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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 820/95**of 12 April 1995****amending Regulation (EC) No 1021/94 relating mainly to a standing invitation to tender to determine levies and/or refunds on exports of white sugar**

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 283/95 ⁽²⁾, and in particular Articles 13 (2), 18 (5) and 19 (4) and (7) thereof,

Having regard to Council Regulation (EEC) No 608/72 of 23 March 1972 laying down rules to be applied in the case of considerable price rises on the world sugar market ⁽³⁾, and in particular Article 1 (1) thereof,

Whereas the trend in commitments to export pursuant to Commission Regulation (EC) No 1021/94 of 29 April 1994 relating mainly to a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽⁴⁾, for the 1994/95 marketing year indicates that there is a risk that the disposal of surpluses during the said marketing year will not be ensured by 24 May 1995,

the date laid down for the closure of the invitation to tender; whereas the closing date should therefore be put back to 28 June 1995;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 (2) of Regulation (EC) No 1021/94, the date '24 May 1995' is hereby replaced by '28 June 1995'.

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, 12 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 34, 13. 2. 1995, p. 3.
⁽³⁾ OJ No L 75, 28. 3. 1972, p. 5.
⁽⁴⁾ OJ No L 112, 3. 5. 1994, p. 13.

COMMISSION REGULATION (EC) No 821/95

of 12 April 1995

on the opening of additional quotas for imports into the Community of certain textile products originating in certain third countries participating in trade fairs organized in 1995 in the European Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries⁽¹⁾, as last amended by Commission Regulation (EC) No 3169/94⁽²⁾, and in particular Article 8 thereof,

Whereas additional quotas to those indicated in Annex V to Regulation (EEC) No 3030/93 may be opened when required under special circumstances; that the Commission has received a request to open additional quotas in view of trade fairs to be held in 1995;

Whereas additional quotas have already been opened for trade fairs in previous years for certain third countries;

Whereas additional quotas for imports of textile products originating in the People's Republic of China have already been established for European trade fairs and it is therefore appropriate to limit the opening of those additional quotas for 1995 to products originating in third countries other than China;

Whereas access to the additional quotas should be limited to products which have been exhibited by the exporting countries at the relevant fair and for the quantities agreed to by sales contracts, as certified by the competent authorities of the Member State where the fair is taking place;

Whereas in order to avoid an over-utilization of these additional quotas it appears appropriate to request the Member State of the territory in which the fair is taking place, on the one hand, to ensure that the total amounts covered by certified contracts do not exceed the limits set for these additional quotas and, on the other hand, to inform the Commission after closure of the fair of the total quantities covered by such certified contracts;

Whereas it seems appropriate to apply to imports into the Community of products for which the additional quotas are opened the provision of Regulation (EEC) No 3030/93

which are applicable to imports of products subject to quantitative limits set out in Annex V of the said Regulation, with the exception of those relating to flexibilities;

Whereas requests for import authorizations should moreover be accompanied by the contract signed at the relevant fair, as certified by the competent authorities of the Member State where it is held;

Whereas in order to ensure the smooth management of additional quotas, the validity of import authorizations should not extend beyond 12 months from the date of closure of the fair;

Whereas in order to avoid circumvention, issue of import authorizations should only cover products shipped in the supplier country in which they originate no earlier than 30 days after the closure of the relevant fair;

Whereas the measures provided for in this Regulation are in conformity with the opinion of the Textile Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In addition to the quantitative limits on imports established by Regulation (EEC) No 3030/93, additional quotas shall be opened in respect of the trade fairs to be held in 1995 in the European Community as set out in the Annex hereto.

Article 2

1. Access to the additional quotas referred to in Article 1 shall be limited to such products which have been exhibited by the exporting countries at the fair and for the quantities agreed by a sales contract signed at the relevant fair as certified by the competent authorities of the Member States where the fair takes place.

2. The competent authorities of the Member State in the territory of which the fair is taking place shall ensure that the total amounts covered by certified contracts do not exceed the limits fixed in the Annex.

⁽¹⁾ OJ No L 275, 8. 11. 1993, p. 1.

⁽²⁾ OJ No L 335, 23. 12. 1994, p. 33.

3. The Commission shall be informed by the relevant Member State not later than 30 days after the closure of the fair of the total quantities covered by contracts certified as having been concluded during the fair. This information shall be provided by supplier country and category.

Article 3

1. Without prejudice to subsequent paragraphs imports into the Community of products for which additional quotas have been opened shall be subject to the provisions of Regulation (EEC) No 3030/93 which are applicable to imports of products subject to quantitative limits established in Annex V of the said Regulation, with the exception of those relating to flexibilities.

2. Import authorizations can only be issued on the presentation of an export licence bearing in box 9 an indication of the fair and year to which they relate and

accompanied by the original of the certified contract referred to in Article 2.

3. Import authorizations shall only cover products shipped into the Community in the third country in which they originate no earlier than 30 days after the closure of the fair.

4. The period of validity of import authorizations issued in accordance with the previous paragraphs shall not extend beyond 12 months from the date of closure of the fair.

Article 4

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, 12 April 1995.

For the Commission

Leon BRITTAN

Vice-President

ANNEX

Additional quotas for the Berlin trade fair to be held in April 1995

(The complete description of the goods is shown in Annex I of Council Regulation (EEC) No 3030/93)

Category	Unit	Third country	Quantitative limit
1	tonnes	Pakistan	66
	tonnes	Peru	66
	tonnes	Ukraine	10
2	tonnes	Peru	74
	tonnes	Russia	100
4	1 000 pieces	Belarus	20
	1 000 pieces	Bulgaria	71
	1 000 pieces	Czech Republic	22
	1 000 pieces	India	454
	1 000 pieces	Indonesia	212
	1 000 pieces	Malaysia	94
	1 000 pieces	Pakistan	225
	1 000 pieces	Philippines	252
	1 000 pieces	Singapore	70
	1 000 pieces	Slovak Republic	22
	1 000 pieces	Thailand	483
	1 000 pieces	Ukraine	20
	1 000 pieces	Vietnam	25
5	1 000 pièces	Belarus	20
	1 000 pieces	Bulgaria	84
	1 000 pieces	Hungary	54
	1 000 pieces	India	252
	1 000 pieces	Malaysia	42
	1 000 pieces	Pakistan	215
	1 000 pieces	Philippines	169
	1 000 pieces	Poland	150
	1 000 pieces	Romania	60
	1 000 pieces	Russia	20
	1 000 pieces	Singapore	73
	1 000 pieces	Thailand	206
	1 000 pieces	Ukraine	60
	1 000 pieces	Vietnam	20
6	1 000 pieces	Czech Republic	40
	1 000 pieces	Hungary	80
	1 000 pieces	India	118
	1 000 pieces	Indonesia	131
	1 000 pieces	Malaysia	92
	1 000 pieces	Philippines	134
	1 000 pieces	Poland	125
	1 000 pieces	Romania	150
	1 000 pieces	Russia	48
	1 000 pieces	Singapore	70
	1 000 pieces	Sri Lanka	116
	1 000 pieces	Slovak Republic	40
	1 000 pieces	Thailand	187
	1 000 pieces	Vietnam	20

Category	Unit	Third country	Quantitative limit
7	1 000 pieces	Bulgaria	42
	1 000 pieces	Czech Republic	6
	1 000 pieces	Hungary	64
	1 000 pieces	India	407
	1 000 pieces	Indonesia	98
	1 000 pieces	Philippines	99
	1 000 pieces	Russia	20
	1 000 pieces	Singapore	159
	1 000 pieces	Sri Lanka	99
	1 000 pieces	Slovak Republic	6
	1 000 pieces	Thailand	82
	1 000 pieces	Vietnam	25
8	1 000 pieces	Belarus	20
	1 000 pieces	Bulgaria	156
	1 000 pieces	Czech Republic	38
	1 000 pieces	India	323
	1 000 pieces	Indonesia	218
	1 000 pieces	Malaysia	82
	1 000 pieces	Pakistan	158
	1 000 pieces	Philippines	102
	1 000 pieces	Poland	53
	1 000 pieces	Romania	280
	1 000 pieces	Russia	49
	1 000 pieces	Singapore	90
	1 000 pieces	Sri Lanka	270
	1 000 pieces	Slovak Republic	37
	1 000 pieces	Thailand	101
	1 000 pieces	Ukraine	20
	1 000 pieces	Vietnam	220
9	tonnes	Pakistan	233
12	1 000 pairs	Belarus	20
	1 000 pairs	Hungary	52
	1 000 pairs	Poland	80
	1 000 pairs	Romania	400
	1 000 pairs	Russia	20
	1 000 pairs	Thailand	458
	1 000 pairs	Ukraine	20
14	1 000 pieces	Poland	26
15	1 000 pieces	Belarus	20
	1 000 pieces	Czech Republic	25
	1 000 pieces	Hungary	57
	1 000 pieces	India	124
	1 000 pieces	Poland	51
	1 000 pieces	Romania	68
	1 000 pieces	Russia	22
	1 000 pieces	Slovak Republic	24
	1 000 pieces	Ukraine	20
	1 000 pieces	Vietnam	20
16	1 000 pieces	Poland	22
	1 000 pieces	Ukraine	20
18	tonnes	Vietnam	5

Category	Unit	Third country	Quantitative limit
20	tonnes	Belarus	10
	tonnes	Czech Republic	12
	tonnes	India	294
	tonnes	Pakistan	149
	tonnes	Russia	17
	tonnes	Slovak Republic	12
	tonnes	Ukraine	10
21	1 000 pieces	Philippines	286
	1 000 pieces	Sri Lanka	240
	1 000 pieces	Thailand	446
	1 000 pieces	Vietnam	30
24	1 000 pieces	Poland	80
	1 000 pieces	Thailand	102
26	1 000 pieces	Belarus	20
	1 000 pieces	India	383
	1 000 pieces	Philippines	95
	1 000 pieces	Poland	125
	1 000 pieces	Romania	48
	1 000 pieces	Thailand	171
	1 000 pieces	Ukraine	20
27	1 000 pieces	Belarus	20
	1 000 pieces	India	372
29	1 000 pieces	India	268
73	1 000 pieces	Philippines	287
	1 000 pieces	Romania	52
	1 000 pieces	Thailand	70
76	tonnes	Czech Republic	20
	tonnes	Slovak Republic	20
118	tonnes	Belarus	10
	tonnes	Czech Republic	15
	tonnes	Russia	50
	tonnes	Slovak Republic	15

COMMISSION REGULATION (EC) No 822/95

of 12 April 1995

amending Regulation (EC) No 2577/94 laying down special measures concerning export licences for malt issued between 1 August and 31 December 1994

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 amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 9 (2) and 13 (6) thereof,

Whereas Commission Regulation (EC) No 1521/94 of 29 June 1994 limiting the period of validity of export licences both with and without advance fixing of the export refund⁽²⁾ limits to 30 June 1995 the period of validity of export licences where the said period of validity goes beyond that date; whereas, however, Article 4 of that Regulation provides for the possibility of taking other measures to avoid disruption to trade in agricultural products;

Whereas Commission Regulation (EC) No 2577/94 laying down special measures concerning export licences for malt issued between 1 August and 31 December 1994⁽³⁾ provides for the granting of second-issue licences during the period 21 March to 3 April 1995; whereas, in view of the delay in adopting the rules on the implementation of the Uruguay Round Agricultural Agreement, that date and the deadline for the notification to the Commission of the total number of second-issue licences should be put back;

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

Done at Brussels, 12 April 1995.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2577/94 is hereby amended as follows:

1. The second indent of Article 1 is replaced by the following:
— "second-issue licence" means the replacement licence issued pursuant to this Regulation between 21 May and 6 June 1995;
2. In Article 2:
— in paragraph 1, the words '21 to 31 March 1995' are replaced by '21 to 31 May 1995',
— in paragraph 4, the date '3 April 1995' is replaced by '6 June 1995'.

Article 2

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

It shall apply from 21 March 1995.

Applications submitted during the period 21 to 31 March shall be considered as having been made during the period 21 to 31 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 162, 30. 6. 1994, p. 47.

⁽³⁾ OJ No L 273, 25. 10. 1994, p. 2.

COMMISSION REGULATION (EC) No 823/95

of 10 April 1995

imposing a provisional anti-dumping duty on imports of disodium carbonate
originating in the United States of America

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,Having regard to Council Regulation (EEC) No 2423/88
of 11 July 1988 on protection against dumped or subsidi-
zied imports from countries not members of the Euro-
pean Economic Community⁽¹⁾, as last amended by Regu-
lation (EC) No 522/94⁽²⁾, and in particular Article 11
thereof,

After consultation within the Advisory Committee,

Whereas :

A. PROCEDURE

- (1) By Regulation (EEC) No 3337/84⁽³⁾ the Council imposed a definitive anti-dumping duty on certain imports of disodium carbonate originating in the United States of America. Two companies offered price undertakings which were accepted by Commission Regulation (EEC) No 2253/84⁽⁴⁾.
- (2) Commission Decision 90/507/EEC⁽⁵⁾ terminated the review of the anti-dumping measures which had entered into force in 1984 concerning sodium carbonate originating in the United States of America, since the United States market share at that time was negligible, though the American producers were found to have dumped by up to 12,8 %.
- (3) In June 1993, the Commission received a complaint lodged by the European Chemical Industry Council (Cefic), acting on behalf of Community producers and representing allegedly 85 % of the Community's sodium carbonate production. The complaint contained evidence that imports of the product concerned originating in the United States of America were being dumped and were causing injury, and this evidence was considered sufficient to justify the initiation of the proceeding.

Subsequently, in August 1993, the Commission announced by a notice published in the *Official Journal of the European Communities*⁽⁶⁾ the initiation of an anti-dumping proceeding concerning imports into the Community of sodium carbonate originating in the United States of America.

- (4) The Commission officially advised the producers, exporters and importers known to be concerned, the representatives of the exporting countries and the complainants. Interested parties directly concerned were given the opportunity to make known their views in writing and to request a hearing.
- (5) The exporters and the complainant Community producers made their views known in writing. Submissions were also made by a number of importers. Some of these parties requested and were granted hearings.
- (6) Pursuant to Article 7 (6) of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the Basic Regulation'), an exporter requested an opportunity to meet representatives of the Community industry. However, no meeting took place as the other parties concerned did not want to attend such a meeting.
- (7) The Commission sought and verified all information it considered necessary for a preliminary determination of dumping and injury and carried out investigations at the premises of the following :

(a) *Complaining Community producers :*

United Kingdom :

— Brunner Mond & Co. Ltd, Northwich ;

Belgium :

— Solvay SA, Brussels ;

The Netherlands :

— Akzo Chemicals BV, Amersfoort ;

France :

— Solvay SA, Paris,

— Rhône Poulenc SA, Courbevoie ;

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.⁽²⁾ OJ No L 66, 10. 3. 1994, p. 10.⁽³⁾ OJ No L 311, 29. 11. 1984, p. 26.⁽⁴⁾ OJ No L 206, 2. 8. 1984, p. 15.⁽⁵⁾ OJ No L 283, 16. 10. 1990, p. 38.⁽⁶⁾ OJ No C 213, 6. 8. 1993, p. 12.

Germany :

- Chemische Fabrik Kalk GmbH, Köln,
- Matthes & Weber GmbH, Duisburg,
- Solvay Alkali GmbH, Solingen ;

Italy :

- Solvay SA, Milano ;

Portugal :

- Solvay Produtos Quimicos SA Portugal, Lisbon ;

Spain :

- Solvay SA Spain, Barcelona.

(b) *United States producers/exporters :*

- FMC, Philadelphia-PA,
- Asahi Glass (AG) Soda Corporation-NY,
- General Chemical (Soda Ash) Partners, Parsipanny-NJ,
- North American Chemical Company (NACC), Overland Park-KS,
- Texasgulf Soda Ash Inc., Raleigh-NC,
- Rhône-Poulenc of Wyoming Basic Chemicals Co., Shelton-CT,
- Solvay Minerals Inc., Houston-TX.

(c) *Related importers :*

Belgium :

- Solvay BAP, Brussels ;

The Netherlands :

- Asahi Glass Europe BV, Amsterdam ;

Spain :

- FMC Foret SA, Barcelona ;

United Kingdom :

- General Chemcial (GB) Ltd, Knutsford ;

France :

- Rhône Poulenc SA, Courbevoie.

(d) *Unrelated importers and traders :*

Belgium :

- Zeebrugge Shipping and Bunkering Co. NV, Zeebrugge ;

France :

- Groupe BSN Emballages, Paris,
- Saint Gobain SA, Paris ;

Germany :

- Megachem GmbH & Co. KG, Hamburg,
- Helm AG, Hamburg.

- (8) The investigation of dumping covered the period 1 January 1992 to 30 June 1993.

B. PRODUCT

1. The product

- (9) The product under investigation is disodium carbonate (soda ash), characterized by the principal component Na_2CO_3 (sodium carbonate anhydrous) and falling within CN code 2836 20 00.

The main uses of the product are in the following industries : glass, steel, chemical, detergent, paper and pulp, food and water treatment.

- (10) Disodium carbonate in Europe is obtained from limestone, sodium chloride and ammonia, a capital and energy intensive process patented by Sovlay in 1865 called the 'synthetic soda ash process' as opposed to the American 'natural soda ash process'. In the United States of America, soda ash is obtained from purification of trona, a mineral found in practically inexhaustible natural deposits situated mostly in the state of Wyoming.

2. Like product

- (11) The end-result of the different production processes described above is, however, the same, and the products obtained are alike in all respects as regards their physical and technical characteristics as well as their potential use. Consequently, the products imported into the Community from the United States of America and the products produced and sold in the Community are like products.

C. DUMPING

1. Normal value

- (12) The Commission first examined whether the volume of sales of each United States producer on the domestic market attained 5 % of the volume of exports of the product to the Community, which has consistently been considered to be the minimum representative volume for comparison. Six of the seven United States companies which cooperated achieved a percentage of domestic sales considerably in excess of this 5 % threshold, although the Commission found that these had sold substantial quantities of the product (between 30 and 60 % in volume) during the reference period at prices less than the cost of production as defined in Article 2 (3) (b) (ii) of the Basic Regulation ; the cost of production was established according to the method described in recital 15. These sales were not regarded as having been made in the ordinary course of trade and were therefore disregarded in accordance with Article 2 (3) of the Basic Regulation.

- (13) Normal values were thus determined on the basis of the profitable sales on the domestic market, after deducting from the sales prices all discounts and rebates directly linked to the sales under consideration, in accordance with Article 2 (3) (a) of the Basic Regulation.
- (14) For one exporter, the volume of sales on the domestic market transacted in the ordinary course of trade did not attain 5 % of the volume of exports of the product to the Community since most sales were made to related companies.
- (15) Normal value for this company has therefore been calculated in accordance with Article 2 (3) (b) (ii) of the Basic Regulation. It was constructed on the basis of the fixed and variable raw material and manufacturing costs for the product exported to the Community, together with a reasonable amount for selling, administrative and other costs (SGA), and a reasonable margin of profit.

SGA and profit were calculated on the basis of the average figures for domestic sales of the product under consideration by the other companies; the average profit, based upon the profitable sales, amounted to 10 %.

2. Export prices

- (16) Where sales were made directly to independent importers in the Community, export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.
- (17) Where exports made to related importers in the Community, export prices, in accordance with the provisions of Article 2 (8) (b) of the Basic Regulation, were constructed on the basis of resale prices to the first independent purchaser adjusted to take account of all costs incurred between importation and resale together with a 5 % profit margin, which was considered reasonable in the light of the information available to the Commission on the product sector concerned.

3. Comparison

- (18) The comparison of the normal value with the export prices on a transaction-by-transaction basis was made at the ex-works stage and at the same level of trade. The Commission, in accordance with Article 2 (9) and (10) of the Basic Regulation, took into account, where this was warranted, the differences directly affecting price comparability, such as certain selling expenses, namely credit

terms, transport insurance and handling costs, packing and ancillary costs.

4. Dumping margin

- (19) The comparison showed in the existence of dumping, the dumping margins being equal to the amount by which the normal value, as established, exceeds the price for export to the Community.
- (20) The weighted average dumping margins for the companies concerned, adjusted to cif Community frontier prices, customs duty unpaid, are as follows:
- | | |
|----------------------------------|---------|
| — Asahi Glass Soda Corporation : | 10,5 %, |
| — FMC : | 14,3 %, |
| — General Chemical Partners : | 8,1 %, |
| — NACC : | 10,2 %, |
| — Rhône-Poulenc of Wyoming : | 13,9 %, |
| — Solvay Minerals Inc. : | 9,7 %, |
| — Texasgulf Soda Ash Inc. : | 0,1 %. |
- (21) In the case of firms which failed to cooperate in the investigation or did not reply satisfactorily to the Commission's questionnaire, the Commission considered that the dumping should be determined on the basis of the facts available in accordance with Article 7 (7) (b) of the Basic Regulation. In this respect, the most reasonable facts available were considered to be those verified by the Commission during the investigation and, since the Commission had no reason to believe that the non-cooperating companies would have practised dumping at levels lower than the highest found and in order not to reward non cooperation, a margin of 14,3 % was considered appropriate for those companies.

D. COMMUNITY INDUSTRY

- (22) Some United States exporters and the representatives of the major processing industry in the Community, the glass industry, argued that two of the complainant companies were related to United States exporters, had themselves imported American soda ash during the period of investigation and should therefore not be considered as part of the Community industry in the light of Article 4 (5) of the Basic Regulation.
- (23) In this respect, it should be recalled that Article 4 (5) does not provide for the automatic exclusion of producers related to the exporters or producers who are themselves importing the allegedly dumped product, but rather imposes on the Community institutions the obligation to examine on a case-by-case basis whether the exclusion of any producer in this situation is warranted.

- (24) Accordingly, the Commission considered whether those two Community producers, were merely supplementing their Community production with an additional activity based on imports, or whether they were importers with relatively limited additional production in the Community. This approach is consistent with the recent case-law of the Court of Justice regarding the definition of 'Community industry'.
- (25) The Commission examined the relationship between the quantities produced in the Community and the quantities imported. On the basis of the facts established in the investigation, it was found that the two Community producers which are related to exporters and are themselves importing from the United States, import relatively low quantities (in one case these imports represented 10 % of the Community producer's production sold in the Community and in the other case less than 1 %). Furthermore, for one Community producer who had bought a United States producer in 1992, existing contracts had to be honoured; imports from this company ceased in 1993. The other producer mainly imports for its captive consumption.
- (26) In these circumstances, it can be concluded that the two Community producers concerned, with corporate headquarters located in the Community, where their commercial policy is formulated and foreign investments planned as a normal business extension of their commercial activities, did not principally act as importers but continued to retain the manufacture of soda ash as their main activity. Given the relatively low quantities imported, these producers cannot be considered to have been shielded against the effects of dumping because of imports.
- (27) In the light of the above, it was considered that there were no grounds for the exclusion of any of the complainant producers from the definition of the Community industry.

E. INJURY

1. Community consumption of soda ash

- (28) Community consumption (based on the replies to the questionnaire as well as Eurostat data) has decreased in recent years from 6 242 000 tonnes in 1990 to 5 963 000 tonnes in 1992 and to 2 840 000 tonnes in the first half of 1993 due both to the general recession which affected especially the glass industry (which is the major processor of soda ash) and to the increase of glass recycling.

2. Exporters' behaviour in the Community market

(a) *Volume of imports and market share*

- (29) The volume of the imports originating in the United States of America rose substantially from 52 000 tonnes in 1990 to 272 000 in 1991, to 578 000 tonnes in 1992 and to 235 000 tonnes for the first half of 1993; representing an increase in market share from 0,8 % in 1990, to 4,4 % in 1991, to 9,7 % in 1992 and 8,3 % for the first half of 1993. This evolution is in sharp contrast with that of the Community industry's sales and market shares (see recitals 32 and 33).

(b) *Prices of United States imports*

- (30) Price comparison between the prices of the Community industry and the exporters concerned was made on the basis of sales of sodium carbonate taken at the same level of trade on the most important markets of the Community during the investigation period. Price calculations concern the actual prices at cif level, all duties included.

The comparison showed undercutting margins on the Community market of up to 15 % for exports from the United States of America. Undercutting was a consistent feature during the whole investigation period, although the prices of the Community producers decreased from the end of 1992 onwards up to the end of the investigation period by about 10 % on average, in order to adjust to the downward price pressure.

3. Situation of the Community soda ash industry

(a) *Production, capacity and utilization of capacity*

- (31) Community production of soda ash fell from nearly 6,8 million tonnes in 1990 to 5,9 million tonnes in 1992 and 2,9 million tonnes in the first half of 1993. Though production capacity fell from 7,3 million tonnes in 1990 to 6,9 million tonnes in 1993, the utilization rate nevertheless decreased from 93 % in 1990 to 81 % in 1993. Given the importance of fixed costs in the soda ash production, this decrease adversely affected profitability (see recital 35).

(b) *Sales volume and market share*

- (32) The quantity of soda ash sold in the Community by the Community producers fell from 6 million tonnes in 1990 to 5,1 million tonnes in 1992 and to 2,5 million tonnes in the first half of 1993.

- (33) Between 1990 and 1993, the Community industry's market share evolved as follows: 96 % in 1990, 92 % in 1991, 85 % in 1992 and 88 % in the first half of 1993. This relative recovery in 1993 has to be seen in the light of the continuous fall in the sales of Community producers in the EU market.

(c) *Price evolution*

- (34) The Community producers' prices, which had remained stable in 1990 and 1991, decreased during the investigation period, especially from 1993 onwards by about 10 % on average.

(d) *Profits*

- (35) The financial situation of the Community producers has deteriorated considerably from profitability in 1990 to losses in the first half of 1993. On a weighted average basis, the situation developed from 13 % profit in 1990 to 10 % profit in 1991, to 3,5 % profit in 1992 and 4,7 % loss in 1993.

(e) *Employment and investment*

- (36) The soda ash industry is not labour intensive. However, there has been a steady reduction in employment from 1991 onwards.
- (37) The level of investment remained significant, because the synthetic production process of soda ash requires continuous renewal of machinery and installations. Furthermore, new and costly investment is mandatory to comply with strict anti-pollution laws. Economies of scale, high capacity utilization and a significant return on investment are important for the Community producers to operate competitively in this capital intensive industry. Though most plants satisfy the economy of scale criteria, all suffered from a decrease in their capacity utilization (see recital 31) notwithstanding a continuous reduction in capacity. During 1993 three smaller production units in Germany and in Belgium stopped their production.

4. The scope of injury

- (38) The representatives of a processing industry, namely the glass industry's 'Comité Permanent des Industries du Verre de la Communauté Économique Européenne' (CPIV), questioned the evaluation of injury with respect to national markets, arguing that strong variations in performance by various companies depending on their location in the Community meant that injury was not being

suffered equally by the Community industry as a whole and that, therefore, injury had to be assessed on a regional basis.

- (39) The Commission cannot accept this argument. The above findings with regard to injury concern the totality of the complaining Community industry, i.e. 90 % of Community production. While differences between the performance of different Community producers existed, they all suffered from the negative developments outlined above. Under these circumstances, conclusions on injury must be drawn for the Community market as a whole. A regional assessment of injury would only be possible under the conditions set out in Article 4 (5) of the Basic Regulation, which are not met here.

5. Conclusion

- (40) In the circumstances, it is concluded that the Community industry suffered material injury within the meaning of Article 4 (1) of the Basic Regulation, characterized mainly by the decline in market share, the deterioration of financial results and employment cutbacks.

The current situation has also forced the Community producers to reduce production and production capacity and in some cases to shut down plants.

6. Causation of injury

6.1. *Causal link between dumped imports and injury*

- (41) The Community soda ash market is a transparent and price sensitive market. In its examination of whether the material injury suffered by the Community industry was caused by the dumping, the Commission found that the increase in dumped United States soda ash imports coincided with a significant loss of market share and reduced profitability for the Community industry. The price erosion on the Community market also coincided with the undercutting of the Community industry's prices by the United States imports.
- (42) In this connection, the Commission notes that the United States exports have a clear interest in extending their position in the Community through active price competition. As explained in recital 12, the United States domestic market is only partly

profitable. As a consequence of stagnating domestic consumption, considerable quantities are available for export. Following the setting-up of new production facilities in China and South Africa however, the United States has practically lost these traditional export markets and encounters increased Chinese competition in the Far East.

6.2. *Effect of other factors*

- (43) Some exporters and the representatives of the major processing industry, the glass industry, claimed that the injury suffered by the Community industry was not due to imports originating in the United States of America but to several other factors: the enhancement of competition between Community producers through Commission Decisions 91/297/EEC, 91/298/EEC, 91/299/EEC, 91/300/EEC and 91/301/EEC⁽¹⁾ relating to proceedings under Articles 85 and 86 of the EEC Treaty (hereinafter the December 1990 Decisions) sanctioning discriminatory practices; the lack of efficiency of the Community soda ash producers; the effects of the recession; the increased use of cullet together with the substitution of caustic soda for soda ash; imports from central and east European countries; and the effect of the dollar fluctuations during the investigation period. It was also claimed that the dumping should be considered unique and transient as it had been necessary in order to establish the United States producers as alternative suppliers on a long-term basis.

6.2.1. The December 1990 Decisions sanctioning discriminatory practices of certain Community soda ash companies

- (44) By Decisions of December 1990, the Commission imposed fines on three Community soda ash producers, thus penalizing infringements of Articles 85 and 86 of the EEC Treaty. The Commission discovered market share agreements designed to restrict competition, exchange agreements, and anticompetitive discount practices like the top slice rebates system. According to United States soda ash exporters and the glass industry, these decisions led to a restructuring in the Community soda ash industry, which affected both prices and volumes; competitive forces were unleashed through the breaking-up of mechanisms that had maintained prices at high levels.

- (45) In order to assess the effect of the December 1990 Decisions in the context of the present anti-dumping investigation, it is necessary to analyse the evolution of prices on the Community soda ash market as well as the trend of intra-Community trade since that date.

This analysis shows that the December 1990 Decisions were not immediately followed by decreases of the average soda ash price in the Community: on average, prices remained stable between 1990 to 1992. One main reason might be that the users' market is concentrated within a few large glass producers which have a considerable bargaining power. The usual practice of negotiating prices on an annual basis may be the reason, at least partly, why prices did not decrease in 1991, but it cannot explain the continuance of price stability in 1992. However, in early 1993, the price decrease was substantial (10 %) and this coincided with the large increase in imports from the United States of America throughout 1992 and first half of 1993, at prices which undercut those of the Community producers (see recital 30). The effect of such pricing behaviour on a commodity market must be considered significant.

It is unlikely that the sudden and substantial price reduction which occurred in early 1993 can be exclusively imputed to the December 1990 Decisions. Between 1990 and the investigation period, trade between Member States in Community-produced soda ash⁽²⁾ increased only at a very moderate rate. The position of the different Community operators on the national markets barely changed in relation to each other. In particular, there was practically no change in the pattern of trade between the United Kingdom and continental Europe.

More specifically, most Community soda ash producers marketed their product in several Member States. No major trend indicating an increase of the tonnages involved in intra-Community 'exports' is discernible from the statistics for the period 1990 to the end of the investigation period in 1993. Given the nature of the product and high land transport costs, most domestic sales are still delivered from local production.

⁽¹⁾ OJ No L 152, 15. 6. 1991.

⁽²⁾ Eurostat figures on intra-Community trade do not distinguish between soda ash originating in the Community and in third countries and give therefore no pertinent indication on that point.

By comparison with imports however, all Community producers, including the companies not concerned with the December 1990 Decisions lost sales volumes in the Community, except one company whose sales remained relatively stable in the period from 1990 to the first half of 1993 as a result of a significant part of its soda ash production being used captively.

As regards to so-called 'top slice rebates', this system consisted of granting additional price reductions to certain important customers for the last 10 % of their soda ash purchases. While these rebates were intended to ensure that a customer bought most or all of the quantities needed from the supplier in question, in practice they were applied only to few purchases in selected markets. The quantities involved were moderate. One United States producer and the glass industry claimed that United States exports merely replaced the quantities previously sold under this rebate system. However, the significant increase in imports of United States soda ash also took place in markets in which 'top slice rebates' were not applied; the imports exceeded by far the sales volume covered by such rebates and negatively affected all Community producers including those which had never used this system. The Commission, therefore, does not consider it a factor which negates the role played by the dumping as a cause for the injury found.

- (46) It was further considered whether the effects of increased competition between Community producers and the alleged inefficiency of some producers had contributed to the injury of the other community soda ash producers. The December 1990 Decisions should normally have benefited the Community producers not concerned by these Decisions, i.e. the long-established alternative suppliers to the producers against which fines were imposed. However, the contrary was the case. The position of these companies worsened after 1992, to the same extent as the position of the undertakings which, had been penalized.

That being so, it appears that the difficulties experienced by the Community soda ash industry cannot be attributed to the effects of the December 1990 Decisions alone.

6.2.2. The overall economic recession

- (47) It is, of course, likely that the decline of Community consumption of soda ash by 4,5 % between 1990 and 1992 and by an additional 5,4 % between 1992 and the first half of 1993 has affected the financial position of the Community producers (see recital 35).

This contradiction of demand was due to the general economic recession as well as specific factors such as the increased use of cullet in the glass industry, the development of bottles and jars that consume less glass (light weighting) as well as the collapse from 1990 of the market in the former East Germany on which Community producers were active.

- (48) While these developments have certainly contributed to the decrease in sales by the Community producers, they cannot explain the increase in the market share of United States soda ash, at the expense of the Community industry. Indeed, the loss of market share of the Community soda ash industry is almost exactly mirrored by the gain of market share by the United States producers. Should the downturn of the Community industry have been caused exclusively by the unfavourable trend of the general economic conditions, the United States imports could not have remained unaffected.

6.2.3. Imports from countries other than the United States of America

- (49) The Commission also considered whether imports from other countries might have contributed to the injury suffered by the Community industry.

In this respect, imports from other countries like Poland, Romania, Bulgaria, the former Czechoslovakia and the former Yugoslavia have increased their market share only slightly (from 2,6 % in 1990 — with a peak of 4,3 % in 1992 — to some 3 % in the first half of 1993). Owing to economic difficulties following political changes in these countries as from 1990, their domestic producers have cut substantially their soda ash production, and exports to the Community have increased only insignificantly. This increase cannot be considered to have had a measurable impact on the Community industry.

6.2.4. Substitution of caustic soda for soda ash

- (50) The impact of the substitution of caustic soda for soda ash has been mentioned as having contributed to the worsening of the market situation. However, during the investigation period, caustic soda was priced higher than soda ash and no substitution between soda ash and caustic soda took place.

6.2.5. Exchange rate fluctuations

- (51) Exchange rate fluctuations did not affect prices charged by the United States exporters in the Community. Those prices decreased continuously, even over long periods during which the United States dollar appreciated against Community currencies.

6.2.6. Community soda ash producers' productivity

- (52) Both the glass industry and certain exporters questioned the productivity of the Community soda ash industry.

Synthetic production in the Community involves higher costs than production in the United States. The price differential is, however, significantly lower than the price undercutting practised by the United States exporters during the investigation period if the cost for transporting United States soda ash to the Community is taken into account.

6.2.7. Alleged transient nature of dumping by United States soda ash exporters

- (53) The current and previous investigations (see recitals 1 and 2) into imports of United States soda ash have established that, contrary to assertions from the United States exporters, dumping by those exporters on the Community market was not transient, but systematic. Dumping at significant levels had been found since the 1980's (the 1984 measures were only terminated in 1990 in consideration of the low market share of United States imports, though the United States producers were found to have dumped) and has been confirmed in the present investigation.

6.3 Conclusion

- (54) The Commission found no additional factors other than those mentioned above which could explain

the injury suffered by the Community soda ash industry. The above factors have negatively affected the situation of the Community industry.

They alone, however, cannot explain the full extent of the weakening of its position in terms of decline in market share to the benefit of the United States exporters, and loss of profitability. Clearly, the United States dumped imports have exacerbated the problems with which the Community industry is confronted.

- (55) Accordingly, the Commission concludes that the effects of dumped imports of soda ash originating in the United States of America, taken in isolation, have to be considered as having caused material injury to the Community industry.

F. COMMUNITY INTEREST

1. General considerations

- (56) The elimination of the effect of unfair commercial practices, and the re-establishment of fair competition in trade with the Community is the very purpose of anti-dumping measures and is fundamentally in the general Community interest.

When examining the effect on competition of possible anti-dumping measures in the present case, account has to be taken of the fact that the Community soda ash industry still holds a relatively high market share. In this connection, the following considerations appear relevant:

- (57) The Commission recognizes that the imposition of anti-dumping measures could affect price levels of the exporters concerned in the Community and subsequently may have some influence on the relative competitiveness of their products. Competition on the Community market is not, however, expected to be reduced as a consequence of such measures. On the contrary, the removal of the unfair advantages gained by the dumping practices is designed to prevent the decline of the Community industry and thus to help to maintain the availability of a wide choice of soda ash producers and even to strengthen competition. Indeed, without such measures, the Commission is convinced that the situation of the Community industry would further deteriorate. It should be noted in this respect that several Belgian and German producers ceased operating during 1993.

- (58) In this context, the exporters and the processing industry, principally the glass industry as main processors in the Community, have pointed to the December 1990 Decisions which concluded that certain practices of the manufacturers in the Community were anti-competitive (see recital 44).

However, the manufacturers concerned were required to cease such practices forthwith and were obliged, in particular, to change their practice *vis-à-vis* certain competitors both as regards market sharing and in their pricing methods. Furthermore, the situation is under surveillance by the Commission. It can therefore be assumed that normal competitive conditions have been re-established in the Community and that the Community soda ash industry is now more competitive and market-driven than it was before 1991. Consequently, this situation should not be distorted by unfair trading practices.

2. Specific interests involved

- (59) The effects of imposing anti-dumping measures on soda ash imported from the United States in relation to the specific interests parties other than the Community industry including the processing industry and consumers have also been considered.
- (60) The CPIV, representing the main Community processing industry, alleged that the imposition of duties on imports of soda ash originating in the United States of America would endanger the viability and the competitiveness of the glass industry by impeding access to the Community market of United States material. The glass industry itself has had to face a severe drop in prices for flat and container glass and, as a result, much effort has gone in to improving productivity and to cutting costs. Thus the industry wishes to maintain a high degree of competition in the soda ash sector as this product represents, according to CPIV, a significant part of the total costs of production of glass.
- (61) As to the interests of the processing industry, namely producers of glass in the Community, any short-term price advantages have to be viewed against the background of the longer-term effect of not maintaining the widest possible supply base. Indeed, to refrain from imposing anti-dumping measures would maintain a potential threat to the viability of Community manufacturers and a risk of reducing the level of competition, leading to the disappearance of certain of them which would be to the detriment of processors in the Community.

- (62) The glass industry claimed that the cost of soda ash has an impact on the cost of flat glass varying from 15 to 20 %, depending on the company. No proof was submitted to corroborate that argument. In examining the effect that anti-dumping duties on imports of United States soda ash might have on the competitiveness of the Community glass industry as the main processing industry, it was found that the cost of soda ash (batch after recycling) represents at most some 8 % of the price of a tonne of glass. This means that the price increase on glass products resulting from the measures proposed, on the assumption that the duties would not be absorbed by United States exporters and would be fully passed on by Community producers in their selling prices, would amount to a maximum of 0,5 %.

These calculations are based on a single product type approach, namely unprocessed flat glass which represents, on average, not more than 20 % of the production of a glass manufacturer. If all glass products (unprocessed and processed) are considered, the impact on the price of glass will be lower (in the order of 0,3 %).

In these circumstances, the anti-dumping duties as an additional cost can be considered a negligible factor in the global economics of the glass industry or for the final consumer of finished glass products.

- (63) Furthermore, the glass industry has a considerable bargaining power; this has been emphasized by Commission Decisions 74/292/EEC, 80/1334/EEC, 81/881/EEC, 84/388/EEC and 89/93/EEC relating to proceedings under Articles 85 and 86 of the EC Treaty. All major glass manufacturers belong to groups which are operating worldwide. There is an increased trend for these groups to negotiate their purchasing contracts at a Community or even a worldwide level.

This bargaining power is reinforced by the fact that genuine alternatives to soda ash are today available (cullet in particular).

According to Eurostat, glass imports into the Community have for some years been stable at a low level. This means that glass producers located in the Community face only limited imports on their domestic market from non-Community glass makers and that the impact of those imports on the price level in the Community is not significant. Furthermore, the position of the glass making industry is strengthened by the fact that glass can be replaced by other products only to a negligible degree.

(64) The processing industry considers the United States soda ash as a secondary, competing source of raw material. Nothing indicates that United States soda ash could not continue to play this role just because it ceases to be priced unfairly. At the same time, the processing industry confirmed its reliance on stable and prompt deliveries that only geographically close soda ash manufacturing units can guarantee. It is not in the interest of that industry to allow the availability of such a reliable source of supply to be further reduced or threatened by continued dumping practices.

(65) Accordingly, the Commission concludes that to leave the Community soda ash industry without protection against this unfair competition would not be in the interests of the Community and that the Community interest calls for the imposition of anti-dumping measures.

G. IMPOSITION OF PROVISIONAL DUTIES

(66) One exporter and the CPIV argued that the imposition of a provisional duty in this case was not required as United States imports had fallen after the period of investigation and were therefore no longer causing injury to the Community soda ash producers. They claimed that, pursuant to Article 11 (1) of the Basic Regulation, a provisional duty may only be applied if the interests of the Community call for intervention to prevent injury during the proceeding. For these reasons, there would be no basis for the imposition of provisional duties.

Article 11 (1) of the Basic Regulation provides that where a preliminary examination has shown that dumping exists, and where injury caused thereby is proven and the interests of the Community call for intervention to prevent injury during the proceeding, the Commission shall impose a provisional anti-dumping duty.

The mere fact that the current level of United States dumped imports might have dropped after the period of investigation does not mean that there is no Community interest in the imposition of provisional measures. In view of the exporter's behaviour in previous periods it appears likely that imports from the United States would increase again, should the proceeding continue without such measures being applied. The Commission therefore considers the imposition of provisional measures to be necessary.

H. DUTY

(67) Provisional anti-dumping measures should be established in such a way as to permit the industry to realize the reasonable profit of which it has been deprived through the effects of the dumped imports and to stem the fall in sales. In the present case, it is considered that this result can best be achieved by the imposition of *ad valorem* duties.

(68) In order to calculate the necessary price increase and determine whether a lower duty than the dumping margin should be imposed in accordance with Article 13 (3) of the Basic Regulation, the Commission compared the average free-at-Community frontier import prices of the dumped product, duty unpaid, with the corresponding weighted average cost of production of each of the complainant Community producers, to which was added a profit margin of 6 %. This profit margin was considered, for the purpose of this preliminary determination, reasonable in a situation of shrinking demand for the product concerned and an absolute minimum for guaranteeing the industry investment on a long-term basis. The difference between the average cost and the average import prices has then been expressed as a percentage of the free-at-Community frontier price, duty unpaid. As the resulting percentage expressing the level of injury suffered is in some cases lower than the dumping margins, the anti-dumping duties should be based on this lower level, pursuant to Article 13 (3) of the Basic Regulation.

(69) Accordingly, the following duties should be imposed :

— Asahi Glass soda, New York :	6,7 %,
— FMC, Philadelphia :	14,3 %,
— General Chemical, Parsipanny :	8,1 %,
— NACC, Overland Park :	9,4 %,
— Rhône-Poulenc of Wyoming, Shelton :	5,4 %,
— Solvay Minerals, Houston :	8,8 %,
— Texasgulf, Raleigh	0,0 %.

(70) In the case of United States producers which failed to cooperate in the investigation, the Commission considered that the duties should be established on the basis of the facts available in accordance with Article 7 (7) (b) of the Basic Regulation. It was considered that the most reasonable facts were those established during the investigation and that

there was no reason to believe that any duties lower than the highest duties considered necessary would be sufficient to remove the injury caused by these imports. Therefore, in order to avoid duty circumvention and not to reward non-cooperation, it is considered appropriate to impose the highest duty calculated, namely 14,3 %.

I. FINAL PROVISION

- (71) In the interest of sound administration, a period should be fixed within which the parties concerned may make their views known in writing and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of disodium carbonate falling within CN code 2836 20 00 originating in the United States of America.
2. The rate of the provisional anti-dumping duty shall be 14,3 % of the net, free-at-Community frontier price, before duty (Taric additional code : 8826) except for the following companies for which the rate shall be as follows:

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

Done at Brussels, 10 April 1995.

- Asahi Glass (AG) Soda Corporation, New York — NY : 6,7 %, (Taric additional code : 8820)
- General Chemical (Soda Ash) Partners, Parsipanny — NJ : 8,1 %, (Taric additional code : 8821)
- North American Chemical Company (NACC), Overland Park — KS : 9,4 %, (Taric additional code : 8822)
- Rhône-Poulenc of Wyoming Basic Chemicals Co., Shelton — CT : 5,4 %, (Taric additional code : 8823)
- Solvay Minerals Inc., Houston — TX : 8,8 %, (Taric additional code : 8824)

The duty shall not apply to products produced and/or exported by Texasgulf Soda Ash Inc., Raleigh NC (Taric additional code : 8825).

3. The release for free circulation in the Community of the products referred to in paragraph I shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2423/88, the parties concerned may make known their views in writing and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Article 3

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

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 824/95

of 12 April 1995

concerning Regulation (EC) No 121/94 relating to the exemption from the import levy for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic

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 the Act of Accession of Austria, Finland and Sweden, and in particular Article 9 thereof,

Whereas Commission Regulation (EC) No 121/94 of 25 January 1994 relating to the exemption from the import levy for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic⁽²⁾, as last amended by Regulation (EC) No 571/95⁽³⁾, specifies the quantities of non-roasted malt originating in the Czech and Slovak Republics and the Republic of Hungary which enjoy preferential access under the Interim Agreement concluded with those countries;

Whereas the Commission must fix a single coefficient for reducing the quantities in the import licences applied for where these quantities exceed the quantities in the annual

quota; whereas applications for import licences submitted on 10 April 1995 for malt from the Czech Republic relate to 5 648 tonnes and the maximum quantity which may be imported is 1 070 tonnes at a levy reduced by 60 %; whereas the corresponding percentage reductions for import licence applications submitted on 10 April 1995 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for licences for the 'Czech Republic' quota provided for in Regulation (EC) No 121/94 at a levy reduced by 60 % for malt falling within CN code 1107 10 99 submitted on 10 April 1995 and forwarded to the Commission, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,189448.

Article 2

This Regulation shall enter into force on 14 April 1995.

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

Done at Brussels, 12 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 21, 26. 1. 1994, p. 3.

⁽³⁾ OJ No L 58, 16. 3. 1995, p. 2.

COMMISSION REGULATION (EC) No 825/95**of 12 April 1995****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 amended by Regulation (EC) No 553/95⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the units of account on the conversion rates to be applied with 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 13 April 1995.

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

Done at Brussels, 12 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 56, 14. 3. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 12 April 1995 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 20	052	91,9
	204	96,3
	212	95,9
	624	167,4
	999	112,9
0707 00 15	052	100,7
	053	166,9
	066	67,1
	068	73,8
	204	49,1
	624	207,3
	999	110,8
0709 90 75	052	129,7
	204	77,5
	624	196,3
	999	134,5

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17). Code '999' stands for 'of other origin.'

COMMISSION REGULATION (EC) No 826/95

of 12 April 1995

fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 14(8) thereof,

Whereas Article 14 of Regulation (EEC) No 804/68 provides for charging a levy on imports of the products listed in Article 1 of that Regulation; whereas these products may be divided into groups; whereas the product groups and the pilot groups and the pilot product for each of these groups are set out in Annex I to Council Regulation (EEC) No 2915/79 of 18 December 1979 determining the groups of products and the special provisions for calculating levies on milk and milk products ⁽²⁾, as last amended by Regulation (EC) No 3326/94 ⁽³⁾;

Whereas the levy on the products in any one group must be equal to the threshold price for the pilot product less the free-at-frontier price; whereas the threshold price for the 1994/95 milk year was fixed by Council Regulation (EC) No 1882/94 ⁽⁴⁾, as extended by Regulation (EC) No 682/95 ⁽⁵⁾;

Whereas, however, Regulation (EEC) No 2915/79 lays down special provisions for calculating the levy on certain assimilated products; whereas these products are listed and the method of calculating the levy on them described in Annex II and in Articles 2 to 12 of that Regulation respectively;

Whereas, as provided for in Regulation (EEC) No 2915/79, the component of the levy established using a factor expressing the weight ratio existing between the milk components contained in the product on the one hand and the product itself on the other is, for products containing sugar or other sweeteners, calculated by multiplying the basic amount by the quantity of milk components contained in the product;

Whereas Article 12 of Regulation (EEC) No 2915/79 provides that for certain products originating in or coming from certain third countries a specific levy is to be applied; whereas the levy applicable to those products is fixed in Annex I to Commission Regulation (EEC) No 1767/82 ⁽⁶⁾, as last amended by Regulation (EC) No 527/95 ⁽⁷⁾;

Whereas, for as long as it is found that on importation into the Community the price of an assimilated product for which the levy is not equal to the levy on its pilot product is considerably lower than the price which would obtain if the ratio to the price of the pilot product were normal, the levy must be equal to the sum of two components:

- one component equal to the amount resulting from the provisions of Articles 2 to 7 of Regulation (EEC) No 2915/79 applicable to the assimilated product in question,
- an additional component fixed at a level which, the composition and quality of the assimilated product being taken into account, makes it possible to re-establish normal price ratios for imports into the Community;

Whereas Article 14(3) of Regulation (EEC) No 804/68 provides that the levy on products in respect of which the customs duty has been bound within GATT must be limited to the amount resulting from that binding;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 329, 24. 12. 1979, p. 1.

⁽³⁾ OJ No L 350, 31. 12. 1994, p. 41.

⁽⁴⁾ OJ No L 197, 30. 7. 1994, p. 24.

⁽⁵⁾ OJ No L 71, 31. 3. 1995, p. 1.

⁽⁶⁾ OJ No L 196, 5. 7. 1982, p. 1.

⁽⁷⁾ OJ No L 54, 10. 3. 1995, p. 4.

Whereas Commission Regulation (EEC) No 1073/68 ⁽¹⁾, as amended by Regulation (EEC) No 222/88 ⁽²⁾, provides that a free-at-frontier price must be established for each of the pilot products defined in Annex I to Regulation (EEC) No 2915/79; whereas these prices must be determined for products of good marketable quality;

Whereas the free-at-frontier prices must be established on the basis of the most favourable purchasing opportunities in international trade for the products listed in Article 1 of Regulation (EEC) No 804/68 other than assimilated products for which the levy is not equal to the levy on the related pilot products; whereas, when recording these purchasing opportunities, the Commission must take account of all information obtained direct or through the Member States concerning prices for delivery of third-country products free-at-Community-frontier and prices on third-country markets;

Whereas Commission Regulation (EEC) No 788/86 ⁽³⁾, as last amended by Regulation (EEC) No 1525/90 ⁽⁴⁾, specifies the free-at-Spanish-frontier values of certain cheeses imported from and originating in Switzerland;

Whereas, however, no account should be taken of information relating to small quantities which are not representative of trade in the products in question and quantities in respect of which price trends in general or other information available to it lead the Commission to believe that the price in question is unrepresentative of the real trend of the market;

Whereas the prices used must be adjusted where they are not quoted free-at-Community-frontier or where they do not apply to products of good marketable quality; whereas the adjustment in respect of an assimilated product the levy on which is equal to the levy on its pilot product must be effected in such a way as to allow, in particular, for differences in composition, maturity, quality and presentation between the assimilated product and the related pilot product; whereas adjustments relating to composition must be calculated by multiplying the difference between the milk component content of the pilot product and that of the assimilated product in question by the value attributed in international trade to one unit of weight of the milk component in question; whereas, when the other adjustments are being effected, the difference between the value attributed on the Community market to each of the relevant characteristics of the pilot product and the value attributed on that market to the corresponding characteristics of the assimilated product in question must be taken into account;

Whereas, if no information on prices is available, the free-at-frontier price may, by way of exception, be established on the basis of the value of the raw materials contained in the pilot product in question (calculated on the basis of the prices of milk products for which prices are available), average processing costs and average yields;

Whereas, in exceptional circumstances, a free-at-frontier price may remain unchanged for a limited period where the new level of the price for a given quality or a specific origin, used as a basis for establishing the previous free-at-frontier price, has not reached the Commission to enable it to establish the next free-at-frontier price and if the Commission considers that the prices which are available could lead to sudden and considerable changes in the free-at-frontier price because they are not sufficiently representative of real market trends;

Whereas, in accordance with Article 19 (1) of Regulation (EEC) No 804/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas Article 8 of Regulation (EEC) No 1073/68 provides that the levies are fixed every fortnight; whereas they may be altered in the intervening period if necessary; whereas the levy remains valid until another becomes applicable;

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose ⁽⁵⁾, as amended by Regulation (EEC) No 222/88, stipulates that the treatment provided for lactose and lactose syrup falling within CN code 1702 10 90 by Regulation (EEC) No 804/68 and by the provisions adopted for the application of that Regulation is to be extended to lactose and lactose syrup falling within CN code 1702 10 10; whereas consequently the levy fixed for products falling within CN code 1702 10 90 also applies to products falling within CN code 1702 10 10; whereas to ensure that the provision in question is properly applied these products and the levy thereon should be explicitly mentioned in the list of levies;

Whereas Council Regulations (EC) No 3491/93 ⁽⁶⁾ and (EC) No 3492/93 ⁽⁷⁾, on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republics of Hungary and Poland, of the other part, and Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part ⁽⁸⁾, as amended by Regulation (EEC) No 2235/93 ⁽⁹⁾, and in particular Article 1 thereof introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EEC) No 584/92 ⁽¹⁰⁾, as last amended by Regulation (EC) No 3337/94 ⁽¹¹⁾, lays down detailed rules for applying the arrangements provided for in these agreements as regards milk and milk products;

⁽¹⁾ OJ No L 180, 26. 7. 1968, p. 25.

⁽²⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽³⁾ OJ No L 74, 19. 3. 1986, p. 20.

⁽⁴⁾ OJ No L 144, 7. 6. 1990, p. 15.

⁽⁵⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽⁶⁾ OJ No L 319, 21. 12. 1993, p. 1.

⁽⁷⁾ OJ No L 319, 21. 12. 1993, p. 4.

⁽⁸⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽⁹⁾ OJ No L 200, 10. 8. 1993, p. 5.

⁽¹⁰⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽¹¹⁾ OJ No L 350, 31. 12. 1994, p. 66.

Whereas, in addition, account must be taken of Council and Commission Decision 94/1/ECSC, EC⁽¹⁾ concerning the conclusion of the Agreements on the European Economic Area, between the European Community, the European Coal and Steel Community and their Member States, on the one hand, and Austria, Finland, Iceland, Norway, Sweden and Liechtenstein, on the other hand, hereafter referred to as the 'EEA Agreement';

Whereas Council Regulations (EC) No 3641/93⁽²⁾ and (EC) No 3642/93⁽³⁾ on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria and Romania, of the other part, should be taken into account; whereas Commission Regulation (EC) No 1588/94⁽⁴⁾, as last amended by Regulation (EC) No 3337/94, lays down detailed rules for applying the arrangements provided for in these agreements as regards milk and milk products;

Whereas Council Regulation (EEC) No 715/90⁽⁵⁾, as last amended by Regulation (EC) No 2484/94⁽⁶⁾, lays down the arrangements applicable to agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽⁷⁾, no levies shall apply on

products originating in the overseas countries and territories;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 157/95⁽¹¹⁾;

Whereas it follows from applying these provisions that the levies on milk and milk products should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 April 1995.

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

Done at Brussels, 12 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 1, 3. 1. 1994, p. 1.

⁽²⁾ OJ No L 333, 31. 12. 1993, p. 16.

⁽³⁾ OJ No L 333, 31. 12. 1993, p. 17.

⁽⁴⁾ OJ No L 167, 1. 7. 1994, p. 8.

⁽⁵⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁶⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽⁷⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 24, 1. 2. 1995, p. 1.

ANNEX

to the Commission Regulation of 12 April 1995 fixing the import levies on milk and milk products

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

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0401 10 10		18,56	0403 10 16	(¹)	2,5499/kg + 32,49
0401 10 90		17,10	0403 10 22		27,50
0401 20 11		24,59	0403 10 24		31,76
0401 20 19		23,13	0403 10 26		73,29
0401 20 91		28,85	0403 10 32	(¹)	0,2021/kg + 31,03
0401 20 99		27,39	0403 10 34	(¹)	0,2447/kg + 31,03
0401 30 11		70,38	0403 10 36	(¹)	0,6600/kg + 31,03
0401 30 19		68,92	0403 90 11		131,34
0401 30 31		132,58	0403 90 13		222,81
0401 30 39		131,12	0403 90 19		263,74
0401 30 91		219,80	0403 90 31	(¹)	1,2259/kg + 32,49
0401 30 99		218,34	0403 90 33	(¹)	2,1406/kg + 32,49
0402 10 11	(⁴)	131,34	0403 90 39	(¹)	2,5499/kg + 32,49
0402 10 19	(³)(⁴)	122,59	0403 90 51		27,50
0402 10 91	(¹)(⁴)	1,2259/kg + 32,49	0403 90 53		31,76
0402 10 99	(¹)(⁴)	1,2259/kg + 23,74	0403 90 59		73,29
0402 21 11	(⁴)	222,81	0403 90 61	(¹)	0,2021/kg + 31,03
0402 21 17	(⁴)	214,06	0403 90 63	(¹)	0,2447/kg + 31,03
0402 21 19	(³)(⁴)	214,06	0403 90 69	(¹)	0,6600/kg + 31,03
0402 21 91	(³)(⁴)	263,74	0404 10 02		32,53
0402 21 99	(³)(⁴)	254,99	0404 10 04		222,81
0402 29 11	(¹)(³)(⁴)	2,1406/kg + 32,49	0404 10 06		263,74
0402 29 15	(¹)(⁴)	2,1406/kg + 32,49	0404 10 12		131,34
0402 29 19	(¹)(⁴)	2,1406/kg + 23,74	0404 10 14		222,81
0402 29 91	(¹)(⁴)	2,5499/kg + 32,49	0404 10 16		263,74
0402 29 99	(¹)(⁴)	2,5499/kg + 23,74	0404 10 26	(¹)	0,3253/kg + 23,74
0402 91 11	(⁴)	48,97	0404 10 28	(¹)	2,1406/kg + 32,49
0402 91 19	(⁴)	48,97	0404 10 32	(¹)	2,5499/kg + 32,49
0402 91 31	(⁴)	61,21	0404 10 34	(¹)	1,2259/kg + 32,49
0402 91 39	(⁴)	61,21	0404 10 36	(¹)	2,1406/kg + 32,49
0402 91 51	(⁴)	132,58	0404 10 38	(¹)	2,5499/kg + 32,49
0402 91 59	(⁴)	131,12	0404 10 48	(²)	0,3253/kg
0402 91 91	(⁴)	219,80	0404 10 52	(²)	2,1406/kg + 7,29
0402 91 99	(⁴)	218,34	0404 10 54	(²)	2,5499/kg + 7,29
0402 99 11	(⁴)	69,56	0404 10 56	(²)	1,2259/kg + 7,29
0402 99 19	(⁴)	69,56	0404 10 58	(²)	2,1406/kg + 7,29
0402 99 31	(¹)(⁴)	1,2820/kg + 28,12	0404 10 62	(²)	2,5499/kg + 7,29
0402 99 39	(¹)(⁴)	1,2820/kg + 26,66	0404 10 72	(²)	0,3253/kg + 23,74
0402 99 91	(¹)(⁴)	2,1542/kg + 28,12	0404 10 74	(²)	2,1406/kg + 31,03
0402 99 99	(¹)(⁴)	2,1542/kg + 26,66	0404 10 76	(²)	2,5499/kg + 31,03
0403 10 02		131,34	0404 10 78	(²)	1,2259/kg + 31,03
0403 10 04		222,81	0404 10 82	(²)	2,1406/kg + 31,03
0403 10 06		263,74	0404 10 84	(²)	2,5499/kg + 31,03
0403 10 12	(¹)	1,2259/kg + 32,49	0404 90 11		131,34
0403 10 14	(¹)	2,1406/kg + 32,49	0404 90 13		222,81

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0404 90 19		263,74	0406 90 23	(°) (°)	195,37
0404 90 31		131,34	0406 90 25	(°) (°)	195,37
0404 90 33		222,81	0406 90 27	(°) (°)	195,37
0404 90 39		263,74	0406 90 29	(°) (°)	195,37
0404 90 51	(°)	1,2259/kg + 32,49	0406 90 31	(°) (°)	195,37
0404 90 53	(°) (°)	2,1406/kg + 32,49	0406 90 33	(°) (°)	195,37
0404 90 59	(°)	2,5499/kg + 32,49	0406 90 35	(°) (°)	195,37
0404 90 91	(°)	1,2259/kg + 32,49	0406 90 37	(°) (°)	195,37
0404 90 93	(°) (°)	2,1406/kg + 32,49	0406 90 39	(°) (°)	195,37
0404 90 99	(°)	2,5499/kg + 32,49	0406 90 50	(°) (°)	195,37
0405 00 11	(°)	225,48	0406 90 61	(°) (°)	465,99
0405 00 19	(°)	225,48	0406 90 63	(°) (°)	465,99
0405 00 90		275,09	0406 90 69	(°) (°)	465,99
0406 10 20	(°) (°)	235,96	0406 90 73	(°) (°)	195,37
0406 10 80	(°) (°)	312,16	0406 90 75	(°) (°)	195,37
0406 20 10	(°) (°)	465,99	0406 90 76	(°) (°)	195,37
0406 20 90	(°) (°)	465,99	0406 90 78	(°) (°)	195,37
0406 30 10	(°) (°)	185,94	0406 90 79	(°) (°)	195,37
0406 30 31	(°) (°)	182,17	0406 90 81	(°) (°)	195,37
0406 30 39	(°) (°)	185,94	0406 90 82	(°) (°)	195,37
0406 30 90	(°) (°)	302,73	0406 90 84	(°) (°)	195,37
0406 40 10	(°) (°)	188,14	0406 90 85	(°) (°)	195,37
0406 40 50	(°) (°)	188,14	0406 90 86	(°) (°)	195,37
0406 40 90	(°) (°)	188,14	0406 90 87	(°) (°)	195,37
0406 90 01	(°) (°)	255,78	0406 90 88	(°) (°)	195,37
0406 90 02	(°) (°)	195,42	0406 90 93	(°) (°)	235,96
0406 90 03	(°) (°)	195,42	0406 90 99	(°) (°)	312,16
0406 90 04	(°) (°)	195,42	1702 10 10		76,27
0406 90 05	(°) (°)	195,42	1702 10 90		76,27
0406 90 06	(°) (°)	195,42	2106 90 51		76,27
0406 90 07	(°) (°)	195,42	2309 10 15		94,86
0406 90 08	(°) (°)	195,42	2309 10 19		123,06
0406 90 09	(°) (°)	195,42	2309 10 39		115,04
0406 90 12	(°) (°)	195,42	2309 10 59		94,34
0406 90 14	(°) (°)	195,42	2309 10 70		123,06
0406 90 16	(°) (°)	195,42	2309 90 35		94,86
0406 90 18	(°) (°)	195,42	2309 90 39		123,06
0406 90 19	(°) (°)	465,99	2309 90 49		115,04
0406 90 21	(°) (°)	255,78	2309 90 59		94,34
			2309 90 70		123,06

(°) The levy on 100 kg of product falling within this code is equal to the sum of the following:

- (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kg of product; and
- (b) the other amount indicated.

(°) The levy on 100 kg of product falling within this code is equal to:

- (a) the amount per kilogram shown, multiplied by the weight of the dry lactic matter contained in 100 kg of product plus, where appropriate,
- (b) the other amount indicated.

(°) Products falling within this code and imported from a third country

- for which an IMA 1 certificate, issued in accordance with amended Commission Regulation (EEC) No 1767/82 (OJ No L 196, 5. 7. 1982, p. 1), is presented,
 - for which an EUR 1 certificate, issued in accordance with amended Commission Regulation (EEC) No 584/92 (OJ No L 62, 7. 3. 1992, p. 34) for Poland, the Czech and Slovak Republics and Hungary and Commission Regulation (EC) No 1588/94 (OJ No L 167, 1. 7. 1994, p. 8) for Bulgaria and Romania, is presented,
- shall be subject to the levies defined in the said Regulations, respectively.

(°) The levy applicable is limited under the conditions laid down in amended Council Regulation (EEC) No 715/90 (OJ No L 84, 30. 3. 1990, p. 85).

(°) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 827/95

of 12 April 1995

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽²⁾, as last amended by Regulation (EEC) No 1900/92⁽³⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁴⁾, as last amended by Regulation (EEC) No 1901/92⁽⁵⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁶⁾, as last amended by Regulation (EEC) No 413/86⁽⁷⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁸⁾, as last amended by Regulation (EEC) No 1902/92⁽⁹⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹⁰⁾,

Whereas by Regulation (EEC) No 3131/78⁽¹¹⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹²⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹³⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 10 and 11 April 1995

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽³⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁵⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁶⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁷⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹¹⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹³⁾ OJ No L 263, 19. 9. 1991, p. 1.

leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 14 April 1995.

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

Done at Brussels, 12 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Minimum import levies on olive oil ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	59,00 ⁽²⁾
1509 10 90	59,00 ⁽²⁾
1509 90 00	70,00 ⁽²⁾
1510 00 10	72,00 ⁽²⁾
1510 00 90	116,00 ⁽⁴⁾

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : ECU 0,7245 per 100 kg ;

(b) Turkey : ECU 13,8645 ^(*) per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : ECU 15,3245 ^(*) per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽³⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 4,661 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,731 per 100 kg.

⁽⁴⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 8,754 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 7,004 per 100 kg.

ANNEX II

Import levies on other olive oil sector products ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	12,98
0711 20 90	12,98
1522 00 31	29,50
1522 00 39	47,20
2306 90 19	5,76

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 828/95

of 12 April 1995

fixing the maximum export refunds on olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil ⁽²⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EC) No 2517/94 ⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Council Regulation (EEC) No 990/93 ⁽⁴⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas Article 6 of Regulation (EC) No 2517/94 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current

situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 April 1995.

Article 2

This Regulation shall enter into force on 13 April 1995.

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

Done at Brussels, 12 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽³⁾ OJ No L 268, 19. 10. 1994, p. 3.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 12 April 1995 fixing the maximum export refunds on olive oil for the ninth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94

(ECU/100 kg)

Product code	Amount of refund (1)
1509 10 90 100	45,35
1509 10 90 900	—
1509 90 00 100	54,10
1509 90 00 900	—
1510 00 90 100	12,00
1510 00 90 900	—

(1) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

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

COMMISSION REGULATION (EC) No 829/95

of 12 April 1995

derogating from Commission Regulation (EC) No 1223/94 laying down special detailed rules for the application of the system of advance-fixing certificates for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and derogating from Commission Regulation (EEC) No 3665/87 laying down common detailed rules for the application of the system of export refunds on agricultural products

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 amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 13 (1), the third paragraph of 13 (4) and 23 thereof,

Whereas Article 4 of Commission Regulation (EC) No 1223/94 of 30 May 1994 laying down special detailed rules for the application of the system of advance-fixing certificates for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty⁽²⁾, specifies the period of validity of advance-fixing certificates for refunds;

Whereas the situation on the durum wheat market makes it necessary to adjust the period of validity of advance-fixing certificates for durum wheat exported in the form of goods not covered by Annex II to the Treaty in order to prevent applications for advance fixing of refunds for speculative purposes;

Whereas provision should be made that application of the system of prefinancing of export refunds for durum wheat exported in the form of goods not covered by Annex II, pursuant to Commission Regulation (EEC) No 3665/87 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽³⁾, should not, because of the current situation on the durum wheat market, lead to an extension of the period of validity of advance-fixing certificates for durum wheat exported in the form of goods not covered by Annex II to the Treaty;

Whereas provisions should be made that application of the system for prefinancing should not lead, taking

account of the current situation on durum wheat market, to an extension of the validity of the rate applied on the day of acceptance of the declaration of payment for exports of durum wheat in the form of goods not covered by Annex II to the Treaty;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. By derogation from Article 4 (2) (c) of Regulation (EC) No 1223/94, the duration of validity of certificates delivered between the date of entry into force of this Regulation and 31 May 1995 of advanced fixing of refunds for durum wheat exported in the form of goods not covered by Annex II to the Treaty, is limited to 31 May 1995.
2. The provisions in the last subparagraph of Article 27 (5) of Regulation (EEC) No 3665/87 shall not apply to the certificates referred to in the previous paragraph.
3. In any case, the export declaration must be accepted by 31 May 1995 at the latest.

Article 2

By derogation from Article 27 (5) of Regulation (EEC) No 3665/87 the acceptance of a declaration of payment cannot take place, in cases where an export refund advance fixing certificate is not presented, unless a declaration of exportation of the goods is accepted by 31 May 1995 at the latest.

Article 3

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 2.

⁽²⁾ OJ No L 136, 31. 5. 1994, p. 33.

⁽³⁾ OJ No L 351, 14. 12. 1987, p. 1.

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

Done at Brussels, 12 April 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

COMMISSION REGULATION (EC) No 830/95**of 12 April 1995****laying down the extent to which applications lodged on 10 and 11 April 1995 for certificates for the advance-fixing of the export refund for certain poultrymeat products may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 437/95 of 28 February 1995 laying down detailed rules for granting a special refund for exports of poultrymeat sector products to certain third countries⁽¹⁾, and in particular Article 3 thereof,

Whereas the export refunds for poultrymeat are laid down by Commission Regulation (EC) No 187/95⁽²⁾, as amended by Regulation (EC) No 442/95⁽³⁾;

Whereas Regulation (EC) No 437/95 lays down that refunds must be fixed in advance for control purposes;

Whereas pursuant to Article 3 of Regulation (EC) No 437/95, it may be decided to terminate the lodging of applications for advance-fixing certificates and to reduce the quantities applied for when the total quantity exceeds

40 000 tonnes; whereas, in view of the quantities for which advance-fixing certificates have been applied for, applications may be granted in full,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for certificates for the advance-fixing of the refund for products falling within CN codes 0207 21 10 and 0207 21 90 referred to in the Annex to amended Regulation (EC) No 187/95 and which must be exported under the conditions laid down in Regulation (EC) No 437/95, submitted on 10 and 11 April 1995, shall be granted in full.

Article 2

This Regulation shall enter into force on 17 April 1995.

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

Done at Brussels, 12 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 45, 1. 3. 1995, p. 30.

⁽²⁾ OJ No L 24, 1. 2. 1995, p. 72.

⁽³⁾ OJ No L 45, 1. 3. 1995, p. 42.

COMMISSION REGULATION (EC) No 831/95

of 12 April 1995

fixing the import levies on white sugar and raw sugar

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 283/95 ⁽²⁾, and in particular Article 16 (8) 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 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EC) No 1957/94 ⁽⁵⁾, as last amended by Regulation (EC) No 801/95 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 1957/94 to

the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 11 April 1995, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 April 1995.

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

Done at Brussels, 12 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 88.

⁽⁶⁾ OJ No L 80, 8. 4. 1995, p. 33.

ANNEX

to the Commission Regulation of 12 April 1995 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽³⁾
1701 11 10	39,23 ⁽¹⁾
1701 11 90	39,23 ⁽¹⁾
1701 12 10	39,23 ⁽¹⁾
1701 12 90	39,23 ⁽¹⁾
1701 91 00	49,51
1701 99 10	49,51
1701 99 90	49,51 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 832/95

of 12 April 1995

fixing the import levies on cereals and on wheat or rye flour, groats and meal

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 the Act of Accession of Austria, Finland and Sweden, and in particular Articles 10 (5) and 11 (3) 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⁽²⁾, as last amended by Regulation (EC) No 150/95⁽³⁾,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 502/95⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 11 April 1995, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 502/95 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 April 1995.

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

Done at Brussels, 12 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁴⁾ OJ No L 50, 7. 3. 1995, p. 15.

ANNEX

to the Commission Regulation of 12 April 1995 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ^(*)
0709 90 60	115,17 ⁽²⁾ ⁽³⁾
0712 90 19	115,17 ⁽²⁾ ⁽³⁾
1001 10 00	58,26 ⁽¹⁾ ⁽²⁾ ⁽¹¹⁾
1001 90 91	108,63
1001 90 99	108,63 ⁽²⁾ ⁽¹¹⁾
1002 00 00	142,52 ⁽⁶⁾
1003 00 10	113,78
1003 00 90	113,78 ⁽²⁾
1004 00 00	115,27
1005 10 90	115,17 ⁽²⁾ ⁽³⁾
1005 90 00	115,17 ⁽²⁾ ⁽³⁾
1007 00 90	116,44 ⁽⁴⁾
1008 10 00	57,16 ⁽²⁾
1008 20 00	65,83 ⁽⁴⁾ ⁽²⁾
1008 30 00	0 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 11	197,25 ⁽²⁾
1101 00 15	197,25 ⁽²⁾
1101 00 90	197,25 ⁽²⁾
1102 10 00	245,15
1103 11 10	133,00
1103 11 90	224,65
1107 10 11	206,50
1107 10 19	157,62
1107 10 91	215,67 ⁽¹⁰⁾
1107 10 99	164,47 ⁽²⁾
1107 20 00	189,50 ⁽¹⁰⁾

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,7245/tonne.

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

⁽³⁾ Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 2,186/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,7245/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

⁽⁸⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽⁹⁾ Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with amended Regulation (EC) No 121/94 or amended Regulation (EC) No 335/94 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽¹⁰⁾ In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 6,569 per tonne for products originating in Turkey.

⁽¹¹⁾ The levy for the products falling within this code in accordance with Regulation (EC) No 774/94 is restricted under the conditions of this Regulation.

COMMISSION REGULATION (EC) No 833/95
of 12 April 1995
fixing the import levies on rice and broken rice

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 833/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽²⁾, as last amended by Regulation (EEC) No 674/91 ⁽³⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EC) No 178/95 ⁽⁴⁾, as last amended by Regulation (EC) No 804/95 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 April 1995.

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

Done at Brussels, 12 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽³⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁴⁾ OJ No L 24, 1. 2. 1995, p. 52.

⁽⁵⁾ OJ No L 80, 8. 4. 1995, p. 38.

ANNEX

to the Commission Regulation of 12 April 1995 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies ⁽⁶⁾		
	Arrangement in Regulation (EEC) No 3877/86 ⁽²⁾	ACP Bangladesh (⁽¹⁾) (⁽²⁾) (⁽⁴⁾)	Third countries (except ACP and Bangladesh) ⁽²⁾
1006 10 21	—	186,67	382,05
1006 10 23	—	191,57	391,84
1006 10 25	—	191,57	391,84
1006 10 27	293,88	191,57	391,84
1006 10 92	—	186,67	382,05
1006 10 94	—	191,57	391,84
1006 10 96	—	191,57	391,84
1006 10 98	293,88	191,57	391,84
1006 20 11	—	234,43	477,57
1006 20 13	—	240,55	489,80
1006 20 15	—	240,55	489,80
1006 20 17	367,35	240,55	489,80
1006 20 92	—	234,43	477,57
1006 20 94	—	240,55	489,80
1006 20 96	—	240,55	489,80
1006 20 98	367,35	240,55	489,80
1006 30 21	—	288,82	606,44
1006 30 23	—	336,74	702,20
1006 30 25	—	336,74	702,20
1006 30 27	526,65	336,74	702,20
1006 30 42	—	288,82	606,44
1006 30 44	—	336,74	702,20
1006 30 46	—	336,74	702,20
1006 30 48	526,65	336,74	702,20
1006 30 61	—	308,01	645,86
1006 30 63	—	361,46	752,76
1006 30 65	—	361,46	752,76
1006 30 67	564,57	361,46	752,76
1006 30 92	—	308,01	645,86
1006 30 94	—	361,46	752,76
1006 30 96	—	361,46	752,76
1006 30 98	564,57	361,46	752,76
1006 40 00	—	67,24	141,73

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

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

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

⁽⁴⁾ The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulations (EEC) No 3491/90 and (EEC) No 862/91.

⁽⁵⁾ The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

⁽⁶⁾ No import levy applies to products originating in the OCT pursuant to Article 101 (1) of amended Decision 91/482/EEC.

II

(Acts whose publication is not obligatory)

EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 11/95

of 24 February 1995

**amending Annex II (Technical regulations, standards, testing and certification)
to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex II to the Agreement was last amended by Decision of the EEA Joint Committee No 9/95 of 27 January 1995 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement⁽¹⁾;

Whereas Council Regulation (EC) No 1468/94 of 20 June 1994 amending Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 54b (Council Regulation (EEC) No 2092/91) of Chapter XII of Annex II to the Agreement before the adaptation:

— 394 R 1468 : Council Regulation (EC) No 1468/94 of 20 June 1994 (OJ No L 159, 28. 6. 1994, p. 11).'

Article 2

The texts of Regulation (EC) No 1468/94 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

⁽¹⁾ OJ No L 47, 2. 3. 1995, p. 29.

⁽²⁾ OJ No L 159, 28. 6. 1994, p. 11.

Article 3

This Decision shall enter into force on 1 April 1995, provided that all the notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 24 February 1995.

For the EEA Joint Committee

The President

G. J. L. AVERY

DECISION OF THE EEA JOINT COMMITTEE

No 12/95

of 24 February 1995

amending Annex II (Technical regulations, standards, testing and certification)
to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex II to the Agreement was last amended by Decision of the EEA Joint Committee No 9/95 of 27 January 1995 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement⁽¹⁾;

Whereas Commission Regulation (EC) No 2381/94 of 30 September 1994 amending Annex II to Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 54b (Council Regulation (EEC) No 2092/91) of Chapter XII of Annex II to the Agreement before the adaptation:

— 394 R 2381: Commission Regulation (EC) No 2381/94 of 30 September 1994 (OJ No L 255, 1. 10. 1994, p. 84).'

Article 2

The texts of Regulation (EC) No 2381/94 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter force on 1 April 1995, provided that all notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 24 February 1995.

For the EEA Joint Committee

The President

G. J. L. AVERY

⁽¹⁾ OJ No L 47, 2. 3. 1995, p. 29.

⁽²⁾ OJ No L 255, 1. 10. 1994, p. 84.

DECISION OF THE EEA JOINT COMMITTEE

No 13/95

of 24 February 1995

amending Annex II (Technical regulations, standards, testing and certification)
to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex II to the Agreement was last amended by Decision of the EEA Joint Committee No 9/95 of 27 January 1995 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement⁽¹⁾;

Whereas Commission Regulation (EC) No 2580/94 of 24 October 1994 amending Regulation (EEC) No 3713/92 deferring the date of application of Article 11 (1) of Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs, with regard to the imports from certain third countries⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 54b (Council Regulation (EEC) No 2092/91) of Chapter XII of Annex II to the Agreement before the adaptation:

— 394 R 2580 : Commission Regulation (EC) No 2580/94 of 24 October 1994 (OJ No L 273, 25. 10. 1994, p. 7).'

Article 2

The texts of Regulation (EC) No 2580/94 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter force on 1 April 1995, provided that all notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 24 February 1995.

For the EEA Joint Committee

The President

G. J. L. AVERY

⁽¹⁾ OJ No L 47, 2. 3. 1995, p. 29.

⁽²⁾ OJ No L 273, 25. 10. 1994, p. 7.

DECISION OF THE EEA JOINT COMMITTEE

No 14/95

of 24 February 1995

amending Annex II (Technical regulations, standards, testing and certification)
to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex II to the Agreement was last amended by Decision of the EEA Joint Committee No 9/95 of 27 January 1995 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement⁽¹⁾;

Whereas Commission Regulation (EC) No 2701/94 of 27 November 1994 amending Annexes I, II, III and IV to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 14 (Council Regulation (EEC) No 2377/90) of Chapter XIII of Annex II to the Agreement before the adaptation:

— 394 R 2701 : (Commission Regulation (EC) No 2701/94 of 7 November 1994 (OJ No L 287, 8. 11. 1994, p. 7).'

Article 2

The texts of Regulation (EC) No 2701/94 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 April 1995, provided that all the notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 24 February 1995.

For the EEA Joint Committee

The President

G. J. L. AVERY

⁽¹⁾ OJ No L 47, 2. 3. 1995, p. 29.

⁽²⁾ OJ No L 287, 8. 11. 1994, p. 7.

DECISION OF THE EEA JOINT COMMITTEE

No 15/95

of 24 February 1995

**amending Annex II (Technical regulations, standards, testing and certification)
to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex II to the Agreement was last amended by Decision of the EEA Joint Committee No 9/95 of 27 January 1995 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement⁽¹⁾;

Whereas Commission Regulation (EC) No 1488/94 of 28 June 1994 laying down the principles for the assessment of risks to man and the environment of existing substances in accordance with Council Regulation (EEC) No 793/93⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following new point shall be inserted after point 12e (Commission Directive 93/67/EEC) of Chapter XV of Annex II to the Agreement:

'12 f. 394 R 1488 : Commission Regulation (EC) No 1488/94 of 28 June 1994 laying down the principles for the assessment of risks to man and the environment of existing substances in accordance with Council Regulation (EEC) No 793/93 (OJ No L 161, 29. 6. 1994, p. 3).'

Article 2

The texts of Regulation (EC) No 1488/94 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 April 1995, provided that all the notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 24 February 1995.

For the EEA Joint Committee

The President

G. J. L. AVERY

⁽¹⁾ OJ No L 47, 2. 3. 1995, p. 29.

⁽²⁾ OJ No L 161, 29. 6. 1994, p. 3.

DECISION OF THE EEA JOINT COMMITTEE**No 16/95****of 24 February 1995****amending Annex II (Technical regulations, standards, testing and certification)
to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex II to the Agreement was last amended by Decision of the EEA Joint Committee No 9/95 of 27 January 1995 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement⁽¹⁾;

Whereas Commission Decision 94/643/EC of 12 September 1994 concerning the withdrawal of authorizations for plant protection products containing cyhalothrin as active substance⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following new point shall be inserted after point 12f (Commission Regulation No (EC) 1488/94) of Chapter XV of Annex II to the Agreement:

'12g. 394 D 0643 : Commission Decision 94/643/EC of 12 September 1994 concerning the withdrawal of authorizations for plant protection products containing cyhalothrin as active substance (OJ No L 249, 24. 9. 1994, p. 18).'

Article 2

The texts of Decision 94/643/EC in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter force on 1 April 1995, provided that all notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 24 February 1995.

*For the EEA Joint Committee**The President*

G. J. L. AVERY

⁽¹⁾ OJ No L 47, 2. 3. 1995, p. 29.

⁽²⁾ OJ No L 249, 24. 9. 1994, p. 18.

DECISION OF THE EEA JOINT COMMITTEE**No 17/95****of 24 February 1995****amending Annex II (Technical regulations, standards, testing and certification)
to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex II to the Agreement was last amended by Decision of the EEA Joint Committee No 9/95 of 27 January 1995 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement⁽¹⁾;

Whereas Commission communication 94/C 253/03 concerning dates of application of Council Directive 89/392/EEC of 14 June 1989 — amended by Directives 91/368/EEC, 93/44/EEC and 93/68/EEC — on the approximation of the laws of the Member States relating to machinery, roll-over protection structures (ROPS) and falling-object protection structures⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 3 (Commission communication C/229/93/p. 3) of Chapter XXIV of Annex II to the Agreement:

- '4. C/253/94/p. 3 : Dates of application of Council Directive 89/392/EEC of 14 June 1989 — amended by Directives 91/368/EEC, 93/44/EEC and 93/68/EEC — on the approximation of the laws of the Member States relating to machinery, roll-over protection structures (ROPS) and falling-object protection structures (OJ No C 253, 10. 9. 1994 p. 3).'

Article 2

The texts of communication C/253/94/p. 3 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter force on 1 April 1995, provided that all the notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 24 February 1995.

For the EEA Joint Committee

The President

G. J. L. AVERY

⁽¹⁾ OJ No L 47, 2. 3. 1995, p. 29.

⁽²⁾ OJ No C 253, 10. 9. 1994, p. 3.

DECISION OF THE EEA JOINT COMMITTEE

No 18/95

of 24 February 1995

amending Annex XIX (Consumer protection) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex XIX to the Agreement was last amended by Decision of the EEA Joint Committee No 7/94 of 21 March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement⁽¹⁾;

Whereas Directive 94/47/EC of the European Parliament and the Council of 26 October 1994 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following new point shall be inserted in Annex XIX to the Agreement after point 7a (Council Directive 93/13/EEC):

'7b. 394 L 0047 : Directive 94/47/EC of the European Parliament and the Council of 26 October 1994 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis (OJ No L 280, 29. 10. 1994, p. 83).'

Article 2

The texts of Directive 94/47/EC in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 April 1995, provided that all the notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 24 February 1995.

For the EEA Joint Committee

The President

G. J. L. AVERY

⁽¹⁾ OJ No L 160, 28. 6. 1994, p. 1.

⁽²⁾ OJ No L 280, 29. 10. 1994, p. 83.