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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2380/98
of 3 November 1998**

amending Regulation (EC) No 1567/97 imposing a definitive anti-dumping duty on imports of leather handbags originating in the People's Republic of China

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 11(3) thereof,

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

Whereas:

I. PREVIOUS PROCEDURE

(1) By Regulation (EC) No 1567/97⁽²⁾ (hereafter 'the definitive Regulation'), the Council imposed a definitive anti-dumping duty on imports of leather handbags, falling within CN code 4202 21 00, originating in the People's Republic of China. The measures consist of an *ad valorem* anti-dumping duty of 38 % applicable to all exporters except for the companies Jane Shilton (Pacific) Ltd (0,0 %) and Picard International Ltd (7,7 %).

II. REVIEW

(2) On 13 September 1997, the Commission published a notice⁽³⁾, inviting Chinese exporters of leather handbags to submit information in order to establish whether there was sufficient evidence warranting the initiation of an interim review of the definitive Regulation limited to the issue of individual treatment of exporters. On the basis of the information received following the publication of this notice, the Commission considered that

there were sufficient grounds warranting, exceptionally, the initiation of an early interim review of the existing measures limited to the aspect of individual treatment.

(3) Consequently, by a notice published in the *Official Journal of the European Communities* ⁽⁴⁾ the Commission, after consulting the Advisory Committee and in accordance with Article 11(3) of Regulation (EC) No 384/96 (hereafter the 'basic Regulation'), initiated a review of the anti-dumping measures in force and commenced an investigation. The review was limited to the aspect of whether the cooperating exporters qualified for individual treatment in respect of their export price, in which case individual dumping and injury margins could be established for these exporters.

(4) The Commission officially advised the authorities of the exporting country. Furthermore, it gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.

(5) The Commission sent questionnaires to the parties known to be concerned and received detailed information from the following companies with respect to exports to the Community of leather handbags produced by themselves or by companies related to them in the People's Republic of China:

— The Well Leatherware Manufactory Limited, Hong Kong*,

— The IP Handbag Connections Limited, Hong Kong* (in respect of IP Handbag Industrial Ltd),

— Lucci Creation Limited, Hong Kong*,

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30. 4. 1998, p. 18).

⁽²⁾ OJ L 208, 2. 8. 1997, p. 31.

⁽³⁾ OJ C 278, 13. 9. 1997, p. 4.

⁽⁴⁾ OJ C 378, 13. 12. 1997, p. 8.

- South Sea Leatherwares Limited, Hong Kong* (in respect of Shundi South Sea Leather Handbag Factory Ltd and Nam Chow Leather Products Co. Ltd),
 - Colleen Handbags Manufacturer Limited, Hong Kong* (in respect of Shenzhen Colleen Handbag Co. Ltd),
 - Crownwick Enterprises Limited, Hong Kong (in respect of Shenzhen Crownwick Leatherwares Co. Ltd),
 - C-Duck Leather Goods Company Limited, the People's Republic of China,
 - Lai Wah Industries Limited, Hong Kong*,
 - W. K. Maxy Industries Limited, Hong Kong* (in respect of W. K. Maxy Industries Ltd and W. K. Maxy Leather Goods Industries Zhongshan Co. Ltd),
 - Wideland Trading Company, Hong Kong*,
 - Sitoy (H. K.) Handbag Fty. Limited, Hong Kong* (in respect of Dongguan Sitoy Leather Products Factory Ltd),
 - Superior Leather Limited, Hong Kong (in respect of Ever Trust Leather Products Shenzhen Co. Ltd),
 - C & S Company Limited, Kyongki-Do, South Korea (in respect of Kunshan C & S Leather Products Co. Ltd),
 - Taiwan Yamani Inc., Taipei, Taiwan (in respect of Yamani Continental Inc.).
- (6) The Commission sought and verified all information it deemed necessary for the purposes of its investigation and carried out on-the-spot verifications at the premises of the companies indicated above with an asterisk.
- (7) In addition, the following importers, located in the Community, cooperated in the investigation and their replies were verified on the spot:
- Plastimoda SpA, Italy,
 - Medici Grimm KG, Germany.
- (8) Since the scope of the investigation was limited to the issue of individual treatment, and in order to enable the Commission to expedite its investigation, it was considered appropriate exceptionally to use for the review the same investigation period as that for the initial investigation, i.e. 1 April 1995 to 31 March 1996 (hereafter 'the investigation period') so as to compare export price and normal value within the same time period (as required by Article 2(10) of the basic Regulation).

III. PRODUCT UNDER CONSIDERATION

- (9) The product under consideration is the same as that described in Article 1 of the definitive Regulation, i.e. 'handbags with outer surface of leather, of composition leather or patent leather, whether or not with a shoulder strap, including those without handle, designed primarily to contain small objects for personal use such as keys, purses, make-up and cigarettes, regardless of their size and form and currently classifiable under CN code 4202 21 00' (hereafter 'leather handbags').

In this respect, it should be clarified that so-called backpacks and shopping bags are considered to be 'handbags' and thus covered by the investigation (and by the measures imposed) if they fit the aforesaid description, regardless of the particular size and form these products may have. So-called belt-bags, i.e. bags which are not designed to be carried by hand and/or on shoulders, are not covered by the investigation.

IV. DUMPING

1. Normal value

- (10) Since the investigation is limited to individual treatment, i.e. an issue concerning the determination of an individual dumping margin on the basis of a comparison of the exporter's individual export prices with the normal value established in the analogue country, the normal value as established in the initial investigation in Indonesia — selected as analogue country in accordance with Article 2(7) of the basic Regulation has been retained.

This was considered appropriate, even more so as the investigation period of the review coincides with that of the initial investigation, i.e. the export prices and normal value compared were effectively established for the same time period, as required by Article 2(10) of the basic Regulation.

2. Export price

(a) Individual treatment

- (11) All exporters cooperating in the investigation requested individual treatment pursuant to Article 9(5) of the basic Regulation.

Consequently, it was verified whether these companies sufficiently demonstrated that they enjoyed a degree of legal and factual independence from the authorities in the People's Republic of China, comparable to that which would prevail in a market economy country, so as to ensure that, if these companies were to be granted individual treatment, no genuine risk would ensue that

exports from companies subject to a higher anti-dumping duty rate would be channelled through them. To this end, the Commission addressed detailed questions to these companies regarding ownership, management and control of production and commercial policies.

(12) The companies having submitted questionnaire responses in the present investigation were incorporated in the Hong Kong Special Administrative Region (which is not part of the customs territory of the People's Republic of China) or outside the People's Republic of China but exported to the Community leather handbags manufactured at operations in the People's Republic of China controlled by them. These operations were either entities without a legal identity of their own, producing handbags on the basis of so-called 'processing with foreign materials' agreements, or legal entities in their own right under Chinese law, structured as so-called 'Sino-foreign cooperative joint ventures' or 'wholly-owned foreign enterprises'.

(13) It was found that some of the exporters were subject to a restriction in the People's Republic of China concerning the proportion of the output which may be sold on the Chinese domestic market. However, the above restriction, which appeared not to be strictly enforced by the Chinese authorities, had to be assessed in the concrete economic context within which each of these companies were operating in the People's Republic of China, in order to appraise whether the authorities in that country would have sufficient leverage to induce these companies into channelling exports of other Chinese manufacturers subject to a higher anti-dumping duty rate. This leverage hinges on the level of investment at risk in the People's Republic of China relative to turnover. The level of investment in turn mainly depends on the characteristics of the manufacturing process used for the products concerned.

In this respect, it should be pointed out that the manufacturing of leather handbags is a particularly labour-intensive and hardly automated industry. The value of the assets deployed at the manufacturing facilities in the People's Republic of China was found to be very small, particularly when compared with the turnover generated. The limited machinery used consists of light and relatively conventional equipment, such as sewing and stitching machines, which in many cases had moreover been fully depreciated.

In the light of these findings, it is considered that the authorities in the People's Republic of China would not have sufficient leverage to effectively

influence the commercial behaviour of the exporters concerned, considering also that the costs and procedures involved to close down the manufacturing operations are very limited. Consequently, it was concluded that this constraint is not an obstacle to granting individual treatment since it does not create a genuine risk of circumvention via possible channelling (see recital 11).

(14) In the course of the present investigation an exporter came forward which cooperated in the initial investigation and which was granted individual treatment and a zero duty rate in the definitive Regulation, as it was found not to have dumped. The company informed the Commission about a change in the structure of its operations which took place after the investigation period and as a result of which the legal entity identified as the 'exporter' in the definitive Regulation was found to have changed. Upon submitting the appropriate evidence requested by the Commission, it was found that the new legal entity continues to satisfy all requirements for individual treatment and that therefore the zero duty rate has to be attributed to it. The operative part of the definitive Regulation will have to be amended so that the name of the new legal entity will now be mentioned.

(b) *Determination of the export price*

(15) In accordance with Article 2(8) of the basic Regulation, where exports were made to unrelated importers in the Community, the export prices were established on the basis of the prices actually paid or payable for export to the Community.

Where exports were made to a related importer in the Community or a compensatory arrangement existed between the importer and the exporter, the export price was established, in accordance with Article 2(9) of the basic Regulation, on the basis of resale prices to the first independent buyer adjusted to take account of all costs incurred between importation and resale, including customs duties and a 5 % profit on turnover, i.e. the average profit of the unrelated importers that cooperated in the initial investigation.

3. Comparison

(16) In accordance with Article 2(10) and 2(11) of the basic Regulation, the weighted average normal value was compared with the weighted average export price at an FOB level. In order to make a fair comparison between normal value and export price, adjustments claimed made for differences in

physical characteristics, import charges, level of trade, transport, insurance, handling charges, packing costs, credit, discounts and warranty were granted, provided it could be demonstrated that they affected prices and price comparability.

- (17) A number of exporters claimed, pursuant to Article 2(10)(a) of the basic Regulation, that an adjustment should be made to take into account differences in physical characteristics between the leather handbags produced in Indonesia, on the basis of which normal value was computed, and the exported leather handbags produced in the People's Republic of China, used to calculate export prices. Where it was found that the outer surface of leather handbags exported from the People's Republic of China to the Community was of a type of leather of a significantly lower quality (split or suede leather and patchwork leather) than that of the handbags used to establish normal value in Indonesia (genuine leather), the normal value was adjusted to reflect the impact of such difference on the market value of the leather handbags.

4. Dumping margins

- (18) The dumping margins expressed as a percentage of the cif Community frontier value of the imports were found to be as follows with respect to the exporters eligible for individual treatment:

— C-Duck Leather Goods Company Ltd:	0,0 %
— Wideland Trading Company:	0,0 %
— Lucci Creation Ltd:	0,0 %
— Kunshan C & S Leather Products Co. Ltd:	0,0 %
— Yamani Continental Inc.:	0,0 %
— IP Handbag Industrial Ltd:	0,0 %
— W. K. Maxy Industries Ltd and W. K. Maxy Leather Goods Industries Zhongshan Co. Ltd:	0,0 %
— Lai Wah Industries Ltd:	3,1 %
— Shenzhen Colleen Handbag Co. Ltd:	4,2 %
— The Well Leatherware Manufactory Ltd:	6,5 %
— Shenzhen Crownwick Leatherwares Co. Ltd:	12,4 %
— Shundi South Sea Leather Handbag Factory Ltd and Nam Chow Leather Products Co. Ltd:	39,0 %

— Ever Trust Leather Products Shenzhen Co. Ltd:	45,2 %
— Dongguan Sitoy Leather Products Factory Ltd:	58,3 %

It should be noted that the names of some of the companies above differ from the ones listed in recital 5 in those instances where the manufacturing of the product concerned takes place at companies in the People's Republic of China which have their own legal identity according to Chinese law and which must therefore be considered to be the exporter for purposes of the present investigation.

V. AMENDMENT OF THE MEASURES BEING REVIEWED

- (19) In accordance with the lesser-duty-rule as set out in Article 9(4) of the basic Regulation, it was also examined whether, for each company eligible for individual treatment, the amount of the duty based on the injury margin would be lower than the duty based on the dumping margin. The methodology used to calculate injury margins was the same as that in the initial investigation. In all cases the injury margins were found to be higher than the dumping margins and the duty rates should therefore be based on the dumping margins found.

It was submitted that the duty rates established in the present investigation should take retroactive effect as from the date of entry into force of Regulation (EC) No 1567/97. This argument could not be accepted in view of the prospective nature of measures adopted further to review investigations and, also, as this would result, for those exporters which receive as a result of the present investigation a lower duty rate than the residual duty, in an unwarranted bonus for their non-cooperation in the initial investigation.

- (20) Given the relatively low volume of exports of the companies which should receive individual treatment, as compared with the total volume of exports from the People's Republic of China of the product concerned to the Community, it was concluded that a change of the country-wide duty rate specified in the definitive Regulation was unnecessary.
- (21) The interested parties were informed of the facts and considerations on the basis of which it was intended to amend the definitive Regulation, and were given an opportunity to comment. Their comments were taken into account and, where appropriate, the findings were modified accordingly.
- (22) Given the above, the Council concludes that the definitive Regulation should be amended.

(23) This review does not affect the date on which Regulation (EC) No 1567/97 will expire, pursuant to Article 11(2) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(3) of Regulation (EC) No 1567/97 is hereby amended as follows:

1. The words 'Jane Shilton (Pacific) Ltd' shall be replaced by 'Zengcheng Jane Shilton Leather Goods Company Ltd'.
2. The following shall be added:
 - C-Duck Leather Goods Company Ltd: 0,0 % (Taric additional code: 8961),
 - Wideland Trading Company: 0,0 % (Taric additional code: 8961),
 - Lucci Creation Ltd: 0,0 % (Taric additional code: 8961),
 - Kunshan C & S Leather Products Co. Ltd: 0,0 % (Taric additional code: 8961),
 - Yamani Continental Inc.: 0,0 % (Taric additional code: 8961),

- IP Handbag Industrial Ltd: 0,0 % (Taric additional code: 8961),
- W.K. Maxy Industries Ltd and W.K. Maxy Leather Goods Industries Zhongshan Co. Ltd: 0,0 % (Taric additional code: 8961),
- Lai Wah Industries Ltd: 3,1 % (Taric additional code: 8310),
- Shenzhen Colleen Handbag Co. Ltd: 4,2 % (Taric additional code: 8311),
- The Well Leatherware Manufactory Ltd: 6,5 % (Taric additional code: 8451),
- Shenzhen Crownwick Leatherwares Co. Ltd: 12,4 % (Taric additional code: 8452),
- Shundi South Sea Leather Handbag Factory Ltd and Nam Chow Leather Products Co. Ltd: 39,0 % (Taric additional code: 8453),
- Ever Trust Leather Products Shenzhen Co. Ltd: 45,2 % (Taric additional code: 8454),
- Dongguan Sitoy Leather Products Factory Ltd: 58,3 % (Taric additional code: 8455).

Article 2

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

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

Done at Brussels, 3 November 1998.

For the Council
The President
 B. PRAMMER

COMMISSION REGULATION (EC) No 2381/98
of 4 November 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 1498/98 ⁽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 Commission 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 5 November 1998.

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

Done at Brussels, 4 November 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 198, 15. 7. 1998, p. 4.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 4 November 1998 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	65,3
	999	65,3
0709 90 70	052	84,9
	999	84,9
0805 20 10	204	80,9
	999	80,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	67,3
	999	67,3
0805 30 10	052	61,7
	388	72,8
	528	50,0
	999	61,5
0806 10 10	052	130,9
	400	255,9
	999	193,4
0808 10 20, 0808 10 50, 0808 10 90	060	29,5
	064	43,0
	388	30,3
	400	85,3
	404	88,0
	800	143,6
	999	70,0
0808 20 50	052	88,6
	064	58,8
	400	84,2
	720	121,0
	728	126,7
	999	95,9

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

COMMISSION REGULATION (EC) No 2382/98

of 4 November 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 1148/98⁽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 5 November 1998.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽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, 4 November 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⁾	6,42	0,21	—
1703 90 00 ⁽¹⁾	7,74	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 2383/98
of 4 November 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 1148/98 ⁽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 2323/98 ⁽³⁾, as amended by Regulation (EC) No 2350/98 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2350/98 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 2350/98 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 November 1998.

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

Done at Brussels, 4 November 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 290, 29. 10. 1998, p. 9.

⁽⁴⁾ OJ L 293, 31. 10. 1998, p. 7.

ANNEX

to the Commission Regulation of 4 November 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	44,15 ⁽¹⁾
1701 11 90 9910	41,93 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	44,15 ⁽¹⁾
1701 12 90 9910	41,93 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4799
	— ECU/100 kg —
1701 99 10 9100	47,99
1701 99 10 9910	47,61
1701 99 10 9950	47,61
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4799

⁽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 2384/98
of 4 November 1998

fixing the maximum export refund for white sugar for the 14th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1574/98

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 1148/98 ⁽²⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1574/98 of 22 July 1998 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 1574/98 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 14th 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 14th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1574/98 the maximum amount of the export refund is fixed at ECU 50,810 per 100 kilograms.

Article 2

This Regulation shall enter into force on 5 November 1998.

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

Done at Brussels, 4 November 1998.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 206, 23. 7. 1998, p. 7.

COMMISSION REGULATION (EC) No 2385/98**of 4 November 1998****fixing, for October 1998, the specific agricultural conversion rate for the amount of the reimbursement of storage costs 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 organisation of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1148/98 ⁽²⁾,

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⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁵⁾, as last amended by Regulation (EC) No 59/97 ⁽⁶⁾, and in particular Article 1(3) thereof,

Whereas Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conver-

sion rates applicable during the month of storage; whereas that specific rate must be fixed each month for the previous month;

Whereas application of these provisions will lead to the fixing, for October 1998, of the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific agricultural conversion rate to be used to convert the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into each of the national currencies for October 1998 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 November 1998.

It shall apply with effect from 1 October 1998.

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

Done at Brussels, 4 November 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 159, 3. 6. 1998, p. 38.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ L 159, 1. 7. 1993, p. 94.

⁽⁶⁾ OJ L 14, 17. 1. 1997, p. 25.

ANNEX

to the Commission Regulation of 4 November 1998 fixing, for October 1998, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

Agricultural conversion rates		
ECU 1 =	40,9321	Belgian and Luxembourg francs
	7,56225	Danish kroner
	1,98391	German marks
	338,319	Greek drachmas
	168,336	Spanish pesetas
	6,68769	French francs
	0,796521	Irish pound
1	973,93	Italian lire
	2,23593	Dutch guilders
	13,9576	Austrian schillings
	203,183	Portuguese escudos
	6,02811	Finnish marks
	9,30915	Swedish kroner
	0,693357	Pound sterling

COMMISSION DECISION

of 27 October 1998

concerning the importation of certain live animals and animal products from Zimbabwe and the Falkland Islands and amending Council Decision 79/542/EEC*(notified under document number C(1998) 3239)*

(Text with EEA relevance)

(98/622/EC)

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

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 97/79/EC⁽²⁾, and in particular Article 3 thereof,

Whereas Council Decision 79/542/EEC⁽³⁾, as last amended by Commission Decision 98/594/EC⁽⁴⁾, draws up a list of third countries from which the Member States authorise imports of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products;

Whereas, following Community veterinary missions, it appears that both Zimbabwe and the Falkland Islands are covered by sufficiently well-structured and organised veterinary services;

Whereas Zimbabwe and the Falkland Islands should be added to the list of third countries from which Member States authorise imports of meat of wild animals;

Whereas the Falkland Islands should be added to the list of third countries from which Member States authorise imports of live animals and meat of bovine and ovine species;

Whereas Decision 79/542/EEC should be amended accordingly;

Whereas the specific animal health conditions and veterinary certification for importation of bovine animals, swine, equidae, sheep and goats, fresh meat and meat products will be laid down in other Decisions according to the animal health situation of the third country concerned;

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

HAS ADOPTED THIS DECISION:

Article 1

Part 1 of the Annex to Decision 79/542/EEC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 October 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ L 24, 30. 1. 1998, p. 31.

⁽³⁾ OJ L 146, 14. 6. 1979, p. 15.

⁽⁴⁾ OJ L 286, 23. 10. 1998, p. 53.

ANNEX

'Imports shall fulfil the appropriate animal and public health requirements.

PART 1

LIVE ANIMALS, FRESH MEAT AND MEAT PRODUCTS

ISO country code	Country	Fresh meat and meat products "Domestic animals"				Fresh meat "Wild animals"		Live animals				Animal health			Public health
		B	S/G	P	E	CH	E	B	S/G	P	E	Fresh meat	Meat products	Live animals	
AL	Albania	0	X	X	X	0	X	0	0	0	0				0
AR	Argentina	X	X	0	X	X	X	X	X	X	X		(3)		XR
AU	Australia	X	X	X	X	X	X	X	X	X	X				XR
BA	Bosnia-Herzegovina	X	X	X	X	X	X	X	0	X	(1)				0
BG	Bulgaria	X	X	X	X	X	X	X	X	X	(1)				XR
BH	Bahrain	0	0	0	0	0	0	0	0	0		(2)(4)			0
BR	Brazil	X	X	0	X	0	X	0	0	0		(3)		(5)	XR
BW	Botswana	X	X	0	X	X	X	0	0	0	(1)(2)	(3)			XR
BY	Belarus	X	X	X	X	X	X	X	X	X	(1)				(c)
BZ	Belize	X	0	0	X	0	X	0	0	0					0
CA	Canada	X	X	X	X	X	X	X	X	X					XR (a)
CH	Switzerland	X	X	X	X	X	X	X	X	X					XR
CL	Chile	X	X	0	X	X	X	0	X	0	(1)	(3)			XR
CN	People's Republic of China	0	0	X	X	X	X	0	0	0	(1)	(3)			0
CO	Colombia	X	0	0	X	0	X	0	0	0		(3)			0
CR	Costa Rica	X	0	0	X	0	X	0	0	0					0

		B	S/G	P	E	CH	E	B	S/G	P	E	Fresh meat	Meat products	Live animals	Residues
CU	Cuba	x	o	o	x	o	x	o	o	o	x				o
CY	Cyprus	x	x	x	x	x	x	o	o	x	x				xr
CZ	Czech Republic	x	x	x	x	x	x	x	x	x	x				xr
DZ	Algeria	o	o	o	o	o	o	o	o	o	x				o
EE	Estonia	x	x	x	x	x	x	x	x	x	x	(1)			(c)
ET	Ethiopia	o	o	o	o	o	o	o	o	o	o		(3)		o
FK	Falkland Islands	x	x	o	x	x	x	x	x	x	x				o
GL	Greenland	x	x	o	x	x	x	o	x	o	x	(1)			xr
GT	Guatemala	x	o	o	x	o	x	o	o	o	o				o
HK	Hong Kong	o	o	o	o	o	o	o	o	o	o		(3)		o
HN	Honduras	x	o	o	x	o	x	o	o	o	o				o
HR	Croatia	x	x	x	x	x	x	x	x	x	x	(1)			xr
HU	Hungary	x	x	x	x	x	x	x	x	x	x				xr
IL	Israel	o	o	o	x	o	x	o	o	o	x		(3)		o
IN	India	o	o	o	o	o	o	o	o	o	o		(3)		o
IS	Iceland	x	x	x	x	x	x	x	x	x	x				xr
KE	Kenya	o	o	o	o	o	o	o	o	o	o		(3)		o
LI	Lithuania	x	x	x	x	x	x	x	x	x	x	(1)			(c)
LV	Latvia	x	x	x	x	x	x	x	x	x	x	(1)			o
MA	Morocco	o	o	o	x	o	x	o	o	o	x		(3)		xr
MG	Madagascar	x	x	o	x	o	x	o	o	o	o		(3)		xr
807	Former Yugoslav Republic of Macedonia	o	x	o	x	o	x	o	o	o	x				xr
MT	Malta	x	o	x	x	o	x	x	x	x	x		(3)		xr
MU	Mauritius	o	o	o	o	o	o	o	o	o	x		(3)		o

		B	S/G	P	E	CH	E	B	S/G	P	E	Fresh meat	Meat products	Live animals	Residues
MX	Mexico	x	o	o	x	o	x	o	o	o	x				XR
NA	Namibia	x	x	o	x	x	x	o	o	o		(1)(2)	(3)		XR
NI	Nicaragua	x	o	o	x	o	x	o	o	o					o
NO	Norway		x						x						XR
NZ	New Zealand	x	x	x	x	x	x	x	x	x	x				XR
PA	Panama	x	o	o	x	o	x	o	o	o					o
PL	Poland	x	x	x	x	x	x	x	x	x		(1)			XR
PY	Paraguay	x	x	o	x	o	x	o	o	o	x		(3)		XR
RO	Romania	x	x	x	x	x	x	x	x	x		(1)			XR
RU	Russia	x	x	x	x	x	x	x	x	x		(1)(2)		(5)	(c)
SG	Singapore	o	o	o	o	o	o	o	o	o			(3)		o
SI	Slovenia	x	x	x	x	x	x	x	x	x		(1)			XR
SK	Slovak Republic	x	x	x	x	x	x	x	x	x		(1)			XR
SV	El Salvador	x	x	o	x	o	x	o	o	o					o
SZ	Swaziland	x	o	o	x	x	x	o	o	o		(1)(2)	(3)		XR
TH	Thailand	o	o	o	o	o	o	o	o	o			(3)		o
TN	Tunisia	o	o	o	o	o	o	o	o	o			(3)(4)		(c)
TR	Turkey	o	o	o	x	o	x	o	o	o					o
UA	Ukraine	o	o	o	o	o	o	o	o	o					(c)
US	United States of America	x	x	x	x	x	x	x	x	x					XR (b)
UY	Uruguay	x	x	o	x	x	x	o	x	o			(3)		XR
YU	Federal Republic of Yugoslavia	x	x	x	x	x	x	x	x	o		(1)			XR
ZA	South Africa	x	x	x	x	x	x	o	o	o		(1)(2)	(3)	(5)	XR
ZW	Zimbabwe	x	o	o	o	x	x	o	o	o			(3)		XR

B = bovine animals, (including buffalo and bison)
 S/G = sheep/goats
 P = pigs
 E = equidae
 CH = cloven-hoofed animals
 x = authorised
 o = unauthorised

Special remarks

- (¹) Excluding meat of wild swine.
 (²) Excluding bone-in meat and offal.
 (³) Notwithstanding the restrictions in the above list, meat products which have undergone heat treatment in a hermetically sealed container to a F_0 value of 3 or more are authorised.
 (⁴) Notwithstanding the restrictions in the above list, meat products which have been heat treated to a centre temperature of at least 80 °C are authorised.
 (⁵) Member States shall only import equidae in accordance with Commission Decision 92/160/EEC establishing regionalisation.

Additional notes

XR The plan on residues in animals and fresh meat for substances having a thyrostatic, androgenic, oestrogenic or gestagenic effect and for substances other than those having an hormonal effect has been approved by the Commission.

Equidae other than equidae for slaughter shall be imported without the third country concerned being obliged to submit a plan.

- (a) Imports of live bovine animals are restricted to animals intended for reproduction and to veal calves aged under two weeks intended for fattening.
 (b) Imports of beef and veal for human consumption are restricted to:
 (i) meat from cows which have been used exclusively for dairy production, or
 (ii) meat:
 — complying with the conditions agreed between the United States of America and the European Community,
 and
 — which has been obtained from fresh meat establishments supplied with slaughter animals from holdings approved by the Commission. The names of these establishments are the subject of a specific communication from the Commission to the Member States.
 (c) As regards imports of live horses for slaughter sufficient guarantees have been received to allow importation.'

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 167/98/COL

of 8 July 1998

on a derogation from Annex III to the Act referred to in point 24a of Annex XIII to the EEA Agreement

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area,

Having regard to the Act referred to in point 24a of Annex XIII to the EEA Agreement,

Council Directive 91/439/EEC of 29 July 1991 on driving licences,

as amended and adapted by way of Protocol 1 to that Agreement, in particular Article 7 thereof,

Whereas Article 7(3) of the Act, as adapted, stipulates that the EFTA States, parties to the EEA Agreement, may, with the agreement of the Surveillance Authority, derogate from the provisions of Annex III to the Act concerning minimum standards of physical and mental fitness for driving of power-driven vehicles;

Whereas such derogations must be compatible with the development of medical science and with the principles laid down in Annex III;

Whereas Annex III, point 6.3, specifies that applicants for a driving licence or for the renewal of such a licence must have a visual acuity, with corrective lenses if necessary, of at least 0,8 in the better eye and at least 0,5 in the worse eye;

Whereas, if corrective lenses are used to attain the values of 0,8 and 0,5, the uncorrected acuity in each eye must reach 0,05, or else the minimum acuity (0,8 and 0,5) must be achieved either by correction by means of glasses with a power not exceeding plus or minus four dioptries or with the aid of contact lenses (uncorrected vision = 0,05) and the correction must be well tolerated;

Whereas point 6.3 furthermore specifies that driving licences shall not be issued to or renewed for applications or drivers without a normal binocular field of vision or suffering from diplopia;

Whereas in accordance with point 6.3 of Annex III the maximum allowed strength for glasses of group 2 drivers has to be plus or minus 4 dioptries, notably because of distortion of the field of vision if stronger glasses had to be used;

Whereas, however, application of modern techniques and materials has made it possible now to produce glasses up to plus or minus 8 dioptries without such distortion;

Whereas, therefore, following the request of one of the EFTA States, the Surveillance Authority considers that the developments of medical science justify a derogation to the provision of point 6.3 of Annex III to the Act as for the number of dioptries for glasses of drivers of group 2;

Whereas the Commission, in Decision 96/427/EC of 10 July 1996 concerning a derogation from the provisions of Annex III to Council Directive 91/439/EEC, has granted the same derogation with regard to the EU Member States,

HAS ADOPTED THIS DECISION:

1. The EFTA States parties to the EEA Agreement may allow a value of plus or minus 8 dioptries instead of plus or minus 4 dioptries when the minimum acuity of 0,8 and 0,5 is achieved by correction by means of glasses.
2. This Decision, which is authentic in the English language, is addressed to the EFTA States, parties to the EEA Agreement.
3. This Decision shall be published in the EEA section of the *Official Journal of the European Communities*, and the EEA supplement thereto.

Done at Brussels, 8 July 1998.

For the EFTA Surveillance Authority
The President
Knut ALMESTAD

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2360/98 of 30 October 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

(Official Journal of the European Communities L 293 of 31 October 1998)

On page 29, in the Annex, at CN code ex 0402 21 19, in the column 'rate of refund', for letter (a):

for: '80,37',

read: '80,39'.
