the Basic Regulation.

The investigation has confirmed, however, that no imports of oxide/acid of Chinese origin were made by that producer during the period examined. The claim was therefore dismissed.

- (25) The Chinese exporters also claimed that one of the producers supporting the review was related to an importer of Chinese oxide/acid and should therefore be excluded from the scope of the Community industry for the purpose of the review pursuant to Article 4(1)(a) and (2) of the Basic Regulation.

It was confirmed during the investigation that the two companies concerned, although related, had conflicting interests regarding the imposition of the anti-dumping measures. One company was producing oxide/acid, whereas the other was importing the product concerned. It was found that the two companies were acting autonomously when defining and pursuing their business strategy. Overall, it was concluded that the relationship did not influence the behaviour, nor distort the analysis of the economic situation, of the Community producer in question as regards the product concerned. Accordingly, that producer was not excluded from the definition of the Community industry.

- (26) The request for review alleged that the producers supporting the request represented 100 % of the production of oxide/acid intended for sale on the open market and thus constituted the entire Community industry in conformity with Article 5(4) of the Basic Regulation.

That contention was contested by a number of integrated producers of tungsten end-products in the Community (producers of tools, hard metals), producing small quantities of oxide/acid from calcination of APT exclusively for internal consumption. Specifically, they argued that the representativity of the producers supporting the review should be assessed by reference to the totality of the Community production of the product concerned (including their own captive production) and that, on that basis, the producers supporting the review were not representative of the Community industry.

This issue was re-examined but it was concluded that the argument was unfounded. Indeed, even if the captively-used production of the companies which presented the above claim was taken into account, the producers supporting the review request would still account for 79 % of the overall oxide/acid Community production of the product concerned, thus fulfilling the criteria of Article 5(4) of the Basic Regulation. In addition, it was confirmed in the course of the investigation, that the producers supporting the review accounted for the totality of the Community production of oxide/acid intended for sale on the open market.

- (27) Given the above, it was concluded that the producers supporting the review request constitute the Community industry within the meaning of Article 4(1) and Article 5(4) of the Basic Regulation. For the remainder of this Decision, the term Community industry will refer to the companies supporting the review request.

F. INJURY

1. General

- (28) When examining injury, it should be recalled that oxide/acid is part of an entire production chain of tungsten products and that, therefore, any developments of the market for the product concerned should be seen in conjunction with the developments of the other products in the production chain.

The conclusions with regard to injury were based on data relating to the Community as composed at the time of the initiation of the review, that is the Community of 15 Member States.

(29) *Community consumption*

For the purpose of the investigation, consumption was established on the basis of total imports plus sales of the Community industry on the Community open market. Thus, captively-used production was not taken into account when determining Community consumption because it was not considered to be in direct competition with imports. The consumption increased continuously during the period considered from 897 tonnes in 1991, to 1 238 tonnes in 1992, 2 211 tonnes in 1993, 3 815 tonnes in 1994 and 4 062 tonnes in the investigation period (+452 %).

2. The behaviour of the Chinese exporters*2.1 Volume and market share of imports from the People's Republic of China*

(30) Oxide/acid imports of Chinese origin increased from 419 tonnes in 1991 to 676 tonnes in 1992, 1 548 tonnes in 1993, 2 526 tonnes in 1994 and fell to 1 259 tonnes in the investigation period. They represented 46,7 % market share in 1991, 54,6 % in 1992, 70 % in 1993, 66,2 % in 1994 and 31 % in the investigation period.

(31) The decrease in Chinese imports in the investigation period, both in absolute and relative terms, coincided with the imposition of the *ad valorem* anti-dumping duty in September 1994. The imports from the People's Republic of China were partially replaced by imports from Russia, notably in the new Member States. It should also be added that, before joining the Community in 1995, user companies in Sweden, and to a lesser extent in Austria, had, according to information available, stockpiled products of Chinese origin. This also explains why there was a relative decrease in imports of oxide/acid from the People's Republic of China in the investigation period, which covered a period after the accession of the new Member States.

2.2 Prices of the dumped imports

(a) Overall trend

(32) According to Eurostat data, the Chinese prices fluctuated in the period examined, with a significant increase between 1994 and the investigation period. This increase coincided with the increase in demand. This development of prices occurred in parallel to the increase in prices of APT. Such a parallel development could be expected as APT is

the most important raw material for the production of oxide/acid and more than 90 % of APT consumed in the Community is in fact imported from the People's Republic of China.

(b) Undercutting

(33) For the investigation period, on the basis of prices reported by cooperating Chinese exporters and by importers in the Community, representing 80 % of the total imports from the People's Republic of China, the monthly weighted average Community industry's selling price was compared with a monthly weighted average import price of oxide/acid. Transactions by two Community producers of higher quality materials were excluded because there were no imports of comparable product types from the People's Republic of China.

The Community industry's prices were considered at ex-works level and the exporters' prices were at Community frontier level, anti-dumping duties paid, at the same level of trade. This comparison showed an undercutting margin of 3,8 % on a weighted average basis.

(34) The Chinese import prices of oxide/acid remained below those of the Community industry throughout the period examined (1991 to the investigation period). Although for reasons of comparability, import prices to the three new Member States prior to accession have not been taken into consideration when examining price undercutting and the evolution of Chinese prices, it should nevertheless be noted that in the Member States for which measures were not in force prior to 1995 (Austria and Sweden), the prices of the Chinese imports were found to be at times lower than in the Community of 12.

3. The situation of the Community industry

(35) The investigation has shown that the Community industry produces both for the open market and for captive use. The majority of the Community industry's production of oxide/acid is destined for internal use. Some of the injury indicators examined below, namely production, capacity and capacity utilisation, refer to both captive and non-captive activities because no meaningful distinction could be made in this respect. The other factors below, namely sales, market share, prices and profitability, refer to the industry's non-captive oxide/acid activity.

3.1 *Production capacity, production, capacity utilisation*

- (36) The production capacity of the Community industry remained stable over the period examined at around 8 500 tonnes. The production increased globally, albeit a slight decrease between 1991 and 1993, from 6 151 tonnes in 1991 to 8 123 tonnes in the investigation period (+ 32 %). This increase in production followed the trend of consumption for all tungsten products.

The capacity utilisation rates increased from 72 % in 1991 to 95 % in the investigation period.

3.2 *Sales volume and market share*

- (37) It has to be stressed that although production increased substantially, the Community producers used an increasing proportion of their output of oxide/acid to manufacture products further down the tungsten chain and only a small proportion was sold in the open market.
- (38) The Community industry's sales in the Community open market decreased from 1991 to 1993, and slightly increased in 1994 and the investigation period. However, the Community industry's sales in the open market were not very significant when compared to production volumes throughout the period. The market share held by the Community industry went from 38 % in 1991 to 27 % in 1992, to 11 % in 1993 and to 7 % in 1994 and the investigation period. The latter figure represents a relatively small proportion of the Community industry's total production of oxide/acid in a context of increasing, and in the investigation period virtually full, capacity utilisation.

3.3 *Price evolution*

- (39) The prices of the Community industry decreased from 1991 to 1994 and increased during the investigation period, as did Chinese prices. The latter trend coincided with a further increase in demand and the imposition of the *ad valorem* anti-dumping duties.

3.4 *Profitability*

- (40) The situation of the Community industry was profitable overall between 1991 and the investigation period. Profits were due particularly to sales of highly specialised types of the product for which the Community industry still has an outlet. It should be noted that as regards sales of the product types identical to those imported from the People's

Republic of China, negative financial results were incurred between 1991 and 1994, whereas some profits were achieved in the investigation period.

3.5 *Employment*

- (41) Given the fact that the personnel concerned work in an integrated production chain and the close links between the various tungsten products, specific allocations of personnel per product were not possible. Employment in the tungsten sector decreased by 14 % over the whole period. During the investigation period, 580 persons were employed in the tungsten production chain.

3.6 *Conclusion on the situation of the Community industry*

- (42) The situation of the Community industry improved considerably between 1991 and the investigation period as regards production (32 % increase) and capacity utilisation (95 % capacity utilisation during the investigation period). As regards the Community industry's open market sales and the corresponding market share, these continued to decrease during the period under examination. Such a decrease should be seen in the light of the Community industry's captive use of most of the increasing production of the product concerned in the manufacturing of downstream products.

G. RECURRENCE OF INJURY

- (43) In conformity with Article 11(2) of the Basic Regulation, the Commission examined whether the expiry of the measures in force would lead to recurrence of injury to the Community industry.
- (44) The present investigation has shown that the Community industry has continued its substantial loss of market share between 1991 and the investigation period, with market share in the investigation period being limited to 7 % during a period in which demand increased strongly. However, this decrease in market share during the period examined coincided with a tendency by the Community industry to use an increasing proportion of the production of oxide/acid captively to produce downstream products, to the detriment of oxide/acid sales in the open market. This development followed an increase in capacity utilisation and was most notable during the investigation period when production capacity was being almost fully used with a consequent loss of market share on the open market.

(45) On the other hand, and should the Community industry decide or be forced to change its outlet for its oxide/acid production, the possibility cannot be excluded that the Chinese imports could continue to have a negative impact on the Community industry's ability to sell oxide/acid on the open market, in particular since Chinese prices (with, and to an even greater extent without, anti-dumping duty) were found to undercut those charged by the Community industry during the period considered.

(46) The Community industry argued that if measures relating to oxide/acid were repealed, Chinese imports could endanger the viability of oxide/acid production by the Community industry if those imports continued to be sold at very low prices. Should Community industry be forced to cease production of oxide/acid, it would become completely dependent on, for example, imports from the People's Republic of China for intermediate products.

(47) In this context, it should be recalled that this industry is integrated upstream, starting production from concentrates or APT. Part of its production also derives from the recycling of tungsten containing scrap materials, thus somewhat reducing the dependence on imported raw materials. For two of the complainants, the recycling of scrap also allows them to produce products other than tungsten (cobalt metal powder and tantalum carbide). The disappearance of the upstream production chain would therefore allegedly also entail the disappearance of those other products with significant loss of investments.

Nevertheless, it is not clear to what extent the industry's production chain is at risk in the absence of measures on oxide/acid. Furthermore, such a risk appears to be partly limited by the competitiveness that this industry is able to derive from its recycling activity, which would partly compensate for its dependency on raw materials supply.

(48) In any event, it should be stressed that trends in prices of Chinese oxide until and during the investigation period closely follows those of Chinese APT. Chinese imports hold more than 90 % of the Community APT market. APT, for which no anti-dumping measure is in force, is the most important export item of all Chinese tungsten products. It should be noted that the transformation costs from APT to the next stage, that is oxide/acid, although higher in the Community than in other countries

investigated given the environmental costs, are not very significant. It can be said that an important part of Community produced oxide/acid is derived from Chinese APT and that the Community industry also sources part of its requirements from Chinese products. As a consequence, the Community industry's oxide/acid production appears to be vulnerable irrespective of the existence of anti-dumping measures on Chinese oxide/acid imports.

It follows from the above that, although a likelihood of a recurrence of injury cannot be completely excluded, the extent of such injury cannot at present be determined.

H. COMMUNITY INTEREST

The above considerations regarding injury and recurrence of injury should be further analysed in the light of the following aspects concerning Community interest:

1. The complainant Community industry

(49) The three complainant producers employ some 580 people in the overall production chain of tungsten.

As explained in recitals (46) and (47), should the measures be repealed, it is not clear to what extent this would have a negative impact on the situation of the Community industry.

2. The user industry

(50) The Community user industry is composed of a few large companies and a number of small companies.

Since the accession of the new Member States in 1995, the open market demand for oxide/acid has significantly increased (more than tripled), given the presence of important users in these Member States. These companies (mostly integrated producers of cemented tungsten carbide) tend at present to prefer to start the production from oxide rather than APT because of, among others, environmental requirements.

(51) In the light of the Community industry's limited supplies to the open market, the user industry is to a large extent dependent on external sources of supply.

(52) In conclusion, it appears that the effectiveness of the duty is not guaranteed in the absence of a duty on the upstream intermediary product APT, in particular because of the limited transformation costs between the latter and oxide/acid. In addition, there is a risk that the maintenance of the measures would, to a certain extent, inhibit the access of the user industry to supplies of the product concerned from a major supplier, whereas injury to the Community industry, should measures be repealed, would not appear to be imminent.

I. CONCLUSION

(53) In the light of the above findings, in particular the fact that the likelihood of recurrence of injurious dumping was not clearly established, it was considered that protective measures should no longer be imposed on imports of oxide/acid originating in the People's Republic of China.

(54) The interested parties were informed of the above and no adverse comments were received.

(55) The Advisory Committee was consulted and raised no objection.

(56) Therefore, in accordance with Article 9(2) of the Basic Regulation, it is considered that the continuation of protective measures is unnecessary and that the proceeding should be terminated,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports of tungstic oxide and tungstic acid falling under CN code 2825 90 40 originating in the People's Republic of China is hereby terminated.

Done at Brussels, 20 March 1998.

For the Commission

Leon BRITTAN

Vice-President
