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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 904/98
of 27 April 1998**

imposing definitive anti-dumping duties on imports into the Community of personal fax machines originating in the People's Republic of China, Japan, the Republic of Korea, Malaysia, Singapore, Taiwan and Thailand

THE COUNCIL OF THE EUROPEAN UNION,

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⁾, and in particular Article 9(4) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) Provisional anti-dumping duties were imposed on 1 November 1997 by Commission Regulation (EC) No 2140/97⁽²⁾ (hereinafter referred to as the 'provisional duty Regulation').

Following the imposition of the provisional anti-dumping duties, the Community industry, two exporters' associations, a number of producers/exporters and importers submitted comments in writing. All parties who so requested were granted a hearing.

- (2) The Commission continued to seek and verify all information it deemed necessary for the definitive findings, and carried out investigations at the premises of a number of importers related to exporters from the countries concerned. The parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty and the collection of amounts secured by way of the provisional duty. The parties were also granted a reasonable period

within which to make representations subsequent to the disclosures.

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (3) The proceeding covers personal or consumer fax machines (hereinafter referred to as 'personal fax machines' or 'product concerned'). These machines are mainly intended for the transmission and reception of paper documents using a telephone signal, are often used at home or as a personal desktop set and usually offer additional facilities for communication. In addition to the fax function and telephone(s) and/or connection(s) for a telephone set or cordless hand-set, they may or may not include a paper feeder and offer one or more of the following functions: a cassette or digital answering function, a copy function or an intercom facility. The above list is not exhaustive.
- (4) For the purpose of its preliminary findings, the Commission distinguished personal or consumer fax machines from professional fax machines by virtue of their weight and size. Only fax machines with a weight of five kilograms or less and with dimensions (width x depth x height) of the main body measuring 470 mm x 450 mm x 170 mm or less, were considered as personal or consumer fax machines for the purposes of the present investigation. For the purpose of assessing the weight and dimensions, the paper load and other consumables, as well as any cordless hand-sets, were excluded. It was furthermore considered that, at present, fax machines using inkjet or laser printing technologies are aimed only at professional use and consequently the machines using these technologies were excluded from the application of the provisional anti-dumping duty.
- (5) Personal fax machines are currently classifiable under CN code 8517 21 00.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1. Regulation as amended by Regulation (EC) No 2331/96 (OJ L 317, 6. 12. 1996, p. 1).

⁽²⁾ OJ L 297, 31. 10. 1997, p. 61.

1. Characteristics of professional fax machines

- (6) After the imposition of the provisional anti-dumping duties, exporters argued that, for the product definition, the criteria of weight and size were inappropriate, since they would soon lead to the inclusion of professional (office) fax machines.
- (7) However, the investigation has shown that the product definition based on weight and size did not, with respect to the investigation period, result in the inclusion of professional fax machines. Nor did any interested party claim that, between the end of the investigation period and December 1997, there were any professional fax machines available on the Community market which would come within the weight and size criteria. As to future developments, no substantiated submission was made by the interested parties, nor were any findings established in the investigation which would suggest that such professional fax machines would be introduced into the market during the period of application of anti-dumping duties. It is therefore concluded that the criteria of weight and size would not, in the near future, lead to the inclusion of professional fax machines in the scope of the proceeding.

Once such professional fax machines are introduced into the Community the Commission will, if necessary, submit a proposal to the Council in order to clarify, on an individual model by model basis, that these fax machines do not fall under this Regulation.

2. Printing technologies

- (8) It was further argued that personal fax machines using printing technologies other than thermal sensitive, (i.e. machines using thermal-transfer, inkjet, laser or LED printing technologies) should be excluded.

2.1. Thermal transfer faxes

- (9) In respect of this argument, the investigation has shown the following:

Physical and technical characteristics

- (10) In weight and size and their essential technical features, thermal transfer faxes are similar or identical to the thermal paper models. The only difference is the printing technology and, resulting therefrom, the paper used. Both thermal transfer and thermal paper technologies use heat to transfer information onto paper via a single print head. Both print heads are almost identical. It would therefore in principle be possible to print thermal

paper with a thermal transfer print head. Moreover, the electrical components to control the print heads are identical. Essential elements of the thermal printing technology are thus the basis for the newer thermal transfer technique. In that respect, it was found that thermal transfer is the result of the normal product development of thermal paper printing technology.

Use and consumer perception

- (11) Both product types have, in general, similar designs and visual aspects, and handling is simple for both. It has been shown that private users and small/home offices use both thermal paper faxes and thermal transfer faxes.

The differences in printing technology, i.e. the better printing quality of thermal transfer faxes, and the advantages of using plain paper, are taken into consideration by the consumers only as one aspect among all the technical features available. The main objective of the consumer in purchasing a fax machine remains that of obtaining a device for his personal use capable of transmitting and receiving fax messages. In comparison, the printing technology used for the two product types in question is, from the consumer perspective, just an ancillary element.

Sales channels

- (12) In the investigation period, thermal paper and thermal transfer faxes were, in general, sold through the same sales channels.

Conclusion

- (13) In view of the above, it is considered that thermal paper faxes and thermal transfer fax machines form one product.

2.2. Inkjet, laser, LED printing technologies and portable faxes

- (14) As to fax machines using inkjet, laser or LED printing technology, the definitive determinations have confirmed that these machines are, in general, substantially different to personal fax machines in respect of physical and technical characteristics (in particular in view of weight/size and performance), that they are designed for professional rather than personal use, and that they are, to a significant extent, sold through different sales channels.
- (15) In view of these differences, fax machines using inkjet, laser and LED printing technology cannot be considered as like products to the product concerned under consideration.

(16) Some interested parties have further argued that certain new types of portable fax machines to be used in connection with mobile telephone sets which were, in the investigation period, not yet available on the Community market, would be for professional use only and should therefore be excluded from the scope of the proceeding.

(17) On the basis of the information available, it is considered that portable fax machines, to be used only in connection with mobile phones, have different physical and technical characteristics and will indeed be for professional use only. Thus, these machines do not fall within the definition of the product concerned under consideration. Once such professional fax machines are introduced into the Community the Commission will, if necessary, submit a proposal to the Council in order to clarify, on an individual model by model basis, that these fax machines do not fall under this Regulation.

3. Conclusions

(18) The provisional findings are confirmed, whereby the product definition shall be based on the weight and size criteria, as defined in the provisional duty Regulation.

(19) Furthermore, it is confirmed that the product concerned, within the meaning of Article 1(4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation'), is thermal paper fax machines and thermal-transfer fax machines.

(20) Fax machines using inkjet, laser or LED printing technology, and portable fax machines to be used only in connection with mobile phones shall be excluded from the scope of the proceeding.

C. DUMPING

1. Level of cooperation

(21) The level of cooperation by the producers/exporters in this proceeding was particularly low in Malaysia, Thailand, Taiwan, Japan and China, since the export volume to the Community covered by the cooperating producers/exporters represented only a small fraction of the total exports from the countries concerned.

(22) The information provided by the cooperating producers/exporters was verified and in the majority of cases was taken into account. Nevertheless, in some cases the investigation revealed that part of the information submitted was inaccurate, unsubstantiated or insufficient, and consequently it had to be disregarded. In these situations the Commission based its definitive findings on the facts available, pursuant to Article 18 of the Basic Regulation.

2. Market economy countries

2.1. Normal value

Application of Article 18(1) of the Basic Regulation

(23) The Singapore producer/exporter contested the Commission's decision to apply facts available pursuant to Article 18(1) of the Basic Regulation for the assessment of its normal value (see recital 66 of the provisional Regulation). The company alleged that the unreported transactions made on the domestic market would be for re-export to a third country. Moreover, they claimed that, pursuant to Article 18(4) of the Basic Regulation, they should have been informed by the Commission of its decision, as no opportunity to provide further explanations was offered. The company also disputed the method used by the Commission to establish normal value on the basis of the facts available because it considered that the evidence collected on the spot (invoices referring to the unreported transactions) should have been used instead of the highest reported resale price.

The investigation revealed that the sales in question were actually made on the domestic market and had not been reported as such by the company. Moreover, the company was asked to provide evidence supporting that the sales in question were not destined for domestic consumption but were actually exported outside Singapore. Despite repeated requests, the company did not provide any evidence of a subsequent re-export to a third country. At a hearing requested by the company subsequent to the verification visit, no satisfactory explanation was provided.

(24) Concerning the method applied by the Commission to establish normal value with regard to these transactions, the facts used to assess the normal value were verified and are reasonable in the light of the company's partial non-cooperation. The provisional findings of the Commission, as set out in recital 66 of the provisional Regulation, are therefore confirmed.

(25) One Korean producer/exporter for which it was decided to apply facts available in order to assess its material costs, pursuant to Article 18 of the Basic Regulation (see recital 32 of the provisional Regulation) claimed that this decision was unjustified and that the costs of material, as reported in its questionnaire reply, should have been used instead. Furthermore, it considered that the method used by the Commission to adjust the normal value as a consequence of the partial non-cooperation was flawed.

(26) The investigation revealed that the material costs reported contained serious inconsistencies and could not, therefore, be accepted. No further explanations were provided by the company justifying the inconsistencies. With regard to the methodology used to establish the facts available, it should be pointed out that a conservative approach was applied for the adjustment of material cost by using the smallest difference found between the lowest and the average material values.

Constructed normal value (SG&A)

(27) The single cooperating Thai producer/exporter, which had no domestic sales, contested the method used to establish selling, general and administrative expenses (SG&A) and profit when constructing normal value. As stated in recital 77 of the provisional Regulation and in accordance with Article 2(6)(c) of the Basic Regulation, in the absence of any domestic sales, the Commission decided to construct normal value by adding to the company's manufacturing costs the weighted average domestic SG&A and profit established on all profitable sales of the cooperating exporters in Taiwan. The company claimed that it formed an entity with the cooperating Taiwanese producer/exporter and that in view of this relationship, SG&A and profit should have been determined on the basis of the first method set out in Article 2(6) of the Basic Regulation which would be, according to the company, the actual data pertaining to that Taiwanese company. Alternatively, should Article 2(6)(c) of the Basic Regulation be applied, the company requested that only the SG&A and profit of its related Taiwanese company should be used, due to the close links between the two.

(28) It should be noted that, according to Article 2(6) of the Basic Regulation, SG&A expenses and profit margin to be used in a constructed value are those incurred or made on the domestic market of the exporting country, i.e. Thailand. However, in the absence of information on domestic sales of fax machines in Thailand by the company concerned or by any other company, and given that no information was available on SG&A expenses and profit of the same general category of products, as provided for under Article 2(6)(a) or (b) of the Basic Regulation, recourse had to be made to Article 2(6)(c), i.e. to base SG&A and profit on any other reasonable method. In this respect it was considered that the weighted average SG&A and profit incurred or realized by all cooperating exporters on the Taiwanese market constituted an appropriate and reasonable basis, since Taiwan is a competitive market where a substantial number of firms

operate, and constituted the best approximation available to the Commission of the conditions of sales on the Thai market for the product concerned.

(29) To use, as suggested by the Thai producer, solely the SG&A and profit of the Taiwanese company with which it is related does not provide a more appropriate basis. Indeed, the sales of the Taiwanese related company in isolation represented a relatively small fraction of the Taiwanese market.

2.2. Comparison

Import charges

(30) In recital 37 of the provisional Regulation the Commission stated that claims for allowances for import charges made by Korean producers/exporters were rejected since these claims were calculated on an average basis for all products and the relationship between the duty paid and the specific model of fax machine concerned was not demonstrated. Three Korean producers/exporters claimed that this decision was unreasonable. They requested that the Commission services should not insist on precise calculations by model, but instead accept an overall allocation of duties paid. Furthermore, they claimed that a duty drawback adjustment would have to be granted irrespective of the fact whether or not domestic models included parts purchased locally.

(31) It must be stressed that it is a primary requirement for the granting of such an allowance that evidence is provided that the parts have not been purchased locally since otherwise, no import duty has been paid for such parts. In one case, the exporter was able to demonstrate, at least in part, to the satisfaction of the Commission that the adjustment was justified. The adjustment was made only to the extent that the claim was demonstrated.

Level of trade

(a) Difference in the functions performed

(32) The two Japanese and the Singapore producers/exporters, as well as one of the Korean companies claimed a domestic allowance for differences in level of trade based on Article 2(10)(d) of the Basic Regulation, which has been provisionally rejected on the grounds stated in recitals 49 and 71 of the provisional Regulation. The companies objected to this position, reaffirming that the difference in functions performed domestically and on the export side would automatically correspond to a

different level of trade and that, therefore, an adjustment should be granted to allow a proper comparison between normal value and export price. In support of their argument, the companies claimed that, when constructing the export price pursuant to Article 2(9) of the Basic Regulation, it is the Institutions' policy to deduct all the costs, incurred by the related importers in the Community from the price paid to the first independent customer thus bringing the export price to an ex-factory level. Hence, they state that, in order to obtain a normal value at a comparable level of trade, the same categories of expenses which are incurred on the domestic market, plus a corresponding profit based on that obtained on domestic sales should also be excluded, pursuant to Article 2(10)(d) of the Basic Regulation.

- (33) This argument cannot be accepted, since it ignores an essential requirement of the Basic Regulation in that respect, i.e. that the levels of trade at which the sales are performed domestically and on the export market must be defined by the claimant, and in particular how this eventual difference affects price comparability.
- (34) It should be recalled that the Institutions' practice to reconstruct the export price by deducting the costs incurred by the related importers from the price to unrelated importers brings the Community border price to the level of a sale to an independent customer. Since, in the present case, the resale price from the related importers to the independent customers was found mainly to be at the level of prices charged to large retailers and distributors, a deduction of the importers' expenses in selling to such customers results in a price which is at a level further up in the sales chain. It is appropriate to consider the export price after reconstruction equivalent to a price charged to a distributor.
- (35) As to the companies' claim that, because costs were deducted to reconstruct the export price a similar deduction should be made to the domestic price, this is considered per se not warranted. Since in the present case the reconstruction of the export price led to a level of trade corresponding to that of a distributor, this corresponded to the domestic level of trade. The fact that certain costs may be incurred on the domestic market in selling to distributors which are not incurred in the similar export level is linked to the specific structure or circumstances of the markets under consideration, but could not per se lead to an adjustment when it is clear that prices
- are made to similar types of customers, i.e. distributors.
- (36) The Japanese and Korean companies claimed that the average domestic price cannot be used as a normal value because these sales took place at several different levels of trade, only one of which corresponded to the export level. The Commission examined the situation in detail but was unable to conclude that the exporters' claim was substantiated in that no clear breakdown could be provided by the companies either in terms of different costs or prices to demonstrate such different levels domestically. What the Commission was able to establish, in contrast, was that the prices to all domestic clients were approximately the same to the various groups of customers, a factor which suggested that levels of trade were not different. In any event, given that domestic prices to all groups of customers were similar, and given that one group of these corresponded to the level of trade of the export customers (distributors), a level of trade adjustment was not justified. Normal value would be the same whether based on sales to one group or to all customers.
- (37) In the case of Singapore, domestic sales were allegedly all made to a single level of trade, i.e. distributors. It must be recalled that normal value was established pursuant to Article 18(1) of the Basic Regulation, due to the company's omission to report a substantial number of domestic transactions of the product concerned, which prevented a more detailed verification of the domestic levels of trade. On the basis of the information available to the Commission, no difference was found between domestic and export levels of trade.
- (38) For the above reasons, normal value was established on the basis of all domestic sales and it was considered that the adjustments for differences in level of trade as requested by the Japanese, Singapore and Korean producers/exporters were not justified.
- (39) Nevertheless, in circumstances not covered by an adjustment for differences in levels of trade as defined by Article 2(10)(d)(i) of the Basic Regulation, Article 2(10)(d)(ii) allows the granting of a special adjustment when certain functions are shown to relate to a level of trade other than the one used for the comparison. In the present case, the investigation revealed that while the adjustment for differences in levels of trade could not be granted, the function of advertising should receive

a special consideration in the light of Article 2(10)(d)(ii). The Commission examined, in particular, whether the companies concerned incurred advertising expenses to encourage sales at levels of trade other than the one used for the comparison. It was found indeed that, for the companies concerned, certain advertising expenses related, in the present case, to a level of trade other than the one used in the comparison. In consequence, it was decided pursuant to Article 2(10)(d)(ii) of the Basic Regulation, to exclude from the computation of the normal value those advertising expenses incurred in domestic sales which relate to a level of trade other than distributors.

(b) OEM sales

- (40) One producer/exporter in Taiwan, one in Thailand and two in Korea disputed the rejection of their claim for an adjustment for differences in levels of trade based on OEM (Original Equipment Manufacturer) export sales.
- (41) The requested level of trade adjustment could not be granted since no clear price pattern could be established between the alleged sales channels. In certain cases, prices for OEM models were found to be higher than for own brand sales. In the case of one Korean company it was also found that the customer classification given was inaccurate and therefore had to be disregarded. In the Taiwanese market, OEM domestic sales did not reveal any consistent price difference compared to own brand sales.
- (42) In the case of the Thai producer, which had no domestic sales and exported only on an OEM basis, normal value was constructed using the average SG&A and profit of the Taiwanese market, for which, as explained above, no adjustment of this nature was required. Consequently, the claim is rejected.

Commissions

- (43) The Thai company disputed the fact that a 5 % commission had been deducted from the price to the first independent purchaser in the Community to account for the participation of its Taiwanese related company in these transactions. According to them only directly related selling expenses should be deducted and, therefore, there would be no legal basis to apply this 5 % commission which was allegedly not actually incurred.
- (44) The investigation confirmed that all exports by the Thai producer/exporter to the Community were made via a related company in Taiwan. It has been determined that because of the relationship between the two companies, the transfer prices

charged by the Thai producer to the related Taiwanese company were not on an arm's-length basis. It was verified on the spot that there was a mark-up between the transfer price and the price paid by the first independent customer in the Community. This difference was intended, at least partially, to cover the costs incurred by the related company for the activities performed for the purpose of exporting the product concerned. As the related Taiwanese company's functions can be considered similar to those of a trader, an adjustment of 5 % was deducted from the price to the first independent customer in the Community. This figure is considered reasonable given the degree of the related company's involvement in the selling activities of the Thai producer/exporter.

- (45) One company in Singapore claimed an adjustment for commissions paid to related companies in Japan. This claim was already rejected on the grounds stated in recital 73 of the provisional Regulation. The company objected to this position reaffirming that the adjustment was needed because of the significant role played by two Japanese related companies both in the production and the marketing of the product concerned in Singapore.
- (46) The issue was re-examined. The investigation established that the amount claimed related in fact to royalties and profit transfers which the two related Japanese companies received. Such payments cannot be considered as commission payments within the meaning of Article 2(10)(i) of the Basic Regulation. Consequently, the request for an adjustment had to be rejected.
- (47) However, with regard to export sales, it was found that the Japanese companies entirely managed such sales. The function of the Singapore company was limited to invoicing the goods and to arranging the shipping. Therefore, since the related companies' functions can be considered similar to those of a trader, an adjustment of 5 % was deducted from the price to the first independent customer in the Community, in order to account for their involvement in the selling and administrative activities of the Singapore producer. The level of the adjustment was determined at 5 % since the actual expenses incurred by the Japanese related companies were not reported in the reply to the questionnaire, although this was specifically requested, and consequently could not be verified on the spot.

Credit costs

- (48) In recital 39 of the provisional Regulation it was stated that the allowances claimed for credit cost by all Korean companies were rejected since the claims were made on the basis of a so-called

'open account', i.e. a revolving payment system, without evidence of an agreement between supplier and buyer of the product at the date of sale. Three Korean producers/exporters claimed that this would not be in line with traditional Commission practice. On this basis, a credit cost adjustment to normal value representing at least a credit period of 30 days should have been granted.

- (49) It is the Institutions' practice to accept an allowance for credit costs where the exporter shows that the payment terms were a factor taken into account in the determination of the prices charged, in accordance with Article 2(10)(g) of the Basic Regulation. An adjustment will therefore only be granted for the number of days shown to be agreed at the date of the sale, as only the expenses relating to that number of days can be considered to have influenced the price. Such an agreement does not exist where payments were made on an open account basis and consequently the claim could not be accepted.

Warranty costs

- (50) One Korean producer/exporter claimed that a more reasonable estimate of an allowance for differences in warranty costs should be made by including certain expenses allegedly incurred in fees paid to independent agents and salaries paid to repairmen.
- (51) The investigation revealed that the reported warranty expenses for the domestic market were overstated and consequently that they were an unreliable basis to the assessment of the adjustment. For the provisional determination it was decided to base the allowance for warranty costs only on the actual costs incurred for providing customers free of charge with spare parts. In the absence of any new evidence which could justify an increase of the allowance for warranty expenses the provisional findings are hereby confirmed.

Other factors

- (52) A Taiwanese company repeated its request for a specific allowance to be made pursuant to Article 2(10)(k) of the Basic Regulation, by deducting salesmen's salaries, advertising expenses and rent from normal value, since it considered that most of the expenses incurred with these functions related to domestic sales.
- (53) The Japanese and Singapore producers/exporters also requested, as an alternative, in case of rejection of the claim for a level of trade adjustment (see *supra*), that other specific allowances — such as

salesmen's salaries, advertising expenses, etc. — should be deducted from normal value. The Singapore company objected to the rejection of this claim (see recital 72 of the provisional Regulation) claiming that the request for evidence on the difference in prices paid by the customers on the domestic market provided in Article 2(10)(k) is merely provided as an example, and therefore is not imperative.

- (54) All companies which made the claim under Article 2(10)(k) of the Basic Regulation, failed to provide evidence of significant and consistent price differences as required by that provision. To show only a difference in costs between the export and the domestic sales departments of the same company is an insufficient basis for a claim for differences in price comparability, let alone to demonstrate an impact on prices. Furthermore, the assumption that the request for a difference in prices is given as an example is incorrect, since subparagraph (k) reinforces the two requirements set in the general part of Article 2(10) of the Basic Regulation, i.e. that the adjustments listed in (a) to (k) can only be granted if it is claimed and demonstrated that they affect prices and price comparability. In the absence of any evidence showing that these conditions were met in this specific case, the claim had to be rejected.

3. Non-market economy countries

3.1. Individual treatment

- (55) The companies to which individual treatment was not granted, contended that the provisional Regulation was inadequately motivated in this respect. Furthermore, they reiterated their request for individual treatment on the grounds that they were independent from the control of the Chinese State.
- (56) It should be noted that, pursuant to Article 9(5) of the Basic Regulation, a single countrywide duty is established for non-market economy countries. The granting of individual treatment to certain exporters remains consequently an exception to the rule. Each producer/exporter who wishes to benefit from this exception has to demonstrate the absence of interference by the State. Two of the Chinese producers were able to demonstrate that they fulfilled all the criteria to obtain individual treatment. In relation to the three remaining Chinese producers such independence was not demonstrated by the companies, therefore the Institutions had no option but to apply them the countrywide duty.

3.2. Model comparison

- (57) Chinese producers/exporters contested the fact that normal value was partially based on models of a Korean producer in respect of which Article 18 of the Basic Regulation was applied. These exporters claimed that the use of a normal value found for a non-cooperating company would be unfavourable to them.
- (58) The issue was re-examined and, given that Article 18 of the Basic Regulation was applied to the establishment of normal value, these models were finally excluded from the calculation.
- (59) One of the Korean companies with production both in China and Korea contended that the normal value for one of their China-produced models should have been established by reference to the constructed value of the same model produced by it in Korea.
- (60) The request has been rejected since facts available were applied on the basis of Article 18 of the Basic Regulation to establish the normal value of the related Korean producer/exporter, and, as explained above, these models have been excluded from the determination of the Chinese normal value. Furthermore, it must be stressed that normal value should be based on data obtained in the analogue country as a whole, if possible, and not only on sales of one particular producer.

3.3. Comparison

Level of trade

- (61) Chinese producers/exporters continued to request an adjustment for differences in levels of trade on the grounds that their export sales were made to OEMs.
- (62) As described above, an analysis of Korean domestic sales prices of OEM sales and sales of own-brand product showed that any difference in levels of trade in this respect was not reflected in consistent and distinct differences in prices. In the absence of price differences between OEM sales and own-brand sales in Korea and since the Chinese normal value has been based on the Korean domestic market, there were no grounds to make an adjustment.

Commissions

- (63) Three Japanese companies are involved in the proceeding concerning China since they exported fax machines of Chinese origin to the Community. Their fully owned subsidiaries in Hong Kong

appeared to have either a subcontracting agreement with a Chinese company for production (or assembly) in China or a company set-up (legal entity) in China. In the provisional calculation a mark-up for the activities performed in Hong Kong and Japan was deducted in the form of commission. The Chinese producers/exporters claimed that this deduction of 5 % from the export price was not correct since this would not relate to an actual commission payment.

- (64) As the related Japanese companies' functions can be considered similar to those of a trader acting on a commission basis, an adjustment of 5 % has been deducted from the price to the first independent customer in the Community. This figure is considered reasonable given the degree of the related companies' involvement in the selling and administrative activities of the Chinese producers.
- (65) Article 2(10)(i) of the Basic Regulation provides that an adjustment has to be made for differences in commissions paid in respect of the sales under consideration. In this respect, it should be stressed that it makes no difference if the producer/exporter invoices directly its customer in the Community and pays a commission to the parties involved in arranging the sales transaction or if the producer/exporter invoices the intermediary which in turn invoices to the customer in the Community. The latter arrangement is merely a different way of ensuring that the intermediary receives its commission. In accordance with the Council's and the Commission's consistent practice, the claim could not, therefore, be accepted.

4. Dumping margin for companies investigated

4.1. Dumping margin for cooperating companies

- (66) According to Article 2(11) of the Basic Regulation, the dumping margin was established on the basis of a comparison of a weighted average normal value with a weighted average export price of all export transactions to the Community.

4.2. Dumping margin for non-cooperating companies (residual dumping margin)

- (67) In the absence of any comments by the interested parties it is decided to apply the method set out in recital 28 of the provisional Regulation, i.e. for each of the exporting countries the company with the

highest dumping margin was selected and the highest dumped model produced and sold by this company in significant quantities was identified. The residual dumping margin was determined on the basis of the weighted average margin established for this model, expressed as a percentage of the cif import price at the Community border.

4.3. Dumping margins

Republic of Korea

(68) For the cooperating producers/exporters the definitive dumping margins, expressed as a percentage of the cif import price at the Community border, are:

Samsung Electronics Co., Ltd, Seoul	19,8 %
Daewoo Telecom Ltd, Seoul	11,6 %
Nixxo Telecom Co., Ltd, Seoul	7,5 %
Tae II Media Co., Ltd, Seoul	9,2 %.

(69) The residual dumping margin for Korea, expressed as a percentage of the cif import price at the Community border, is 25,1 %.

Japan

(70) For the cooperating producers/exporters the definitive dumping margins, expressed as a percentage of the cif import price at the Community border, are the following:

Brother Industries Ltd, Nagoya	49,2 %
Tottori Sanyo Electric Co., Ltd, Tottori	124,2 %.

(71) The residual dumping margin for Japan, expressed as a percentage of the cif import price at the Community border, is 130,2 %.

Taiwan

(72) For the cooperating producers/exporters the definitive dumping margins, expressed as a percentage of the cif import price at the Community border, are the following:

Kinpo Electronics Inc., Taipei	6,0 %
Sampo Corporation, Taipei	56,2 %.

(73) The residual dumping margin for Taiwan, expressed as a percentage of the cif import price at the Community border, is 60,8 %.

Singapore

(74) For the cooperating producer/exporter the definitive dumping margin, expressed as a percentage of the cif import price at the Community border, is the following:

Matsushita Graphic Communication Systems (S) Pte Ltd, Singapore 30,1 %.

(75) The residual dumping margin for Singapore, expressed as a percentage of the CIF import price at the Community border, is 68,2 %.

Thailand

(76) For the cooperating producer/exporter the definitive dumping margin, expressed as a percentage of the cif import price at the Community border, is the following:

Cal-Comp Electronics (Thailand) Co., Ltd, Bangkok 10,4 %.

(77) The residual dumping margin for Thailand, expressed as a percentage of the cif import price at the Community border, is 22,6 %.

Malaysia

(78) The residual dumping margin for Malaysia, expressed as a percentage of the cif import price at the Community border, is 124,2 %.

The People's Republic of China

(79) The definitive dumping margin for China, expressed as a percentage of the cif import price at the Community border, is 51,6 %.

(80) The definitive dumping margins for the companies which received individual treatment, expressed as a percentage of the cif import price at the Community border, are as follows:

Murata Machinery (HK) Ltd, Hong Kong (products originating in China):	21,2 %
Highsonic Industrial Ltd, Hong Kong (products originating in China):	23,2 %.

D. COMMUNITY INDUSTRY

(81) After the imposition of provisional anti-dumping duties, some interested parties have claimed that the complainant Community producer should not be considered as the 'Community industry', in view of the non-cooperation of the second large Community producer. However, in the investigation it was determined that the complainant Community producer represents a major proportion of the total Community production, pursuant to Article 4(1) of the Basic Regulation. This producer is thus considered as the Community industry for the purpose of this proceeding.

E. INJURY

1. Cumulative assessment of the effects of the dumped imports

- (82) The Japanese exporters have argued that the Commission should not assume non-cooperation with regard to around 10 Japanese fax producers, which had refused to cooperate with the Commission in this proceeding and had not replied to the questionnaires sent to them by the Commission's services, because these companies allegedly ceased exports to the Community prior to the investigation period. The import trends for Japan should be based on the data submitted by the Japanese Manufacturers' Association (CIAJ) for these non-cooperators in the course of the proceeding, and on the data submitted by the two cooperating Japanese exporters. These data would show a significant decline of Japanese imports from 1993 to 1996. In view of these trends, imports from Japan should be decumulated.
- (83) An exporter of Chinese products argued that the Chinese exports should have been decumulated, since Chinese exporters have focused on OEM customers, whereas the other exporting countries have aimed at the consumer market. This exporter also claimed that different injury margins were found and different pricing strategies would have been applied by the exporters from different countries. This would justify decumulation, since it would indicate a lack of competition between these products.
- (84) Furthermore, exporters have argued that the Japanese and Singapore average prices were between 40 % and 48% higher than the overall average for all exporting countries concerned. This would justify decumulation for these countries, since it would indicate that the products did not compete with those of the other exporting countries concerned.
- (85) The conditions to cumulate imports for the purpose of the injury determination, pursuant to Article 3(4) of the Basic Regulation, are as follows:
- (a) the dumping margins established in relation to each country are more than *de minimis* as defined in Article 9(3);
 - (b) the volume of imports from each country is not negligible; and
- (c) a cumulative assessment of the effects of the imports is appropriate in light of the conditions of competition between imported products and the conditions of competition between the imported products and the like Community product.
- 1.1. Dumping margins
- (86) As outlined above, the dumping margins found for each of the exporting countries are more than *de minimis* within the meaning of Article 9(3).
- 1.2. Import volumes
- (87) With respect to import volumes from Japan, in the absence of reliable, verified data from all Japanese exporters, they are, for the purpose of the definitive findings, established on the basis of Eurostat data. Since Eurostat data do not distinguish between business and personal fax machines, the import volume of personal fax machines was determined by applying the ratio between business and personal fax machines of Japanese origin established during the investigation for cooperating unrelated importers and importers related to Japanese exporters. This indicated, for the parties concerned, that 41,1 % (in units) of all fax machines of Japanese origin sold in the Community in the investigation period were personal fax machines. The import volume for Japan for the period under consideration was thus determined to be equal to 41,1 % of the total imports from Japan as reported by Eurostat.
- (88) Indeed, the Japanese import volumes cannot be based on the data submitted by the CIAJ since a substantial part of this data refers to non-cooperating Japanese exporters which refused to reply to the questionnaires sent to them by the Commission's services and thus prevented the Commission from obtaining and verifying the relevant data. Furthermore, no evidence has been submitted to show that no imports of personal fax machines other than those of the two cooperating Japanese exporters have taken place during the investigation period. These exporters have thus failed to prove the alleged strongly declining export trends.
- (89) Therefore the provisional determinations are confirmed, whereby the import volumes from Japan have to be established on the basis of facts available, pursuant to Article 18 of the Basic Regulation.
- The import volumes thus established for the Japanese exports remain significant.

1.3. Conditions of competition

Sales channels

(90) With respect to the argument that Chinese exporters focused on OEMs and that the sales channels thus had to be considered as being different, there was substantial non-cooperation from Chinese producers. Therefore, no general conclusions in respect of Chinese exports can be drawn from the situation of the cooperating exporters only. Furthermore, the Commission has established that most cooperating parties from all exporting countries concerned sell the product concerned in the Community to several categories of customers, including OEM customers.

(91) This also applies to the Community Industry. The proportion of sales to the various categories of customers is naturally different. However, this does not change the fact that these parties compete with each other, and there would be no justification, even had there been full cooperation, to decumulate the Chinese exports on these grounds.

Prices

(92) With respect to the argument concerning higher prices for Japanese and Singaporean imports, the Commission has established that Japanese and Singaporean personal fax machines imported into the Community have, in general, a higher number of technical features and are more at the high end of the product range than those from the other exporting countries. Therefore, it is normal that the average import prices for these two countries are higher. Nevertheless, Japanese and Singapore products did compete with those of the other exporting countries which also exported, though to a lesser extent, high-end product types, and they competed with those of the Community Industry, which is shown by the fact that they have identical or similar physical and technical characteristics, that they serve the same use, and that they were sold through the same or similar sales channels.

Although the Singaporean and Japanese exporters have, overall, not or not significantly undercut the sales prices of the Community Industry (see recitals 98 and 99), the falling export prices from Singapore and Japan had a price-suppressing effect which had the result that the Community Industry was not in a position to raise its prices to a profitable level.

Therefore, the conditions of competition are similar.

1.4. Conclusions

(93) In view of the above, the conclusions of the provisional findings are confirmed, whereby the conditions to cumulate imports for the purpose of the injury determination, pursuant to Article 3(4) of the Basic Regulation, are fulfilled.

2. General injury factors

General remark

(94) On the basis of the representations received after the imposition of provisional measures and further investigations, a number of the general injury factors have now been definitively established.

Consumption

(95) After the imposition of the provisional anti-dumping duties, the consumption in the Community is now established as follows.

(96) It grew from around 1,1 million units in 1993 to 2,5 million units in 1996 (investigation period), an increase of around 130 %.

Cumulated volumes, market shares

(97) Furthermore, the following trends were established for the cumulated imports from the countries concerned:

(i) In the period 1993 to 1994, the exporting countries increased their sales volume by 33,7 %, but their market shares decreased by 11,4 percentage-points (from 62,5 % to 51,1 %).

(ii) In the period 1994 to 1996, the import volume of the exporting countries increased by 76,9 %, and their market shares went up from 51,1 % to 64,3 %, i.e. by 13,2 percentage-points.

Prices

(a) Price undercutting

(98) After the imposition of the provisional anti-dumping duties, it was established that there was no price undercutting for the (only) exporter from Singapore.

(99) For the other cooperating exporters, the provisional findings are confirmed whereby price undercutting was found for the model groups on which the determination was based. The undercutting

margins established per model group range between 1,3 % and 41,8 %. The weighted average undercutting margin in relation to the total imports per country are definitively determined as follows: People's Republic of China 18,5 %, Japan 0,3 %, Taiwan 4,5 %, Singapore 0,0 %, Korea 9,2 %, Thailand 10,9 % and Malaysia 41,8 %. The weighted average undercutting margin for all countries concerned is 8,4 %.

(b) Sales prices

- (100) In the period 1993 to 1994, the sales prices of the cooperating exporters decreased on average by 11 % and, between 1994 and 1996, the decrease amounted to 26,1 %, on average. The Japanese and Singaporean exporters also showed decreasing price trends in this period.

3. Situation of the Community Industry

- (101) On the basis of the comments received after imposition of the provisional anti-dumping duties and further investigations, the following was established:
- (102) In the period 1993 to 1994, the Community industry's sales volumes rose by 140 % and the market shares went up by 7,7 percentage-points (from 16,3 % to 24 %). This positive development was based on the investment made in 1993.
- (103) On the other hand, in the period 1994 to 1996, the sales volume of the Community industry decreased by 14,7 % and its market share decreased from 24,0 % to 14,5 %, i.e. by 9,5 percentage-points.
- (104) In the period 1994 to 1996, the quantities produced and the production capacity utilisation decreased substantially as a result of decreasing sales volumes and sales prices decreased by 17,5 %. In the same period, employment fell by 21,7 %. In the same period, the financial results decreased and, in the investigation period, showed a two-digit loss (%) on turnover. The Community industry was not in a position to increase its prices to a profitable level, due to the price depression on the Community market.

4. Conclusions

- (105) In the light of the above, it is concluded that the Community industry has suffered material injury.

F. CAUSATION OF INJURY

1. Dumped imports

- (106) The penetration of the Community market by imports at dumped prices sold through the same distribution channels and into the same (transparent) market, coincided with a loss of market shares and a deterioration of the financial situation of the Community Industry. This industry, throughout the investigation period, sold at prices substantially below cost of production. It had not been in a position to increase its prices to a profitable level due to the price suppression on the market. The price-suppressing effect was caused by the undercutting exporters and by the Japanese and Singaporean exporters taken together, the latter's export prices also showing a continually decreasing trend. Therefore, the Community Industry had to face, at the same time, dumped imports from Japan and Singapore for products that were generally in the higher segment of the market, and dumped imports from the other exporting countries, concerning more the lower segment of the market where competition is mainly led by price.

2. Other factors

- (107) After the imposition of provisional anti-dumping duties, it was argued that the injury suffered by the Community industry might have been caused by Sagem, the second largest Community producer.
- (108) In this respect, data obtained during the investigation indicates that Sagem's market share, which had increased from 1993 to 1994, considerably decreased between 1994 and the investigation period. Furthermore, statistical information indicates that on Sagem's main market (France), this company normally charged the highest prices within a group of comparable models. On the basis of this information, it is considered unlikely that Sagem has to any significant extent contributed to the injury suffered by the Community Industry.
- (109) With respect to imports from countries not subject to the investigation, the provisional findings had established that there were, in the investigation period, no significant imports. No substantiated comments were raised in this respect.

3. Conclusions

- (110) In the light of the above, it is considered that the dumped imports from the exporting countries concerned have caused material injury to the Community Industry.

G. COMMUNITY INTEREST

- (111) After the imposition of provisional anti-dumping duties, it was argued that anti-dumping duties would unduly burden consumers and thus be against the Community interest. In consequence, further investigations have been undertaken and the following findings have been established.

1. Community industry and other Community producers

- (112) It was established in the investigation that the Community Industry is viable, which is, *inter alia*, shown by continued investment and the development of its own plain-paper (thermal-transfer) personal fax machine which will shortly be introduced into the market. It can be expected that this industry would discontinue its activities in the Community if no measures against dumping were taken, in view of the magnitude and duration of financial losses suffered due to dumped imports. Without measures, the price-depressive effect of the dumped imports would continue and frustrate all efforts of the Community industry to become profitable. As a result, around 370 jobs directly linked to the product concerned would be lost in the Community. On the other hand, the imposition of measures would enable this industry to maintain and even develop its activities in the Community.
- (113) Furthermore, it is considered that the imposition of anti-dumping duties is likely to positively affect directly and indirectly around 4 000 jobs, i.e. around 1 000 employees within all Community producers (Philips, Sagem and the Japanese transplants), and indirectly a further 3 000 jobs in the area of manufacturing-related servicing/supply (based on industry evaluations for this sector that one industrial employment would entail at least three support jobs).

2. Unrelated importers/traders

- (114) The investigation has shown that, for unrelated importers and traders, the product concerned represented, in general, only a small part of the overall business, on average 1 % of total turnover. For the cooperating importers, no employment and no significant investment was directly related to the product concerned. All but one of these companies explained that anti-dumping duties would not have

a major impact on overall sales, profits and employment.

3. Consumers

- (115) On the basis of the definitive anti-dumping duties imposed, the average consumer price increase, for products imported from the countries concerned, would be around 12 %, based on the assumption that exporters subject to high anti-dumping duties, i.e. duties between 40 % and 89 %, would discontinue their exports to the Community market, whereas the remaining exporters would continue selling on the Community market. The individual price increase for exporters subject to anti-dumping duties below the average, accounting for around 70 % of the exports from the countries concerned, would even be lower, namely between 3 % and 9 %. For a product with a useful lifetime of around 5 years, the average yearly charge due to anti-dumping duties would thus be around ECU 6. These relatively minor charges would still be partly neutralised by the normal price decreases for the product concerned.
- (116) Apart from the abovementioned price increases for imported products, the consumer will be able to rely on a growing market supply from all Community producers. It can be expected that the market share of all Community producers would rise from around 35 % in 1996 to around 50 % after the imposition of anti-dumping duties. These Community producers are likely to keep their prices stable, in order to obtain the benefits of higher market shares and sales volumes which, in turn, would lead to reduced per-unit-costs and improved financial results.
- (117) The European consumers' association (BEUC), although invited to do so, did not participate and did not submit comments.
- (118) In view of the above, it is considered that the charge to the consumers as a result of anti-dumping duties for personal fax machines imported from the countries concerned, is moderate compared to the benefits of securing the continuation of industrial activities and employment requiring high qualifications in the Community.

4. Information society

- (119) It was argued that the imposition of anti-dumping duties would affect the development of the Information society.

- (120) In this respect, it is explicitly stated in the 1996 Singapore Agreement on information technology products that this Agreement does not in any respect interfere with the right to impose anti-dumping measures, where applicable. Furthermore, it is considered that the small impact on the consumers, as indicated above, will not negatively influence the demand for the product concerned.

5. Impact of anti-dumping measures on competition

- (121) The imposition of anti-dumping duties on those exporters for which high dumping and injury margins were established, and whose exports would be subject to high anti-dumping duties, is likely to lead to a drop in sales volume and market share for these parties. However, for the majority of exporters concerned the impact of the duties will be moderate and it is not expected that these exporters would be significantly affected in respect of their competitive situation. Therefore, there will be still a considerable number of strong competitors of the Community producers on the market.

6. Conclusions

- (122) In the light of the above, it is considered that there are no compelling reasons against the imposition of anti-dumping duties.

H. DEFINITIVE DUTY

1. Injury margins

- (123) For the purpose of determining what level of duty would be necessary to remove the injury caused to the Community Industry by the dumped imports, it was considered that a price level based on the

Community Industry's cost of production plus a reasonable profit should be calculated. A profit margin of 10,7 % on turnover was regarded as an appropriate minimum. It is also considered that, as to its present and future situation, there is and will be a need for intensive and increased R&D efforts, in particular in view of further miniaturisation and future product generations adapted to new developments in telecommunications technology. In addition, the above profit margin is sufficient to provide the resources for the investment necessary to produce the new product types and to provide a reasonable return on the capital already invested.

- (124) Furthermore, it is considered that this profit margin is in line with the profit margins found for sales of the exporters concerned on their domestic markets, and it is also in line with the profit margins used in past anti-dumping cases for similar industries (e.g. cases concerning small screen CTVs, audio cassettes, video cassette tapes, magnetic discs, aluminium electrolytic capacitors, TV camera systems: profit rates between 10 and 12 % on turnover were used in these cases).

- (125) The injury elimination level was calculated by comparing the weighted average import price, duly adjusted for differences concerning payment and delivery terms, and on the same level of trade, with the non-injurious price of the Community Industry, established as indicated above. The amounts resulting from this calculation were expressed as a percentage of the weighted average, free-at-Community-border value of the imported goods. The injury margins determined on that basis are as follows:

Country	Company	Injury margin (%)
Japan	Brother Industries Ltd	7,0
	Tottori Sanyo Electric Co. Ltd	28,1
	Others	34,9
People's Republic of China	Highsonic Industrial Ltd, Hong Kong	59,3
	Murata Machinery Ltd	23,5
	Others	74,2
Korea	Daewoo Telecom Ltd	61,6
	Tae II Media Co. Ltd	50,8
	Samsung Electronics Co. Ltd	17,4
	Nixxo Telecom Ltd	54,8
	Others	73,1

Country	Company	Injury margin (%)
Singapore	Matsushita Graphic Communication Systems (S) Pte Ltd	7,7
	Others	39,5
Taiwan	Kinpo Electronics Inc.	32,4
	Sampo Corporation	35,8
	Others	36,6
Thailand	Cal-Comp Electronics (Thailand) Co., Ltd	40,7
	Others	47,3
Malaysia	All (no-cooperation)	89,9

2. Definitive duties

- (126) The definitive anti-dumping duties are set at the level of the dumping margins found, or at the level of the injury margins, if the latter are lower. These duties, expressed as a percentage of the free-at-Community-border prices, amount to:

Country	Company	Definitive duty (%)
Japan	Brother Industries Ltd	7,0
	Tottori Sanyo Electric Co., Ltd	28,1
	Others	34,9
People's Republic of China	Highsonic Industrial Ltd, Hong Kong	23,2
	Murata Machinery Ltd	21,2
	Others	51,6
Korea	Daewoo Telecom Ltd	11,6
	Tae II Media Co., Ltd	9,2
	Samsung Electronics Co., Ltd	17,4
	Nixxo Telecom Ltd	7,5
	Others	25,1
Singapore	Matsushita Graphic Communication Systems (S) Pte Ltd	7,7
	Others	39,5
Taiwan	Kinpo Electronics Inc.	6,0
	Sampo Corporation	35,8
	Others	36,6
Thailand	Cal-Comp Electronics (Thailand) Co., Ltd	10,4
	Others	22,6
Malaysia	All (no-cooperation)	89,9

I. COLLECTION OF THE PROVISIONAL DUTIES

- (127) In view of the magnitude of the dumping margins found for the exporting producers and countries, and in the light of the seriousness of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of provisional anti-dumping duties for transactions involving the product concerned should be definitively collected at the level of the definitive duties,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of fax machines with a weight of five kilograms or less and with dimensions (width x depth x height) of the main body measuring 470 mm x 450 mm x 170 mm or less, except for such fax machines using inkjet or laser or LED (Light Emitting Diode) printing technology, falling within CN code 8517 21 00 (TARIC code 8517 21 00*10) and originating in the People's Republic of China, Japan, Republic of Korea, Malaysia, Singapore, Taiwan and Thailand.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-border price, before duty, shall be as follows for products originating in:

Country	Definitive duty (%)	Taric additional code
The People's Republic of China	51,6	8900
Japan	34,9	8900
Republic of Korea	25,1	8900
Malaysia	89,8	—
Singapore	39,5	8900
Taiwan	36,6	8900
Thailand	22,6	8900

The above rates shall not apply to the products manufactured by the companies listed below, which shall be subject to the following anti-dumping duty rates:

Country	Company	Definitive duty (%)	Taric additional code
The People's Republic of China	— Murata Machinery (HK) Ltd (Hong Kong)	21,2	8458
	— Highsonic Industrial Ltd (Hong Kong)	23,2	8459
Japan	— Brother Industries Ltd	7,0	8430
	— Tottori Sanyo Electric Co., Ltd	28,1	8431
Republic of Korea	— Daewoo Telecom Ltd	11,6	8434
	— Tae II Media Co., Ltd	9,2	8435
	— Samsung Electronics Co., Ltd	17,4	8436
	— Nixxo Telecom Co., Ltd	7,5	8437

Country	Company	Definitive duty (%)	Taric additional code
Singapore	— Matsushita Graphic Communication Systems (S) Pte Ltd	7,7	8438
Taiwan	— Kinpo Electronics, Inc. — Sampo Corporation	6,0 35,8	8439 8442
Thailand	— Cal-Comp Electronics (Thailand) Co., Ltd	10,4	8457

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

Article 2

Where necessary the Council will, upon a proposal from the Commission, clarify on an individual model by model basis which professional fax machines falling within the weight and size criteria as provided for in Article 1, or being portable fax machines to be used only in combination with a mobile telephone set, are not covered by this Regulation.

Article 3

1. The amounts secured by way of provisional anti-dumping duty under Commission Regulation (EC) No 2140/97 shall be definitively collected at the rate definitively imposed.
2. Amounts secured in excess of the definitive rate of anti-dumping duty shall be released.

Article 4

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 Luxembourg, 27 April 1998.

For the Council
The President
R. COOK

COUNCIL REGULATION (EC) No 905/98**of 27 April 1998****amending Regulation (EC) No 384/96 on protection against dumped imports from countries not members of the European Community**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas by Regulation (EC) No 384/96⁽¹⁾ (hereafter referred to as 'the Basic Anti-dumping Regulation') the Council has adopted common rules for protection against dumped imports from countries which are not members of the European Community;

Whereas by Regulation (EC) No 519/94⁽²⁾ the Council has adopted common rules for imports for certain third countries which are listed in Annex I thereto;

Whereas Article 2(7) of Regulation (EC) No 384/96 lays down that, in the case of imports from non-market economy countries and, in particular those countries to which Regulation (EC) No 519/94 applies, normal value shall be determined on the basis of the price or constructed value in an analogue market economy third country;

Whereas the process of reform in Russia and the People's Republic of China has fundamentally altered their economies and has led to the emergence of firms for which market economy conditions prevail; whereas both countries have as a result moved away from the economic circumstances which inspired the use of the analogue country method;

Whereas it is appropriate to revise the Community's anti-dumping practice in order to be able to take account of the changed economic conditions in Russia and in the People's Republic of China; whereas, in particular, it is appropriate to specify that normal value may be determined in accordance with the rules applicable to market economy countries in cases where it can be shown that market conditions prevail for one or more producers subject to investigation in relation to the manufacture and sale of the product concerned;

Whereas it is appropriate to specify that an examination of whether market conditions prevail will be carried out on the basis of properly substantiated claims by one or more producers subject to investigation who wish to avail themselves of the possibility to have normal value deter-

mined on the basis of rules applicable to market economy countries;

Whereas, in order to introduce the revised practice without affecting the common rules for imports in respect of Russia and the People's Republic of China, it is appropriate to remove from Article 2(7) of the Basic Anti-dumping Regulation the reference to the list of countries attached to Regulation (EC) No 519/94, and to add instead, in a footnote, the revised list of the countries concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(7) of Regulation (EC) No 384/96 shall be replaced by the following:

- '7. (a) In the case of imports from non-market economy countries^(*), normal value shall be determined on the basis of the price or constructed value in a market economy third country, or the price from such a third country to other countries, including the Community, or where those are not possible, on any other reasonable basis, including the price actually paid or payable in the Community for the like product, duly adjusted if necessary to include a reasonable profit margin.

An appropriate market economy third country shall be selected in a not unreasonable manner, due account being taken of any reliable information made available at the time of selection. Account shall also be taken of time limits; where appropriate, a market economy third country which is subject to the same investigation shall be used.

The parties to the investigation shall be informed shortly after its initiation of the market economy third country envisaged and shall be given 10 days to comment.

- (b) In anti-dumping investigations concerning imports from the Russian Federation and the People's Republic of China, normal value will be determined in accordance with paragraphs 1 to 6, if it is shown, on the basis of properly substantiated claims by one or more producers subject to the investigation and in accordance with the criteria and procedures set out in subparagraph (c) that market economy conditions prevail for this producer or producers in

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1. Regulation as amended by Regulation (EC) No 2331/96 (OJ L 317, 6. 12. 1996, p. 1).

⁽²⁾ OJ L 67, 10. 3. 1994, p. 89. Regulation as last amended by Regulation (EC) No 847/97 (OJ L 122, 14. 5. 1997, p. 1).

respect of the manufacture and sale of the like product concerned. When this is not the case, the rules set out under subparagraph (a) shall apply.

(c) A claim under subparagraph (b) must be made in writing and contain sufficient evidence that the producer operates under market economy conditions, that is if:

- decisions of firms regarding prices, costs and inputs, including for instance raw materials, cost of technology and labour, output, sales and investment, are made in response to market signals reflecting supply and demand, and without significant State interference in this regard, and costs of major inputs substantially reflect market values,
- firms have one clear set of basic accounting records which are independently audited in line with international accounting standards and are applied for all purposes,
- the production costs and financial situation of firms are not subject to significant distortions carried over from the former non-market economy system, in particular in relation to depreciation of assets, other

write-offs, barter trade and payment via compensation of debts,

- the firms concerned are subject to bankruptcy and property laws which guarantee legal certainty and stability for the operation of firms, and
- exchange rate conversions are carried out at the market rate.

A determination whether the producer meets the abovementioned criteria shall be made within three months of the initiation of the investigation, after specific consultation of the Advisory Committee and after the Community industry has been given an opportunity to comment. This determination shall remain in force throughout the investigation.

(*) Including Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, North Korea, Kyrgyzstan, Moldavia, Mongolia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Vietnam.'

Article 2

This Regulation shall enter into force on 1 July 1998.

It shall apply to all anti-dumping investigations initiated after the date of its entry into force.

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

Done at Luxembourg, 27 April 1998.

For the Council

The President

R. COOK

COUNCIL REGULATION (EC) No 906/98
of 27 April 1998

laying down general rules for the import of olive oil originating in Tunisia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 3 of Protocol 1 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, signed on 17 July 1995, provides for customs duty of ECU 7,81 per 100 kg on imports into the Community between 1 January 1996 and 31 December 1999 of 46 000 tonnes per marketing year of untreated olive oil of CN code 1509 10 10 or 1509 10 90 wholly obtained in Tunisia and transported directly from that country to the Community;

Whereas, by Regulation (EC) No 447/97⁽¹⁾, the Council provides for special measures applicable to the import of olive oil originating in Tunisia until the entry into force of the Euro-Mediterranean Agreement signed with Tunisia; whereas, since that Agreement comes into force on 1 March 1998, the said Regulation should be formally repealed;

Whereas, by Regulation (EC) No 2004/97⁽²⁾, the Council provided for certain implementing rules concerning the special arrangements for the import of olive oil originating in Tunisia which are no longer applicable now that the said Euro-Mediterranean Agreement has come into force; whereas therefore the said Regulation should be formally repealed;

Whereas the supply forecast for the Community market in olive oil indicates that this quantity can be absorbed without risk of market disturbance if imports are not concentrated in a short period of the marketing year;

whereas therefore, for the sake of efficient operation of the quota arrangements, their management should be entrusted to the Commission,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quota of 46 000 tonnes per marketing year of untreated olive oil of CN code 1509 10 10 or 1509 10 90, wholly obtained in Tunisia and transported directly from that country to the Community, to which a customs duty of ECU 7,81 per 100 kg applies, shall be opened and managed by the Commission in line with arrangements adopted in accordance with the procedure laid down in Article 38 of Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽³⁾.

2. Import licences issued under Regulation (EC) No 447/96 for the 1997/1998 marketing year shall be valid for the quota referred to in paragraph 1 for the same period.

Article 2

Regulation (EC) No 447/96 and Regulation (EC) No 2004/97 are hereby repealed.

Article 3

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

It shall apply from 1 March 1998.

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

Done at Luxembourg, 27 April 1998.

For the Council
The President
R. COOK

⁽¹⁾ OJ L 62, 13. 3. 1996, p. 1.

⁽²⁾ OJ L 284, 16. 10. 1997, p. 9.

⁽³⁾ OJ 172, 30. 9. 1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 1581/96 (OJ L 206, 16. 8. 1996, p. 11).

COMMISSION REGULATION (EC) No 907/98
of 29 April 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 30 April 1998.

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

Done at Brussels, 29 April 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 29 April 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	212	115,9
	624	188,3
	999	152,1
0709 90 70	052	76,4
	999	76,4
0805 10 10, 0805 10 30, 0805 10 50	052	39,4
	204	35,2
	212	55,3
	400	58,2
	600	48,1
	624	46,0
	999	47,0
0805 30 10	388	66,8
	600	83,0
	999	74,9
0808 10 20, 0808 10 50, 0808 10 90	060	43,8
	388	87,0
	400	92,0
	404	96,8
	508	78,2
	512	93,5
	524	76,6
	528	75,0
	720	146,0
	804	109,1
	999	89,8
0808 20 50	388	70,5
	512	72,4
	528	86,4
	999	76,4

⁽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 908/98

of 29 April 1998

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small quantity that is not representative of the market;

whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 April 1998.

⁽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. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 29 April 1998.

For the Commission
 Franz FISCHLER
 Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	7,08	0,01	—
1703 90 00 ⁽¹⁾	8,35	—	0,00

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

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

COMMISSION REGULATION (EC) No 909/98**of 29 April 1998****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽³⁾, as amended by Regulation (EC) No 3290/94 ⁽⁴⁾; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽⁵⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their

sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁶⁾, as last amended by Regulation (EC) No 150/95 ⁽⁷⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁸⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁹⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 April 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 89, 10. 4. 1968, p. 3.

⁽⁴⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽⁵⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁶⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 29 April 1998.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 29 April 1998 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	38,91 ⁽¹⁾
1701 11 90 9910	38,96 ⁽¹⁾
1701 11 90 9950	— ⁽²⁾
1701 12 90 9100	38,91 ⁽¹⁾
1701 12 90 9910	38,96 ⁽¹⁾
1701 12 90 9950	— ⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4230
	— ECU/100 kg —
1701 99 10 9100	42,30
1701 99 10 9910	44,63
1701 99 10 9950	44,63
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4230

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

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EC) No 910/98
of 29 April 1998

fixing the maximum export refund for white sugar for the 36th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular the second subparagraph of Article 17 (5)(b) thereof,

Whereas Commission Regulation (EC) No 1408/97 of 22 July 1997 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1408/97 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 36th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 36th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 47,661 per 100 kilograms.

Article 2

This Regulation shall enter into force on 30 April 1998.

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

Done at Brussels, 29 April 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 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 911/98
of 29 April 1998
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

refund and may be limited to certain countries of destination, quantities, qualities and presentations;

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 April 1998.

⁽¹⁾ OJ L 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 78, 31. 3. 1972, p. 1.

⁽⁴⁾ OJ L 348, 30. 12. 1977, p. 53.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 29 April 1998.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 29 April 1998 fixing the export refunds on olive oil
(*ECU/100 kg*)

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

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

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

COMMISSION REGULATION (EC) No 912/98
of 29 April 1998

fixing the maximum export refunds for olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97

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

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

Whereas Commission Regulation (EC) No 1978/97 ⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EC) No 1978/97 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 April 1998.

Article 2

This Regulation shall enter into force on 30 April 1998.

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

Done at Brussels, 29 April 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 278, 11. 10. 1997, p. 7.

ANNEX

to the Commission Regulation of 29 April 1998 fixing the maximum export refunds for olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 1978/97

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 9100	—
1509 10 90 9900	—
1509 90 00 9100	—
1509 90 00 9900	—
1510 00 90 9100	—
1510 00 90 9900	—

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

COMMISSION REGULATION (EC) No 913/98
of 29 April 1998
fixing the export refunds on 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 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade 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 within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 897/98 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽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 126, 29. 4. 1998, p. 22.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84 ⁽³⁾, as last amended by Regulation (EEC) No 222/88 ⁽⁴⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

Done at Brussels, 29 April 1998.

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 4 May 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 91, 1. 4. 1984, p. 71.

⁽⁴⁾ OJ L 28, 1. 2. 1988, p. 1.

ANNEX

to the Commission Regulation of 29 April 1998 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0401 10 10 9000	970	2,327	0402 21 91 9900	+	136,76
	***	—	0402 21 99 9100	+	103,34
0401 10 90 9000	970	2,327	0402 21 99 9200	+	104,05
	***	—	0402 21 99 9300	+	105,34
0401 20 11 9100	970	2,327	0402 21 99 9400	+	112,58
	***	—	0402 21 99 9500	+	115,09
0401 20 11 9500	970	3,597	0402 21 99 9600	+	124,73
	***	—	0402 21 99 9700	+	130,38
0401 20 19 9100	970	2,327	0402 21 99 9900	+	136,76
	***	—	0402 29 15 9200	+	0,6800
0401 20 19 9500	970	3,597	0402 29 15 9300	+	0,9054
	***	—	0402 29 15 9500	+	0,9538
0401 20 91 9100	970	4,551	0402 29 15 9900	+	1,0262
	***	—	0402 29 19 9200	+	0,6800
0401 20 91 9500	+	—	0402 29 19 9300	+	0,9054
0401 20 99 9100	970	4,551	0402 29 19 9500	+	0,9538
	***	—	0402 29 19 9900	+	1,0262
0401 20 99 9500	+	—	0402 29 91 9100	+	1,0334
0401 30 11 9100	+	—	0402 29 91 9500	+	1,1258
0401 30 11 9400	970	10,50	0402 29 99 9100	+	1,0334
	***	—	0402 29 99 9500	+	1,1258
0401 30 11 9700	970	15,77	0402 91 11 9110	+	—
	***	—	0402 91 11 9120	+	—
0401 30 19 9100	+	—	0402 91 11 9310	+	11,31
0401 30 19 9400	+	—	0402 91 11 9350	+	13,85
0401 30 19 9700	970	15,77	0402 91 11 9370	+	16,84
	***	—	0402 91 19 9110	+	—
0401 30 31 9100	+	38,32	0402 91 19 9120	+	—
0401 30 31 9400	+	59,85	0402 91 19 9310	+	11,31
0401 30 31 9700	+	66,00	0402 91 19 9350	+	13,85
0401 30 39 9100	+	38,32	0402 91 19 9370	+	16,84
0401 30 39 9400	+	59,85	0402 91 31 9100	+	—
0401 30 39 9700	+	66,00	0402 91 31 9300	+	19,91
0401 30 91 9100	+	75,22	0402 91 39 9100	+	—
0401 30 91 9400	+	110,55	0402 91 39 9300	+	19,91
0401 30 91 9700	+	129,01	0402 91 51 9000	+	—
0401 30 99 9100	+	75,22	0402 91 59 9000	+	—
0401 30 99 9400	+	110,55	0402 91 91 9000	+	63,94
0401 30 99 9700	+	129,01	0402 91 99 9000	+	63,94
0402 10 11 9000	+	68,00	0402 99 11 9110	+	—
0402 10 19 9000	+	68,00	0402 99 11 9130	+	—
0402 10 91 9000	+	0,6800	0402 99 11 9150	+	—
0402 10 99 9000	+	0,6800	0402 99 11 9310	+	0,2555
0402 21 11 9200	+	68,00	0402 99 11 9330	+	0,3067
0402 21 11 9300	+	90,54	0402 99 11 9350	+	0,4077
0402 21 11 9500	+	95,38	0402 99 19 9110	+	—
0402 21 11 9900	+	102,60	0402 99 19 9130	+	—
0402 21 17 9000	+	68,00	0402 99 19 9150	+	—
0402 21 19 9300	+	90,54	0402 99 19 9310	+	0,2555
0402 21 19 9500	+	95,38	0402 99 19 9330	+	0,3067
0402 21 19 9900	+	102,60	0402 99 19 9350	+	0,4077
0402 21 91 9100	+	103,34	0402 99 31 9110	+	—
0402 21 91 9200	+	104,05	0402 99 31 9150	+	0,4245
0402 21 91 9300	+	105,34	0402 99 31 9300	+	0,3832
0402 21 91 9400	+	112,58	0402 99 31 9500	+	0,6600
0402 21 91 9500	+	115,09	0402 99 39 9110	+	—
0402 21 91 9600	+	124,73	0402 99 39 9150	+	0,4245
0402 21 91 9700	+	130,38	0402 99 39 9300	+	0,3832

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,6600	0404 90 29 9160	+	130,38
0402 99 91 9000	+	0,7522	0404 90 29 9180	+	136,76
0402 99 99 9000	+	0,7522	0404 90 81 9100	+	0,6800
0403 10 11 9400	+	—	0404 90 81 9910	+	—
0403 10 11 9800	+	—	0404 90 81 9950	+	0,2555
0403 10 13 9800	+	—	0404 90 83 9110	+	0,6800
0403 10 19 9800	+	—	0404 90 83 9130	+	0,9054
0403 10 31 9400	+	—	0404 90 83 9150	+	0,9538
0403 10 31 9800	+	—	0404 90 83 9170	+	1,0262
0403 10 33 9800	+	—	0404 90 83 9911	+	—
0403 10 39 9800	+	—	0404 90 83 9913	+	—
0403 90 11 9000	+	66,85	0404 90 83 9915	+	—
0403 90 13 9200	+	66,85	0404 90 83 9917	+	—
0403 90 13 9300	+	89,73	0404 90 83 9919	+	—
0403 90 13 9500	+	94,53	0404 90 83 9931	+	0,2555
0403 90 13 9900	+	101,68	0404 90 83 9933	+	0,3067
0403 90 19 9000	+	102,44	0404 90 83 9935	+	0,4077
0403 90 31 9000	+	0,6685	0404 90 83 9937	+	0,4245
0403 90 33 9200	+	0,6685	0404 90 89 9130	+	1,0334
0403 90 33 9300	+	0,8973	0404 90 89 9150	+	1,1258
0403 90 33 9500	+	0,9453	0404 90 89 9930	+	0,4601
0403 90 33 9900	+	1,0168	0404 90 89 9950	+	0,6600
0403 90 39 9000	+	1,0244	0404 90 89 9990	+	0,7522
0403 90 51 9100	970	2,327	0405 10 11 9500	+	165,85
	***	—	0405 10 11 9700	+	170,00
0403 90 51 9300	+	—	0405 10 19 9500	+	165,85
0403 90 53 9000	+	—	0405 10 19 9700	+	170,00
0403 90 59 9110	+	—	0405 10 30 9100	+	165,85
0403 90 59 9140	+	—	0405 10 30 9300	+	170,00
0403 90 59 9170	970	15,77	0405 10 30 9500	+	165,85
	***	—	0405 10 30 9700	+	170,00
0403 90 59 9310	+	38,32	0405 10 50 9100	+	165,85
0403 90 59 9340	+	59,85	0405 10 50 9300	+	170,00
0403 90 59 9370	+	66,00	0405 10 50 9700	+	170,00
0403 90 59 9510	+	75,22	0405 10 90 9000	+	176,22
0403 90 59 9540	+	110,55	0405 20 90 9500	+	155,49
0403 90 59 9570	+	129,01	0405 20 90 9700	+	161,71
0403 90 61 9100	+	—	0405 90 10 9000	+	216,00
0403 90 61 9300	+	—	0405 90 90 9000	+	170,00
0403 90 63 9000	+	—	0406 10 20 9100	+	—
0403 90 69 9000	+	—	0406 10 20 9230	037	—
0404 90 21 9100	+	68,00		039	—
0404 90 21 9910	+	—		099	22,83
0404 90 21 9950	+	11,31		400	22,83
0404 90 23 9120	+	68,00		***	37,68
0404 90 23 9130	+	90,54		037	—
0404 90 23 9140	+	95,38	0406 10 20 9290	039	—
0404 90 23 9150	+	102,60		099	21,24
0404 90 23 9911	+	—		400	15,29
0404 90 23 9913	+	—		***	35,05
0404 90 23 9915	+	—		037	—
0404 90 23 9917	+	—		039	—
0404 90 23 9919	+	—		099	9,329
0404 90 23 9931	+	11,31		400	7,834
0404 90 23 9933	+	13,85		***	15,39
0404 90 23 9935	+	16,84			
0404 90 23 9937	+	19,91			
0404 90 23 9939	+	20,81			
0404 90 29 9110	+	103,34			
0404 90 29 9115	+	104,05			
0404 90 29 9120	+	105,34			
0404 90 29 9130	+	112,58			
0404 90 29 9135	+	115,09			
0404 90 29 9150	+	124,73			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 10 20 9610	037	—	0406 20 90 9990	+	—
	039	—	0406 30 31 9710	037	—
	099	30,98		039	—
	400	30,98		099	9,54
	***	51,11		400	8,346
		***		17,88	
0406 10 20 9620	037	—	0406 30 31 9730	037	—
	039	—		039	—
	099	31,42		099	13,99
	400	31,42		400	12,25
	***	51,83		***	26,24
0406 10 20 9630	037	—	0406 30 31 9910	037	—
	039	—		039	—
	099	35,06		099	9,54
	400	35,06		400	8,346
	***	57,86		***	17,88
0406 10 20 9640	037	—	0406 30 31 9930	037	—
	039	—		039	—
	099	51,54		099	13,99
	400	48,35		400	12,25
	***	85,03		***	26,24
0406 10 20 9650	037	—	0406 30 31 9950	037	—
	039	—		039	—
	099	42,95		099	20,36
	400	25,44		400	17,81
	***	70,86		***	38,17
0406 10 20 9660	+	—	0406 30 39 9500	037	—
0406 10 20 9830	037	—		039	—
	039	—		099	13,99
	099	15,93		400	12,25
	400	13,38		***	26,24
	***	26,28	0406 30 39 9700	037	—
0406 10 20 9850	037	—		039	—
	039	—		099	20,36
	099	19,31		400	17,81
	400	16,22		***	38,17
	***	31,87	0406 30 39 9930	037	—
0406 10 20 9870	+	—		039	—
	+	—		099	20,36
	+	—		400	17,81
	0406 20 90 9100	037		—	***
		039	—	0406 30 39 9950	037
099		35,62	039		—
400		31,59	099		23,02
***		58,77	400		21,14
***	77,56	***	43,16		
0406 20 90 9915	037	—	0406 30 90 9000	037	—
	039	—		039	—
	099	47,01		099	24,15
	400	42,12		400	21,14
	***	77,56		***	45,28
0406 20 90 9917	037	—	0406 40 50 9000	037	—
	039	—		039	—
	099	49,94		099	54,55
	400	44,75		400	32,98
	***	82,41		***	90,00
0406 20 90 9919	037	—			
	039	—			
	099	55,82			
	400	50,02			
	***	92,10			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 40 90 9000	037	—	0406 90 33 9951	037	—
	039	—		039	—
	099	56,01		099	36,20
	400	32,98		400	20,01
	***	92,42		***	59,72
0406 90 13 9000	037	—	0406 90 35 9190	037	28,95
	039	—		039	28,95
	099	60,16		099	61,40
	400	60,16		400	61,40
	***	99,26		***	101,30
0406 90 15 9100	037	—	0406 90 35 9990	037	—
	039	—		039	—
	099	62,17		099	54,68
	400	62,17		400	40,19
	***	102,58		***	90,22
0406 90 17 9100	037	—	0406 90 37 9000	037	—
	039	—		039	—
	099	62,17		099	60,16
	400	62,17		400	60,16
	***	102,58		***	99,26
0406 90 21 9900	037	—	0406 90 61 9000	037	40,61
	039	—		039	40,61
	099	61,63		099	65,82
	400	44,53		400	57,27
	***	101,68		***	108,59
0406 90 23 9900	037	—	0406 90 63 9100	037	37,12
	039	—		039	37,12
	099	36,51		099	63,89
	400	18,57		400	63,89
	***	75,31		***	105,42
0406 90 25 9900	037	—	0406 90 63 9900	037	29,52
	039	—		039	29,52
	099	36,98		099	48,93
	400	21,16		400	48,93
	***	76,25		***	80,75
0406 90 27 9900	037	—	0406 90 69 9100	+	—
	039	—	0406 90 69 9910	037	—
	099	33,48	039	—	
	400	18,57	099	48,93	
	***	69,06	400	48,93	
0406 90 31 9119	037	—	***	80,75	
	039	—	0406 90 73 9900	037	—
	099	38,17		039	—
	400	25,56		099	52,63
	***	62,99		400	52,63
0406 90 33 9119	037	—		***	86,83
	039	—	0406 90 75 9900	037	—
	099	38,17		039	—
	400	25,56		099	51,97
	***	62,99		400	22,27
0406 90 33 9919	037	—		***	85,75
	039	—	0406 90 76 9300	037	—
	099	34,36		039	—
	400	20,33		099	34,88
	***	56,69		400	20,12
		***		71,94	

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 76 9400	037	—	0406 90 85 9999	+	—
	039	—	0406 90 86 9100	+	—
	099	40,07	0406 90 86 9200	037	—
	400	23,22		039	—
	***	82,65		099	29,74
0406 90 76 9500	037	—		400	27,65
	039	—		***	61,34
	099	38,60	0406 90 86 9300	037	—
	400	23,22		039	—
	***	79,62		099	30,78
0406 90 78 9100	037	—		400	30,30
	039	—		***	63,48
	099	32,73	0406 90 86 9400	037	—
	400	18,14		039	—
	***	67,50		099	34,58
0406 90 78 9300	037	—		400	34,28
	039	—		***	71,32
	099	40,07	0406 90 86 9900	037	—
	400	20,12		039	—
	***	82,65		099	43,80
0406 90 78 9500	037	—		400	40,24
	039	—		***	90,34
	099	40,07	0406 90 87 9100	+	—
	400	23,22	0406 90 87 9200	037	—
	***	82,65		039	—
0406 90 79 9900	037	—		099	24,78
	039	—		400	24,78
	099	30,31		***	51,11
	400	19,23	0406 90 87 9300	037	—
	***	62,51		039	—
0406 90 81 9900	037	—		099	28,27
	039	—		400	28,02
	099	53,71		***	58,31
	400	47,61	0406 90 87 9400	037	—
	***	88,63		039	—
0406 90 85 9910	037	28,95		099	30,66
	039	28,95		400	30,66
	099	59,27		***	63,25
	400	59,27	0406 90 87 9951	037	—
	***	97,79		039	—
0406 90 85 9991	037	—		099	42,19
	039	—		400	42,19
	099	54,68		***	87,04
	400	40,19	0406 90 87 9971	037	—
	***	90,22		039	—
0406 90 85 9995	037	—		099	42,07
	039	—		400	34,41
	099	51,97	0406 90 87 9972	***	86,78
	400	21,16		099	16,03
	***	85,75		400	13,67
			***	33,07	

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 87 9973	037	—	2309 10 19 9100	+	—
	039	—	2309 10 19 9200	+	—
	099	37,66	2309 10 19 9300	+	—
	400	24,08	2309 10 19 9400	+	—
	***	77,68	2309 10 19 9500	+	—
0406 90 87 9974	037	—	2309 10 19 9600	+	—
	039	—	2309 10 19 9700	+	—
	099	42,07	2309 10 19 9800	+	—
	400	24,08	2309 10 70 9010	+	—
	***	86,78	2309 10 70 9100	+	13,85
0406 90 87 9979	037	—	2309 10 70 9200	+	18,47
	039	—	2309 10 70 9300	+	23,09
	099	36,51	2309 10 70 9500	+	27,70
	400	24,08	2309 10 70 9600	+	32,32
	***	75,31	2309 10 70 9700	+	36,94
0406 90 88 9100	+	—	2309 10 70 9800	+	40,63
0406 90 88 9105	037	—	2309 90 35 9010	+	—
	039	—	2309 90 35 9100	+	—
	099	52,46	2309 90 35 9200	+	—
	400	30,30	2309 90 35 9300	+	—
	***	86,56	2309 90 35 9400	+	—
0406 90 88 9300	037	—	2309 90 35 9500	+	—
	039	—	2309 90 35 9700	+	—
	099	31,84	2309 90 39 9010	+	—
	400	30,30	2309 90 39 9100	+	—
	***	52,55	2309 90 39 9200	+	—
2309 10 15 9010	+	—	2309 90 39 9300	+	—
2309 10 15 9100	+	—	2309 90 39 9400	+	—
2309 10 15 9200	+	—	2309 90 39 9500	+	—
2309 10 15 9300	+	—	2309 90 39 9600	+	—
2309 10 15 9400	+	—	2309 90 39 9700	+	—
2309 10 15 9500	+	—	2309 90 39 9800	+	—
2309 10 15 9700	+	—	2309 90 70 9010	+	—
2309 10 19 9010	+	—	2309 90 70 9100	+	13,85
			2309 90 70 9200	+	18,47
			2309 90 70 9300	+	23,09
			2309 90 70 9500	+	27,70
			2309 90 70 9600	+	32,32
			2309 90 70 9700	+	36,94
			2309 90 70 9800	+	40,63

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 2317/97 (OJ L 321, 22.11.1997, p. 19). However:

— '099' covers all destination codes from 053 to 096 inclusive,

— '970' covers the exports referred to in Articles 34(1)(a) and (c) and 42(1)(a) and (b) of Commission Regulation (EEC) No 3665/87 (OJ L 351, 14.12.1987, p. 1).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1(2) and (3).

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

COMMISSION REGULATION (EC) No 914/98
of 29 April 1998

**fixing the export refunds on syrups and certain other sugar products exported in
the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾, and in particular Article 17 (5) thereof,

Whereas Article 17 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽³⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95;

Whereas Article 17 (6) of Regulation (EEC) No 1785/81 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry ⁽⁴⁾, last amended by Commission Regulation (EC) No 1126/96 ⁽⁵⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to

one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 17 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) and (h) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas, in the case of the products referred to in the said Article (1) (f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; whereas, for the products referred to in Article 1 (1) (h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

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

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁴⁾ OJ L 94, 9. 4. 1986, p. 9.

⁽⁵⁾ OJ L 150, 25. 6. 1996, p. 3.

HAS ADOPTED THIS REGULATION:

exported in the natural state, shall be set out in the Annex hereto.

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81,

Article 2

This Regulation shall enter into force on 1 May 1998.

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

Done at Brussels, 29 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 29 April 1998 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 9100	44,63 ⁽²⁾
1702 60 10 9000	44,63 ⁽²⁾
1702 60 80 9100	84,80 ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 95 9000	0,4463 ⁽¹⁾
	— ECU/100 kg dry matter —
1702 90 30 9000	44,63 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,4463 ⁽¹⁾
1702 90 71 9000	0,4463 ⁽¹⁾
1702 90 99 9900	0,4463 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 9000	44,63 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,4463 ⁽¹⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5. 12. 1992, p. 12).

⁽⁴⁾ Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

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

COMMISSION REGULATION (EC) No 915/98
of 29 April 1998
fixing the production refund for olive oil used in the manufacture of certain
preserved foods

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾, and in particular Article 20a thereof,

Whereas Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry; whereas under paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months;

Whereas by virtue of Article 20a (2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the refer-

ence period; whereas it is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund; whereas the above amount is to be increased by an amount equal to the consumption aid in force on the day that the said refund is applied;

Whereas the application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of May and June 1998, the amount of the production refund referred to in Article 20a (2) of Regulation No 136/66/EEC shall be ECU 60,07 per 100 kilograms.

Article 2

This Regulation shall enter into force on 1 May 1998.

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

Done at Brussels, 29 April 1998.

For the Commission
Hans VAN DEN BROEK
Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

COMMISSION REGULATION (EC) No 916/98
of 29 April 1998

**fixing the minimum selling prices for butter and the maximum aid for cream,
butter and concentrated butter for the eighth individual invitation to tender
under the standing invitation to tender provided for in Regulation (EC) No
2571/97**

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⁾, and in particular Articles 6(3)
and 12(3) thereof,

Whereas the intervention agencies are, pursuant to
Commission Regulation (EC) No 2571/97 of 15
December 1997 on the sale of butter at reduced prices
and the granting of aid for cream, butter and concentrated
butter for use in the manufacture of pastry products,
ice-cream and other foodstuffs ⁽³⁾ to sell by invitation to
tender certain quantities of butter that they hold and to
grant aid for cream, butter and concentrated butter;
whereas Article 18 of that Regulation stipulates that in
the light of the tenders received in response to each
individual invitation to tender a minimum selling price
shall be fixed for butter and maximum aid shall be fixed
for cream, butter and concentrated butter; whereas it is
further stipulated that the price or aid may vary according

to the intended use of the butter, its fat content and the
incorporation procedure, and that a decision may also be
taken to make no award in response to the tenders
submitted; whereas the amount(s) of the processing secur-
ities must be fixed accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum aid and processing securities applying for
the eighth individual invitation to tender under the
standing invitation to tender provided for in Regulation
(EC) No 2571/97 shall be fixed as indicated in the Annex
hereto.

Article 2

This Regulation shall enter into force on 30 April 1998.

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

Done at Brussels, 29 April 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 350, 20. 12. 1997, p. 3.

ANNEX

to the Commission Regulation of 29 April 1998 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the eighth individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(ECU/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter \geq 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—		—	
		Concentrated	—		—	
Maximum aid	Butter \geq 82 %		109	105	109	105
	Butter $<$ 82 %		104	100	104	100
	Concentrated butter		134	130	134	130
	Cream		—	—	46	44
Processing security		Butter	120	—	120	—
		Concentrated butter	148	—	148	—
		Cream	—	—	51	—

COMMISSION REGULATION (EC) No 917/98
of 29 April 1998
fixing the import duties in the rice sector

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⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 1403/97 ⁽⁴⁾, and in particular Article 4 (1) thereof,

Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12 (3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;

Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;

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

Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11 (1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 30 April 1998.

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

Done at Brussels, 29 April 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 189, 30. 7. 1996, p. 71.

⁽⁴⁾ OJ L 194, 23. 7. 1997, p. 2.

ANNEX I

to the Commission Regulation of 29 April 1998 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾			
	Third countries (except ACP and Bangladesh) ⁽²⁾ ⁽⁷⁾	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	130,91		202,88
1006 10 23	(7)	130,91		202,88
1006 10 25	(7)	130,91		202,88
1006 10 27	(7)	130,91		202,88
1006 10 92	(7)	130,91		202,88
1006 10 94	(7)	130,91		202,88
1006 10 96	(7)	130,91		202,88
1006 10 98	(7)	130,91		202,88
1006 20 11	(7)	164,91		253,88
1006 20 13	(7)	164,91		253,88
1006 20 15	(7)	164,91		253,88
1006 20 17	262,11	126,72	12,11	196,58
1006 20 92	(7)	164,91		253,88
1006 20 94	(7)	164,91		253,88
1006 20 96	(7)	164,91		253,88
1006 20 98	262,11	126,72	12,11	196,58
1006 30 21	(7)	251,59		399,75
1006 30 23	(7)	251,59		399,75
1006 30 25	(7)	251,59		399,75
1006 30 27	(7)	251,59		399,75
1006 30 42	(7)	251,59		399,75
1006 30 44	(7)	251,59		399,75
1006 30 46	(7)	251,59		399,75
1006 30 48	(7)	251,59		399,75
1006 30 61	(7)	251,59		399,75
1006 30 63	(7)	251,59		399,75
1006 30 65	(7)	251,59		399,75
1006 30 67	(7)	251,59		399,75
1006 30 92	(7)	251,59		399,75
1006 30 94	(7)	251,59		399,75
1006 30 96	(7)	251,59		399,75
1006 30 98	(7)	251,59		399,75
1006 40 00	(7)	78,38		123,00

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ L 84, 30. 3. 1990, p. 85).

⁽²⁾ In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11 (3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4. 12. 1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9. 4. 1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ L 263, 19. 9. 1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of ECU 250 per tonne applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15. 11. 1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1. 2. 1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	262,11	533,00	338,50	533,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (ECU/tonne)	—	341,70	331,48	285,90	331,28	—
(b) fob price (ECU/tonne)	—	—	—	258,67	304,05	—
(c) Sea freight (ECU/tonne)	—	—	—	27,23	27,23	—
(d) Source	—	USDA	Operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 918/98
of 29 April 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 1 014 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 1 May 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, 29 April 1998.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 29 April 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 40 00 9000	—	—
1006 30 65 9100	01	30,00			
	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 1 014 tonnes.

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

COMMISSION REGULATION (EC) No 919/98
of 28 April 1998
establishing unit values for the determination of the customs value of certain
perishable goods

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 82/97 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 75/98 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 1998.

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

Done at Brussels, 28 April 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ L 17, 21. 1. 1997, p. 1.

⁽³⁾ OJ L 253, 11. 10. 1993, p. 1.

⁽⁴⁾ OJ L 7, 13. 1. 1998, p. 3.

ANNEX

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a)	45,64	634,65	90,20	344,12	15 726,63	7 658,94
		b)	273,77	302,44	35,72	89 136,75	101,50	9 240,05
		c)	386,69	1 861,89	30,08			
1.30	Onions (other than seed) 0703 10 19	a)	51,46	715,58	101,70	388,00	17 732,09	8 635,61
		b)	308,68	341,00	40,28	100 503,44	144,45	10 418,33
		c)	436,00	2 099,32	33,92			
1.40	Garlic 0703 20 00	a)	137,55	1 912,70	271,85	1 037,10	47 396,98	23 082,54
		b)	825,08	911,49	107,66	268 640,65	305,91	27 847,69
		c)	1 165,40	5 611,38	90,66			
1.50	Leeks ex 0703 90 00	a)	39,74	552,60	78,54	299,63	13 693,61	6 668,85
		b)	238,38	263,34	31,10	77 613,81	88,38	8 045,56
		c)	336,70	1 621,20	26,19			
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a)	75,84	1 054,59	149,89	571,82	26 132,95	12 726,86
		b)	454,92	502,56	59,36	148 118,55	168,67	15 354,19
		c)	642,56	3 093,91	49,98			
1.70	Brussels sprouts 0704 20 00	a)	93,91	1 305,87	185,60	708,06	32 359,51	15 759,22
		b)	563,31	622,30	73,50	183 409,99	208,86	19 012,55
		c)	795,66	3 831,08	61,89			
1.80	White cabbages and red cabbages 0704 90 10	a)	37,87	526,60	74,85	285,53	13 049,24	6 355,04
		b)	227,16	250,95	29,64	73 961,62	84,22	7 666,97
		c)	320,86	1 544,91	24,96			
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea L. convar. botrytis (L.) Alef var. italica Plenck</i>) ex 0704 90 90	a)	105,95	1 473,29	209,40	798,84	36 508,25	17 779,68
		b)	635,53	702,09	82,92	206 924,59	235,63	21 450,11
		c)	897,67	4 322,25	69,83			
1.100	Chinese cabbage ex 0704 90 90	a)	73,37	1 020,25	145,01	553,19	25 281,83	12 312,37
		b)	440,10	486,19	57,42	143 294,54	163,17	14 654,12
		c)	621,63	2 993,14	48,36			
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a)	252,67	2 122,95	301,73	1 151,10	52 607,03	25 619,86
		b)	915,78	1 011,68	119,49	298 170,62	339,54	30 908,80
		c)	1 293,51	6 228,20	100,62			
1.120	Endives ex 0705 29 00	a)	21,82	303,42	43,12	164,52	7 518,74	3 661,66
		b)	130,89	144,59	17,08	42 615,33	48,53	4 417,57
		c)	184,87	890,15	14,38			
1.130	Carrots ex 0706 10 00	a)	45,23	628,95	89,39	341,02	15 585,35	7 590,14
		b)	271,31	299,72	35,40	88 336,00	100,59	9 157,04
		c)	383,21	1 845,17	29,81			
1.140	Radishes ex 0706 90 90	a)	173,89	2 418,03	343,67	1 311,09	59 919,02	29 180,83
		b)	1 043,06	1 152,30	136,10	339 614,13	386,73	35 204,90
		c)	1 473,30	7 093,88	114,61			
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a)	421,43	5 860,19	832,90	3 177,49	145 216,35	70 721,01
		b)	2 527,91	2 792,64	329,84	823 069,65	937,26	85 320,61
		c)	3 570,60	17 192,32	277,75			

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	131,79 790,53 1 116,60	1 832,61 873,32 5 376,40	260,47 103,15 86,86	993,67 257 391,14	45 112,20 293,10	22 115,94 26 681,54
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	197,95 1 187,39 1 677,15	2 752,59 1 311,73 8 075,41	391,22 154,93 130,46	1 492,50 386 604,27	68 209,61 440,24	33 218,39 40 075,97
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 946,13 1 336,46	2 193,45 1 045,28 6 435,03	311,75 123,46 103,96	1 189,33 308 072,53	54 354,05 350,81	26 470,66 31 935,25
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	377,01 2 261,46 3 194,25	5 242,51 2 498,29 15 380,20	745,11 295,07 248,48	2 842,58 736 315,61	129 910,11 838,47	63 266,80 76 327,56
1.200.2	— other ex 0709 20 00	a) b) c)	398,10 2 383,97 3 372,93	5 535,78 2 638,04 26 240,57	786,79 311,58 252,38	3 001,59 777 505,22	137 177,30 885,37	66 805,96 80 597,34
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	151,28 907,44 1 281,73	2 103,62 1 002,47 6 171,50	298,99 118,40 99,70	1 140,62 295 455,89	52 128,06 336,45	25 385,60 30 627,39
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	98,04 588,08 830,65	1 363,30 649,67 3 999,56	193,76 76,73 64,62	739,20 191 476,04	33 782,62 218,04	16 452,29 19 848,69
1.230	Chantarelles 0709 51 30	a) b) c)	1 799,53 10 794,32 15 246,66	25 023,36 11 924,73 73 412,19	3 556,54 1 408,44 1 186,02	13 568,08 3 514 554,07	620 082,05 4 002,15	301 982,73 364 323,85
1.240	Sweet peppers 0709 60 10	a) b) c)	228,99 1 373,58 1 940,14	3 184,22 1 517,42 9 341,69	452,57 179,22 150,92	1 726,54 447 226,63	78 905,37 509,27	38 427,27 46 360,17
1.250	Fennel 0709 90 50	a) b) c)	73,55 441,18 623,16	1 022,75 487,38 3 000,49	145,36 57,57 48,47	554,55 143 646,09	25 343,86 163,58	12 342,57 14 890,57
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	69,33 415,87 587,40	964,07 459,42 2 828,33	137,02 54,26 45,69	522,73 135 404,26	23 889,73 154,19	11 634,41 14 036,21
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	140,29 841,52 1 188,62	1 950,80 929,64 5 723,16	277,26 109,80 92,46	1 057,76 273 991,98	48 341,13 312,00	23 542,35 28 402,41
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	92,39 554,19 782,78	1 284,73 612,23 3 769,07	182,60 72,31 60,89	696,60 180 441,37	31 835,75 205,48	15 504,15 18 704,82

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	77,15 462,78 653,66	1 072,81 511,24 3 147,75	152,48 60,38 50,85	581,69 150 677,04	26 584,35 171,58	12 946,70 15 619,40
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	183,33 1 099,69 1 553,28	2 549,30 1 214,85 7 478,98	362,33 143,49 120,83	1 382,27 358 050,82	63 171,85 407,73	30 764,97 37 116,08
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamou- tis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	50,37 302,14 426,76	700,42 333,78 2 054,85	99,55 39,42 33,20	379,78 98 374,62	17 356,49 112,02	8 452,69 10 197,66
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	78,57 471,30 665,69	1 092,56 520,65 3 205,28	155,28 61,49 51,78	592,40 153 450,35	27 073,65 174,74	13 184,99 15 906,89
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	52,23 313,30 442,52	726,28 346,11 2 130,73	103,23 40,88 34,42	393,80 102 007,28	17 997,41 116,16	8 764,82 10 574,22
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	61,12 366,62 517,64	849,90 405,02 2 493,40	120,80 47,84 40,28	460,83 119 369,80	21 060,73 135,93	10 256,67 12 374,05
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	143,58 861,25 1 216,49	1 996,55 951,44 5 857,37	283,77 112,38 94,63	1 082,56 280 417,48	49 474,80 319,32	24 094,45 29 068,49
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	41,52 249,05 351,78	577,36 275,14 1 693,82	82,06 32,50 27,36	313,05 81 030,22	14 306,96 92,34	6 967,55 8 405,93
2.90.2	— pink ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	53,29 319,66 451,50	741,02 353,13 2 173,98	105,32 41,71 35,12	401,80 104 077,50	18 362,67 118,52	8 942,70 10 788,83
2.100	Table grapes 0806 10 21 0806 10 29 0806 10 61 0806 10 30 0806 10 69	a) b) c)	135,56 813,14 1 148,54	1 885,03 898,30 5 530,20	267,92 106,10 89,34	1 022,09 264 754,10	46 711,26 301,49	22 748,59 27 444,80

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	69,28 415,57 586,98	963,37 459,09 2 826,29	136,92 54,22 45,66	522,36 135 306,61	23 872,50 154,08	11 626,02 14 026,08
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	73,66 441,84 624,09	1 024,28 488,11 3 004,97	145,58 57,65 48,55	555,38 143 860,93	25 381,76 163,82	12 361,03 14 912,84
2.120.2	— other ex 0807 19 00	a) b) c)	130,26 781,35 1 103,64	1 811,33 863,18 5 313,98	257,44 101,95 85,85	982,13 254 402,99	44 884,99 289,70	21 859,19 26 371,79
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 41	a) b) c)	148,39 890,10 1 257,25	2 063,44 983,32 6 053,60	293,27 116,14 97,80	1 118,83 289 811,61	51 132,23 330,02	24 901,62 30 042,30
2.140.2	Other ex 0808 20 41	a) b) c)	64,86 389,06 549,53	901,91 429,80 2 645,98	128,19 50,76 42,75	489,03 126 674,17	22 349,46 144,25	10 884,29 13 131,23
2.150	Apricots 0809 10 10 0809 10 50	a) b) c)	110,42 662,34 935,54	1 535,45 731,71 4 504,61	218,23 86,42 72,77	832,54 215 654,68	38 048,52 245,57	18 529,80 22 355,08
2.160	Cherries 0809 20 05 0809 20 95	a) b) c)	296,82 1 780,45 2 514,83	4 127,43 1 966,90 12 108,83	586,63 232,31 195,63	2 237,96 579 701,33	102 278,24 660,13	49 809,96 60 092,69
2.170	Peaches 0809 30 90	a) b) c)	174,89 1 049,06 1 481,77	2 431,93 1 158,92 7 134,67	345,65 136,88 115,26	1 318,63 341 567,17	60 263,60 388,96	29 348,64 35 407,35
2.180	Nectarines ex 0809 30 10	a) b) c)	103,92 623,35 880,47	1 445,06 688,63 4 239,44	205,38 81,34 68,49	783,53 202 959,52	35 808,75 231,12	17 439,02 21 039,12
2.190	Plums 0809 40 05	a) b) c)	170,10 1 020,33 1 441,19	2 365,33 1 127,18 6 939,26	336,18 133,13 112,11	1 282,52 332 212,10	58 613,06 378,30	28 544,82 34 437,60
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a) b) c)	152,83 916,74 1 294,86	2 125,18 1 012,74 6 234,73	302,05 119,62 100,73	1 152,31 298 483,10	52 662,16 339,89	25 646,71 30 941,20
2.205	Raspberries 0810 20 10	a) b) c)	1 368,45 8 208,52 11 594,30	19 028,98 9 068,14 55 826,19	2 704,56 1 071,04 901,90	10 317,83 2 672 637,59	471 540,50 3 043,43	229 642,33 277 049,54
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	966,98 5 800,34 8 192,82	13 446,34 6 407,77 39 448,14	1 911,11 756,83 637,31	7 290,83 1 888 550,62	333 201,97 2 150,56	162 270,85 195 769,94
2.220	Kiwi fruit (<i>Actinidia chinensis Planch.</i>) 0810 50 10 0810 50 20 0810 50 30	a) b) c)	126,63 759,58 1 072,88	1 760,85 839,12 5 165,90	250,27 99,11 83,46	954,76 247 313,46	43 634,17 281,63	21 250,03 25 636,88

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a)	156,12	2 170,93	308,55	1 177,11	51 795,83	26 198,81
		b)	936,47	1 034,54	122,19	304 908,60	347,21	31 607,27
		c)	1 322,74	6 368,95	102,89			
2.240	Khakis (including sharon fruit) ex 0810 90 85	a)	305,37	4 246,32	603,52	2 302,43	105 224,39	51 244,75
		b)	1 831,73	2 023,56	239,00	596 399,82	679,14	61 823,68
		c)	2 587,27	12 457,63	201,26			
2.250	Lychees ex 0810 90 30	a)	362,06	5 034,63	715,56	2 729,86	124 758,63	60 758,01
		b)	2 171,78	2 399,22	283,37	707 117,66	805,22	73 300,86
		c)	3 067,58	14 770,31	238,62			

COMMISSION REGULATION (EC) No 920/98
of 28 April 1998
concerning the stopping of fishing for cod by vessels flying the flag of Sweden

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 2635/97⁽²⁾, and in particular Article 21(3) thereof,

Whereas Council Regulation (EC) No 61/98 of 19 December 1997 allocating, for 1998, catch quotas between Member States for vessels fishing in the zone of the Russian Federation⁽³⁾, provides for cod quotas for 1998;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES division III d (Russian waters) by vessels flying the flag of Sweden or registered in Sweden have reached the quota allocated for 1998; whereas Sweden has prohibited fishing

for this stock as from 23 January 1998; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES division III d (Russian waters) by vessels flying the flag of Sweden or registered in Sweden are deemed to have exhausted the quota allocated to Sweden for 1998.

Fishing for cod in the waters of ICES division III d (Russian waters) by vessels flying the flag of Sweden or registered in Sweden is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the above mentioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 23 January 1998.

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

Done at Brussels, 28 April 1998.

For the Commission
Emma BONINO
Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 119.

COMMISSION REGULATION (EC) No 921/98
of 28 April 1998
concerning the stopping of fishing for cod, haddock and plaice by vessels flying
the flag of Belgium

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 2635/97⁽²⁾, and in particular Article 21(3) thereof,

Whereas Council Regulation (EC) No 45/98 of 19 December 1997 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1998 and certain conditions under which they may be fished⁽³⁾, provides for cod, haddock and plaice quotas for 1998;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas the quotas of cod in the waters of ICES division III a Skagerrak, of haddock in the waters of ICES divisions III a, III b, c, d (EC-zone) and of plaice in the waters of ICES division III a Skagerrak, allocated to Belgium for 1998, have been exhausted by exchanges of quotas; whereas Belgium has prohibited fishing for these stocks

as from 1 January 1998; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

The quotas of cod in the waters of ICES division III a Skagerrak, of haddock in the waters of ICES divisions III a, III b, c, d (EC-zone) and of plaice in the waters of ICES division III a Skagerrak allocated to Belgium for 1998, are deemed to be exhausted.

Fishing for cod in the waters of ICES division III a Skagerrak, for haddock in the waters of ICES divisions III a, III b, c, d (EC-zone) and for plaice in the waters of ICES division III a Skagerrak, by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stocks captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 1 January 1998.

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

Done at Brussels, 28 April 1998.

For the Commission
Emma BONINO
Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 356, 31. 12. 1997, p. 14.

⁽³⁾ OJ L 12, 19. 1. 1998, p. 1.

COMMISSION REGULATION (EC) No 922/98
of 29 April 1998
altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 909/98 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 909/98 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 909/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 1998.

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

Done at Brussels, 29 April 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⁾ See page 25 of this Official Journal.

ANNEX

to the Commission Regulation of 29 April 1998 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	41,05 ⁽¹⁾
1701 11 90 9910	38,96 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	41,05 ⁽¹⁾
1701 12 90 9910	38,96 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4463
	— ECU/100 kg —
1701 99 10 9100	44,63
1701 99 10 9910	44,63
1701 99 10 9950	44,63
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4463

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

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EC) No 923/98

of 29 April 1998

fixing the rates of refunds applicable to certain products from the sugar sector
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 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾ and in particular Article 17 (5) (a) and (15),

Whereas Article 17 (1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1 (1) (a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation; 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 ⁽³⁾ as last amended by Regulation (EC) No 1909/97 ⁽⁴⁾ 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 I to Regulation (EEC) No 1785/81;

Whereas, in accordance with 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 Article 17 (3) of Regulation (EEC) No 1785/81 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

Whereas the refunds fixed under this Regulation may be fixed in advance; whereas the market situation over the next few months cannot be established at the moment;

Whereas the commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex II to the Treaty may be jeopardized by the fixing in advance of high refund rates; whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts; whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met;

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 Council Regulation (EEC) No 1010/86 ⁽⁵⁾, as last amended by Commission Regulation (EC) No 1126/96 ⁽⁶⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.⁽⁵⁾ OJ L 94, 9. 4. 1986, p. 9.⁽⁶⁾ OJ L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 29 April 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 29 April 1998 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	9,64	9,64
— in all other cases	44,63	44,63
Raw sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	8,87	8,87
— in all other cases	41,06	41,06
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	$\frac{9,64^{(1)} \times S^{(1)}}{100}$	$\frac{9,64^{(1)} \times S^{(1)}}{100}$
— in all other cases	$\frac{44,63^{(1)} \times S^{(1)}}{100}$	$\frac{44,63^{(1)} \times S^{(1)}}{100}$
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion:	the rate fixed above for 100 kg of white or raw sugar used for the dissolution	
Molasses	—	—
Isoglucose ⁽²⁾		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	9,64 ⁽³⁾	9,64 ⁽³⁾
— in all other cases	44,63 ⁽³⁾	44,63 ⁽³⁾

(¹) 'S' represents in 100 kilograms of syrup:

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(²) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(³) Amount of refund per 100 kilograms of dry matter.

(⁴) The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5. 12. 1992, p. 12).

COMMISSION REGULATION (EC) No 924/98
of 29 April 1998

**fixing the rates of the refunds applicable to certain milk 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 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and 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 criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1909/97 ⁽⁴⁾, 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 the Annex to Regulation (EEC) No 804/68;

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 Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates ⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90 ⁽⁶⁾;

Whereas Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁷⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 May 1998.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁵⁾ OJ L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ L 350, 20. 12. 1997, p. 3.

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

Done at Brussels, 29 April 1998.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 29 April 1998 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	68,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EEC) No 2571/97 are exported	64,59
	(b) On exportation of other goods	102,60
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 2571/97 are exported	45,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	177,25
	(c) On exportation of other goods	170,00

COMMISSION REGULATION (EC) No 925/98
of 29 April 1998

**on the issue of import licences for rice against applications submitted during
the first 10 working days of April 1998 under Regulation (EC) No 327/98**

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

Having regard to Commission Regulation (EC) No 327/98
of 10 February 1998 opening and providing for the ad-
ministration of certain tariff quotas for imports of rice and
broken rice ⁽¹⁾, as last amended by Regulation (EC) No
648/98 ⁽²⁾, and in particular Article 5(2) thereof,

Whereas, pursuant to Article 5(2) of Regulation (EC) No
327/98, within 10 days of the closing date for notification
by the Member States of licence applications, the
Commission must decide to what extent the applications
may be accepted and fix the quantities available under the
following tranche;

Whereas examination of the quantities for which applica-
tions have been submitted shows that licences should be
issued for the quantities applied for multiplied, where
appropriate, by a percentage reduction in accordance with
the provisions of the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences for rice against applications
submitted during the first 10 working days of April 1988
under Regulation (EC) No 327/98 and notified to the
Commission shall be issued for the quantities applied for
multiplied, where appropriate, by the percentage reduc-
tions set out in the Annex hereto.
2. The quantities available under the following tranche
shall be as set out in the Annex hereto.

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, 29 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 37, 11. 2. 1998, p. 5.

⁽²⁾ OJ L 88, 24. 3. 1998, p. 3.

ANNEX

Reduction percentages to be applied to the quantities applied for and the quantities available for the following tranche:

(a) quantity referred to in Article 2: semi-milled and wholly-milled rice falling within CN code 1006 30

Origin	% reduction	Quantity available for the July 1998 tranche (in tonnes)
United States of America	0 (1)	19 484
Thailand	0 (1)	7 661,87
Australia	0 (1)	911,5
Other origins	98,2256	0

(1) Issue for the quantity applied for.

(b) quantity referred to in Article 2: husked rice falling within CN code 1006 20

Origin	% reduction	Quantity available for the July 1998 tranche (in tonnes)
Australia	0 (1)	10 386
United States of America	0 (1)	4 776
Thailand	0 (1)	356
Other origins	0 (1)	116

(1) Issue for the quantity applied for.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 April 1998

amending Decision 92/469/EEC authorising methods for grading pig carcasses in Denmark

(Only the Danish text is authentic)

(98/283/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽¹⁾, as last amended by Regulation (EC) No 3513/93 ⁽²⁾, and in particular Article 5(2) thereof,

Whereas the Commission, by Decision 92/469/EEC ⁽³⁾, as last amended by Decision 96/551/EC ⁽⁴⁾, has authorized different methods for grading pig carcasses in Denmark;

Whereas the use of the new formula for calculating the lean meat content of carcasses introduced by the last amendment of Decision 92/469/EEC as regards the method 'Unifom' has revealed certain deficiencies relating to the accuracy of estimates; whereas, as a result, the use of a corrected formula should be authorised;

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

HAS ADOPTED THIS DECISION:

Article 1

In Part 3 of the Annex to Decision 92/469/EEC, the formula under point 3 is hereby replaced by the following:

$$\hat{y} = 68,386166 - 0,1240656 x_1 - 0,8717984 x_2 + 0,1088299 x_3'$$

Article 2

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 8 April 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 301, 20. 11. 1984, p. 1.

⁽²⁾ OJ L 320, 22. 12. 1993, p. 5.

⁽³⁾ OJ L 265, 11. 9. 1992, p. 39.

⁽⁴⁾ OJ L 236, 18. 9. 1996, p. 49.

COMMISSION DECISION
of 8 April 1998
amending Decision 87/293/EEC authorising methods for grading pig carcasses in
Ireland

(Only the English text is authentic)

(98/284/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Decision 87/293/EEC is hereby amended as follows:

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽¹⁾, as last amended by Regulation (EC) No 3513/93 ⁽²⁾, and in particular Article 5(2) thereof,

1. The formula under point 3 of Part 1 of Annex I is replaced by the following:

$$\hat{y} = 60,91 - 0,839 x_1 + 0,150 x_2'$$

Whereas the Commission, by Decision 87/293/EEC ⁽³⁾, as last amended by Decision 94/362/EC ⁽⁴⁾, has authorised methods for grading pig carcasses in Ireland;

2. The formula under point 3 of Part 2 of Annex I is replaced by the following:

$$\hat{y} = 60,30 - 0,847 x_1 + 0,147 x_2'$$

Article 2

Whereas the Government of Ireland has requested the Commission to authorise the application of new formulas for the calculation of the lean meat content of carcasses in the framework of the grading methods provided for in Decision 87/293/EEC;

This Decision is addressed to Ireland.

Done at Brussels, 8 April 1998.

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Pigeat,

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 301, 20. 11. 1984, p. 1.

⁽²⁾ OJ L 320, 22. 12. 1993, p. 5.

⁽³⁾ OJ L 146, 6. 6. 1987, p. 66.

⁽⁴⁾ OJ L 159, 28. 6. 1994, p. 61.

COMMISSION DECISION
of 23 April 1998
amending Decision 95/539/EC setting up a Committee of experts on the transit
of natural gas through grids

(Text with EEA relevance)

(98/285/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Communities,

Whereas for reasons of continuity of the work of the Committee of experts on the transit of natural gas through grids set up by Commission Decision 95/539/EC⁽¹⁾, it is appropriate to delete the provision stipulated in the third paragraph of Article 6 ('Terms of office');

Whereas Decision 95/539/EC should be amended accordingly,

HAS DECIDED AS FOLLOWS:

Sole Article

In Article 6 of Decision 95/539/EC, paragraph 3 is deleted.

Done at Brussels, 23 April 1998.

For the Commission

Christos PAPOUTSIS

Member of the Commission

⁽¹⁾ OJ L 304, 16. 12. 1995, p. 57.