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Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1643/95

of 29 June 1995

amending Regulation (EC) No 2062/94 establishing a European Agency for Safety and Health at Work

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

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

Whereas, as regards the representation of employers' and employees' organizations, the composition of the Administrative Board of the European Agency for Safety and Health at Work should be altered;

Whereas the composition of the said Administrative Board needs to be adjusted to take account of the accession of Austria, Finland and Sweden;

Whereas Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work should therefore be amended⁽³⁾;

Whereas the Treaty does not provide, for the adoption of this Regulation, powers other than those of Article 235,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2062/94 is hereby amended as follows:

1. In the first subparagraph of Article 4 (2) the words 'of this Regulation' shall be replaced by 'of Regulation (EC) No 1643/95'.

⁽¹⁾ OJ No C 151, 19. 6. 1995.

⁽²⁾ Opinion delivered on 31 May 1995 (not yet published in the Official Journal).

⁽³⁾ OJ No L 216, 20. 8. 1994, p. 1.

2. Article 8 shall be replaced by the following:

'Article 8

Administrative Board

1. The Agency shall have an Administrative Board consisting of 48 members, of whom:

- (a) fifteen members shall represent the governments of the Member States;
- (b) fifteen members shall represent the employers' organizations;
- (c) fifteen members shall represent the employees' organizations;
- (d) three members shall represent the Commission.

2. The members referred to in paragraph 1 (a), (b) and (c) shall be appointed by the Council on the basis of one member of each Member State and for each of the abovementioned categories.

The members referred to in paragraph 1 (b) and (c) shall be appointed, on the basis of one for each Member State and for each of the categories concerned, from the members and alternate members representing the employers' and employees' organizations on the Advisory Committee on Safety, Hygiene and Health Protection at Work set up by Decision 74/325/EEC⁽¹⁾, on a proposal from the groups of those members and alternate members on the Committee.

The Council shall at the same time appoint under the same conditions as for the member an alternate member to attend meetings of the Administrative Board only in the absence of the member or as laid down in the rules of procedure.

The Commission shall appoint the members and alternate members who are to represent it.

3. The term of office of members of the Administrative Board shall be three years. It shall be renewable.

Upon expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.

4. The Administrative Board shall elect its chairman and three vice-chairman from among its members, to serve for a period of one year.

5. The chairman shall convene the Administrative Board twice a year and at the request of at least half of its members.

6. Decisions by the Administrative Board shall be taken by a majority of two thirds of the votes.

The members referred to in paragraph 1 (a) shall have two votes each.

The members referred to in paragraph 1 (b), (c) and (d) shall have one vote each.

Alternate members shall not have the right to vote unless the full member is absent.

7. The chairman of the Administrative Board and Director of the European Foundation for the Improvement of Living and Working Conditions shall have the

option of attending meetings of the Administrative Board as observers.

8. The Administrative Board shall adopt its rules of procedure, which shall enter into force after being approved by the Council, following an opinion given by the Commission.

(¹) OJ No L 185, 9. 7. 1974, p. 15.

3. In the fourth subparagraph of Article 10 (1) the words 'of this Regulation' shall be replaced by 'of Regulation (EC) No 1643/95'.

Article 2

This Regulation shall enter into force on the third 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 Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

COUNCIL REGULATION (EC) No 1644/95
of 29 June 1995

laying down the autonomous rates of duty to be applied to newsprint, in rolls or sheets falling within CN codes 4801 00 10 and 4801 00 90 following the accession of Austria, Finland and Sweden

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 2 of the 1994 Act of Accession, Austria, Finland and Sweden have applied the Common Customs Tariff as of 1 January 1995;

Whereas following the authorization by the Council at its meeting on 8 February 1995 to open negotiations under Article XXIV, paragraph 6, of the General Agreement on Tariffs and Trade 1994 (GATT 1994), in order to resolve instances where applications of the Common Customs Tariff by the new Member States leads to modification or withdrawal of tariff concessions previously granted by them;

Whereas the application of the Common Customs Tariff by the new Member States has led to a reduction of some import duties and increase of some other duties;

Whereas, pending the conclusion of a global agreement from negotiations between the Community and third countries, it is appropriate to apply autonomous measures designed to alleviate the adverse impact on certain exports by third countries following enlargement;

Whereas the measures to be applied are without prejudice to the results of the ongoing negotiations under Article XXIV, paragraph 6 of GATT 1994 and do not

prejudge the intention of the Community to conclude an agreement which takes into account the global impact of enlargement on trade with third countries;

Whereas in this context it is appropriate to accelerate on an autonomous basis the reduction in duty to 0 % already foreseen on newsprint, in rolls or sheets falling within CN codes 4801 00 10 and 4801 00 90,

HAS ADOPTED THIS REGULATION :

Article 1

The autonomous rates of duty on newsprint, in rolls or sheets falling within CN codes 4801 00 10 and 4801 00 90 shall be as set out in the Annex.

Article 2

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

Article 3

The autonomous rates of duty established by this Regulation shall be applied until the Council decides by a qualified majority that the negotiations carried out under Article XXIV, paragraph 6 of GATT 1994 with Canada have ended.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

ANNEX

CN code	Description	Autonomous rates of duty applicable							
		1995	1. 1. 1996	1. 1. 1997	1. 1. 1998	1. 1. 1999	1. 1. 2000	1. 1. 2001	1. 1. 2002
4801 00 10	Newsprint, in rolls or sheets, mentioned in the additional note 1 to Chapter 48	4,5 %	4,5 %	4,0 %	} 3,5 %	} 2,5 %	} 1,5 %	} 0,5 %	} 0,0 %
4801 00 90	Newsprint, in rolls or sheets, other than that mentioned in the additional note 1 to Chapter 48	6,5 %	5,5 %	4,5 %					

COMMISSION REGULATION (EC) No 1645/95

of 5 July 1995

imposing a provisional anti-dumping duty on imports of microwave ovens originating in the People's Republic of China, the Republic of Korea, Thailand and Malaysia

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 subsidized imports from countries not members of the European Economic Community⁽¹⁾, as last amended by Regulation (EC) No 522/94⁽²⁾, and in particular Article 11 thereof,

After consultation with the Advisory Committee,

Whereas :

A. PROCEDURE

- (1) In December 1993, the Commission announced, by a notice published in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports of microwave ovens originating in the People's Republic of China, the Republic of Korea, Thailand and Malaysia, and commenced an investigation.

The proceeding was initiated as a result of a complaint lodged by the Groupement Interprofessionnel des Fabricants d'Appareils d'Équipement Ménager ('GIFAM'), on behalf of producers allegedly representing a major proportion of the total microwave oven production in the European Community.

The complaint contained evidence of dumping of the product originating in the countries indicated above, and of material injury resulting therefrom; this evidence was considered sufficient to justify opening a proceeding.

- (2) The Commission officially advised the producers, exporters and importers known to be concerned, the representatives of the exporting countries, and the complainants, and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.

A number of producers in the countries concerned and an organization (The Foreign Trade Associa-

tion, 'FTA') representing importers into the Community, made their views known in writing. Several parties requested a hearing.

- (3) The Commission sent questionnaires to parties known to be concerned and received detailed information from the complaining Community producers, from three exporters related to Chinese producers, four Korean producers, one Malaysian and one Thai producer. It also received detailed information from one exporter related to a Korean and Thai producer and from 18 importers, most of them being related to Korean and Malaysian producers.
- (4) The Commission sought and verified all information it deemed necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following :

(a) *Complaining Community producers*

- AEG Hausgeräte AG ('AEG') — Germany,
- Candy Elettrodomestici Srl and its production company Gasfire, SpA ('Candy') — Italy,
- Groupe Moulinex SA ('Moulinex') — France,
- Thomson Electromenager SNC ('Thomson') — France.

An investigation was also carried out at the premises of Compagnie Européenne pour la Fabrication d'Enceintes à Micro-Ondes (CEFEMO), France, a joint venture which, during the investigation period, included three partners, AEG, Thomson and Toshiba, Japan. The two former companies sold microwave ovens produced under the joint venture. After the initiation of the anti-dumping proceeding, Toshiba decided to discontinue its microwave oven activity as a partner of CEFEMO and not to cooperate in the investigation. Consequently, all information relating to Toshiba (production, sales, market shares, etc.) was disregarded in the assessment of the situation of the complaining Community industry.

(b) *Exporters of Chinese products*

- Vegary Ltd — Hong Kong,
- SMC Microwave Products Co. Ltd — Hong Kong,
- SMC Microwave Products Co. Ltd — British Virgin Islands — Hong Kong.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 66, 10. 3. 1994, p. 10.

⁽³⁾ OJ No C 341, 18. 12. 1993, p. 12.

(c) *Korean producers*

- Daewoo Electronics Co. Ltd — Korea ('Daewoo'),
- LG Electronics Inc. — Korea ('LG')⁽¹⁾,
- Korea Nisshin Co. Ltd — Korea ('Korea Nisshin'),
- Samsung Electronics Co. Ltd — Korea ('Samsung Korea').

(d) *Malaysian producer*

- Samsung Electronics (M) SDN.BHD. — Malaysia ('Samsung Malaysia').

(e) *Thai producer*

- Acme Industry Co. Ltd — Thailand ('Acme').

(f) *Exporter of products of Korean and Thai origin to the Community*

- Imarflex Mfg. Co. Ltd — Japan.

(g) *Related importers in the Community*

- Daewoo Electronics SA — France,
- LG Goldstar France Sarl — France,
- LG Electronics UK Ltd — United Kingdom,
- LG Electronics Deutschland GmbH — Germany,
- Samsung Electronics France — France,
- Samsung Electronics GmbH — Germany,
- Samsung Electronics Comercial Ibérica SA — Spain,
- Samsung Electronics (UK) Ltd — United Kingdom.

- (5) The investigation of dumping covered the period from 1 October 1992 to 30 September 1993 ('the investigation period').
- (6) Owing to the volume and the complexity of the data gathered and examined, and in particular in view of the number of interested parties involved, the investigation has exceeded the normal time period of one year.

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (7) The product covered by the complaint, and for which the proceeding was opened, is microwave ovens for domestic use ('MWOs'), falling within CN code 8516 50 00.
- (8) MWOs are used to heat and/or to cook food by the process of electromagnetic energy. In certain

models, the cooking process can be a combination of electromagnetic energy and traditional heating.

- (9) It has been established that there are differences between MWO models, in particular with respect to the following main characteristics:

- the capacity,
- the functions of the MWOs:
 - electromagnetic (microwave) energy only, i.e. mono-function,
 - electromagnetic energy combined with a grill, i.e. bi-function,
 - electromagnetic energy combined with a grill and with traditional cooking, i.e. combi or tri-function,
- the operating system which can be mechanical or electronic, and
- additional features such as power control, a different power output, a timer, a memory cook function, etc.

All these MWOs have similar basic physical characteristics and are considered to form one product for the purpose of this proceeding consisting of a range of models with at the one end of the spectrum simple, low-price models and at the other end sophisticated high price models without any clear dividing line between various MWO models or groups of models.

Indeed, despite the differences shown above, all MWOs serve the same function; they are to a considerable extent interchangeable, they are directly competing with each other and they cannot be differentiated on the market as distinct products.

It has been concluded on the basis of the investigation that all MWOs exported from the four exporting countries concerned, fall into the model range of the product described above.

- (10) As to the question whether MWOs sold on the domestic markets from one like product with the MWOs sold by the Community industry, the investigation has shown that the various MWOs sold on the domestic Korean market which was also used as an analogue market economy for establishing normal value for China, are in general, despite differences in voltage, design or the availability of specific features such as a weight sensor and a gas sensor, identical or similar in physical characteristics, application and use to the MWOs produced and sold by the Community producers.

The cooperating Malaysian and Thai producers had no sales on their domestic markets and consequently no technical information concerning MWOs sold on these markets was available.

⁽¹⁾ During the verification visit this company's name was Goldstar Co. Ltd.. As part of a general name change within the Lucky Goldstar Group, on 1 March 1995, the company changed its name into LG Electronics Inc. At the same time the company's related importers located in the Community changed their names from Goldstar France Sarl to LG Goldstar France Sarl, from Goldstar UK Sales Limited to LG Electronics UK, Ltd and from Goldstar Deutschland GmbH to LG Electronics Deutschland GmbH.

It was also found that the MWOs exported to the Community from the four exporting countries concerned possess identical or similar basic technical characteristics with the MWOs produced and sold in the Community.

Therefore, the Commission considers that MWOs produced and sold in the Community constitute a like product relative to the product sold in Korea and the product imported from China, Korea, Malaysia and Thailand within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the Basic Regulation').

C. DUMPING

(a) China

(1) *General*

- (11) The investigation carried out with respect to MWOs exported from China revealed that the export volume reported by the two cooperating producers located in China was considerably higher than the import volume from China reported in the Community import statistics for the investigation period. The Commission was not able to assess the reason for this discrepancy conclusively, but, given the export channels detailed below, there is a strong likelihood that some of the exports reported by the two Chinese producers and sold via their Hong Kong based export companies were actually declared as being of Hong Kong origin on importation into the Community. Indeed, the Community import statistics indicate that the imports declared as of Hong Kong origin are 51 600 units for the investigation period, i.e. somewhat lower than the discrepancy established above.

It follows from the above discrepancy, that in certain circumstances the declarations made by importers located in the Community appear to have been incorrect, and particular attention should be paid to imports declared as being of Hong Kong origin.

(2) *Normal value*

- (12) Since China is considered to be a non-market economy country for the purposes of the present anti-dumping proceeding, the Commission determined this country's normal value on the basis of the normal value established in an analogue country in accordance with Article 2 (5) of the Basic Regulation. As stated in the notice of initiation, the Commission investigated whether Korea could be chosen as an analogue country and concluded that this choice was appropriate and not unreasonable given the following characteristics of the market and the producers operating therein :

- the size of the Korean domestic market is considerably greater in volume than exports to the Community from China,
- a number of different suppliers of substantial size operate in this market ensuring a competitive market environment,
- the Korean producers have an easy access to the main components of MWOs, as they are themselves operators of considerable importance in the worldwide components market, and
- these producers manufacture certain basic and main components of MWOs such as the magnetron (in this respect, it has been confirmed in the investigation that the Chinese producers concerned purchase these components on the world market in which Korean suppliers have a considerable presence).

Furthermore, the following elements concerning the Korean market and the Korean producers were considered :

- the investigation revealed that Korea is one of the world's largest producers of MWOs,
- in the light of the size of their overall MWO production, Korean producers can be considered cost efficient,
- some of these producers are fully integrated producers of MWOs.

Finally, no interested party has made a proposal for an analogue country other than Korea.

- (13) One of the Chinese companies argued that Korea might be inappropriate given the distribution system for electric appliances on the domestic market as described in the complaint.

The complaint stated that, given the structure of the market for electric appliances in general, the size of the margins for distribution specifically could be considered surprisingly high. The complaint, however, did not elaborate on the situation of Korean producers of electronic appliances and their sales into the distribution network. Considering the activity of these producers, the Commission, after detailed verification of all data submitted concerning their domestic sales activity, is satisfied that the Korean domestic market is governed by market economy principles and is of considerable size. In any event, as can be seen below, the Commission has granted Korean producers certain allowances for differences in the normal value and the export price affecting their comparability, i.e. physical differences, differences relating to import charges and indirect taxes and to selling expenses. These allowances were also taken into account when establishing the normal value for an analogue country.

It is therefore concluded that Korea is considered to be the most appropriate and not unreasonable analogue country for establishing normal values for the MWOs exported from China.

- (14) The normal value for each of the models exported from China was established, as appropriate in light of the approach taken for the determination of the normal value of Korean producers concerned (see recitals 18 to 25), as a constructed normal value or on the basis of prices actually paid or payable on the domestic market in Korea for directly comparable models using the main characteristics of MWOs as described in recital 9. Where normal value was constructed, this was done on the basis of the total cost of production incurred in Korea including a reasonable amount for selling, general and administrative ('SG & A') expenses, to which a reasonable margin for profit was added. For each of the models exported by the Chinese producers, at least two or three producers in Korea were found to have directly comparable models. The normal value of each model was thus calculated for the Chinese companies as the average of the normal values of the respective directly comparable models of the Korean producers.

(3) *Export price*

- (15) In establishing the export price the Commission based its determination on all export transactions during the investigation period reported by Chinese producers. In establishing this price the Commission had to take into account the fact that no price for the Chinese product sold for export to the Community from the country of origin was found to exist, as all export sales were made through related selling organizations located in Hong Kong. Therefore the export price had to be constructed on the basis of the price at which the product concerned was resold by the Hong Kong-based selling companies to independent customers located in the Community, in accordance with consistent practice of the Community Institutions. In establishing the export price, due allowance was made for a margin of 5 %. According to the information submitted by the selling companies this margin reflects the costs incurred for the export operation carried out in Hong Kong.

(4) *Comparison*

- (16) As far as differences affecting price comparability were concerned, those adjustments which were claimed by the Korean producers concerned and which proved to be justified and significant in accordance with Article 2 (10) (c) of the Basic Regulation on the Korean market were also applied

in comparing normal value and export price for Chinese exports. Such adjustments were made in respect of physical differences, differences relating to import charges and indirect taxes and to selling expenses as discussed in recital 31 below. Normal value by model on a Korean frontier level was compared with the export price at the Chinese frontier level on a transaction-by-transaction basis.

(5) *Dumping margin*

- (17) This comparison revealed the existence of dumping in respect of imports of MWOs originating in China taken as a whole. The weighted average dumping margin found for imports of MWOs originating in China, expressed as a percentage of the free-at-Community-frontier price is 20,8 %.

One company claimed individual treatment. However, the investigation revealed that the company concerned was a joint venture between the Hong Kong-based company and two Chinese companies. A detailed analysis of the joint venture's Articles of Association undertaken by the Commission underlined the substantial direct and indirect, contractual or factual involvement of Chinese public authorities in the production and sales of MWOs. Following the consistent practice of the Community Institutions, it was therefore deemed appropriate to reject the request of the Hong Kong-based exporter to receive individual treatment in the present anti-dumping proceeding for exports of its MWOs originating in China to the Community.

Furthermore, based on the assessment of the import quantities made in recital 11, the Commission is satisfied that all Chinese MWO-producers which have exported to the Community during the investigation period have cooperated during the investigation, and that therefore the information received from these producers can be taken as the basis for the conclusions as far as dumping is concerned.

(b) *Korea*

(1) *Normal value*

- (18) As a general remark, it should be mentioned that, for those Korean producers which reported the cost of components used in the exported models without including the import charges and indirect taxes which should normally be borne by these components when incorporated into MWOs destined for consumption in Korea, an appropriate amount was added to the cost of materials in order to calculate the cost of production incurred for MWOs sold domestically.

- (19) As far as the determination of normal value for the Korean producers is concerned, the Commission first established whether these producers' total domestic MWO sales were representative in comparison with the producers' total MWO export sales to the Community.

This assessment revealed that three companies had domestic sales volumes substantially in excess of 5 % of their export sales and that a fourth company had no domestic MWO sales at all.

Consequently, for this fourth company normal value was constructed in accordance with Article 2 (3) (b) (ii) of the Basic Regulation based on this producer's cost of manufacturing of the MWO models exported to the Community. In constructing the normal value, all costs of production incurred in Korea, fixed and variable, for materials and manufacturing plus a reasonable amount for SG&A expenses and a reasonable margin for profit were taken into account. It was established in this respect that the company concerned had a related company outside Korea involved in research and development of the MWOs produced in Korea. These costs were also taken into account when constructing normal value.

As this company had no sales on the domestic market, SG&A costs and profit were established as the average of other Korean companies which had profitable MWO sales on the domestic market as determined below.

- (20) For the three companies which had domestic sales of MWOs, the Commission assessed further whether these producers' domestic sales overall were made in the ordinary course of trade, i.e. if they were made at a profitable level overall and if they were made at arm's length conditions. The assessment of the profitability of the MWO sales was based on the most frequently sold MWO models for each of the three producers accounting for more than 85 % of the respective producer's total domestic sales. In view of the multitude of models sold on the domestic market by each of the producers concerned, at times at very low quantities for individual models, this approach was considered the most reasonable and representative.

Furthermore, this assessment was made using the companies' information on total cost of production as incurred for sales on the domestic market. Where, based on the verification conducted, the companies concerned had reported incomplete information in this respect, the costs of production were adjusted accordingly.

The assessment of whether domestic sales were made in the ordinary course of trade described above showed that one producer had no profitable

domestic sales. Consequently, it was concluded that this producer had not made any sales in the ordinary course of trade on the domestic market and that, accordingly, its normal value had to be constructed in accordance with Article 2 (3) (b) (ii) of the Basic Regulation. To that end, this producer's cost of manufacturing was used as well as his SG&A costs incurred for sales on the domestic market. As far as the appropriate profit margin for the determination of the normal value is concerned, the Commission used the average profit rate of the two other companies which had made sales of the like product in the ordinary course of trade on the Korean market as established below.

- (21) For the said two companies, the Commission further established whether individual MWO models were sold in the ordinary course of trade on the domestic market. In that respect the Commission established what share of total sales for each model was made at a profitable level.

If all or more than 80 % of total sales by model was made at a profitable level, average domestic sales prices were used to determine normal value for these models on condition that, at the same time, the model concerned was comparable to an exported model. If between 20 and 80 % of total sales were made at a profitable level, the Commission established normal value as the average of the profitable sales only.

If less than 20 % of total sales of a model were made at a profitable level domestic prices were not used in order to determine normal value.

- (22) Finally, using the above assessment of the profitable domestic sales by model, the Commission established for each of the two companies concerned the profit margin obtained on their sales in the ordinary course of trade on the domestic market. Where necessary, the company specific profit margins were used in the determination of the constructed normal value for each of the two companies individually as described below and the weighted average profit margin of both of these companies was used in order to construct the normal values for those two companies which had either no domestic sales (see recital 19) or no profitable sales (see recital 20).

- (23) In establishing normal value for the two companies which had profitable domestic sales, the Commission assessed their submissions in respect of domestically sold models allegedly identical or directly comparable to models sold for export to the Community, as far as physical characteristics are concerned. In the light of these submissions, the producers in question had concluded that the normal value concerned should be based exclusively on the domestically paid or payable prices in the ordinary course of trade. The Commission

examined the model comparability on the basis of four criteria, i.e. the capacity, the functions (mono-, bi- or tri-function; see recital 9), the operating system (mechanical or electronic) and other features of the domestically sold and exported models. Where the Commission established on the basis of this examination that this claim could be accepted and that sales were made in the ordinary course of trade, normal value was established based on the average domestic sales price.

(24) However, for a number of allegedly comparable models the Commission established the following:

- in certain cases the models differed in at least one of the main characteristics of MWOs — among others capacity, functions, operating system (see recital 9).
- in other cases the producers in question claimed that models were identical or closely comparable while at the same time requesting substantial adjustments when actually comparing the normal value and the export price for the models concerned. The adjustments claimed in such cases were all based on differences in cost of production of the models concerned and were of such a size in relation to the total cost of production that the Commission considered that this alone was a sufficient indication that the models concerned could not be considered identical or closely comparable.

(25) In view of the above circumstances the Commission considered that the following approach was warranted:

- in the cases in which the producers had failed to submit conclusive supporting documentation on the comparability of models, the Commission used the information submitted on other models in order to determine whether comparable models were sold domestically. If such other models existed, normal value was established on the domestic sales prices of these models,
- if no such comparable domestically sold models existed, normal value was constructed in accordance with Article 2 (3) (b) (ii) of the Basic Regulation. Normal values were constructed on the basis of all costs, fixed and variable, incurred in Korea for materials and manufacture to which an amount for SG&A expenses as incurred was added. In respect of the profit rate to be used, the Commission used the specific profit rate of the company concerned as obtained for its domestic sales in the ordinary course of trade.

(2) *Export price*

- (26) For each of the exporting producers, the export prices were determined based on more than 85 % of the total export volume taking into account the most frequently sold models. As in the case of the determination of normal value, it was considered necessary to follow this approach in view of the numerous models which were sold for export in very small volumes. In the light of the substantial volume of total exports covered by this approach it was considered representative.
- (27) For export sales made directly to importers in the Community unrelated to the exporting producer, export prices were determined on the basis of the prices paid or payable by the unrelated importers.
- (28) In cases where exports were made to companies related to the exporting producers and located in the Community, which imported the product into the Community, export prices were constructed on the basis of resale prices of these related importers to their first independent customer in the Community in accordance with Article 2 (8) (b) of the Basic Regulation. For this purpose all costs incurred between importation and resale were taken into account, including customs duty, and a margin for profit of 5 % on turnover which was considered reasonable in view of the information available to the Commission in this and previous anti-dumping proceedings concerning the same business sector.
- (29) In those cases where the expenses incurred between importation and resale reported by related importers did not reflect the actual costs incurred between importation and resale for these companies' resales of MWOs in the Community, or did not take into account costs related to these sales which were borne or reimbursed by the producer/exporter, the respective costs were included in accordance with Article 2 (8) (b) of the Basic Regulation.

(3) *Comparison*

- (30) Normal value by model, as determined above, was compared at an ex-factory level with the ex-factory export price on a transaction-by-transaction basis.
- (31) For the purpose of a fair comparison due allowance in the form of adjustments was made for differences affecting price comparability. Those allowances which were claimed and which proved to be significant were granted where justified in accordance with Article 2 (9) and (10) of the Basic Regulation. Adjustments were made in respect of physical differences, differences relating to import charges and indirect taxes and to selling expenses.

- (32) For the company having no domestic sales on the Korean market, the average percentage of the adjustments granted to other Korean companies on their profitable sales was also granted to this company.

(4) *Dumping margin*

- (33) This comparison revealed the existence of dumping in respect of imports of the product concerned originating in Korea.

- (34) The weighted average dumping margins provisionally established for each Korean producer and expressed as a percentage of the free-at-Community-frontier price are as follows:

— Daewoo	24,8 %
— LG	32,8 %
— Korea Nisshin	30,5 %
— Samsung Korea	4,8 %.

- (35) For the case of any Korean exporting producer or exporter which failed to reply to the Commission's questionnaire or did not otherwise make itself known, dumping was determined on the basis of the facts available in accordance with the provisions of Article 7 (7) (b) of the Basic Regulation.

Given that a comparison of the data concerning exports to the Community provided by all the cooperating Korean producers and the Community import statistics indicated a high level of cooperation, the Commission considered that the most reasonable facts available were those established in the investigation and that, since there was no reason to believe that any non-cooperating producer would have dumped at a lower level than the highest found, the highest dumping margin, determined with regard to a single producer which had cooperated in the framework of this investigation, was the most appropriate for these purposes.

This approach was also considered necessary in order to avoid creating an opportunity for circumvention.

(c) *Malaysia*

(1) *Normal value*

- (36) The Commission's investigation found that the sole co-operating Malaysian producer did not have any sales of MWOs on its domestic market. Consequently, the normal value for this producer was

constructed in accordance with Article 2 (3) (b) (ii) of the Basic Regulation. As no information regarding either sales of the like product made by other producers or sales made in the same business sector was available for the Malaysian domestic market, the Commission considered that the SG&A costs and profit to use in order to construct the normal value should be established on 'any reasonable basis'. For that purpose, the Commission considered it appropriate to take the domestic SG&A costs and profit established on profitable sales in Korea. This approach was considered reasonable as the Korean market was the only one covered by the present anti-dumping proceeding in which profitable sales of the like product were made in representative quantities. Furthermore, as outlined under point recitals 12 and 13, the Korean market is large and the economic operators concerned operate in a competitive environment. Finally, the Malaysian producer concerned is wholly owned by one of the main Korean producers. It can thus reasonably be assumed that the Malaysian producer would have a similar cost structure and market behavior were it to sell on the Malaysian market.

Constructed normal values of the exported models were therefore computed by taking all costs of production, fixed and variable, of materials and manufacture incurred by the Malaysian producer plus an amount for SG&A costs and a reasonable margin for profit as determined for the Korean producers that had representative sales in the ordinary course of trade as explained in recitals 19 to 22.

- (37) The reported costs of components used by the Malaysian producer for each model produced were adjusted in order to include import charges and indirect taxes which should normally be born by these components when incorporated into MWOs destined for consumption in Malaysia, but which were not collected because the producer was operating in a free trade zone.

(2) *Export price*

- (38) In accordance with the methodology used for exports from the other countries concerned more than 85 % of all export transactions made during the investigation period were taken into account in the determination of the export price. For sales directly to unrelated importers, export prices were determined on the basis of the prices paid or payable.

(39) In cases where exports were made to companies related to the exporting producer and located in the Community, which imported the product into the Community, export prices were constructed on the basis of resale prices of these related importers to their first independent customer in accordance with Article 2 (8) (b) of the Basic Regulation taking into account all costs incurred between importation and resale, including customs duty, and a margin for profit of 5 % on turnover which was considered reasonable in view of the information available to the Commission in this and previous proceedings concerning the same business sector.

(40) In those cases where the expenses incurred between importation and resale reported by related importers did not reflect the actual costs incurred between importation and resale for these companies' resales of MWOs in the Community, or did not take into account costs related to these sales which were borne or reimbursed by the producer/exporter, the respective costs were included in accordance with Article 2 (8) (b) of the Basic Regulation.

(3) *Comparison*

(41) Normal value by model, as determined above, was compared at an ex-factory level with the ex-factory export price on a transaction-by-transaction basis.

(42) For the purpose of a fair comparison and given that the normal value was established on the basis of the SG&A expenses incurred for profitable sales on the Korean market and the profit obtained for such sales, the same allowances claimed and proved to be justified and significant on the Korean market were also granted to the Malaysian producer in accordance with Article 2 (9) and (10) of the Basic Regulation. Such adjustments were made in respect of physical differences, differences relating to import charges and indirect taxes reflecting the actual situation in Malaysia and to selling expenses.

(4) *Dumping margin*

(43) This comparison revealed the existence of dumping in respect of imports of the product concerned originating in Malaysia.

(44) The weighted average dumping margin provisionally established for the Malaysian producer and expressed as a percentage of the free-at-Community-frontier price is as follows:

— Samsung Malaysia 31,7 %.

(45) As in the case of Korea described in recital 35, dumping was determined on the basis of the facts

available in accordance with the provisions of Article 7 (7) (b) of the Basic Regulation for any other exporting producer or exporter which failed to reply to the Commission's questionnaire or did not otherwise make itself known.

Data concerning exports to the Community provided by the sole cooperating Malaysian producer and Community import statistics indicated a high level of cooperation. Therefore the sole cooperating producer's dumping margin was considered appropriate.

This approach was also considered necessary in order to avoid creating an opportunity for circumvention.

(d) **Thailand**

(1) *Normal value*

(46) As with the case of Malaysia described in recital 36, the Commission determined that the sole cooperating Thai producer did not have any sales of MWOs or in the same business sector on the domestic market. Consequently, the approach taken in order to establish normal value was the same in the case of the Thai producer as for the Malaysian producer.

(47) The reported costs of components used by the Thai producer for each model produced were adjusted in order to include import charges and indirect taxes which should normally be born by these components when incorporated into MWOs destined for consumption in Thailand, but which were not collected because the producer was operating in a free trade zone.

(2) *Export price*

(48) More than 85 % of all export transactions made during the investigation period was taken into account in the determination of the export price. As all export sales by the Thai producer to the Community were made directly to unrelated importers, export prices were determined on the basis of the prices paid or payable.

(3) *Comparison*

(49) Normal value by model, as determined above, was compared at an ex-factory level with the ex-factory export price on a transaction-by-transaction basis.

- (50) For the purpose of a fair comparison and given that the normal value was established on the basis of the SG&A expenses incurred for profitable sales on the Korean market and the profit obtained for such sales, the same allowances claimed and proved to be justified and significant on the Korean market were also granted to the Thai producer in accordance with Article 2 (9) and (10) of the Basic Regulation. Such adjustments were made in respect of physical differences, differences relating to import charges and indirect taxes reflecting the actual situation in Thailand and to selling expenses.

(4) *Dumping margin*

- (51) This comparison revealed the existence of dumping in respect of imports of the product concerned originating in Thailand.
- (52) The weighted average dumping margin provisionally established for the Thai producer and expressed as a percentage of the free-at-Community-frontier price is as follows:
- Acme 20,3 %.
- (53) For the case of any other exporting producer or exporter which failed to reply to the Commission's questionnaires or did not otherwise make itself known, dumping was determined on the basis of the facts available in accordance with the provisions of Article 7 (7) (b) of the basic Regulation.
- (54) Given that a comparison of the cooperating Thai producer's data concerning the volume of exports to the Community and the Community import volume statistics showed that, (unlike in the case of Korea and Malaysia), there was a high level of non-cooperation (a conclusion confirmed by other information received in the framework of the investigation), the Commission considered in particular that the opportunity for circumvention should be avoided.

Given that the non-cooperation led to a lack of information on the export activity of the non-cooperating producers and due to the fact that import statistics did not allow any conclusions to be reached on the export prices, the most reasonable facts available were those established in relation to the cooperating producer investigated. Since, in the light of the foregoing, there was no reason to believe that any non-cooperating producer would have dumped at a lower level than the highest found, the highest weighted average dumping margin determined with regard to an individual MWO-segment for which the cooperating Thai producer had made significant exports was considered to be the most appropriate for these purposes.

- (55) This approach was also considered necessary in order not to provide an unacceptable bonus for non-cooperation.

- (56) The dumping margin provisionally established for all other exports from Thailand expressed as a percentage of the free-at-Community-frontier price is 31,8 %.

D. COMMUNITY INDUSTRY

- (57) The investigation conducted has revealed that the companies active in the production and/or assembly of MWOs operating in the Community can be divided into four different categories of companies:

- the complaining companies,
- companies in the Community with mainly Community-held capital which did not cooperate in the complaint and some of which have, according to information received during the present anti-dumping proceeding, imported large quantities of MWOs from the countries concerned,
- companies in the Community with mainly non-Community held capital, not related to the producers of the allegedly dumped product located in the exporting countries and which did not cooperate in the investigation,
- companies in the Community related to certain of the producers of the allegedly dumped product located in the exporting countries and which did not cooperate in the investigation.

- (58) In defining the Community industry, both data obtained through market research (i.e. output of non cooperating or non-complaining companies), and information received in the responses to the questionnaires, were used since not all the above companies active in the Community MWO market cooperated in the investigation. It should be noted that it was possible to cross-check information received from various sources ensuring the overall reliability of the assessment.

- (59) The Commission considered whether some of the companies operating in the Community should be excluded from the definition of the Community industry in order to assess whether the complainant companies constitute a major part of the total Community production in the meaning of Article 4 (5) of the Basic Regulation.

In this respect, it should be recalled that Article 4 (5) does not provide for an automatic exclusion of Community producers related to the exporters or producers located in exporting countries, or producers which are themselves importing the allegedly dumped product, but rather imposes on the Community institutions the obligation to consider on a case-by-case basis whether the exclusion of any producer in this situation is warranted.

Accordingly, the Commission considered in particular whether the companies operating in the Community supplemented their Community production or assembly activity with an additional activity based on imports or whether the companies were acting as importers with relatively limited additional production activity in the Community.

- (60) As far as the complaining companies are concerned, the Commission established that none of them imported any MWOs from the countries concerned during the investigation period.
- (61) For companies operating in the Community related to companies located in Korea in particular, the Commission, following previous general practice, considered that these companies, through their relationship with the producers/exporters concerned were shielded from the injurious effects of dumped imports. The Community Institutions have previously concluded in such circumstances that to include such companies in the injury findings would distort aggregate data on the constitution of the Community industry. On these grounds, the Commission considers that the relevant companies should be excluded from the definition of the Community industry.
- (62) One company operating in the Community and related to a non-cooperating Thai producer should also be excluded from the definition of the Community industry on this basis alone.
- (63) For the non-cooperating companies with mainly Community-held capital it was found, based on market research, that their imports of MWOs from the countries concerned were substantial. However, in the absence of precise information on the extent of their MWO production activity in the Community, and in order to ensure a reliable estimate of total Community production for the purposes of determining whether the complaining companies constitute a major proportion of the Community industry, it was decided, at the present stage, not to exclude these companies from the definition of Community production as this was the most rigorous approach to testing the standing of the complainants.
- (64) Finally, for the companies operating in the Community with mainly non-Community held capital, other than those related to the producers/exporters of the allegedly dumped product, it appeared unnecessary to investigate in depth, at this stage, whether these companies form a part of the Community industry for the purpose of the present anti-dumping proceeding. Indeed, even considering these companies as being part of the Community industry, the companies on behalf of which the complaint was lodged and which fully

cooperated in the present investigation count for at least 60 % of the total MWO production by the Community industry during the investigation period and therefore constitute a major proportion of the Community industry in the meaning of Article 4 (5) of the Basic Regulation.

For the remainder of this document, the term 'Community industry' therefore refers only to the complaining companies of the Community industry.

E. INJURY

(a) Volume of the Community market

- (65) On the basis of the data obtained in the framework of the present anti-dumping proceeding and general market research data, the Commission determined that the total apparent Community consumption of MWOs dropped from 7 130 000 units in 1989 to 4 830 000 units in 1990. This substantial decrease was due to news of a possible health risk from microwave oven cooking in this period. This uncertainty in the market led to high stocks at the distribution level at the end of 1989 and a drop in sales by the producers in 1990. After this substantial drop the market recovered to reach 6 710 000 units in 1992 and 7 260 000 units during the investigation period, representing an increase of 50 % as compared to 1990. It is however noted, that apart from the spectacular decrease in 1990 and a corresponding increase in 1991, the total volume of the market can be considered as relatively stable. The apparent consumption was also verified on the basis of market research information reflecting sales of MWOs to end-customers. Both methods of determining MWO-consumption of the Community market result in a similar size of the market, the difference being explained by stocks held at the level of the producers, importers or intermediaries.

(b) Cumulation of the imports originating in the countries concerned

- (66) Following consistent practice of the Community Institutions, the Commission examined whether the effect of the imports of MWOs from the four countries concerned with regard to the Community industry should be analyzed cumulatively on the basis of the following criteria:
- absolute and relative level of imports during the investigation period,
 - comparability of the products imported in terms of physical characteristics and interchangeability of end use, and
 - similarity of market behavior.

As far as imports from China, Korea, Malaysia and Thailand in the investigation period are concerned, for each country individually these were made in non-negligible quantities compared with the Community production.

Concerning the comparability of all products imported, the investigation carried out confirmed that the MWOs originating in the countries concerned are a like product when compared to MWOs sold by the Community industry, as established in recital 10.

Finally, the investigation revealed that the prices of imports originating in all four countries were at a low level when compared to those of the Community industry.

- (67) Two Korean producers argued that imports from Korea should not be cumulated with imports from the other countries, as imports from Korea decreased between 1989 and 1992 and because the average import prices were substantially higher for Korean MWOs than that for those imported from the other countries concerned.

The Commission confirms that there was a significant drop in imports from Korea from a level of 1 830 000 units in 1989 to 1 110 000 units in 1990. This temporary drop in import volumes simply corresponds to the substantial decrease in consumption which occurred on the Community market because of alleged health risks using MWOs mentioned in recital 65. Given however the subsequent trend in the Korean imports, leading to a market share of 24,4 % during the investigation period, cumulation is clearly appropriate.

Furthermore, the Commission has established that the prices of MWOs originating in Korea were in line with the prices of MWOs originating in the other countries covered by the present proceeding, i.e. substantially below the prices of the Community industry.

The Commission therefore considers that the requirements to cumulate imports of MWOs originating in Korea with those of the other countries concerned are fully met in the present investigation.

- (68) The Malaysian producer has argued that imports from Malaysia should not be cumulated with those of the other countries concerned, as the annual import volumes from Malaysia and their respective market share are *de minimis*.

The Commission has established in its investigation that imports of MWOs originating in Malaysia increased rapidly from 0 units in 1991 to reach a substantial quantity during the investigation period. The corresponding Community market share for these imports increased from 0 to about 2,7 % over the same time period. On the basis of the above development and taking into account that the Malaysian producer started its production in 1991 after a substantial investment in a high capacity

plant had been made, the imports concerned cannot be considered as *de minimis*. The average prices of imports into the Community from Malaysia furthermore substantially undercut those of the Community industry.

- (69) In the light of the above, the Commission considers it appropriate to conclude that, based on consistent Community practice, it is justified to cumulate the imports from China, Malaysia, Korea and Thailand.

(c) Volume and Community market shares of the dumped imports

- (70) In order to determine the overall volume of MWOs imported from the four countries concerned the Commission used information submitted by the Chinese, Korean and Malaysian producers that cooperated in the proceeding and on Eurostat import statistics with respect to imports originating in Thailand.

On this basis the volume of imports, when taken together, decreased from 2 170 000 units in 1989 to 1 560 000 units in 1990, increasing again to a level of 2 580 000 in 1991, to 2 330 000 in 1992 and ultimately to 3 050 000 units in the investigation period. While this development shows a volatility of imports mainly due to the abovementioned fluctuation in consumption in the Community in 1989 and 1990, it has been established in any event that imports increased by 18 % when comparing the investigation period with 1991.

- (71) Based on the determination of the Community market size, the above development in import volumes from the four countries concerned taken together represents a rise in market share in the Community from 30,4 % in 1989, to 32,3 % in 1990, 37,9 % in 1991, 34,7 % in 1992 and ultimately to 42,0 % in the investigation period.

(d) Prices of the dumped imports

- (72) The investigation conducted has established that prices of MWOs originating in the countries concerned were significantly below the prices charged by the Community industry during the investigation period.

In order to determine the level by which the prices of the producers/exporters undercut those of the Community industry, the Commission compared the sales prices of the Community industry to independent customers with sales prices of the producers/exporters concerned to independent customers in four Member States (namely Germany, France, the United Kingdom and Spain). Total sales in these Member States markets have been considered as representative for the Community market as a whole, as they represented more than 80 % of the total Community market.

- (73) Furthermore, the Commission took account of the main characteristics of MWOs (capacity, functions,

operating system see also recital 9) in establishing the price comparison and compared the weighted average selling price of each of the models of each producer/exporter in each of the four markets with the corresponding weighted average prices for comparable Community producers' models.

As the comparison was made on a Community customer delivered duty paid level, adjustments for duties paid, insurance, freight and inland transport in the Community were made for those transactions which covered sales from the producers/exporters directly to independent customers in the Community and not made at this level. These adjustments were made taking into account information received in the framework of the present anti-dumping proceeding from the other producers/exporters concerned.

- (74) The results of the above price comparison showed that, for all producers located in the exporting countries concerned, substantial price undercutting existed. The weighted average undercutting margin by exporting country was 29 % for China, ranged from 21 % to 31 % for Korea and was 33 % for Malaysia and 40 % for Thailand.

(e) Situation of the Community industry

(1) General

- (75) In assessing the Community industry's situation it should be borne in mind that the information on production, capacity, sales, market share and profitability concerns the Community industry as it existed in the investigation period. However, there were a number of changes in this industry prior to the investigation period which influenced the development of the economic indicators shown below.

In particular:

- one of the companies forming part of the Community industry, Moulinex, took over another company located in the Community, Krups, in 1990. Krups had previously not produced MWOs. Through this acquisition, Moulinex acquired a well known brand name and an established distribution network complementing that of Moulinex,
- at the end of 1991 another company making up the Community industry, AEG, became a partner of CEFEMO, a production joint venture company (see recital 4, complaining Community producers) and started production and sales

in 1992. In this respect a new company that had previously sold but not produced MWOs became a newly established microwave oven producer in the Community.

Consequently, an increase in certain of the economic indicators, e.g. production, sales volume or market share of the Community industry, could be expected in the time period from 1991 to 1992 regardless of any negative influences established in the present investigation.

(2) Production

- (76) Production increased between 1991 (around 1 500 000 units) and 1992 (around 1 700 000 units), reflecting the start of the operation of a new Community producer and decreased by 3 % when comparing 1992 with the investigation period (around 1 600 000 units).

(3) Capacity and capacity utilization

- (77) As far as the development of the Community industry's production capacity is concerned, it increased from around 1 500 000 units in 1989 up to and including 1992 to around 2 500 000 units and remained stable up to and including the investigation period. As with the production volume, this development must be seen in conjunction with the entry into the market of a new Community producer.

Over the same time periods, the capacity utilization decreased from 76 % in 1989 to 68 % in 1991 and to 65 % in the investigation period.

(4) Sales and market share

- (78) The complainants' sales volume in the Community, expressed in units, increased from around 1 100 000 units in 1989 to around 1 500 000 units in 1992 and then remained stable up to the investigation period. However, this overall development is not in line with the increase of the total Community MWO market.

Correspondingly, while the market share held by the Community industry increased from 16 % in 1989 to 24 % in 1990, it decreased in the following years to 23 % in 1992 and 21 % during the investigation period.

This development occurred despite the strategy pursued by the Community industry aiming at a consolidation of its market position and despite its pricing policy as described below.

(5) *Prices*

- (79) Based on an assessment of the Community industry's prices established by MWO category as described in recital 9, average prices on the Community market decreased continuously, declining by more than 11 % over the period from 1991 to and including the investigation period.

(6) *Stocks*

- (80) The stocks of MWOs of the Community industry declined by 23 % over the two years 1989 and 1990, but substantially increased up to and including the investigation period.

(7) *Profitability*

- (81) The financial results of the Community industry for its sales of MWOs in the Community market deteriorated substantially from an average profitability in the years 1989 to 1991 to substantial and increasing financial losses during 1992 and the investigation period. The financial results expressed in index form with 1989 as the base year decreased from a level of 100,0 in 1989, 40,8 in 1990 and 133,4 in 1991 to losses of -13,6 in 1992 and -76,0 during the investigation period. The financial losses incurred during the investigation period have reached a level in absolute terms that puts the viability of the Community industry at risk. It has been established during the investigation that the deterioration of the financial results of the Community industry is the result of its decreasing MWO turnover. Indeed, while sales of the Community industry in volume terms have declined less markedly together with the market share measures in volume terms, sales in value terms have decreased as the industry has attempted to adjust its MWO sales prices to those of the imports concerned. As has been established in recital 74, the prices of these imports have consistently and substantially undercut those of the Community industry. It has been the Community industry's strategy to attempt to match prices of the imports concerned in order to maintain its market position.

(8) *Investment*

- (82) As far as investments are concerned, they were substantial during the years 1989 to 1992 reflecting the efforts of the Community industry to improve its efficiency and market presence. Indeed, investment was substantial as compared to total turnover and costs of the Community industry. However, the considerably deteriorating financial results in 1992 and in the investigation period have not allowed the Community industry to maintain the vital investment at the same level in the investigation period. It should be noted that, for the purpose of

the present assessment, the Commission has not taken into account investment made by AEG as a newly established producer in the Community described in recital 75.

(f) *Arguments raised concerning injury*

- (83) The majority of the producers/exporters and the FTA put forward the claim that, on the basis of figures provided in the complaint, market shares, sales and production volume of the European industry increased, thus showing that the industry did not suffer any injury.

With respect to the above argument, it should be noted that the complaint contained *prima facie* evidence only and that the information submitted concerning companies operating in the Community did not sufficiently differentiate between the complainant companies and other operators. The Commission has analysed in detail the status of various operators in the Community, the results of which are outlined under the heading (D) and has assessed on that basis which operators constitute, for the purpose of the present proceeding, the Community industry. It should be noted in this context that not all factors enumerated in Article 4 (2) (c) of the Basic Regulation have to show a negative development in order to conclude that a Community industry is injured. It suffices that a number of these factors show a negative trend. As set out above, the investigation has shown that this industry has been adversely affected in relation to a number of factors up to and including the investigation period, notably those concerning production, sales and market shares.

(g) *Conclusion*

- (84) It has been established in the investigation that the Community industry, in the face of increasing imports of MWOs, in particular since 1992, originating in the four countries concerned, made at prices which substantially undercut the Community industry's prices, and despite considerable investments made with the aim of increasing productivity, saw its financial results deteriorate and turn into substantial and increasing losses.

Despite the establishment of a new producer and the acquisition of an additional brand name and distribution network by another producer, the Community industry's market share shows a decreasing trend since 1992 when stocks began to increase substantially.

Under these circumstances, based on the negative trends of the above economic indicators, it is concluded that the Community MWO industry has suffered material injury in the meaning of Article 4 of the Basic Regulation.

F. CAUSATION OF INJURY**(a) Effect of the dumped imports**

(85) The increase in volume and market share of the dumped imports which undercut the prices of the Community industry since 1991 coincided with the deterioration of the financial results of the Community industry. At the same time, despite a market strategy, in particular concerning pricing policy, which should under normal circumstances have led to a consolidation of its market position, the Community industry's market share showed a declining trend since 1992.

(86) Moreover, the following developments are considered to be particularly significant:

— resale prices of Korean and Malaysian MWOs to the first independent buyer by related importers (the Chinese and Thai producers/exporters having no related importers throughout the investigation period), offering the same range of models and have the same distribution channels as the Community industry, decreased on average by almost 9 % over the period 1991 up to and including the investigation period. This coincides with an average price drop of 11 % on MWOs sold by the Community industry during the same period. The average resale price of importers related to Korean and Malaysian producers/exporters remained, since 1991, around 25 % lower than the average resale price of the Community industry,

— at the same time, despite considerable average price decreases of MWOs sold by the Community industry since 1991, and despite relatively stable average prices of MWOs for exports from the four countries concerned directly to unrelated customers located in the Community, the significant levels of price undercutting still found during the investigation period are a clear evidence that the depression of the Community industry's prices has been substantial since 1991.

(87) It is therefore concluded that dumped imports from the four countries concerned have considerably contributed to the injurious situation suffered by the Community industry.

(b) Other factors

(88) The Commission considered whether factors other than the dumped imports concerned, namely

imports from other third countries, the behaviour of the Community industry itself, the development of the Community market concerned or any other factors could have caused the injury suffered by the Community industry.

(1) Other imports

(89) Several producers/exporters have argued that the present anti-dumping proceeding is discriminatory as imports from other third countries have also caused injury to the Community industry.

In that respect it should be noted that imports measured in volume from other third countries have increased by 6 % when comparing 1991 with the investigation period, compared to an increase in the volume of imports from the four countries concerned by these proceedings of 18 % over the same period and an increase in the total Community market volume of 7 %.

In conclusion, despite an increase in market share of imports originating in certain countries as discussed below, the overall market share held by imports into the Community from countries other than those covered by the present anti-dumping proceeding has decreased in the above period.

When considering individual countries which have been exporting MWOs to the Community, the following trends appeared:

— Japan: imports have continuously decreased since 1991, to reach a market share of 5 % during the investigation period,

— Sweden and United States of America: imports from both countries increased by more than the increase in market volume since 1991. Correspondingly the market share of Swedish imports also increased up to the investigation period to around 8 % and the United States market share to around 4 %,

— other third countries (Turkey, Taiwan, Singapore, Hong Kong): Each of these countries individually had market shares of the Community market below 1 %.

(90) It was established that the average import price of MWOs originating in Japan, Sweden and the United States of America was substantially higher than import prices of MWOs originating in the countries concerned by the present anti-dumping

proceeding and for the three above countries no indications were available to the Commission that suggest that the imports concerned were made at dumped prices.

(2) *Other, non-complaining, Community producers*

- (91) As far as the development of the situation of other companies located in the Community which did not support the complaint is concerned (see heading (D)), their market position has declined substantially since 1989. Their market share was 19 % in 1989, declining to 14 % in 1991 and further declining to 10 % during the investigation period.

(3) *Behaviour of Community industry*

- (92) A number of producers located in the countries subject to investigation have put forward the claim that the injury allegedly suffered by the Community industry must, to a certain extent, be attributed to errors made by the Community industry and, as such, should not be attributed to the dumped imports.

It has been contended in this context that the financial losses suffered by the Community industry were due to the acquisitions by Moulinex of other companies and especially Krups, and the financing costs resulting from these acquisitions.

The investigation carried out in this respect showed that the increase in financing costs incurred by Moulinex due to the acquisition of Krups was minimal, and would under normal circumstances have been compensated by a margin on increasing turnover generated via the distribution channels of Krups. That assessment has been confirmed by the relatively positive development of the situation of the Community industry from 1990 to 1991 as shown in recital 81. The other acquisitions referred to by the exporters took place at an even earlier time and had no apparent negative impact on the results during the investigated period.

- (93) Secondly, it is alleged that the factories of the main Community producer are old and inefficient. In this respect the Commission refers to the high level of investments made into state-of-the-art production lines up to and including 1992.
- (94) A third argument is that exchange rate fluctuations, the magnitude of which were significant in the Community in 1992, caused injury to the Community industry.

Although it cannot be denied that exchange rate fluctuations, mainly in the United Kingdom, Spain and Italy had an impact on the results of the

Community industry, the investigation showed that although these markets are significant in overall volume, they are not the most important markets for the Community industry, and that therefore the effect of these fluctuations remained minimal.

(c) **Conclusion**

- (95) In these circumstances, the Commission has concluded that, for the purposes of the provisional findings, notwithstanding the possible existence of certain other relatively minor causes of injury, dumped imports originating in China, Korea, Malaysia and Thailand, when taken in isolation, have, in view of their low prices and their substantial and rising market share, caused material injury to Community industry.

G. COMMUNITY INTEREST

- (96) The purpose of anti-dumping measures is to eliminate the trade distorting effects of injurious dumping and to restore effective competition which, as such, is in the interest of the Community.
- (97) During the present proceeding it has been established that, as a result of imports at dumped prices, the viability of the Community industry is threatened, in particular due to its very precarious financial situation. Failure to take provisional measures would aggravate that situation and might lead to the disappearance of production of MWOs by the complaining industry.
- (98) Furthermore, it should be noted that the adverse impact of such a development would not be restricted to the microwave oven production sector, but would also have a serious impact on the suppliers of components and spare parts to this sector. It could also indirectly affect the whole sector of household appliances by depriving it of an important part of its business, thus threatening the viability of the whole sector as far as production and distribution channels are concerned.
- (99) One exporter raised the argument that the imposition of measures is not in the Community interest because Korean imports offer an alternative source of supply and a limitation of this source would limit the choice on the Community market.

In view of the large number of suppliers in the market, both operating inside the Community and in third countries, it is not considered realistic that the imposition of measures at the proposed level will restrict the range of MWOs available to consumers or fair price competition between the different brands. Therefore the claim put forward by the producer does not seem to be justified.

(100) The provisional measures might affect the market shares and business of those importers who have to a large extent benefited from the unfairly low dumped import prices, but such an effect would not harm the Community interest as a whole, because it should normally have a positive effect on those distributors which have suffered from the unfair competition.

(101) One producer related to one of the exporters concerned also argued that as it was producing MWOs in the Community, it should not be penalized without justification because it made considerable investments in the Community. The Commission, however, is of the opinion that investment in the Community cannot be considered as a justification to import at dumped prices and consequently to inflict injury on the Community industry while being shielded from the injurious effect of these imports through a relationship with the exporter concerned.

(102) In conclusion the Commission considers that it is in the general interest of the Community to impose anti-dumping measures concerning imports of MWOs originating in China, Korea, Thailand and Malaysia.

H. PROVISIONAL DUTY

(103) For the purpose of establishing the level of the provisional duty, the Commission took account of the dumping margins found and of the amount of duty necessary to eliminate the injury sustained by the Community industry.

(104) Since the injury consists principally of price undercutting, price depression and, as a consequence, decreasing market shares and substantial financial losses, the removal of such injury requires that the industry should be put in a position where prices can be increased to profitable levels, thus re-establishing effective conditions of competition.

In calculating the necessary price increase, the Commission considered that the actual prices of these imports had to be compared to selling prices that reflect the costs of production of the complaining producers plus a reasonable amount of profit.

(105) To this end, the Commission used the costs of manufacturing of the complaining producers. To these costs of manufacturing, the SG&A costs were added. As for the amount of profit, a margin of 5 % on turnover was considered to constitute the minimum required to ensure the viability of the Community industry.

The actual weighted average selling prices charged during the investigation period by the Community industry were compared to the values constructed as explained above, and increased if appropriate in order to achieve the overall minimum amount of profit required. The resultant prices thus established were compared with the average prices of the dumped imports used to establish undercutting.

The differences between these two prices, expressed on a weighted average basis and as a percentage of the free-at-Community-frontier price, were substantially above the dumping margins found for all of the producers concerned. Therefore, the provisional duties imposed should be limited to the dumping margins established.

(106) For the reasons outlined in recital 17, a single duty has been established for all producers in the People's Republic of China.

(107) In establishing the level of duty for producers in the Republic of Korea which neither replied nor made themselves known, it is considered appropriate that, given the high level of cooperation, the rate of the duty be based on the highest dumping margin determined with regard to a single producer which had cooperated in the investigation for this country (see recital 35).

In the case of Malaysia, it was considered appropriate to base the rate of the duty on the dumping margin determined with regard to the sole producer which had cooperated (see recital 45).

As for producers in Thailand who neither replied nor made themselves known, it is considered appropriate that, given that the investigation indicated a high level of non-cooperation, the rate of the duty be based on the highest dumping margin with regard to an individual MWO segment in which the cooperating Thai producer made significant export sales (see recitals 54 to 56).

(108) On the basis of the above, provisional anti-dumping duties, expressed as a percentage of the free-at-Community-frontier price, should be imposed as follows:

— People's Republic of China:

all imports 20,8 %

— Republic of Korea:

— Daewoo 24,8 %

— LG 32,8 %

— Korea Nisshin 30,5 %

— Samsung Korea 4,8 %

— other companies 32,8 %

- Malaysia :
 - Samsung Malaysia 31,7 %
 - other companies 31,7 %
- Thailand :
 - Acme 20,3 %
 - other companies 31,8 %.

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

I. DEVELOPMENTS AFTER THE INVESTIGATION PERIOD

- (110) A company located in a new Member State informed the Commission in December 1994 that it had taken over one of the two Chinese MWO producers which had cooperated in the present proceeding. This company requested the Commission to take this development into consideration and claimed in particular that the imposition of anti-dumping measures was not warranted. The company claimed that it had not been injured and that it produced substantial volumes of MWOs in the enlarged Community. In the event that the Commission should nevertheless conclude that the imposition of anti-dumping measures was warranted, the company claimed that the Chinese producer concerned should be granted individual treatment.

In respect of the claims of the above company, the Commission notes the following :

- It is the consistent practice of the Community institutions, confirmed by the European Court of Justice, not to take into account developments which occurred after the investigation period. Indeed, in accordance with the provisions of the Community anti-dumping legislation (Article 7 (1) (c) of the Basic Regulation), the conclusions reached in anti-dumping proceedings are based on the situation prevailing in the investigation period, generally a one year period, ending prior to the official initiation of the proceeding.

This evaluation of a situation by reference to a defined period ensures that the detailed investi-

gation, verification and analysis of the allegations put forward in an anti-dumping complaint can be carried out on the basis of ascertainable facts, in order to reach a reliable conclusion.

Not to limit the investigation to a particular reference period would result in a perpetuation of investigations, thereby preventing conclusions being based on verified information. This aspect is of particular importance in the present situation given the company's claims.

- On the basis of the unverified information submitted concerning the level of production of the company in question, the complainants still represent a major proportion of the Community industry, that is to say more than 40 % of total output. In this context, the Commission made a conservative estimate in determining whether the complainants represented a major proportion of the total Community output in accordance with Article 4 (5) of the Basic Regulation (see heading D). It should be noted furthermore, that the company may be excluded from the definition of the Community industry if it is shown that it has been shielded against the injurious effects of dumped imports, as discussed under the same heading.
- The Chinese producer which the company in question has allegedly acquired has not requested individual treatment during the investigation. The company has not submitted any information that would indicate that the approach proposed by the Commission at the provisional stage is unjustified.

In the light of the above, the Commission does not consider the claim put forward by the company to be justified but proposes to continue to examine the situation in the course of the present anti-dumping proceeding,

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of microwave ovens falling within CN code 8516 50 00 originating in the People's Republic of China, the Republic of Korea, Malaysia and Thailand.
2. The rate of the anti-dumping duty applicable to the net-free-at-Community-frontier price, before CCT duty, shall be as follows :

Country	Products manufactured by	Rate of duty	Taric additional code
People's Republic of China :		20,8 %	
Republic of Korea :	— Daewoo Electronics Co. Ltd	24,8 %	8829
	— LG Electronics Inc.	32,8 %	8830
	— Korea Nisshin Co. Ltd	30,5 %	8831
	— Samsung Electronics Co. Ltd	4,8 %	8832
	— other companies	32,8 %	8833
Malaysia :	— Samsung Electronics (M) SDN.BHD.	31,7 %	8834
	— other companies	31,7 %	8835
Thailand :	— Acme Industry Co. Ltd	20,3 %	8836
	— other companies	31,8 %	8837

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

4. The release for free circulation in the Community of the products referred to in paragraph 1 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 within one month of the date of the 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*.

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

Done at Brussels, 5 July 1995.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 1646/95

of 5 July 1995

amending Regulation (EEC) No 641/92 on rules of application of Council Regulation (EEC) No 478/92 for annual Community tariff quotas of dog or cat food and fish food, originating in, and coming from, the Faroe Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, and in particular Article 3 (1) thereof,

Whereas, in order to take account of the existing import arrangements in the cereals sector and those resulting from the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are needed to adjust the preferential concessions in the form of exemptions from the import levy on certain dog and cat food falling within CN code 2309 10 11 and certain fish food falling within CN code ex 2309 90 41, originating in, and coming from, the Faroe Islands;

Whereas Commission Regulation (EEC) No 641/92⁽²⁾ lays down for certain detailed rules of application in respect of the preferential import quotas in the form of exemption from the import levy on products falling within CN codes 2309 10 11 and ex 2309 90 41; whereas, since these levies are being replaced by customs duties and the advance fixing of the import levy is being abolished from 1 July 1995, it is necessary to make transitional adjustments to those arrangements;

Whereas the rates of duties of the Common Customs Tariff are those applicable on the day the declaration of release for free circulation is made;

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

For the 1995/96 marketing year, Article 4 of Regulation (EEC) No 641/92 is hereby amended as follows:

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 69, 14. 3. 1992, p. 23.

Article 4

For products to be imported subject to a zero duty, as laid down in Article 1 of Regulation (EEC) No 478/92, the import licence application and the licence itself shall bear:

(a) in Section 8, the name of the country of origin of the product. The licence shall impose an obligation to import from that country;

(b) in section 24, one of the following indications:

- Exención del derecho de importación [artículo 4 del Reglamento (CEE) n° 641/92],
- Fritagelse for importtold (artikel 4 i forordning (EØF) nr. 641/92),
- Zollfrei (Artikel 4 der Verordnung (EWG) Nr. 641/92),
- Δασμολογική απαλλαγή κατά την εισαγωγή [άρθρο 4 του κανονισμού (ΕΟΚ) αριθ. 641/92],
- Zero import duty [Article 4 of Regulation (EEC) No 641/92],
- Exemption de droit à l'importation [article 4 du règlement (CEE) n° 641/92],
- Esenzione dal dazio doganale all'importazione [articolo 4 del regolamento (CEE) n. 641/92],
- Vrijstelling van invoerrecht (artikel 4 van Verordening (EEG) nr. 641/92),
- Isenção do direito de importação [artigo 4º do Regulamento (CEE) n° 641/92],
- Vapautus tuontitullista [asetuksen (ETY) N:o 641/92 4 artikla],
- Undantag från importavgift (artikel 4 i förordning (EEG) nr 641/92).

Article 2

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

It shall apply from 1 July 1995 to 30 June 1996.

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

Done at Brussels, 5 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1647/95

of 5 July 1995

amending Regulation (EC) No 1550/94 laying down detailed rules of application for the management of a quota of preparations of a kind used in animal feeding falling within CN codes 2309 90 31 and 2309 90 41, provided for in the Interim Agreement on trade and trade-related matters concluded with Bulgaria

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3641/93 of 20 December 1993 on certain procedures 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 of the other part⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽²⁾, and in particular Article 3 (1) thereof,

Whereas in order to take account of the existing import arrangements in the cereals sector and those resulting from the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are needed to adjust the preferential concessions in the form of a partial exemption from the import levy on certain quantities of preparations intended for use as animal feed originating in the Republic of Bulgaria;

Whereas Commission Regulation (EC) No 1550/94⁽³⁾, as amended by Regulation (EC) No 2221/94, lays down detailed rules of application for the importation of certain quantities of preparations intended for use as animal feed listed in the Annex thereto under preferential conditions in the form of a reduction in the import levy under the Interim Agreement concluded with Bulgaria; whereas that agreement was subsequently amended within the framework of an agreement concluded in the form of an exchange of letters between the Community and Bulgaria⁽⁴⁾ entailing the amendment of Regulation (EC) No 1551/94 by Regulation (EC) No 2221/94⁽⁵⁾ and the new Annex thereto; whereas, in view of the agreements concluded during the Uruguay Round of multilateral

trade negotiations, it is necessary to make adjustments to those provisions;

Whereas the rates of duties of the Common Customs Tariff are those applicable on the day the declaration of release for free circulation of the import is made;

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 1550/94 is hereby amended as follows:

1. Article 1 is replaced by the following:

'Products falling within CN codes 2309 90 31 and 2309 90 41 originating in Bulgaria and qualifying for an annual degressive import duty tariff quota, in accordance with the arrangements provided for in the Interim Agreement concluded with Bulgaria, may be imported into the Community in accordance with the provisions of this Regulation.'

The import duty reduction rate applicable and the quantities that may be imported during the period from 1 July 1995 to 30 June 1997 shall be as set out in the Annex hereto.'

2. Article 4 is replaced by the following:

'In the case of products to be imported qualifying for the import duty reduction provided for in Article 1, the import licence applications and the licence itself shall include:

(a) in Section 8, the word "Bulgaria"; the licence requires that importation takes place from this country;

(b) in Section 24, one of the following indications:

- Derecho de importación reducido en un 60 % [Anexo del Reglamento (CE) n° 1550/94],
- Importtold nedsat med 60 % (Bilag til forordning (EF) nr. 1550/94),
- Zollermäßigung um 60 % (Anhang der Verordnung (EG) Nr. 1550/94),

⁽¹⁾ OJ No L 333, 31. 12. 1993, p. 16.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 166, 1. 7. 1994, p. 43.

⁽⁴⁾ OJ No L 239, 14. 9. 1994, p. 6.

⁽⁵⁾ OJ No L 178, 12. 7. 1994, p. 71.

- Δασμός κατά την εισαγωγή μειωμένος κατά 60 % [Παράρτημα του κανονισμού (ΕΚ) αριθ. 1550/94],
- 60 % import duty reduction [Annex to Regulation (EC) No 1550/94],
- Droit à l'importation réduit de 60 % [Annexe du règlement (CE) n° 1550/94],
- Dazio all'importazione ridotto del 60 % [Allegato del regolamento (CE) n. 1550/94],
- Met 60 % verlaagd invoerrecht (Bijlage bij Verordening (EG) nr. 1550/94),
- Direito de importação reduzido de 60 % [Anexo do Regulamento (CE) n° 1550/94],
- 60 prosenttia alennettu tuontitulli [Asetuksen (EY) N:o 1550/94 liite],

— 60 % nedsatt importtull (Bilaga till förordning (EG) nr 1550/94).'

3. The Annex is replaced by the following :

ANNEX

The quantities imported under the CN codes referred to in this Annex benefit from a 60 % reduction in the import duty during the period 1 July 1995 to 30 June 1997.

CN code	Description	Total quantity which may be imported during the following periods	
		1 July 1995 to 30 June 1996	1 July 1996 to 30 June 1997
2309 90 31 2309 90 41	Preparations of a kind used in animal feed	3 018,6 tonnes	3 198,6 tonnes'

Article 2

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

It shall apply from 1 July 1995.

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

Done at Brussels, 5 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1648/95

of 6 July 1995

amending Regulation (EEC) No 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes⁽¹⁾ (hereinafter referred to as 'the integrated system'), as last amended by Regulation (EC) No 3235/94⁽²⁾, and in particular Article 12 thereof,

Whereas in the light of experience with the implementation in the integrated system of the compensatory allowance for less favoured areas provided for in Article 19 (1) of Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures⁽³⁾, as last amended by Regulation (EC) No 2843/94⁽⁴⁾, it is necessary to resolve certain practical problems in particular with regard to small areas affected by specific handicaps;

Whereas following the adoption of Council Regulation (EC) No 603/95 of 21 February 1995 on the common organization of the markets in dried fodder⁽⁵⁾, as last amended by Regulation (EC) No 1347/95⁽⁶⁾, and Commission Regulation (EC) No 785/95 of 6 April 1995 laying down detailed rules for the application of Council Regulation (EC) No 603/95, on the common organization of the market in dried fodder⁽⁷⁾, as amended by Regulation (EC) No 1362/95⁽⁸⁾, parcels used for the production of forage intended for drying should be declared separately;

Whereas in order to take account of unforeseen circumstances it should be permitted for producers to withdraw areas after the dates permitted for modifications to the area aid application;

Whereas in the interests of simplification of the 'area' and 'livestock' sanctions the provisions with regard to their application should be amended; whereas, as the rules concerning set-aside have been modified since the adop-

tion of Commission Regulation (EEC) No 3887/92⁽⁹⁾, as amended by Regulation (EC) No 229/95⁽¹⁰⁾, in particular with the adoption of provisions allowing the transfer of the set-aside obligation from producer to producer and of voluntary set-aside, it is appropriate to amend the sanctions;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3887/92 is hereby amended as follows:

1. The following paragraph shall be added to Article 2:

'5. A Member State may decide to exclude from the application of certain elements of the Integrated System the specific measures established by Regulation (EEC) No 2328/91 which concern the compensatory allowances for producers in small areas as defined in Article 3 (5) of Council Directive 75/268/EEC^(*), and which are implemented by way of contracts drawn up in conjunction with agri-environmental measures established in accordance with the provisions of Council Regulation (EEC) No 2078/92^(**).

(*) OJ No L 128, 19. 5. 1975, p. 1.

(**) OJ No L 215, 30. 7. 1992, p. 85.'

2. The following sentence shall be added to Article 4 (1) (3):

'However, the production of forage intended for drying whether artificially dehydrated or sun-dried provided for in Regulation (EC) No 603/95^(*) shall be declared separately.

(*) OJ No L 63, 21. 3. 1995, p. 1.'

3. The following sentence is inserted at the end of the first subparagraph of Article 4 (2)(a):

(*) OJ No L 391, 31. 12. 1992, p. 36.

(10) OJ No L 27, 4. 2. 1995, p. 3.

⁽¹⁾ OJ No L 355, 5. 12. 1992, p. 1.

⁽²⁾ OJ No L 338, 28. 12. 1994, p. 16.

⁽³⁾ OJ No L 218, 6. 8. 1991, p. 1.

⁽⁴⁾ OJ No L 302, 25. 11. 1994, p. 11.

⁽⁵⁾ OJ No L 63, 21. 3. 1995, p. 1.

⁽⁶⁾ OJ No L 131, 15. 6. 1995, p. 1.

⁽⁷⁾ OJ No L 79, 7. 4. 1995, p. 5.

⁽⁸⁾ OJ No L 132, 16. 6. 1995, p. 6.

'By derogation from the second paragraph and even after the dates referred to in Articles 10, 11 and 12 of Regulation (EEC) No 1765/92 a Member State may authorize that an area be withdrawn from the Area Aid Application. The amendment must be notified in writing before any communication is made by the competent authority with regard either to the results of the administrative controls which affect the parcels in question or to the organization of an on-the-spot check of the holding concerned.'

4. In Article 8 (1), first subparagraph, last sentence, '20' shall be replaced by '25'.

5. In Article 9 (2), first subparagraph, the first and second indents shall be replaced by the following:

'... by twice the difference found if this is more than 3 % or two hectares but not more than 20 % of the determined area.'

6. Article 9 (4) (a) is replaced by the following:

'(a) The areas established in accordance with the provisions of paragraphs 1 to 3 for the purpose of calculating the aid shall be used for the calculation of the limit of the premiums referred to in Articles 4 (g) and 4 (h) of the Regulation (EEC) No 805/68, as well as for the calculation of the compensatory allowance.

The calculation of the maximum eligible area for the compensatory payments to arable crop producers shall be made on the basis of the area of set-aside land actually determined and on a *pro rata* basis for each crop concerned.'

7. Article 9 (5) shall be replaced by the following:

'No aid shall be granted for the agricultural parcels concerned if it is established that the crops sown listed below do not meet the requirements of the respective provisions:

— rapeseed: Article 3 of Regulation (EEC) No 2294/92,

— sunflower: Article 3 (a) of Regulation (EEC) No 2294/92,

— linseed: Article 6 (a) paragraph 4 of Regulation (EEC) No 1765/92.'

8. In Article 10 (2) (b) the second and third indents shall be replaced by the following:

'— by twice the percentage, if the difference is more than 5 % but not more than 20 %.'

9. The following subparagraph is inserted before the final subparagraph of Article 10 (2):

'If the compensatory allowance provided for in Regulation (EEC) No 2328/91 is calculated on the basis of livestock units the determining of the number present and the sanctions provided for above shall apply on the basis of the number of livestock units corresponding to the number of animals declared and found.'

10. The following subparagraph shall be added to Article 10 (4):

'If the compensatory allowance provided for in Regulation (EEC) No 2328/91 is calculated on the basis of the number of livestock units without distinguishing between the species of animals concerned animals declared can be replaced by other animals eligible for this allowance on condition that the corresponding number of livestock units does not decrease and that replacements take place according to the conditions provided for in the previous subparagraph.'

Article 2

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

However, Article 1 (1), (3), (6), (7), (9) and (10) is applicable in respect of aid applications submitted from the respective 1995 premium years onwards. The remaining paragraphs are applicable in respect of applications submitted from the 1996 premium years onwards.

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

Done at Brussels, 6 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1649/95

of 6 July 1995

amending Regulation (EEC) No 3388/81 laying down special detailed rules in respect of import and export licences in the wine sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1544/95 ⁽²⁾, and in particular Article 52 (3) thereof,

Whereas, as a consequence of the implementation of the agreements concluded during the Uruguay Round of multilateral trade negotiations in the wine sector, the reference price scheme for wine is being suspended from 1 July 1995 ; whereas this creates a new situation for wine imports and it is hard to predict how this situation will develop ; whereas it is therefore appropriate to monitor the issue of import licences more closely in the future ; whereas, therefore, it would be useful for Member States to communicate more rapidly the products and quantities for which import licences have been issued ; whereas, consequently, Article 6 of Commission Regulation (EEC) No 3388/81 ⁽³⁾, as last amended by Regulation (EEC) No 3826/90 ⁽⁴⁾, should be amended to make the communication of that information weekly rather than monthly ;

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

Article 1

The first sentence of Article 6 of Regulation (EEC) No 3388/81 is hereby amended as follows :

'Every Thursday, or the first working day thereafter, Member States shall communicate to the Commission information on the quantities and countries of origin of products for which import licences have been issued during the preceding week, broken down by combined nomenclature codes and the nomenclature codes of the countries for the Community statistics on external trade and trade between its Member States.'

Article 2

This Regulation shall enter into force on the third 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, 6 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 31.

⁽³⁾ OJ No L 341, 28. 11. 1981, p. 19.

⁽⁴⁾ OJ No L 366, 29. 12. 1990, p. 58.

COMMISSION REGULATION (EC) No 1650/95

of 6 July 1995

fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1528/95⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 1530/95⁽⁴⁾, and in particular Article 14 (3) thereof,

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 17 (1) of Regulation (EEC) No 1418/76 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 1149/95⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, now that a settlement has been reached between the European Community and the United States of

America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾, as amended by Regulation (EC) No 1380/95⁽⁹⁾, 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 the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

2. 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.

Article 2

This Regulation shall enter into force on 7 July 1995.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 148, 30. 6. 1995.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 148, 30. 6. 1995.

⁽⁵⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ No L 116, 23. 5. 1995, p. 1.

⁽⁷⁾ OJ No L 275, 29. 9. 1987, p. 36.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 138, 21. 6. 1995, p. 1.

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

Done at Brussels, 6 July 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

to the Commission Regulation of 6 July 1995 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1001 10 00	Durum wheat : — used unprocessed : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases — used in the form of : — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 — hulled grains of CN code 1104 and starch of CN code 1108 — germ of CN code 1104 — gluten of CN code 1109 — other (except flours of CN code 1101 and groats and meal of CN code 1103)	— — — — — — —
1001 90 99	Common wheat and meslin : — used unprocessed : — on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America — in all other cases — used in the form of : — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 — hulled grains of CN code 1104 and starch of CN code 1108 — germ of CN code 1104 — gluten of CN code 1109 — other (except flours of CN code 1101, and groats and meal of CN code 1103)	0,827 1,272 0,763 1,145 0,445 — 1,272
1002 00 00	Rye : — used unprocessed — used in the form of : — groats, meal and pellets of CN code 1103, or pearled grains of CN code 1104 — rolled or flaked grains and hulled grains of CN code 1104 — germ of CN code 1104 — starch of CN code 1108 19 90 — gluten of CN code 2303 10 90 — other (except flours of CN code 1102)	4,966 2,980 4,469 2,188 6,251 — 4,966

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1003 00 90	Barley : – used unprocessed – used in the form of : – – flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104 – – pellets of CN code 1103 – – germs of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other	2,889 2,022 1,733 2,188 6,251 — 2,889
1004 00 00	Oats : – used unprocessed – used in the form of : – – pellets of CN code 1103, and pearled grains of CN code 1104 – – rolled or flaked grains and hulled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other	3,104 1,862 2,794 2,188 6,251 — 3,104
1005 90 00	Maize (Corn) : – used unprocessed – used in the form of : – – flours of CN codes 1102 20 10 and 1102 20 90 – – groats and meal of CN code 1003 and rolled or flaked grains of CN code 1104 – – pellets of CN code 1103 – – hulled or perled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 12 00 – – starch pursuant to Article 4(5) point (b) of Regulation (EC) No 1222/94 when goods listed in Annex I to amended Commission Regulation (EEC) No 1722/93 are exported ⁽⁴⁾ – – starch pursuant to Article 7(2) of Regulation (EC) No 1222/94 when goods listed in Annex I to amended Regulation (EEC) No 1722/93 are exported – – gluten of CN code 2303 10 11 – – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ – – other ⁽³⁾	6,251 4,376 5,001 3,751 5,626 2,188 6,251 5,096 — 2,500 3,914 6,251
1006 20	Round grain husked rice Medium grains husked rice Long grain husked rice	24,955 22,218 22,218
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	32,200 32,200 32,200

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1006 40 00	Broken rice : — used unprocessed — used in the form of : — — flour of CN code 1102 30, groats and meal or pellets of CN code 1103 — — flaked grains of CN 1104 19 91 — — starch of CN code 1108 19 10 — — other	7,100 7,100 4,260 7,100 —
1007 00 90	Sorghum	2,889
1101 00	Wheat or meslin flour : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	1,017 1,565
1102 10 00	Rye flour	6,803
1103 11 10	Groats and durum wheat meal : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	— —
1103 11 90	Common wheat groats and spelt : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	1,017 1,565

⁽¹⁾ The quantities of semi-processed products used must be multiplied, as the case may be, by the coefficients shown in Annex I to amended Commission Regulation (EEC) No 1620/93 (OJ No L 155, 26. 6. 1993, p. 29).

⁽²⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 are observed.

⁽³⁾ For syrups of CN codes 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 112.

COMMISSION REGULATION (EC) No 1651/95

of 6 July 1995

fixing the export refunds on products processed from cereals and rice

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 Regulation (EC) No 1528/95 ⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1530/95 ⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 ⁽⁵⁾ laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 2 of Council Regulation (EC) No 1518/95 ⁽⁶⁾, on the import and export system for products

processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Council Regulation (EEC) No 990/93 ⁽⁷⁾, as amended by Regulation (EC) 1380/95 ⁽⁸⁾, 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 certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 3.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 148, 30. 6. 1995, p. 5.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁶⁾ OJ No L 147, 30. 6. 1995, p. 55.

⁽⁷⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁸⁾ OJ No L 138, 21. 6. 1995, p. 1.

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

(c) of Regulation (EEC) No 1418/76 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1)

Article 2

This Regulation shall enter into force on 7 July 1995.

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

Done at Brussels, 6 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 6 July 1995 fixing the export refunds on products
processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund (1)	Product code	Refund (1)
1102 20 10 200 (2)	87,51	1104 23 10 100	93,77
1102 20 10 400 (2)	75,01	1104 23 10 300	71,89
1102 20 90 200 (2)	75,01	1104 29 11 000	12,97
1102 90 10 100	43,34	1104 29 51 000	12,72
1102 90 10 900	29,47	1104 29 55 000	12,72
1102 90 30 100	55,87	1104 30 10 000	3,18
1103 12 00 100	55,87	1104 30 90 000	15,63
1103 13 10 100 (2)	112,52	1107 10 11 000	22,64
1103 13 10 300 (2)	87,51	1107 10 91 000	51,42
1103 13 10 500 (2)	75,01	1108 11 00 200	25,44
1103 13 90 100 (2)	75,01	1108 11 00 300	25,44
1103 19 10 000	49,66	1108 12 00 200	100,02
1103 19 30 100	44,78	1108 12 00 300	100,02
1103 21 00 000	12,97	1108 13 00 200	100,02
1103 29 20 000	29,47	1108 13 00 300	100,02
1104 11 90 100	43,34	1108 19 10 200	107,92
1104 12 90 100	62,08	1108 19 10 300	107,92
1104 12 90 300	49,66	1109 00 00 100	0,00
1104 19 10 000	12,97	1702 30 51 000 (3)	82,30
1104 19 50 110	100,02	1702 30 59 000 (3)	63,01
1104 19 50 130	81,26	1702 30 91 000	82,30
1104 21 10 100	43,34	1702 30 99 000	63,01
1104 21 30 100	43,34	1702 40 90 000	63,01
1104 21 50 100	57,78	1702 90 50 100	82,30
1104 21 50 300	46,22	1702 90 50 900	63,01
1104 22 10 100	49,66	1702 90 75 000	86,24
1104 22 30 100	52,77	1702 90 79 000	59,86
1104 22 99 100	0,00	2106 90 55 000	63,01

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

(2) No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

(3) Refunds are granted in accordance with Regulation (EEC) No 2730/75 (OJ No L 281, 1. 11. 1975, p. 20), amended.

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

COMMISSION REGULATION (EC) No 1652/95

of 6 July 1995

fixing the export refunds on cereal-based compound feedingstuffs

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 Regulation (EC) No 1528/95⁽²⁾, and in particular the third subparagraph of Article 13 (4) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁴⁾, as last amended by Regulation (EC) No 1707/94⁽⁵⁾, provides that calculation of the export refund must take account of, in particular, the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate accounts to be taken of the commercial conditions under which such products are exported;

Whereas under the terms of Article 4 of Commission Regulation (EEC) No 1619/93⁽⁶⁾, the refund may be varied on the basis of the destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Council Regulation (EEC) No 930/93⁽⁷⁾, as amended by Regulation (EC) No 1380/95⁽⁸⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situation as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 7 July 1995.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 3.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 51.

⁽⁴⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁵⁾ OJ No L 180, 14. 7. 1994, p. 19.

⁽⁶⁾ OJ No L 155, 26. 6. 1993, p. 24.

⁽⁷⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁸⁾ OJ No L 138, 21. 6. 1995, p. 1.

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

Done at Brussels, 6 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 6 July 1995 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

2309 10 11 000, 2309 10 13 000, 2309 10 31 000,
2309 10 33 000, 2309 10 51 000, 2309 10 53 000,
2309 90 31 000, 2309 90 33 000, 2309 90 41 000,
2309 90 43 000, 2309 90 51 000, 2309 90 53 000.

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽³⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	62,51
Cereal products ⁽²⁾ excluding maize and maize products	20,81

⁽¹⁾ The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p 1), amended.

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EC) No 1653/95
of 6 July 1995
fixing production refunds on cereals and rice

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 Regulation (EC) No 1528/95⁽²⁾, and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 1530/95⁽⁴⁾, and in particular Article 9 (3) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors⁽⁵⁾, as last amended by Regulation (EC) No 1516/95⁽⁶⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated must be fixed once a month and may be altered if the price of maize, wheat and barley changes significantly;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the

Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, potatoes, rice or broken rice, shall be ECU 60,61 per tonne.

2. The refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from barley and oats, shall be ECU 47,09 per tonne.

Article 2

This Regulation shall enter into force on 7 July 1995.

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

Done at Brussels, 6 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 148, 30. 6. 1995.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 148, 30. 6. 1995.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁶⁾ OJ No L 147, 30. 6. 1995, p. 49.

COMMISSION REGULATION (EC) No 1654/95

of 6 July 1995

fixing the export refunds 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 Regulation (EC) No 1528/95⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 2 of Commission Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 3304/94⁽⁴⁾;

Whereas export possibilities exist for a quantity of 600 000 tonnes of common wheat flour and 50 000 tonnes of rye flour to certain destinations; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95⁽⁵⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EEC) No 1533/93;

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

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾, as last amended by Regulation (EC) No 150/95⁽⁷⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁸⁾, as last amended by Regulation (EC) No 1053/95⁽⁹⁾;

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

Whereas Council Regulation (EEC) No 990/93⁽¹⁰⁾, as amended by Regulation (EC) No 1380/95⁽¹¹⁾, 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 the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 July 1995.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 3.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 341, 30. 12. 1994, p. 48.

⁽⁵⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 107, 12. 5. 1995, p. 4.

⁽¹⁰⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽¹¹⁾ OJ No L 138, 21. 6. 1995, p. 1.

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

Done at Brussels, 6 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 6 July 1995 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU / tonne)			(ECU / tonne)		
Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾	Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾
0709 90 60 000	—	—	1101 00 11 000	—	—
0712 90 19 000	—	—	1101 00 15 100	01	15,00 ⁽⁴⁾
1001 10 00 200	—	—	1101 00 15 130	01	15,00 ⁽⁴⁾
1001 10 00 400	—	—	1101 00 15 150	—	—
1001 90 91 000	—	—	1101 00 15 170	—	—
1001 90 99 000	—	—	1101 00 15 180	—	—
1002 00 00 000	03	10,00	1101 00 15 190	—	—
	04	8,00	1101 00 90 000	—	—
	02	0	1102 10 00 500	01	15,00 ⁽⁵⁾
1003 00 10 000	—	—	1102 10 00 700	—	—
1003 00 90 000	03	10,00	1102 10 00 900	—	—
	04	8,00	1103 11 10 200	01	— ⁽³⁾
	02	0	1103 11 10 400	01	— ⁽³⁾
1004 00 00 200	—	—	1103 11 10 900	—	—
1004 00 00 400	—	—	1103 11 90 200	01	— ⁽³⁾
1005 10 90 000	—	—	1103 11 90 800	—	—
1005 90 00 000	—	—			
1007 00 90 000	—	—			
1008 20 00 000	—	—			

⁽¹⁾ The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein, Ceuta and Melilla,
- 04 Slovenia, Hungary, the Czech Republic and the Slovak Republic.

⁽²⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 are observed.

⁽³⁾ No refund is granted when this product contains compressed meal.

⁽⁴⁾ Refund fixed under the procedure laid down in Article 7 (4) of Regulation (EC) No 1162/95, in respect of a quantity of 600 000 tonnes of common wheat flour destined for third countries.

⁽⁵⁾ Refund fixed under the procedure laid down in Article 7 (4) of Regulation (EC) No 1162/95, in respect of a quantity of 50 000 tonnes of rye flour destined for third countries.

NB : The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 1655/95

of 6 July 1995

fixing the corrective amount applicable to the refund on cereals

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 Regulation (EC) No 1528/95⁽²⁾, and in particular Article 13 (4) thereof,

Whereas Article 13 (4) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 3304/94⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 2 of Regulation (EEC) No 1533/93;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 1053/95⁽⁸⁾;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 July 1995.

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

Done at Brussels, 6 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 3.

⁽³⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽⁴⁾ OJ No L 341, 30. 12. 1994, p. 48.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 107, 12. 5. 1995, p. 4.

ANNEX

to the Commission Regulation of 6 July 1995 fixing the corrective amount applicable to
the refund on cereals

(ECU/tonne)

Product code	Destination ⁽¹⁾	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12	6th period 1
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	—	—	—	—	—	—	—	—
1001 10 00 400	—	—	—	—	—	—	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	—	—	—	—	—	—	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	0	0	0	—	—
1004 00 00 200	—	—	—	—	—	—	—	—
1004 00 00 400	01	0	0	0	0	0	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	—	—	—	—	—	—	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 11 000	—	—	—	—	—	—	—	—
1101 00 15 100	01	0	0	0	-15,00	-15,00	—	—
1101 00 15 130	01	0	0	0	-15,00	-15,00	—	—
1101 00 15 150	—	—	—	—	—	—	—	—
1101 00 15 170	—	—	—	—	—	—	—	—
1101 00 15 180	—	—	—	—	—	—	—	—
1101 00 15 190	—	—	—	—	—	—	—	—
1101 00 90 000	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	-15,00	-15,00	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	—	—	—	—	—	—	—	—
1103 11 10 400	—	—	—	—	—	—	—	—
1103 11 10 900	—	—	—	—	—	—	—	—
1103 11 90 200	—	—	—	—	—	—	—	—
1103 11 90 800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:

01 all third countries.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 1656/95**of 6 July 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 1363/95⁽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 7 July 1995.

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

Done at Brussels, 6 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽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 6 July 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 35	052	49,3
	060	80,2
	066	41,7
	068	32,4
	204	50,9
	212	117,9
	624	75,0
	999	63,9
0707 00 25	052	50,1
	053	166,9
	060	39,2
	066	53,8
	068	60,4
	204	49,1
	624	207,3
	999	89,5
0709 90 77	052	55,6
	204	77,5
	624	196,3
	999	109,8
0805 30 30	388	63,1
	524	63,4
	528	57,6
	600	54,7
	624	78,0
	999	63,4
0808 10 71, 0808 10 73, 0808 10 79	039	91,1
	388	68,1
	400	66,7
	508	84,1
	512	52,2
	528	63,3
	800	98,5
	804	82,8
	999	75,8
	388	80,6
0808 20 47	512	62,5
	528	77,5
	800	78,0
	804	60,0
	999	71,7
0809 10 40	052	106,3
	064	133,6
	999	120,0
0809 20 41, 0809 20 49	052	227,0
	064	177,6
	068	241,6
	400	199,6
	624	239,5
	676	166,2
	999	208,6
0809 30 31, 0809 30 39	052	113,4
	220	121,8
	624	106,8
	999	114,0
0809 40 30	624	223,7
	999	223,7

⁽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 1657/95

of 6 July 1995

amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products regarding the amounts of aid

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1696/92⁽³⁾, as last amended by Regulation (EEC) No 2596/93⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira;

Whereas Annex II to Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance⁽⁵⁾, as last amended by Regulation (EC) No 1622/95⁽⁶⁾, fixes the aid for milk products;

Whereas Commission Regulation (EC) No 1512/95 of 29 June 1995 fixing the export refunds on milk and milk products⁽⁷⁾, as amended by Regulation (EC) No 1659/95⁽⁸⁾, adjusts the refunds on certain milk products; whereas the aid for certain products listed in Annex II to Regulation (EEC) No 2219/92 should be adapted in order to take account of those adjustments,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 7 July 1995.

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

Done at Brussels, 6 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.

⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁵⁾ OJ No L 218, 1. 8. 1992, p. 75.

⁽⁶⁾ OJ No L 154, 5. 7. 1995, p. 15.

⁽⁷⁾ OJ No L 147, 30. 6. 1995, p. 32.

⁽⁸⁾ See page 65 of this Official Journal.

ANNEX

ANNEX II

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	— Of a fat content, by weight, not exceeding 1 % :			
0401 10 10	— — In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	(¹)	5,586
0401 10 90	— — Other	0401 10 90 000	(¹)	5,586
0401 20	— Of a fat content, by weight, exceeding 1 % but not exceeding 6 % :			
	— — Not exceeding 3 % :			
0401 20 11	— — — In immediate packings of a net content not exceeding 2 litres :			
	— Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	(¹)	5,586
	— Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(¹)	8,635
0401 20 19	— — — Other :			
	— Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(¹)	5,586
	— Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(¹)	8,635
	— — Exceeding 3 % :			
0401 20 91	— — — In immediate packings of a net content not exceeding 2 litres :			
	— Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	(¹)	11,50
	— Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(¹)	13,40
0401 20 99	— — — Other :			
	— Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(¹)	11,50
	— Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(¹)	13,40
0401 30	— Of a fat content, by weight, exceeding 6 % :			
	— — Not exceeding 21 % :			
0401 30 11	— — — In immediate packings of a net content not exceeding 2 litres :			
	— Of a fat content, by weight :			
	— Not exceeding 10 %	0401 30 11 100	(¹)	17,20
	— Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(¹)	26,53
	— Exceeding 17 %	0401 30 11 700	(¹)	39,85
0401 30 19	— — — Other :			
	— Of a fat content, by weight :			
	— Not exceeding 10 %	0401 30 19 100	(¹)	17,20
	— Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(¹)	26,53
	— Exceeding 17 %	0401 30 19 700	(¹)	39,85
	— — Exceeding 21 % but not exceeding 45 % :			
0401 30 31	— — — In immediate packings of a net content not exceeding 2 litres :			
	— Of a fat content, by weight :			
	— Not exceeding 35 %	0401 30 31 100	(¹)	47,46
	— Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(¹)	74,12
	— Exceeding 39 %	0401 30 31 700	(¹)	81,73

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	— — — Other :			
	— Of a fat content, by weight :			
	— Not exceeding 35 %	0401 30 39 100	(¹)	47,46
	— Exceeding 35 % but not exceeding 39 %	0401 30 39 400	(¹)	74,12
	— Exceeding 39 %	0401 30 39 700	(¹)	81,73
	— — Exceeding 45 % :			
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres :			
	— Of a fat content, by weight :			
	— Not exceeding 68 %	0401 30 91 100	(¹)	93,15
	— Exceeding 68 % but not exceeding 80 %	0401 30 91 400	(¹)	136,90
	— Exceeding 80 %	0401 30 91 700	(¹)	159,76
0401 30 99	— — — Other :			
	— Of a fat content, by weight :			
	— Not exceeding 68 %	0401 30 99 100	(¹)	93,15
	— Exceeding 68 % but not exceeding 80 %	0401 30 99 400	(¹)	136,90
	— Exceeding 80 %	0401 30 99 700	(¹)	159,76
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 000 0402 10 19 000	(²)	65,96
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 900 0402 21 19 900	(²)	103,21
0405 00	Butter and other fats and oils derived from milk :			
0405 00 11	— Of a fat content, by weight, not exceeding 85 % :			
	— — In immediate packings of a net content not exceeding 1 kg			
	— Of a fat content, by weight, not exceeding 85 % :			
	— Of less than 62 %	0405 00 11 100		—
	— Of 62 % or more but less than 78 %	0405 00 11 200		120,98
	— Of 78 % or more but less than 80 %	0405 00 11 300		152,20
	— Of 80 % or more but less than 82 %	0405 00 11 500		156,10
	— Of 82 % or more	0405 00 11 700		160,00
0405 00 19	— — Other :			
	— Of a fat content, by weight, not exceeding 85 % :			
	— Of less than 62 %	0405 00 19 100		—
	— Of 62 % or more but less than 78 %	0405 00 19 200		120,98
	— Of 78 % or more but less than 80 %	0405 00 19 300		152,20
	— Of 80 % or more but less than 82 %	0405 00 19 500		156,10
	— Of 82 % or more	0405 00 19 700		160,00
0405 00 90	— Other :			
	— Of a fat content, by weight :			
	— Not exceeding 99,5 %	0405 00 90 100		181,13
	— Exceeding 99,5 %	0405 00 90 900		233,21
ex 0406	Cheeses :			
0406 90 23	Edam	0406 90 23 900		118,98
0406 90 25	Tilsit	0406 90 25 900		118,98
0406 90 76	— — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø	0406 90 76 100		97,40

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 78	- - - - - Gouda - - - - - Other cheeses, of a water content, calculated by weight, of the non-fatty matter	0406 90 78 100		97,40
0406 90 79	Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	0406 90 79 900		100,83
0406 90 81	Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	0406 90 81 900		114,29
0406 90 86	- - - - - Exceeding 47 % but not exceeding 52 % : - Cheeses produced from whey - Other : - Of a fat content, by weight, in the dry matter : - Of less than 5 % - Of 5 % or more but less 19 % - Of 19 % or more but less than 39 % - Of more than 39 %	0406 90 86 100 0406 90 86 200 0406 90 86 300 0406 90 86 400 0406 90 86 900	 (3) (3) (3) (3)	— 78,67 86,26 97,40 114,29
0406 90 87	- - - - - Exceeding 52 % but not exceeding 62 % : - Cheeses produced from whey - Other : - Of a fat content, by weight, in the dry matter : - Of less than 5 % - Of 5 % or more but less than 19 % - Of 19 % or more but less than 39 % - Of more than 39 % : - Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk - Maasdam - Manouri, of a fat content, by weight, of 30 % or more - Other	0406 90 87 100 0406 90 87 200 0406 90 87 300 0406 90 87 400 0406 90 87 951 0406 90 87 971 0406 90 87 972 0406 90 87 979	 (3) (3) (3) (3) (3) (3) (3)	— 78,67 86,26 97,40 132,76 118,98 42,17 118,98
0406 90 88	- - - - - Exceeding 62 % but not exceeding 72 % : - Cheeses produced from whey - Other : - Of a fat content, by weight in the dry matter : - Of less than 5 % and of a dry matter content, by weight, of 32 % or more - Of 5 % or more but less than 19 % and of a dry matter content, by weight, of 32 % or more - Other	0406 90 88 100 0406 90 88 200 0406 90 88 300 0406 90 88 900	 (3) (3) (3)	— 78,67 86,26 —

- (¹) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted. When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.
- (²) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid.
- When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
 - the lactose content of the added whey.
- (³) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.
-

COMMISSION REGULATION (EC) No 1658/95

of 6 July 1995

amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EC) No 2790/94⁽³⁾, as amended by Regulation (EC) No 2883/94⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands;

Whereas Commission Regulation (EC) No 2993/94⁽⁵⁾, as last amended by Regulation (EC) No 1190/95⁽⁶⁾, fixed the amount of aid for milk products;

Whereas Commission Regulation (EC) No 1512/95 of 29 June 1995 fixing the export refunds on milk and milk

products⁽⁷⁾, as amended by Regulation (EC) No 1659/95⁽⁸⁾, adjusts the refunds on certain milk products; whereas the aid for certain products listed in the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EC) No 2993/94 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 7 July 1995.

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

Done at Brussels, 6 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁵⁾ OJ No L 316, 9. 12. 1994, p. 11.

⁽⁶⁾ OJ No L 118, 25. 5. 1995, p. 70.

⁽⁷⁾ OJ No L 147, 30. 6. 1995, p. 32.

⁽⁸⁾ See page 65 of this Official Journal.

ANNEX

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	— Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	— — In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	(¹)	5,586
0401 10 90	— — Other	0401 10 90 000	(¹)	5,586
0401 20	— Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	— — Not exceeding 3 %:			
0401 20 11	— — — In immediate packings of a net content not exceeding 2 litres:			
	— — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	(¹)	5,586
	— — — Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(¹)	8,635
0401 20 19	— — — Other:			
	— — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(¹)	5,586
	— — — Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(¹)	8,635
	— — Exceeding 3 %:			
0401 20 91	— — — In immediate packings of a net content not exceeding 2 litres:			
	— — — Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	(¹)	11,50
	— — — Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(¹)	13,40
0401 20 99	— — — Other:			
	— — — Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(¹)	11,50
	— — — Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(¹)	13,40
0401 30	— Of a fat content, by weight, exceeding 6 %:			
	— — Not exceeding 21 %:			
0401 30 11	— — — In immediate packings of a net content not exceeding 2 litres:			
	— — — Of a fat content, by weight:			
	— — — Not exceeding 10 %	0401 30 11 100	(¹)	17,20
	— — — Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(¹)	26,53
	— — — Exceeding 17 %	0401 30 11 700	(¹)	39,85
0401 30 19	— — — Other:			
	— — — Of a fat content, by weight:			
	— — — Not exceeding 10 %	0401 30 19 100	(¹)	17,20
	— — — Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(¹)	26,53
	— — — Exceeding 17 %	0401 30 19 700	(¹)	39,85
	— — Exceeding 21 % but not exceeding 45 %:			
0401 30 31	— — — In immediate packings of a net content not exceeding 2 litres:			
	— — — Of a fat content, by weight:			
	— — — Not exceeding 35 %	0401 30 31 100	(¹)	47,46
	— — — Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(¹)	74,12
	— — — Exceeding 39 %	0401 30 31 700	(¹)	81,73

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	— — — Other : — Of a fat content, by weight : — Not exceeding 35 % — Exceeding 35 % but not exceeding 39 % — Exceeding 39 % — — Exceeding 45 % :	0401 30 39 100 0401 30 39 400 0401 30 39 700	(¹) (¹) (¹)	47,46 74,12 81,73
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres : — Of a fat content, by weight : — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 %	0401 30 91 100 0401 30 91 400 0401 30 91 700	(¹) (¹) (¹)	93,15 136,90 159,76
0401 30 99	— — — Other : — Of a fat content, by weight : — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 %	0401 30 99 100 0401 30 99 400 0401 30 99 700	(¹) (¹) (¹)	93,15 136,90 159,76
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter :			
0402 10	— In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (⁷) : — — Not containing added sugar or other sweetening matter (²) :			
0402 10 11	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 000	(²)	65,96
0402 10 19	— — — Other — — Other (³) :	0402 10 19 000	(²)	65,96
0402 10 91	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 000	(³)	0,6596
0402 10 99	— — — Other — In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (⁷) :	0402 10 99 000	(³)	0,6596
0402 21	— — Not containing added sugar or other sweetening matter (²) : — — — Of a fat content, by weight, not exceeding 27 % :			
0402 21 11	— — — — In immediate packings of a net content not exceeding 2,5 kg : — — — — Of a fat content, by weight : — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — — Other :	0402 21 11 200 0402 21 11 300 0402 21 11 500 0402 21 11 900	(²) (²) (²) (²)	64,60 91,08 95,96 103,21
0402 21 17	— — — — — Of a fat content, by weight, not exceeding 11 %	0402 21 17 000	(²)	64,60
0402 21 19	— — — — — Of a fat content, by weight, exceeding 11 % but not exceeding 27 % : — — — — — Not exceeding 17 % — — — — — Exceeding 17 % but not exceeding 25 % — — — — — Exceeding 25 % — — — Of a fat content, by weight, exceeding 27 % :	0402 21 19 300 0402 21 19 500 0402 21 19 900	(³) (²) (²)	91,08 95,96 103,21

<i>(in ECU/100 kg weight, if no other indication)</i>				
CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 21 91	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 7 %	0402 21 91 100 0402 21 91 200 0402 21 91 300 0402 21 91 400 0402 21 91 500 0402 21 91 600 0402 21 91 700 0402 21 91 900	(2) (2) (2) (2) (2) (2) (2) (2)	103,97 104,68 105,97 113,27 115,79 125,48 131,17 137,59
0402 21 99	— — — — Other : — Of a fat content, by weight : — Not exceeding 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 79 %	0402 21 99 100 0402 21 99 200 0402 21 99 300 0402 21 99 400 0402 21 99 500 0402 21 99 600 0402 21 99 700 0402 21 99 900	(2) (2) (2) (2) (2) (2) (2) (2)	103,97 104,68 105,97 113,27 115,79 125,48 131,17 137,59
ex 0402 29	— — Other (3) : — — — Of a fat content, by weight, not exceeding 27 % : — — — — Other :			
0402 29 15	— — — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 %	0402 29 15 200 0402 29 15 300 0402 29 15 500 0402 29 15 900	(3) (3) (3) (3)	0,6460 0,9108 0,9596 1,0321
0402 29 19	— — — — — Other : — Of a fat content, by weight : — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — Of a fat content, by weight, exceeding 27 % :	0402 29 19 200 0402 29 19 300 0402 29 19 500 0402 29 19 900	(3) (3) (3) (3)	0,6460 0,9108 0,9596 1,0321

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 29 91	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not exceeding 41 % — Exceeding 41 %	0402 29 91 100 0402 29 91 500	(²) (²)	1,0397 1,1327
0402 29 99	— — — — Other : — Of a fat content, by weight : — Not exceeding 41 % — Exceeding 41 % — Other :	0402 29 99 100 0402 29 99 500	(²) (²)	1,0397 1,1327
0402 91	— — Not containing added sugar or other sweetening matter(²) :			
0402 91 11	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a non-fat lactic dry matter content : — Of less than 15 % and of a fat content, by weight : — Not exceeding 3 % — Exceeding 3 % — Of 15 % or more and of a fat content, by weight : — Not exceeding 3 % — Exceeding 3 % but not exceeding 7,4 % — Exceeding 7,4 %	0402 91 11 110 0402 91 11 120 0402 91 11 310 0402 91 11 350 0402 91 11 370	(²) (²) (²) (²) (²)	5,586 11,50 19,67 24,11 29,33
0402 91 19	— — — — Other : — Of a non-fat lactic dry matter content : — Of less than 15 % and of a fat content, by weight : — Not exceeding 3 % — Exceeding 3 % — Of 15 % or more and of a fat content, by weight : — Not exceeding 3 % — Exceeding 3 % but not exceeding 7,4 % — Exceeding 7,4 % — — — — Of a fat content, by weight, exceeding 8 % but not exceeding 10 % :	0402 91 19 110 0402 91 19 120 0402 91 19 310 0402 91 19 350 0402 91 19 370	(²) (²) (²) (²) (²)	5,586 11,50 19,67 24,11 29,33
0402 91 31	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a non-fat lactic dry matter content : — Of less than 15 % — Of 15 % or more	0402 91 31 100 0402 91 31 300	(²) (²)	22,72 34,66
0402 91 39	— — — — Other : — Of a non-fat lactic dry matter content : — Of less than 15 % — Of 15 % or more — — — — Of a fat content, by weight, exceeding 10 % but not exceeding 45 % :	0402 91 39 100 0402 91 39 300	(²) (²)	22,72 34,66
0402 91 51	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 000	(²)	26,53
0402 91 59	— — — — Other — — — — Of a fat content, by weight, exceeding 45 % :	0402 91 59 000	(²)	26,53
0402 91 91	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 000	(²)	93,15
0402 91 99	— — — — Other	0402 91 99 000	(²)	93,15

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 99	— — Other :			
	— — — Of a fat content, by weight, not exceeding 9,5 % :			
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight ⁽³⁾ :			
	— Not exceeding 3 %	0402 99 11 110	⁽³⁾	0,0559
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 130	⁽³⁾	0,1150
	— Exceeding 6,9 %	0402 99 11 150	⁽³⁾	0,1877
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight ⁽⁴⁾ :			
	— Not exceeding 3 %	0402 99 11 310	⁽⁴⁾	22,70
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 330	⁽⁴⁾	27,23
	— Exceeding 6,9 %	0402 99 11 350	⁽⁴⁾	36,20
0402 99 19	— — — — Other :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight ⁽³⁾ :			
	— Not exceeding 3 %	0402 99 19 110	⁽³⁾	0,0559
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 130	⁽³⁾	0,1150
	— Exceeding 6,9 %	0402 99 19 150	⁽³⁾	0,1877
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight ⁽⁴⁾ :			
	— Not exceeding 3 %	0402 99 19 310	⁽⁴⁾	22,70
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 330	⁽⁴⁾	27,23
	— Exceeding 6,9 %	0402 99 19 350	⁽⁴⁾	36,20
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 % :			
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 31 110	⁽³⁾	0,2463
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 31 150	⁽⁴⁾	37,68
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 31 300	⁽³⁾	0,4746
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 31 500	⁽³⁾	0,8173
0402 99 39	— — — — Other :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 39 110	⁽³⁾	0,2463
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 39 150	⁽⁴⁾	37,68
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 39 300	⁽³⁾	0,4746
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 39 500	⁽³⁾	0,8173
	— — — Of a fat content, by weight, exceeding 45 % :			
0402 99 91	— — — — In immediate packings not exceeding 2,5 kg ⁽³⁾	0402 99 91 000	⁽²⁾	0,9315
0402 99 99	— — — — Other ⁽³⁾	0402 99 99 000	⁽²⁾	0,9315

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0405 00	Butter and other fats and oils derived from milk :			
0405 00 11	– Of a fat content, by weight, not exceeding 85 % :			
	– – In immediate packings of a net content not exceeding 1 kg			
	– Of a fat content, by weight, not exceeding 85 % :			
	– Of less than 62 %	0405 00 11 000		—
	– Of 62 % or more but less than 78 %	0405 00 11 200		120,98
	– Of 78 % or more but less than 80 %	0405 00 11 300		152,20
	– Of 80 % or more but less than 82 %	0405 00 11 500		156,10
	– Of 82 % or more	0405 00 11 700		160,00
0405 00 19	– – Other :			
	– Of a fat content, by weight, not exceeding 85 % :			
	– Of less than 62 %	0405 00 19 100		—
	– Of 62 % or more but less than 78 %	0405 00 19 200		120,98
	– Of 78 % or more but less than 80 %	0405 00 19 300		152,20
	– Of 80 % or more but less than 82 %	0405 00 19 500		156,10
	– Of 82 % or more	0405 00 19 700		160,00
0405 00 90	– Other :			
	– Of a fat content, by weight :			
	– Not exceeding 99,5 %	0405 00 90 100		181,13
	– Exceeding 99,5 %	0405 00 90 900		233,21
0406	– Cheese :			
0406 30	– Processed, cheese, not grated or powdered (*) :			
0406 30 10	– – In the blending of which only Emmentaler, Gruyere and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger); put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 % :			
	– – – In the blending of which only Emmentaler and Gruyere have been used of a fat content by weight in the dry matter, not exceeding 56 % :			
	– – – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :			
	– – – – – Not exceeding 48 % :			
	– Of a dry matter content, by weight :			
	– Of less than 27 %	0406 30 10 100		—
	– Of 27 % or more but less than 33 %	0406 30 10 150		20,07
	– Of 33 % or more but less than 38 %	0406 30 10 200		42,80
	– Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :			
	– Of less than 20 %	0406 30 10 250		42,80
	– Of 20 % or more	0406 30 10 300		62,79
	– Of 43 % or more and of a fat content, by weight, in the dry matter :			
	– Of less than 20 %	0406 30 10 350		42,80
	– Of 20 % or more but less than 40 %	0406 30 10 400		62,79
	– Of 40 % or more	0406 30 10 450		91,37
	– – – – – Exceeding 48 % :			
	– Of a dry matter content, by weight :			
	– Of less than 33 %	0406 30 10 500		—
	– Of 33 % or more but less than 38 %	0406 30 10 550		42,80
	– Of 38 % or more but less than 43 %	0406 30 10 600		62,79

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 30 10 (cont'd)	— Of 43 % or more but less than 46 %	0406 30 10 650		91,37
	— Of 46 % or more and of a fat content, by weight, in the dry matter :			
	— Of less than 55 %	0406 30 10 700		91,37
	— Of 55 % or more	0406 30 10 750		111,54
	— — — Of a fat content, by weight, exceeding 36 %	0406 30 10 800		111,54
	— — — Other	0406 30 10 900		—
	— — Other :			
	— — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :			
0406 30 31	— — — — Not exceeding 48 % :			
	— Of a dry matter content, by weight :			
	— Of less than 27 %	0406 30 31 100		—
	— Of 27 % or more but less than 33 %	0406 30 31 300	(⁵)	20,07
	— Of 33 % or more but less than 38 %	0406 30 31 500	(⁵)	42,80
	— Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :			
	— Of less than 20 %	0406 30 31 710	(⁵)	42,80
	— Of 20 % or more	0406 30 31 730	(⁵)	62,79
	— Of 43 % or more and of a fat content, by weight, in the dry matter :			
	— Of less than 20 %	0406 30 31 910	(⁵)	42,80
	— Of 20 % or more but less than 40 %	0406 30 31 930	(⁵)	62,79
	— Of 40 % or more	0406 30 31 950	(⁵)	91,37
0406 30 39	— — — — Exceeding 48 % :			
	— Of a dry matter content, by weight :			
	— Of less than 33 %	0406 30 39 100		—
	— Of 33 % or more but less than 38 %	0406 30 39 300	(⁵)	42,80
	— Of 38 % or more but less than 43 %	0406 30 39 500	(⁵)	62,79
	— Of 43 % or more but less than 46 %	0406 30 39 700	(⁵)	91,37
	— Of 46 % or more and of a fat content, by weight, in the dry matter :			
	— Of less than 55 %	0406 30 39 930	(⁵)	91,37
	— Of 55 % or more	0406 30 39 950	(⁵)	111,54
0406 30 90	— — — Of a fat content, by weight, exceeding 36 %	0406 30 90 000	(⁵)	111,54
0406 90 23	— — — Edam :			
	— Of a fat content, by weight, in the dry matter :			
	— Of less than 39 %	0406 90 23 100		—
	— Of 39 % or more	0406 90 23 900	(⁵)	118,98
0406 90 25	— — — Tilsit :			
	— Of a fat content, by weight, in the dry matter :			
	— Of less than 39 %	0406 90 25 100		—
	— Of 39 % or more	0406 90 25 900	(⁵)	118,98

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 27	— — — Butterkäse : — Of a fat content, by weight, in the dry matter : — Of less than 39 % — Of 39 % or more	0406 90 27 100 0406 90 27 900	(5) (5)	— 100,83
0406 90 76	— — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % — Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 76 100 0406 90 76 300 0406 90 76 500	(5) (5) (5)	97,40 118,98 118,98
0406 90 78	— — — — — Gouda : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % — Of a fat content, by weight, in the dry matter of 55 % or more — — — — — Other cheeses, of a water content, calculated by weight, of the non-fatty matter	0406 90 78 100 0406 90 78 300 0406 90 78 500	(5) (5) (5)	97,40 118,98 118,98
0406 90 79	— — — — — Estrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin and Taleggio : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 79 100 0406 90 79 900	(5) (5)	— 100,83
0406 90 81	— — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby and Monterey : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 81 100 0406 90 81 900	(5) (5)	— 114,29
0406 90 86	— — — — — Exceeding 47 % but not exceeding 52 % : — Cheeses produced from whey — Other : — Of a fat content, by weight, in the dry matter : — Of less than 5 % — Of 5 % or more but less than 19 % — Of 19 % or more but less than 39 % — Of more than 39 %	0406 90 86 100 0406 90 86 200 0406 90 86 300 0406 90 86 400 0406 90 86 900	(5) (5) (5) (5) (5)	— 78,67 86,26 97,40 114,29

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 87	— — — — — Exceeding 52 % but not exceeding 62 % : — Cheeses produced from whey — Other : — Of a fat content, by weight, in the dry matter : — Of less than 5 % — Of 5 % or more but less than 19 % — Of 19 % or more but less than 39 % — Of more than 39 % : — Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk — Maasdam — Manouri, of a fat content, by weight, of 30 % or more — Other	0406 90 87 100 0406 90 87 200 0406 90 87 300 0406 90 87 400 0406 90 87 951 0406 90 87 971 0406 90 87 972 0406 90 87 979	(¹) (¹) (¹) (¹) (¹) (¹) (¹) (¹)	— 78,67 86,26 97,40 132,76 118,98 42,17 118,98
0406 90 88	— — — — — Exceeding 62 % but not exceeding 72 % : — Cheeses produced from whey — Other : — Of a fat content, by weight, in the dry matter : — Of less than 5 % and of a dry matter content, by weight, of 32 % or more — Of 5 % or more but less than 19 % and of a dry matter content, by weight, of 32 % or more — Other	0406 90 88 100 0406 90 88 200 0406 90 88 300 0406 90 88 900	(¹) (¹) (¹)	— 78,67 86,26 —

(¹) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.

(²) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid.

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

(³) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content, by weight.

The aid per 100 kilograms of product falling within this subheading shall be equal to the sum of the following components :

- (a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kilograms of product ; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added caseinates, contained in 100 kilograms of product ;

- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68 (OJ No L 184, 29. 7. 1968, p. 10).
When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :
— the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
— the lactose content of the added whey.
- (*) The aid on 100 kilograms of product falling within this subheading is equal to the sum of the following elements :
- (a) the amount per 100 kilograms shown ; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be :
— multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then
— divided by the weight of the lactic part contained in 100 kilograms of product ;
- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.
When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :
— the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and, in particular,
— the lactose content of the added whey.
- (5) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.
- (6) Where the product contains casein and/or caseinates, the part corresponding to the casein and/or the added caseinates will not be taken into account for the purpose of calculating the aid.
When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not casein and/or caseinates have been added per 100 kilograms and where this is the case, the actual content by weight of added casein and/or added caseinates of finished product.
- (7) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.
-

COMMISSION REGULATION (EC) No 1659/95
of 6 July 1995
altering the export refunds on milk and milk products

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1538/95 ⁽²⁾, and in particular Article 17 (5) thereof,

Whereas the export refunds on milk and milk products were fixed by Commission Regulation (EC) No 1512/95 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1512/95 to the information known to the Commission that the export refunds

for the products listed in the Annex hereto should be altered to the amounts set out therein,

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state, as fixed in the Annex to Regulation (EC) No 1512/95 are hereby altered, in respect of the products set out in the Annex hereto, to the amounts set out therein.

Article 2

This Regulation shall enter into force on 7 July 1995.

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

Done at Brussels, 6 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 17.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 32.

ANNEX

to the Commission Regulation of 6 July 1995 altering the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000	+	5,586	0402 21 91 500	+	115,79
0401 10 90 000	+	5,586	0402 21 91 600	+	125,48
0401 20 11 100	+	5,586	0402 21 91 700	+	131,17
0401 20 11 500	+	8,635	0402 21 91 900	+	137,59
0401 20 19 100	+	5,586	0402 21 99 100	+	103,97
0401 20 19 500	+	8,635	0402 21 99 200	+	104,68
0401 20 91 100	+	11,50	0402 21 99 300	+	105,97
0401 20 91 500	+	13,40	0402 21 99 400	+	113,27
0401 20 99 100	+	11,50	0402 21 99 500	+	115,79
0401 20 99 500	+	13,40	0402 21 99 600	+	125,48
0401 30 11 100	+	17,20	0402 21 99 700	+	131,17
0401 30 11 400	+	26,53	0402 21 99 900	+	137,59
0401 30 11 700	+	39,85	0402 29 15 200	+	0,6460
0401 30 19 100	+	17,20	0402 29 15 300	+	0,9108
0401 30 19 400	+	26,53	0402 29 15 500	+	0,9596
0401 30 19 700	+	39,85	0402 29 15 900	+	1,0321
0401 30 31 100	+	47,46	0402 29 19 200	+	0,6460
0401 30 31 400	+	74,12	0402 29 19 300	+	0,9108
0401 30 31 700	+	81,73	0402 29 19 500	+	0,9596
0401 30 39 100	+	47,46	0402 29 19 900	+	1,0321
0401 30 39 400	+	74,12	0402 29 91 100	+	1,0397
0401 30 39 700	+	81,73	0402 29 91 500	+	1,1327
0401 30 91 100	+	93,15	0402 29 99 100	+	1,0397
0401 30 91 400	+	136,90	0402 29 99 500	+	1,1327
0401 30 91 700	+	159,76	0402 91 11 110	+	5,586
0401 30 99 100	+	93,15	0402 91 11 120	+	11,50
0401 30 99 400	+	136,90	0402 91 11 310	+	19,67
0401 30 99 700	+	159,76	0402 91 11 350	+	24,11
0402 10 11 000	+	65,96	0402 91 11 370	+	29,33
0402 10 19 000	+	65,96	0402 91 19 110	+	5,586
0402 10 91 000	+	0,6596	0402 91 19 120	+	11,50
0402 10 99 000	+	0,6596	0402 91 19 310	+	19,67
0402 21 11 200	+	64,60	0402 91 19 350	+	24,11
0402 21 11 300	+	91,08	0402 91 19 370	+	29,33
0402 21 11 500	+	95,96	0402 91 31 100	+	22,72
0402 21 11 900	+	103,21	0402 91 31 300	+	34,66
0402 21 17 000	+	64,60	0402 91 39 100	+	22,72
0402 21 19 300	+	91,08	0402 91 39 300	+	34,66
0402 21 19 500	+	95,96	0402 91 51 000	+	26,53
0402 21 19 900	+	103,21	0402 91 59 000	+	26,53
0402 21 91 100	+	103,21	0402 91 91 000	+	93,15
0402 21 91 200	+	104,68	0402 91 99 000	+	93,15
0402 21 91 300	+	105,97	0402 99 11 110	+	0,0559
0402 21 91 400	+	113,27	0402 99 11 130	+	0,1150

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0402 99 11 150	+	0,1877	0403 90 61 100	+	0,0559
0402 99 11 310	+	22,70	0403 90 61 300	+	0,0864
0402 99 11 330	+	27,23	0403 90 63 000	+	0,1150
0402 99 11 350	+	36,20	0403 90 69 000	+	0,1720
0402 99 19 110	+	0,0559	0404 90 11 100	+	63,65
0402 99 19 130	+	0,1150	0404 90 11 910	+	5,586
0402 99 19 150	+	0,1877	0404 90 11 950	+	19,50
0402 99 19 310	+	22,70	0404 90 13 120	+	63,65
0402 99 19 330	+	27,23	0404 90 13 130	+	90,27
0402 99 19 350	+	36,20	0404 90 13 140	+	95,10
0402 99 31 110	+	0,2463	0404 90 13 150	+	102,29
0402 99 31 150	+	37,68	0404 90 13 911	+	5,586
0402 99 31 300	+	0,4746	0404 90 13 913	+	11,50
0402 99 31 500	+	0,8173	0404 90 13 915	+	17,20
0402 99 39 110	+	0,2463	0404 90 13 917	+	26,53
0402 99 39 150	+	37,68	0404 90 13 919	+	39,85
0402 99 39 300	+	0,4746	0404 90 13 931	+	19,50
0402 99 39 500	+	0,8173	0404 90 13 933	+	23,92
0402 99 91 000	+	0,9315	0404 90 13 935	+	29,08
0402 99 99 000	+	0,9315	0404 90 13 937	+	34,37
0403 10 22 100	+	5,586	0404 90 13 939	+	35,94
0403 10 22 300	+	8,635	0404 90 19 110	+	103,05
0403 10 24 000	+	11,50	0404 90 19 115	+	103,74
0403 10 26 000	+	17,20	0404 90 19 120	+	105,03
0403 10 32 100	+	0,0559	0404 90 19 130	+	112,26
0403 10 32 300	+	0,0864	0404 90 19 135	+	114,74
0403 10 34 000	+	0,1150	0404 90 19 150	+	124,35
0403 10 36 000	+	0,1720	0404 90 19 160	+	130,00
0403 90 11 000	+	63,65	0404 90 19 180	+	136,35
0403 90 13 200	+	63,65	0404 90 31 100	+	63,65
0403 90 13 300	+	90,27	0404 90 31 910	+	5,586
0403 90 13 500	+	95,10	0404 90 31 950	+	19,50
0403 90 13 900	+	102,29	0404 90 33 120	+	63,65
0403 90 19 000	+	103,05	0404 90 33 130	+	90,27
0403 90 31 000	+	0,6365	0404 90 33 140	+	95,10
0403 90 33 200	+	0,6365	0404 90 33 150	+	102,29
0403 90 33 300	+	0,9027	0404 90 33 911	+	5,586
0403 90 33 500	+	0,9510	0404 90 33 913	+	11,50
0403 90 33 900	+	1,0229	0404 90 33 915	+	17,20
0403 90 39 000	+	1,0305	0404 90 33 917	+	26,53
0403 90 51 100	+	5,586	0404 90 33 919	+	39,85
0403 90 51 300	+	8,635	0404 90 33 931	+	19,50
0403 90 53 000	+	11,50	0404 90 33 933	+	23,92
0403 90 59 110	+	17,20	0404 90 33 935	+	29,08
0403 90 59 140	+	26,53	0404 90 33 937	+	34,37
0403 90 59 170	+	39,85	0404 90 33 939	+	35,94
0403 90 59 310	+	47,46	0404 90 39 110	+	103,05
0403 90 59 340	+	74,12	0404 90 39 115	+	103,74
0403 90 59 370	+	81,73	0404 90 39 120	+	105,03
0403 90 59 510	+	93,15	0404 90 39 130	+	112,26
0403 90 59 540	+	136,90			
0403 90 59 570	+	159,76			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0404 90 39 150	+	114,74	0405 00 19 500	+	156,10
0404 90 51 100	+	0,6365	0405 00 19 700	+	160,00
0404 90 51 910	+	0,0559	0405 00 90 100	+	181,13
0404 90 51 950	+	22,52	0405 00 90 900	+	233,21
0404 90 53 110	+	0,6365	0406 10 20 100	+	—
0404 90 53 130	+	0,9027	0406 10 20 230	028	—
0404 90 53 150	+	0,9510		400	34,33
0404 90 53 170	+	1,0229		404	—
0404 90 53 911	+	0,0559		...	42,17
0404 90 53 913	+	0,1150	0406 10 20 290	028	—
0404 90 53 915	+	0,1720		400	34,33
0404 90 53 917	+	0,2653		404	—
0404 90 53 919	+	0,3985		...	42,17
0404 90 53 931	+	22,52	0406 10 20 610	028	11,87
0404 90 53 933	+	27,01		037	—
0404 90 53 935	+	35,90		039	—
0404 90 53 937	+	37,36		400	76,69
0404 90 59 130	+	1,0305		404	—
0404 90 59 150	+	1,1226		...	78,67
0404 90 59 930	+	0,5698	0406 10 20 620	028	17,59
0404 90 59 950	+	0,8173		037	—
0404 90 59 990	+	0,9315		039	—
0404 90 91 100	+	0,6365		400	84,55
0404 90 91 910	+	0,0559		404	—
0404 90 91 950	+	22,52		...	86,26
0404 90 93 110	+	0,6365	0406 10 20 630	028	21,10
0404 90 93 130	+	0,9027		037	—
0404 90 93 150	+	0,9510		039	—
0404 90 93 170	+	1,0229		400	96,10
0404 90 93 911	+	0,0559		404	—
0404 90 93 913	+	0,1150		...	97,40
0404 90 93 915	+	0,1720	0406 10 20 640	028	—
0404 90 93 917	+	0,2653		037	—
0404 90 93 919	+	0,3985		039	—
0404 90 93 931	+	22,52		400	114,29
0404 90 93 933	+	27,01		404	—
0404 90 93 935	+	35,90		...	114,29
0404 90 93 937	+	37,36	0406 10 20 650	028	24,18
0404 90 99 130	+	1,0305		037	—
0404 90 99 150	+	1,1226		039	—
0404 90 99 930	+	0,5698		400	57,14
0404 90 99 950	+	0,8173		404	—
0404 90 99 990	+	0,9315		...	118,98
0405 00 11 200	+	120,98	0406 10 20 660	+	—
0405 00 11 300	+	152,20	0406 10 20 810	028	—
0405 00 11 500	+	156,10		037	—
0405 00 11 700	+	160,00		039	—
0405 00 19 200	+	120,98		400	18,53
0405 00 19 300	+	152,20		404	—
				...	18,53

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 10 20 830	028	—	0406 30 10 200	028	—
	037	—		037	—
	039	—		039	—
	400	31,62		400	38,25
	404	—		404	—
	...	31,62		...	42,80
0406 10 20 850	028	—	0406 30 10 250	028	—
	037	—		037	—
	039	—		039	—
	400	38,34		400	38,25
	404	—		404	—
	...	38,34		...	42,80
0406 10 20 870	+	—	0406 30 10 300	028	—
	+	—		037	—
0406 10 20 900	+	—		039	—
	+	—		400	56,17
0406 20 90 100	+	—	0406 30 10 350	404	—
	+	—		...	62,79
0406 20 90 913	028	—		028	—
	400	74,68		037	—
	404	—		039	—
	...	74,68		400	38,25
0406 20 90 915	028	—		404	—
	400	99,57		...	42,80
	404	—	0406 30 10 400	028	—
	...	99,57		037	—
0406 20 90 917	028	—		039	—
	400	105,78		400	56,17
	404	—		404	—
	...	105,78		...	62,79
0406 20 90 919	028	—	0406 30 10 450	028	—
	400	118,23		037	—
	404	—		039	—
	...	118,23		400	81,78
0406 20 90 990	+	—		404	—
	+	—		...	91,37
0406 30 10 100	+	—	0406 30 10 500	+	—
	+	—		028	—
0406 30 10 150	028	—	0406 30 10 550	037	—
	037	—		039	—
	039	—		400	38,25
	400	17,61		404	17,59
	404	—		...	42,80
	...	20,07		028	—
			0406 30 10 600	037	—
				039	—
				400	56,17
				404	24,62
				...	62,79
				...	62,79

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 10 650	028	—	0406 30 31 730	028	—
	037	—		037	—
	039	—		039	—
	400	81,78		400	56,17
	404	—		404	—
	...	91,37		...	62,79
0406 30 10 700	028	—	0406 30 31 910	028	—
	037	—		037	—
	039	—		039	—
	400	81,78		400	38,25
	404	—		404	—
	...	91,37		...	42,80
0406 30 10 750	028	—	0406 30 31 930	028	—
	037	—		037	—
	039	—		039	—
	400	99,82		400	56,17
	404	—		404	—
	...	111,54		...	62,79
0406 30 10 800	028	—	0406 30 31 950	028	—
	037	—		037	—
	039	—		039	—
	400	99,82		400	81,78
	404	—		404	—
	...	111,54		...	91,37
0406 30 31 100	+	—	0406 30 39 100	+	—
0406 30 31 300	028	—	0406 30 39 300	028	—
	037	—		037	—
	039	—		039	—
	400	17,61		400	38,25
	404	—		404	17,59
	...	20,07		...	42,80
0406 30 31 500	028	—	0406 30 39 500	028	—
	037	—		037	—
	039	—		039	—
	400	38,25		400	56,17
	404	—		404	24,62
	...	42,80		...	62,79
0406 30 31 710	028	—	0406 30 39 700	028	—
	037	—		037	—
	039	—		039	—
	400	38,25		400	81,78
	404	—		404	—
	...	42,80		...	91,37
	028	—	0406 30 39 930	028	—
	037	—		037	—
	039	—		039	—
	400	38,25		400	81,78
	404	—		404	—
	...	42,80		...	91,37

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 39 950	028	—	0406 90 06 900	+	—
	037	—	0406 90 07 000	028	—
	039	—		037	—
	400	99,82		039	—
	404	—		400	114,29
	...	111,54		404	—
0406 30 90 000	028	—		...	140,08
	037	—	0406 90 08 100	028	—
	039	—		037	—
	400	99,82		039	—
	404	—		400	114,29
	...	111,54		404	—
0406 40 50 000	028	—		...	140,08
	400	105,52	0406 90 08 900	+	—
	404	—	0406 90 09 100	028	—
	...	111,22		037	—
0406 40 90 000	028	—		039	—
	400	105,52		400	114,29
	404	—		404	—
	...	111,22		...	140,08
0406 90 02 100	028	—	0406 90 09 900	+	—
	037	—	0406 90 12 000	028	—
	039	—		037	—
	400	114,29		039	—
	404	—		400	114,29
	...	140,08		404	—
0406 90 02 900	+	—		...	140,08
0406 90 03 100	028	—	0406 90 14 100	028	—
	037	—		037	—
	039	—		039	—
	400	114,29		400	114,29
	404	—		404	—
	...	140,08		...	140,08
0406 90 03 900	+	—	0406 90 14 900	+	—
0406 90 04 100	028	—	0406 90 16 100	028	—
	037	—		037	—
	039	—		039	—
	400	114,29		400	114,29
	404	—		404	—
	...	140,08		...	140,08
0406 90 04 900	+	—	0406 90 16 900	+	—
0406 90 05 100	028	—	0406 90 21 900	028	—
	037	—		037	—
	039	—		039	—
	400	114,29		400	114,29
	404	—		404	—
	...	140,08		...	133,36
0406 90 05 900	+	—	0406 90 23 900	028	—
0406 90 06 100	028	—		037	—
	037	—		039	—
	039	—		400	57,14
	400	114,29		404	—
	404	—		...	118,98
	...	140,08			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 25 900	028	—	0406 90 35 990	028	—
	037	—		037	—
	039	—		039	—
	400	57,14		400	114,29
	404	—		404	—
	...	118,98		...	114,29
0406 90 27 900	028	—	0406 90 37 000	028	—
	037	—		037	—
	039	—		039	—
	400	49,34		400	114,29
	404	—		404	—
	...	100,83		...	140,08
0406 90 31 119	028	—	0406 90 61 000	028	—
	037	—		037	79,13
	039	—		039	79,13
	400	54,92		400	162,64
	404	14,07		404	123,07
	...	79,08		...	162,64
0406 90 31 151	028	—	0406 90 63 100	028	—
	037	—		037	92,33
	039	—		039	92,33
	400	51,33		400	186,48
	404	13,15		404	140,66
	...	73,71		...	186,48
0406 90 31 159	+	—	0406 90 63 900	028	—
0406 90 33 119	028	—		037	61,55
	037	—		039	61,55
	039	—		400	131,87
	400	54,92		404	70,33
	404	14,07		...	145,05
	...	79,08	0406 90 69 100	+	—
0406 90 33 151	028	—		028	—
	037	—		037	61,55
	039	—		039	61,55
	400	51,33		400	131,87
	404	13,15		404	70,33
	...	73,71		...	145,05
0406 90 33 919	028	—	0406 90 73 900	028	—
	037	—		037	37,51
	039	—		039	37,51
	400	54,92		400	132,76
	404	14,07		404	105,52
	...	79,08		...	132,76
0406 90 33 951	028	—	0406 90 75 900	028	—
	037	—		037	—
	039	—		039	—
	400	51,33		400	57,14
	404	13,15		404	—
	...	73,71		...	110,74
0406 90 35 190	028	—	0406 90 76 100	028	21,10
	037	37,51		037	—
	039	37,51		039	—
	400	139,38		400	51,66
	404	79,13		404	—
	...	139,38		...	97,40

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 76 300	028	—	0406 90 85 995	028	24,18
	037	—		037	—
	039	—		039	—
	400	57,14		400	57,14
	404	—		404	—
0406 90 76 500	...	118,98	0406 90 85 999	...	118,98
	028	—		+	—
	037	—		+	—
	039	—		028	11,87
	400	65,94		037	—
0406 90 78 100	404	—	0406 90 86 200	039	—
	...	118,98		400	78,67
	028	21,10		404	—
	037	—		...	78,67
	039	—	0406 90 86 300	028	17,59
0406 90 78 300	400	51,66		037	—
	404	—		039	—
	...	97,40		400	84,55
	028	—		404	—
0406 90 78 500	037	—	0406 90 86 400	...	86,26
	039	—		028	21,10
	400	57,14		037	—
	404	—		039	—
	...	118,98		400	96,10
0406 90 79 900	028	—	0406 90 86 900	404	—
	037	—		...	97,40
	039	—		028	—
	400	65,94		037	—
	404	—	0406 90 87 100	039	—
0406 90 81 900	...	118,98		400	114,29
	028	—		404	—
	037	—		...	114,29
	039	—	0406 90 87 200	+	—
	400	49,34		028	11,87
0406 90 85 910	404	—		037	—
	...	100,83		039	—
	028	—		400	78,67
	037	—	0406 90 87 300	404	—
	039	—		...	78,67
0406 90 85 991	400	114,29		028	17,59
	404	—		037	—
	...	114,29		039	—
	028	—	0406 90 87 400	400	96,10
	037	—		404	—
0406 90 85 991	039	—		...	97,40
	400	114,29			
	404	—			
	...	114,29			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 87 951	028	—	2309 10 15 500	+	—
	037	37,51	2309 10 15 700	+	—
	039	37,51	2309 10 19 010	+	—
	400	132,76	2309 10 19 100	+	—
	404	79,13	2309 10 19 200	+	—
	...	132,76	2309 10 19 300	+	—
0406 90 87 971	028	24,18	2309 10 19 400	+	—
	037	—	2309 10 19 500	+	—
	039	—	2309 10 19 600	+	—
	400	65,06	2309 10 19 700	+	—
	404	—	2309 10 19 800	+	—
	...	118,98	2309 10 70 010	+	—
0406 90 87 972	028	—	2309 10 70 100	+	19,03
	400	34,33	2309 10 70 200	+	25,37
	404	—	2309 10 70 300	+	31,72
	...	42,17	2309 10 70 500	+	38,05
0406 90 87 979	028	24,18	2309 10 70 600	+	44,39
	037	—	2309 10 70 700	+	50,74
	039	—	2309 10 70 800	+	55,82
	400	65,06	2309 90 35 010	+	—
	404	—	2309 90 35 100	+	—
	...	118,98	2309 90 35 200	+	—
0406 90 88 100	+	—	2309 90 35 300	+	—
0406 90 88 200	028	11,87	2309 90 35 400	+	—
	037	—	2309 90 35 500	+	—
	039	—	2309 90 35 700	+	—
	400	78,67	2309 90 39 010	+	—
	404	—	2309 90 39 100	+	—
	...	78,67	2309 90 39 200	+	—
0406 90 88 300	028	17,59	2309 90 39 300	+	—
	037	—	2309 90 39 400	+	—
	039	—	2309 90 39 500	+	—
	400	84,55	2309 90 39 600	+	—
	404	—	2309 90 39 700	+	—
	...	86,26	2309 90 39 800	+	—
2309 10 15 010	+	—	2309 90 70 010	+	—
2309 10 15 100	+	—	2309 90 70 100	+	19,03
2309 10 15 200	+	—	2309 90 70 200	+	25,37
2309 10 15 300	+	—	2309 90 70 300	+	31,72
2309 10 15 400	+	—	2309 90 70 500	+	38,05
			2309 90 70 600	+	44,39
			2309 90 70 700	+	50,74
			2309 90 70 800	+	55,82

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17).

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

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

(**) 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 Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as amended.

COMMISSION REGULATION (EC) No 1660/95

of 6 July 1995

**temporarily suspending the issuing of export licences for certain milk products
and determining what proportion of the amounts covered by pending
applications for export licences may be allocated**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1538/95 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products ⁽³⁾, and in particular Article 8 (3) thereof,

Whereas uncertainty is a feature of the market in certain milk products ; whereas it is necessary to prevent speculative applications that may lead to a distortion in competition between traders, threatening the continuity of exports of those products for the remainder of the current period ; whereas the issuing of export licences for the products concerned should be temporarily suspended,

Article 1

1. The issuing of export licences for milk products falling within CN codes 0401, 0402, 0403 10 22, 0403 10 24, 0403 10 26, 0403 10 32, 0403 10 34, 0403 10 36, 0403 90, 0404 90 and 0406 is hereby suspended as from 7 July 1995.

2. No further action shall be taken in respect of applications for licences pending which would have been issued from 7 July 1995 with the exception of those referred to in Article 6 (1) of Regulation (EC) No 1466/95.

Article 2

This Regulation shall enter into force on 7 July 1995.

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

Done at Brussels, 6 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 17.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 June 1995

drawing up lists of third countries from which the Member States authorize imports of live poultry and hatching eggs

(Text with EEA relevance)

(95/233/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in and imports from third countries of poultry and hatching eggs⁽¹⁾, as last amended by the Act of accession of Austria, Finland and Sweden, and in particular Articles 21 and 26 thereof,

Whereas certain countries which traditionally supply the Member States, have been requested to show, through the provision of written assurances supported by appropriate documentation or as a result of on-the-spot inspections, that they satisfy the requirements of the Community;

Whereas this Decision applies without prejudice to Commission Decision 93/342/EEC⁽²⁾, as amended by Decision 94/438/EC⁽³⁾, which laid down the criteria for classifying third countries with regard to avian influenza and Newcastle disease;

Whereas it may also be necessary in certain cases to specify the parts of countries from which imports will be authorized; whereas authorization to import may be restricted to certain species or categories of birds;

Whereas this list of third countries can, however, be amended at any time to take into account new informa-

tion or new situations; whereas the listing of any country should be reviewed at any time when further information, in particular resulting from on-the-spot inspections, indicates that conditions in the third country concerned may have changed or that previously received information was incomplete, inexact or inaccurate;

Whereas, although the list of third countries forms the basis of the Community provisions applicable to imports from third countries laid down in Directive 90/539/EEC, other measures, particularly concerning specific animal health conditions, residue plans and certification will have to be taken into account in order to achieve complete harmonization of the conditions for importation of live poultry and hatching eggs;

Whereas it is justified to establish a separate list of third countries for imports of ratites, because of the biological differences between these birds and the other poultry species; whereas such birds need to undergo quarantine after importation;

Whereas it is also necessary to take account of the provisions of Article 11 of Directive 90/539/EEC and, therefore, to establish the list of countries which, although providing less strict animal health guarantees, can be authorized for importation of small consignments under conditions similar to those adopted for other birds in accordance with the provisions of Council Directive 92/65/EEC⁽⁴⁾;

⁽¹⁾ OJ No L 303, 31. 10. 1990, p. 6.

⁽²⁾ OJ No L 137, 8. 6. 1993, p. 24.

⁽³⁾ OJ No L 181, 17. 7. 1994, p. 35.

⁽⁴⁾ OJ No L 268, 14. 9. 1992, p. 54.

Whereas, pending the adoption by the Commission of the animal health certification for importation of live poultry and hatching eggs from the countries specified in this list, Member States may continue to apply, on importation, their animal health requirements in force on 1 January 1995;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall authorize imports of live poultry and hatching eggs in accordance with the list in Annex I.

The list in Annex I does not apply to imports of ratites and hatching eggs thereof.

2. Member States shall authorize imports of ratites and hatching eggs thereof in accordance with the list in Annex II. The conditions of importation of such birds or eggs shall include a requirement for post-import quarantine.

3. By way of derogation from paragraph 1 and pending the adoption of Community rules on animal health requirements and veterinary certification for such imports, Member States shall authorize imports of single consignments of less than 20 units of live poultry and hatching eggs in accordance with the list referred to in Annex III. The conditions of importation of such consignments shall include a requirement for post-import isolation or quarantine.

The provisions of the first subparagraph do not apply to consignments of ratites or hatching eggs thereof.

Article 2

This Decision shall apply from 1 July 1995.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***List of countries from which the Member States authorize imports of live poultry and hatching eggs, ratites and eggs thereof excluded**

This list is a list in principle and importations shall fulfil the relevant animal and public health requirements.

ISO code	Country
AU	Australia
BR	Brazil
CA	Canada
CH	Switzerland
CL	Chile
CY	Cyprus
CZ	Czech Republic
HR	Croatia
HU	Hungary
IL	Israel
NZ	New Zealand
PL	Poland
RO	Romania
SI	Slovenia
SK	Slovak Republic
US	United States of America

*ANNEX II***List of countries from which the Member States authorize imports of live ratites and hatching eggs thereof**

This list is a list in principle and importations shall fulfil the relevant animal and public health requirements.

ISO code	Country
AU	Australia
BR	Brazil
BW	Botswana
CA	Canada
CH	Switzerland
CL	Chile
CY	Cyprus
CZ	Czech Republic
HR	Croatia
HU	Hungary
IL	Israel
NA	Namibia
NZ	New Zealand
PL	Poland
RO	Romania
SI	Slovenia
SK	Slovak Republic
US	United States of America
ZA	South Africa
ZW	Zimbabwe

*ANNEX III***List of countries from which the Member States authorize imports of small consignments of live poultry and hatching eggs, ratites and eggs thereof excluded**

This list is a list in principle and importations shall fulfil the relevant animal and public health requirements.

All countries or parts thereof listed in Part I of the Annex to Council Decision 79/542/EEC from which importation has not been banned because of outbreaks of avian influenza and/or Newcastle disease.

COMMISSION DECISION

of 22 June 1995

concerning the approval of 31 proposed measures which qualify for Community financing pursuant to Council Decision 94/445/EC on inter-administration telematic networks for statistics relating to the trading of goods between Member States (Edicom)

(95/234/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 94/445/EC of 11 July 1994 on inter-administration telematic networks for statistics relating to the trading of goods between Member States (Edicom)⁽¹⁾, and in particular Article 5 thereof,

Whereas the proposals form part of the annual work programme drawn up to implement the set of measures provided for in Article 1 of Decision 94/445/EC;

Whereas the Committee on the Statistical Programme of the European Communities, established by Decision 89/382/EEC, Euratom⁽²⁾, has delivered a favourable opinion on the drawing up, quantifying and approving of this annual work programme;

Whereas the Committee on statistics relating to the trading of goods between Member States, set up by Council Regulation (EEC) No 3330/91 of 7 November 1991 on the statistics relating to the trading of goods between Member States⁽³⁾, has delivered a favourable opinion;

Whereas for the centralized measures to be carried out by the Commission, the Committee on statistics relating to the trading of goods between Member States has delivered a favourable opinion on 14 measures of a total value of less than ECU 200 000 governed by the procedure set out in Article 7 on Decision 94/445/EC and one measure of a

total value of more than ECU 200 000 governed by the procedure set out in Article 6 of this same Decision;

Whereas for the decentralized measures to be carried out in the Member States, the Committee on statistics relating to the trading of goods between Member States has delivered a favourable opinion on 16 measures of a total value of less than ECU 200 000 governed by the procedure set out in Article 7 of the abovementioned Decision;

Whereas the Commission must take a decision regarding the approval of the proposals which qualify for Community financing,

HAS ADOPTED THIS DECISION:

Article 1

The 31 proposals listed in Annex may receive Community financing up to the amounts stated in that Annex.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 June 1995.

For the Commission

Yves-Thibault DE SILGUY

Member of the Commission

⁽¹⁾ OJ No L 183, 19. 7. 1994, p. 42.

⁽²⁾ OJ No L 181, 28. 6. 1989, p. 47.

⁽³⁾ OJ No L 316, 16. 11. 1991, p. 1.

ANNEX

		(ECU)
Title of proposal	Level of Community financing	
Decentralized measures		
Contributions to the national authorities responsible for statistics on the trading of goods	D	143 000
	E	85 000
	F	126 000
These contributions concern the following activities :	GR	82 000
— Analysis and methodological studies	IRL	60 000
— The promotion and distribution of machine-readable forms	L	33 000
— Upgrading of equipment	P	67 000
— Measures to improve quality	UK	95 000
— Opinion surveys among producers and users	AT	93 000
— Participation in the work of the Edicom task force	FI	93 000
	SE	93 000
Study of data quality		55 000
Study on CN simplification linked to the possibilities of restructuring coding		35 000
Integration of the linguistic versions of the new Member States		40 000
Study of alternatives to Intrastat		60 000
Study of specific movements		60 000
Centralized measures		
Design and coordination of measures to improve data quality		60 000
Meeting expenses/Participation of experts Task Forces and visits to Member States		100 000
Additional material		100 000
— WORM disk set linked to the UNIX computer using the Comext medium to archive data		
— Increase of disk space		
Feasibility study with a view to computerizing CN amendment proposals		60 000
Data-processing assistance to analyze statistical differences in the course of coordination work with the main non-member countries		90 000
Data-processing assistance to control the quality of data originating from different international data bases		80 000
Improvement of the IDEP version and study of the feasibility of a Windows version		120 000
Adaptation of the Comext CD ROM with a view to the dissemination of data for the new countries (Comtrade base)		40 000
Additional administrative back-up in the management and administration of Edicom projects <i>Edicom</i>		60 000
Data-processing assistance in the field of telecommunications		60 000
Updating the CN classification files, the official wording and self-explanatory texts		20 000
		20 000
Development and ongoing maintenance of Comext		800 000
Data-processing maintenance of the SGML files of the classifications		55 000
Assistance with production activities		30 000

COMMISSION DECISION

of 26 June 1995

**amending Decision 95/90/EC laying down specific conditions for importing
fishery and aquaculture products from Albania**

(Text with EEA relevance)

(95/235/EC)

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

Having regard to Council Directive 91/493/EEC of 22
July 1991 laying down the health conditions for the
production and the placing on the market of fishery
products ⁽¹⁾, as last amended by the Act of Accession of
Austria, Finland and Sweden, and in particular Article 11
(5) thereof,

Whereas the list of establishments approved by Albania
for importing fishery and aquaculture products into the
Community has been drawn up in Commission Decision
95/90/EC ⁽²⁾; whereas this list may be amended following
the communication of a new list by the competent
authority in Albania;

Whereas the competent authority in Albania has commu-
nicated a new list adding two establishments, and modi-
fying the data of two establishments;

Whereas it is necessary to amend the list of approved
establishments accordingly;

Whereas the measures provided for in this Decision have
been drawn up in accordance with the procedure laid
down by Commission Decision 90/13/EEC ⁽³⁾,

HAS ADOPTED THIS DECISION:

Article 1

Annex B to Decision 95/90/EC is replaced by the Annex
to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 15.

⁽²⁾ OJ No L 70, 30. 3. 1995, p. 27.

⁽³⁾ OJ No L 8, 11. 1. 1990, p. 70.

ANNEX

ANNEX B

LIST OF ESTABLISHMENTS

Approval number	Establishment	Address	Limit date of approval
1	Konservimi Adriatik	Durres	31. 12. 1995
2	Vival Novosel	Vlore	31. 12. 1995
3	Kap	Kavaje	31. 12. 1995
4	Albamar	Durres	31. 12. 1995
5	Aulona-Peshk	Vlore	31. 12. 1995
6	Pesca Adriatik	Vlore	31. 12. 1995
7	Sangiovani	Lezhe	31. 12. 1995
8	Italpeshk	Durres	31. 12. 1995
9	Peshk Karavasta	Lushnje	31. 12. 1995
10	Toma	Lezhe	31. 12. 1995
11	Ihtisara	Sarande	31. 12. 1995
12	Limjon Peska	Sarande	31. 12. 1995
13	Acquario-Sali Peshk	Vlore	31. 12. 1995
14	N. Peshkimi	Shkoder	31. 12. 1995
15	Adriapeshk	Durres	31. 12. 1995
16	Goga-Shengjin	Lezhe	31. 12. 1995
17	Rayk	Durres	31. 12. 1995
18	Llajo	Saranda	31. 12. 1995'

COMMISSION DECISION

of 26 June 1995

**amending Decision 87/119/EEC as regards the list of establishments in Brazil
approved for the purpose of importing meat products into the Community**

(Text with EEA relevance)

(95/236/EC)

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

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 4 (1) thereof,

Whereas a list of establishments in Brazil, approved for the purpose of importing meat products into the Community, was drawn up initially by Commission Decision 87/119/EEC⁽²⁾, as last amended by Decision 94/41/EC⁽³⁾;

Whereas a Community on-the-spot visit to meat product establishments in Brazil has revealed that the level of hygiene in one new establishment was satisfactory whereas the list of establishments should be amended accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 87/119/EEC is hereby replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 49, 18. 2. 1987, p. 37.

⁽³⁾ OJ No L 22, 27. 1. 1994, p. 51.

ANNEX

LIST OF ESTABLISHMENTS

Approval No	Establishment	Address
SIF 7	Swift Armour SA Indústria e Comércio	Santana do Livramento, Rio Grande do Sul
SIF 10	Swift Armour SA Indústria e Comércio	São Paulo, São Paulo
SIF 76	Anglo Alimentos SA	Barretos, São Paulo
SIF 226	BE Comércio e Indústria, Importação e Exportação SA	Hulha Negra, Rio Grande do Sul
SIF 337	Frigorífico Bertin Ltda	Lins, São Paulo
SIF 381	Frigorífico Kaiowa SA	Guarulhos, São Paulo
SIF 385	Sadia Oeste SA Indústria e Comércio	Andradina, São Paulo
SIF 458	Swift Armour SA Indústria e Comércio	Presidente Epitácio, São Paulo
SIF 736	Sola SA Indústrias Alimentícias	Três Rios, Rio de Janeiro
SIF 2015	Sadia Oeste SA Indústria e Comércio	Várzea Grande, Mato Grosso
SIF 2979	Frigorífico Araputanga SA	Araputanga, Mato Grosso
SIF 3031	Frigorífico Quatro Marcos LTDA	São José dos Quatro Marcos, Mato Grosso