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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 949/98
of 6 May 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 7 May 1998.

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

Done at Brussels, 6 May 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 6 May 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
0707 00 05	052	109,7
	999	109,7
0709 90 70	052	78,3
	999	78,3
0805 10 10, 0805 10 30, 0805 10 50	052	38,8
	204	37,4
	212	59,9
	600	69,3
	624	47,9
	999	50,7
	0805 30 10	382
388		61,0
999		61,0
0808 10 20, 0808 10 50, 0808 10 90	060	43,8
	388	80,8
	400	96,3
	404	98,8
	508	86,2
	512	70,1
	524	87,3
	528	67,4
	720	138,0
	804	114,7
	999	88,3

⁽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 950/98

of 6 May 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 7 May 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, 6 May 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⁾	7,00	0,03	—
1703 90 00 ⁽¹⁾	8,26	—	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 951/98
of 6 May 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⁾, as amended by Regulation (EC) No 922/98 ⁽⁴⁾;

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 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 7 May 1998.

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

Done at Brussels, 6 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 128, 30. 4. 1998, p. 25.

⁽⁴⁾ OJ L 128, 30. 4. 1998, p. 59.

ANNEX

to the Commission Regulation of 6 May 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	39,81 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	41,05 ⁽¹⁾
1701 12 90 9910	39,81 ⁽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	44,85
1701 99 10 9950	44,85
	— 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 952/98
of 6 May 1998

fixing the maximum export refund for white sugar for the 37th 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 37th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

For the 37th 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 47,878 per 100 kilograms.

Article 2

This Regulation shall enter into force on 7 May 1998.

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

Done at Brussels, 6 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 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 953/98

of 6 May 1998

laying down detailed rules of application for the importation of olive oil originating in Tunisia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 906/98 of 27 April 1998 laying down general rules for the import of olive oil originating in Tunisia ⁽¹⁾, and in particular Article 1 thereof,

Whereas, pursuant to Article 1 of Regulation (EC) No 906/98, the arrangements for opening an managing the quota for imports of olive oil originating in Tunisia should be laid down; whereas the current and foreseeable situation regarding the supply of olive oil to the Community market permits the planned quantity to be disposed; whereas the risk of disturbing the market is reduced provided imports are not concentrated in a short period of the 1997/98 marketing year; whereas provision should be made for import licences to be issued during that marketing year according to a monthly schedule;

Whereas, for the sound management of the quantity in question, a mechanism must be created that encourages the operators to return forthwith licences that they will not use to the issuing agency; whereas it is also necessary to create a mechanism encouraging the operators to return the licences to the issuing agency after their date of expiry so that the unused quantities can be re-used and so that the Commission is aware of them;

Whereas oil imported from Tunisia may not exceed a given quantity; whereas, therefore, the tolerance provided for in Article 8 of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽²⁾, as last amended by Regulation (EC) No 1404/97 ⁽³⁾, should not be applied;

Whereas 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 ⁽⁴⁾, no longer provides for special arrangements for the importation of olive oil falling within CN codes 1509 and 1510 wholly obtained in Tunisia and imported into the Community direct from

that country outside the quota of 46 000 tonnes at a reduced rate of duty;

Whereas Commission Regulation (EC) No 666/96 ⁽⁵⁾, as last amended by Regulation (EC) No 2387/96 ⁽⁶⁾, and (EC) No 150/98 ⁽⁷⁾ should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Untreated olive oil falling within CN codes 1509 10 10 and 1509 10 90, wholly obtained in Tunisia and transpoted direct from that country to the Community, which qualifies for the customs duty laid down in Article 1 of Regulation (EC) No 906/98 may be imported from 1 March of the 1997/98 marketing year. Import licences shall be issued for up to 46 000 tonnes for the 1997/98 marketing year.

2. For the 1997/98 marketing year and without prejudice to the limit of 46 000 tonnes, licences may be issued in accordance with the conditions laid down in Article 2 of Regulation (EC) No 906/98 for up to 10 000 tonnes per month. However, this quantity shall be reduced to 5 000 tonnes for March and 8 000 tonnes for April. If the quantity authorised for one month is not used entirely during the month in question, the remainder shall be added to the quantity for the following month, but may not be carried over thereafter.

3. For the purposes of calculating the quantity authorised each month, where a week begins in one month and finishes in the following month, it must be considered part of the month in which the Thursday falls.

Article 2

1. With a view to applying the customs duty referred to in Article 1 of Regulation (EC) No 906/98, importers must submit an import licence application to the competent authorities of the Member States. Such applications must be accompanied by a copy of the purchase contract concluded with the Tunisian exporter.

⁽¹⁾ OJ L 128, 30. 4. 1998, p. 20.

⁽²⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 5.

⁽⁴⁾ OJ L 97, 30. 3. 1998, p. 2.

⁽⁵⁾ OJ L 92, 13. 4. 1996, p. 9.

⁽⁶⁾ OJ L 326, 17. 12. 1996, p. 21.

⁽⁷⁾ OJ L 18, 23. 1. 1998, p. 5.

2. Import licence applications must be submitted on Mondays and Tuesdays of each week. Member States shall notify the Commission every Wednesday of the data in the licence applications received.

3. Each week the Commission shall draw up a total of the quantities for which import licences have been submitted. It shall authorise the Member States to issue licences until the monthly quota is exhausted; where there is a risk of the monthly quota being exhausted, the Commission shall authorise the Member States to issue import licences in proportion to the quantity available.

4. Once the maximum quantity provided for in Regulation (EC) No 906/98 is reached, the Commission shall inform the Member States.

Article 3

1. Import licences as provided for in Article 1(2) shall be valid for 60 days from the date of issue within the meaning of Article 21(2) of Regulation (EEC) No 3719/88, which may take place until 31 October 1998.

Licences shall be issued no later than the first working day following that on which authorisation to that end is given by the Commission.

The security for import licences shall be ECU 15 per 100 kilograms net.

2. If the import licence is not used within the time limit laid down, the security shall be forfeit. However, each part of a day counting as a full day:

- if the licence is returned to the issuing agency within the period corresponding to the first two-thirds of its validity, the security forfeit shall be reduced by 40 %,
- if the licence is returned to the issuing agency within the period corresponding to the last third of its validity, or within 15 days of its expiry, the security forfeit shall be reduced by 25 %.

3. Notwithstanding the restrictions on quantity in Article 1, the quantities on licences returned in accordance with paragraph 2 can be reallocated. The competent national authorities shall notify the Commission each

Wednesday of the quantities for which licences have been returned in the preceding seven days.

Article 4

Section 24 of import licences as provided for in Article 1(2) shall bear one of the following entries:

- Derecho de aduana fijado por el Reglamento (CE) n° 906/98
- Told fastsat ved forordning (EF) nr. 906/98
- Zoll gemäß Verordnung (EG) Nr. 906/98
- Δασμός που καθορίστηκε από τον Κανονισμό (ΕΚ) αριθ. 906/98
- Customs duty fixed by Regulation (EC) No 906/98
- Droit de douane fixé par le règlement (CE) n° 906/98
- Dazio doganale fissato dal regolamento (CE) n. 906/98
- Bij Verordening (EG) nr. 906/98 vastgesteld douanerecht
- Direito aduaneiro fixado pelo Regulamento (CE) n° 906/98
- Asetuksessa (EY) N:o 906/98 vahvistettu tullit
- Tull fastställd genom förordning (EG) nr 906/98.

Notwithstanding Article 8(4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not exceed that indicated in Sections 17 and 18 of the import licence. The figure '0' shall be entered in Section 19 of the licence to that end.

Article 5

Regulations (EC) No 666/96 and (EC) No 150/98 are hereby repealed.

Article 6

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 March 1998.

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

Done at Brussels, 6 May 1998.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 954/98
of 6 May 1998

supplementing the Annex to Regulation (EC) No 2301/97 on the entry of certain names in the 'Register of certificates of specific character' provided for in Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs

(Text with EEA relevance)

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

Having regard to Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs⁽¹⁾, and in particular Article 9(1) thereof,

Whereas, in accordance with Article 7 of Regulation (EEC) No 2082/92, the Member States have sent the Commission applications for the registration of certain names as certificates of special character;

Whereas registered names can be used with the endorsement 'traditional speciality guaranteed' which is reserved for them;

Whereas an objection was sent to the Commission in accordance with Article 7 of that Regulation following the publication in the *Official Journal of the European Communities*⁽²⁾ of the names in the Annex hereto but was subsequently withdrawn;

Whereas those names may accordingly be entered in the 'Register of certificates of specific character' and therefore

be protected throughout the Community as guaranteed traditional specialities;

Whereas the Annex to Commission Regulation (EC) No 2301/97⁽³⁾ is to be supplemented by the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The names in the Annex hereto are hereby added to the Annex to Regulation (EC) No 2301/97 and entered in the 'Register of certificates of specific character' in accordance with Article 9(1) of Regulation (EEC) No 2082/92.

Article 2

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

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

Done at Brussels, 6 May 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24. 7. 1992, p. 1.

⁽²⁾ OJL 21, 21. 1. 1997, pp. 5-16.

⁽³⁾ OJ L 319, 21. 11. 1997, p. 8.

ANNEX

- 'Kriek', 'Kriek-Lambic', 'Framboise-Lambic', 'Fruit-Lambic'/'Kriek', 'Kriekenlambiek', 'Frambozenlambiek', 'Vruchtenlambiek' (Article 13(1) of Regulation (EEC) No 2082/92) (1),
- 'Lambic', 'Gueuze-Lambic'/'Geuze'/'Lambiek', 'Geuze-Lambiek', 'Geuze' (Article 13(1) of Regulation (EEC) No 2082/92) (1).

(1) The main points of the specifications are to be found in OJ C 21, 21. 1. 1997, pp. 5-16.

COMMISSION REGULATION (EC) No 955/98
of 29 April 1998
concerning the classification of certain goods in the Combined Nomenclature

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

Having regard to Council Regulation (EEC) No 2658/87⁽¹⁾ on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Commission Regulation (EC) No 2509/97⁽²⁾, and in particular Article 9,

Whereas in order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature and those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified within the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is accepted that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which do not conform to the rights

established by this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽³⁾, for a period of three months by the holder;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Tariff and Statistical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the Combined Nomenclature within the appropriate CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 29 April 1998.

For the Commission
Mario MONTI
Member of the Commission

⁽¹⁾ OJ L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ L 345, 16. 12. 1997, p. 44.

⁽³⁾ OJ L 302, 19. 10. 1992, p. 1.

ANNEX

Description	Classification (CN code)	Reason
(1)	(2)	(3)
<p>1. Wireless stereo headphone set, consisting of:</p> <ul style="list-style-type: none"> — battery operated headphones with in-built high-frequency radio receiver, — a high-frequency radio transmitter with three channels with a range of 100 m and — an adapter to connect the transmitter to various audio devices 	8518 30 80	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, note 4 to section XVI and the wording of the CN codes 8518, 8518 30 and 8518 30 80
<p>2. Audio-frequency device, containing a sound processor, which receives and converts signals from different sources (e.g. CD-players, videoplayers or film projectors) into audio signals.</p> <p>It has the following functions:</p> <ul style="list-style-type: none"> — simulation of acoustic environments (e.g. the acoustics of a church or a discotheque) and — audio frequency amplification 	8543 89 95	<p>Classification is determined by the provisions of General Rules 1, 3c and 6 for the interpretation of the Combined Nomenclature and the wording of the CN codes 8543, 8543 89 and 8543 89 95.</p> <p>A principal function cannot be determined</p>

COMMISSION REGULATION (EC) No 956/98
of 6 May 1998
amending the import duties in the cereals sector

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

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2092/97⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 929/98⁽⁵⁾, as amended by Regulation (EC) No 940/98⁽⁶⁾;

Whereas Article 2 (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 929/98,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 929/98 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 7 May 1998.

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

Done at Brussels, 6 May 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

⁽⁵⁾ OJ L 130, 1. 5. 1998, p. 9.

⁽⁶⁾ OJ L 131, 5. 5. 1998, p. 7.

ANNEX I

Import duties for the products listed in Article 10 (2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	7,16	0,00
1001 90 91	Common wheat seed	54,23	44,23
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	54,23	44,23
	medium quality	74,59	64,59
	low quality	88,14	78,14
1002 00 00	Rye	99,04	89,04
1003 00 10	Barley, seed	99,04	89,04
1003 00 90	Barley, other ⁽³⁾	99,04	89,04
1005 10 90	Maize seed other than hybrid	95,25	85,25
1005 90 00	Maize other than seed ⁽³⁾	95,25	85,25
1007 00 90	Grain sorghum other than hybrids for sowing	99,04	89,04

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2 (4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 30 April 1998 to 5 May 1998)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	120,90	106,69	99,53	88,93	177,76 (!)	85,86 (!)
Gulf premium (ECU/tonne)	—	12,72	6,33	9,81	—	—
Great Lakes premium (ECU/tonne)	9,88	—	—	—	—	—

(!) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 11,60 per tonne; Great Lakes — Rotterdam: ECU 20,58 per tonne.

3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96 : ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).

COMMISSION REGULATION (EC) No 957/98
of 6 May 1998
amending representative prices and additional duties for the import of certain
products in the sugar sector

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

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 624/98 ⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1222/97 ⁽⁵⁾, as last amended by Regulation (EC) No 821/98 ⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 May 1998.

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

Done at Brussels, 6 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 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ L 85, 20. 3. 1998, p. 5.

⁽⁵⁾ OJ L 173, 1. 7. 1997, p. 3.

⁽⁶⁾ OJ L 116, 18. 4. 1998, p. 21.

ANNEX

to the Commission Regulation of 6 May 1998 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	19,45	6,58
1701 11 90 ⁽¹⁾	19,45	12,33
1701 12 10 ⁽¹⁾	19,45	6,39
1701 12 90 ⁽¹⁾	19,45	11,81
1701 91 00 ⁽²⁾	22,59	14,59
1701 99 10 ⁽²⁾	22,59	9,42
1701 99 90 ⁽²⁾	22,59	9,42
1702 90 99 ⁽³⁾	0,23	0,41

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

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

⁽³⁾ By 1 % sucrose content.

COUNCIL DIRECTIVE 98/25/EC

of 27 April 1998

amending Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 84(2) thereof,

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

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

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

(1) Whereas Article 2(1) of Directive 95/21/EC ⁽⁴⁾ defines 'Conventions' in terms of the Conventions cited in that Article in force at the time of adoption of the Directive; whereas Article 2(2) stipulates that 'MOU' means the Memorandum of Understanding on port State control, signed in Paris on 26 January 1982, as it stood at the date of adoption of the Directive;

(2) Whereas since the adoption of Directive 95/21/EC, amendments to the Solas 74 Convention, to the Marpol 73/78 Convention and to the STCW 78 Convention have entered into force; whereas the latest amendments to the Paris MOU have entered into force on 14 January 1998; whereas it is appropriate to apply these amendments for the purpose of the Directive;

(3) Whereas the International management code for the safe operation of ships and for pollution prevention (ISM Code) adopted by the International Maritime Organisation on 4 November 1993 and made mandatory through the new Chapter IX of the Solas Convention establishes a safety management system applicable both shipboard and on shore by the company responsible for operation of the ship and verified by the administration of the country in which the company conducts its business;

(4) Whereas the ISM Code is an essential contribution to maritime safety and to protection of the marine environment in Community waters;

(5) Whereas the ISM Code enters into force at international level on 1 July 1998 for all passenger ships and for oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high-speed craft with a gross tonnage of 500 tonnes or more;

(6) Whereas Council Regulation (EC) No 3051/95 of 8 December 1995 on the safety management of roll-on/roll-off passenger ferries (ro-ro ferries) ⁽⁵⁾ aims at advanced mandatory enforcement of the provisions of the ISM Code to all ro-ro ferries to or from Community ports, regardless of their flag;

(7) Whereas delays in implementing the provisions of the ISM Code at international level by companies and administrations would create cause for concern from the point of view of marine safety and protection of the environment;

(8) Whereas it is therefore necessary to establish specific Community-wide measures to deal with cases where no ISM certificates are on board; whereas these measures must include detention of all ships without certificates issued pursuant to the ISM Code;

(9) Whereas, however, in the absence of other serious deficiencies warranting detention of the vessel, the Member State concerned should be able to give authorisation to lift the detention order on the ship when it is necessary in order to avoid port congestion;

(10) Whereas, in this case, Member States need to take, in conformity with Article 11 of Directive 95/21/EC, well-coordinated measures to ensure that ships which have been authorised to leave port without proper ISM certification are refused access to all ports within the Community until valid certificates have been issued under the ISM Code, without prejudice to paragraph 6 of the said Article;

⁽¹⁾ OJ C 264, 30. 8. 1997, p. 33.

⁽²⁾ Opinion delivered on 10 December 1997 (OJ C 73, 9. 3. 1998, p. 64).

⁽³⁾ Opinion of the European Parliament of 4 December 1997 (OJ C 388, 22. 12. 1997, p. 16), Council common position of 12 February 1998 (OJ C 91, 26. 3. 1998, p. 28) and Decision of the European Parliament of 31 March 1998 (OJ C 138, 4. 5. 1998).

⁽⁴⁾ OJ L 157, 7. 7. 1995, p. 1.

⁽⁵⁾ OJ L 320, 30. 12. 1995, p. 14.

- (11) Whereas only the detaining Member State can lift the refusal of access to ports within the Community; whereas this State may accept, if it so wishes, any information from another Member State which is deemed to be proof that a ship has valid certificates issued in accordance with the ISM Code;
- (12) Whereas it should be possible to adapt Directive 95/21/EC to take account of amendments to the international conventions and the Memorandum of Understanding on port State control mentioned in Article 2 of that Directive by a simplified procedure; whereas the procedure provided for in Article 18 of the said Directive appears the most appropriate for such amendments; whereas to that end Article 19 should be extended,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 95/21/EC is hereby amended as follows:

1. Article 2 shall be amended as follows:
 - (a) in point 1, the words 'in force at the date of adoption of this Directive' shall be replaced by 'in force on 1 July 1998';
 - (b) in point 2, the words 'as it stands at the date of adoption of this Directive' shall be replaced by 'as it stands on 14 January 1998'.
2. The following Article shall be inserted:

Article 9a

Procedure applicable in the absence of ISM certificates

1. Where the inspection reveals that the copy of the document of compliance or the safety management certificate issued in accordance with the International management code for the safe operation of ships and for pollution prevention (ISM Code) are missing on board a vessel to which, within the Community, the ISM Code is applicable at the date of the inspection, the competent authority shall ensure that the vessel is detained.
2. Notwithstanding the absence of the documentation referred to in paragraph 1, if the inspection finds no other deficiencies warranting detention the competent authority may lift the detention order in order to avoid port congestion. Whenever such a decision is taken, the competent authority shall immediately inform the competent authorities of the other Member States thereof.

3. Member States shall take the measures necessary to ensure that all ships authorised to leave a port in a Member State under the circumstances referred to in paragraph 2 shall be refused access to all ports in the Community, except in the situations referred to in Article 11(6), until the owner or operator of the vessel has demonstrated, to the satisfaction of the competent authority of the Member State in which detention was ordered, that the ship has valid certificates issued in accordance with the ISM Code. Where deficiencies as referred to in Article 9(2) are found and cannot be rectified in the port of detention, the relevant provisions of Article 11 shall also apply.'

3. In Article 19 the following point shall be added:

'(c) adapt the dates in Article 2 in order to take into account amendments which have entered into force to the international Conventions and to the MOU referred to in the said Article with the exception of Protocols to such Conventions.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 July 1998. They shall forthwith inform the Commission thereof.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 27 April 1998.

For the Council

The President

R. COOK

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 April 1998

appointing a member of the Economic and Social Committee

(98/297/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 194 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Council Decision of 26 September 1994 appointing the members of the Economic and Social Committee for the period up to 20 September 1998 ⁽¹⁾,

Whereas a seat as a member of that Committee has fallen vacant following the resignation of Mr Antoon Stokkers;

Having regard to the nominations submitted by the Netherlands Government,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr A. A. Jaarsma is hereby appointed a member of the Economic and Social Committee in place of Mr Antoon Stokkers, for the remainder of the latter's term of office, which runs until 20 September 1998.

Done at Luxembourg, 27 April 1998.

For the Council

The President

R. COOK

⁽¹⁾ OJ L 257, 5. 10. 1994, p. 20.

COUNCIL DECISION
of 27 April 1998
appointing two members of the Economic and Social Committee

(98/298/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 194 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 166 thereof,

Having regard to the Council Decision of 26 September 1994 appointing the members of the Economic and Social Committee for the period up to 20 September 1998 ⁽¹⁾,

Whereas two seats as members of that Committee have fallen vacant following the resignation of Ms H. C. J. van den Burg and Mr A. Lönnberg;

Having regard to the nominations submitted, on the one hand, by the Swedish Government and, on the other, by the Netherlands Government,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

Sole Article

Ms J. F. E. van der Hooft and Mr E. E. Ehnmark are hereby appointed members of the Economic and Social Committee in place of Ms H. C. J. van den Burg and Mr A. Lönnberg for the remainder of their term of office, which runs until 20 September 1998.

Done at Luxembourg, 27 April 1998.

For the Council

The President

R. COOK

⁽¹⁾ OJ L 257, 5. 10. 1994, p. 20.

COMMISSION

COMMISSION DECISION

of 24 April 1998

rejecting the application submitted by Renak International GmbH (Germany) for an exemption pursuant to Commission Regulation (EC) No 88/97 from the anti-dumping duty extended to certain bicycle parts originating in the People's Republic of China

(98/299/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 71/97 of 10 January 1997 extending the definitive anti-dumping duty imposed by Regulation (EEC) No 2474/93 on bicycles originating in the People's Republic of China to imports of certain bicycle parts from the People's Republic of China, and levying the extended duty on such imports registered pursuant to Regulation (EC) No 703/96 ⁽³⁾,

Having regard to Commission Regulation (EC) No 88/97 of 20 January 1997 on the authorisation of the exemption of imports of certain bicycle parts originating in the People's Republic of China from the extension by Council Regulation (EC) No 71/97 of the anti-dumping duty imposed by Council Regulation (EEC) No 2474/93 ⁽⁴⁾, and in particular Article 7(3) thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) By Council Regulation (EC) 71/97, the definitive duty imposed on imports of bicycles originating in the People's Republic of China by Regulation (EC) No 2474/93 was extended to imports of certain

bicycle parts from that country (hereinafter referred to as 'the extended anti-dumping duty').

- (2) On 4 April 1997, Renak International GmbH (hereinafter: 'Renak International') asked to be exempted from the extended anti-dumping duty pursuant to Article 3 of Regulation (EC) No 88/97, and was suspended from payment of the duty as from that date.
- (3) In order to ascertain whether Renak International's operations fell within the scope of Article 13(2) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation'), thus circumventing the measures in force, the Commission requested the necessary information from the company and verified it at its premises.
- (4) The investigation period therefore ran from 1 August 1996 to 31 January 1997.

B. RESULTS OF THE INVESTIGATION

1. Conditions of Article 13(2) of the Basic Regulation

(a) *Start or substantial increase of operations*

- (5) Renak International was acquired by a Chinese bicycle manufacturer in 1993 and started its bicycle assembly operations in June 1995, after the original investigation of imports of bicycles originating in the People's Republic of China.
- (b) *60 % of the total value of the parts constituting the assembled product*

- (6) It was established that the proportion of Chinese parts used in the company's assembly operations averaged 69 % of the total value of the parts used in the assembly of bicycles.

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ L 16, 18. 1. 1997, p. 55.

⁽⁴⁾ OJ L 17, 21. 1. 1997, p. 17.

(c) *25 % rule on the added-value to the parts brought in*

(7) It was also established that the value-added in the Community on a per-model basis to the parts brought in averaged 23 % of the manufacturing cost of a complete bicycle, and was therefore below the 25 % threshold set by point (b) of Article 13(2) of the Basic Regulation.

(d) *Undermining of the remedial effects of the duty and evidence of dumping*

(i) *Undermining*

(8) The Commission applied the methodology described in recitals (19) and (20) of Regulation (EC) No 71/97. A comparison was established between the sales prices of all bicycles assembled by Renak International and sold in the Community during the investigation period, and the 'non-dumped' export prices of Chinese bicycles in the original investigation.

(9) The comparison was made between identical or comparable groups of bicycles; and the prices of the assembled bicycles were adjusted in order to ensure that the comparison was made at the same level of trade. The undermining margins for those groups where undermining was found was expressed as a percentage of the total non-dumped import value (cif Community border) of Chinese bicycles, as established in the original investigation, for all groups included in the comparison.

(10) Overall, the comparison showed that the sales prices of assembled bicycles have undercut the non-dumped export prices of Chinese bicycles in the original investigation period by an average of 15 %.

(ii) *Evidence of dumping*

(11) The sales prices for the bicycles assembled by Renak International in the Community were compared to the normal values previously established for comparable bicycles, using the same criteria and the same reference country, namely Taiwan, as in the original investigation, in as reasonable a manner as possible. The comparable models found accounted for 86 % of the units produced by Renak International during the investigation period. They were considered represen-

tative of the total production of Renak International.

(12) In view of the fact that normal values had been established at fob Taiwan level for the exporters concerned, resale prices in the Community had to be made comparable to this level. The actual comparison was thus made between fob China and fob Taiwan.

(13) The dumping margin found was 19 %.

C. CONCLUSION

(14) For the reasons explained above, it was established that the assembly operations of Renak International fell within the scope of Article 13(2) of the Basic Regulation during the investigation period. Accordingly, pursuant to Article 7(3) of Regulation (EC) No 88/97, the suspension of payment of the extended anti-dumping duty is lifted for Renak International.

(15) The company was informed of the essential facts and considerations on the basis of which the Commission intended to propose the rejection of its request for exemption, and was given an opportunity to comment. The comments were considered and, where appropriate, the findings have been changed accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The application of Renak International GmbH pursuant to Article 3 of Regulation (EC) No 88/97 to be exempted from the extended anti-dumping duty is hereby rejected.

Article 2

This Decision is addressed to the Member States and to Renak International GmbH, Dammsteinstraße 15, D-08468 Reichenbach.

Done at Brussels, 24 April 1998.

For the Commission

Leon BRITTAN

Vice-President