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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2245/95
of 22 September 1995
concerning the stopping of fishing for cod by vessels flying the flag of Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Council Regulation (EC) No 3362/94 of 20 December 1994 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1995 and certain conditions under which they may be fished⁽²⁾, as amended by Regulation (EC) No 746/95⁽³⁾, provides for cod quotas for 1995;

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

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES division III a Kattegat by vessels flying the flag of Sweden or registered in Sweden have reached the quota allocated for 1995; whereas Sweden has prohibited fishing for this

stock as from 11 September 1995; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES division III a Kattegat by vessels flying the flag of Sweden or registered in Sweden are deemed to have exhausted the quota allocated to Sweden for 1995.

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

Article 2

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

It shall apply with effect from 11 September 1995.

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

Done at Brussels, 22 September 1995.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 363, 31. 12. 1994, p. 1.

⁽³⁾ OJ No L 74, 1. 4. 1995, p. 21.

COMMISSION REGULATION (EC) No 2246/95

of 22 September 1995

concerning the stopping of fishing for cod by vessels flying the flag of Spain

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

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

Whereas Council Regulation (EC) No 3362/94 of 20 December 1994 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1995 and certain conditions under which they may be fished ⁽²⁾, as amended by Regulation (EC) No 746/95 ⁽³⁾, provides for cod quotas for 1995;

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

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES divisions VII b, c, d, e, f, g, h, j, k, VIII, IX, X; Cecaf 34.1.1 (EC zone) by vessels flying the flag of Spain or registered in Spain have reached the quota allocated for 1995; whereas Spain has prohibited fishing for this stock as

from 7 September 1995; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions VII b, c, d, e, f, g, h, j, k, VIII, IX, X; Cecaf 34.1.1 (EC zone) by vessels flying the flag of Spain or registered in Spain are deemed to have exhausted the quota allocated to Spain for 1995.

Fishing for cod in the waters of ICES divisions VII b, c, d, e, f, g, h, j, k, VIII, IX, X; Cecaf 34.1.1 (EC zone) by vessels flying the flag of Spain or registered in Spain is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 7 September 1995.

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

Done at Brussels, 22 September 1995.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 363, 31. 12. 1994, p. 1.

⁽³⁾ OJ No L 74, 1. 4. 1995, p. 1.

COMMISSION REGULATION (EC) No 2247/95

of 25 September 1995

laying down certain additional detailed rules for the application of the supplementary trade mechanism (STM) to trade in fruit and vegetables between Spain and the Community, with the exception of Portugal, as regards certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 3210/89 of 23 October 1989 laying down general rules for applying the supplementary trade mechanism to fresh fruit and vegetables⁽¹⁾, as amended by Regulation (EEC) No 3818/92⁽²⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EEC) No 816/89⁽³⁾, as last amended by Regulation (EEC) No 997/95⁽⁴⁾, establishes the list of products subject to the supplementary trade mechanism in the fresh fruit and vegetables sector from 1 January 1990; whereas tomatoes, artichokes and melons are included in the list;

Whereas Commission Regulation (EEC) No 3944/89⁽⁵⁾, as last amended by Regulation (EEC) No 3308/91⁽⁶⁾, lays down detailed rules for applying the supplementary trade mechanism, hereinafter called the 'STM', to fresh fruit and vegetables;

Whereas Commission Regulation (EC) No 1369/95⁽⁷⁾ lays down that the periods referred to in Article 2 of Regulation (EEC) No 3210/89 shall be up to 24 September 1995 for the above products; whereas in view of expected exports from Spain to the rest of the Community, with the exception of Portugal, and of the Community market situation, a period I should be fixed for the products in question excepting tomatoes; whereas, on the basis of the abovementioned criteria a period II should be determined for tomatoes from 2 October until 5 November 1995; whereas indicative ceilings should be determined pursuant to Article 3 of Regulation (EEC) No 3210/89 for short periods given the sensitivity of this product;

Whereas it should be stipulated that the provisions of Regulation (EEC) No 3944/89 relating to statistical monitoring, to the use of exit documents for Spanish consignments and to the various communications from the Member States apply in order to ensure that the STM operates;

Whereas the need for accurate information justifies communication on the statistical monitoring of trade at more frequent intervals;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For artichokes and melons falling within the CN codes listed in the Annex hereto the periods provided for in Article 2 of Regulation (EEC) No 3210/89 shall be as set out in that Annex.

2. For tomatoes falling within CN codes 0702 00 35, 0702 00 40 and 0702 00 45:

- the indicative ceilings provided for in Article 83 (1) of the Act of Accession, and
- the periods provided for in Article 2 of Regulation (EEC) No 3210/89 shall be as set out in the Annex hereto.

Article 2

1. For consignments from Spain to the rest of the Community market, with the exception of Portugal, of the products referred to in Article 1, the provisions of Regulation (EEC) No 3944/89, with the exception of Articles 5 and 7 thereof, shall apply.

However, the notification provided for in Article 2 (2) of that Regulation shall be made each Tuesday at the latest in respect of quantities consigned during the preceding week.

2. The notification provided for in the first paragraph of Article 9 of Regulation (EEC) No 3944/89 for products mentioned in Article 1 (2) subject to a period II or to a period III shall be forwarded to the Commission on Tuesday each week at the latest in respect of the preceding week.

During the application of a period I, those notifications shall be made once a month, on the fifth day of each month at the latest in respect of data from the preceding month; where appropriate, that notification shall bear the word 'nil'.

Article 3

This Regulation shall enter into force on 25 September 1995.

⁽¹⁾ OJ No L 312, 27. 10. 1989, p. 6.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 15.

⁽³⁾ OJ No L 86, 31. 3. 1989, p. 35.

⁽⁴⁾ OJ No L 101, 4. 5. 1995, p. 16.

⁽⁵⁾ OJ No L 379, 28. 12. 1989, p. 20.

⁽⁶⁾ OJ No L 313, 14. 11. 1991, p. 13.

⁽⁷⁾ OJ No L 133, 17. 6. 1995, p. 6.

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

Done at Brussels, 25 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Determination of the periods provided for in Article 2 of Regulation (EEC) No 3210/89 and the ceilings provided for in Article 83 of the Act of Accession

Period from 25 September to 5 November 1995

Description of product	CN code	Period
Artichokes	0709 10 30 and 0709 10 40	I
Melons	0807 10 90	I

Description of product	CN code	Indicative ceiling (tonnes)	Period
Tomatoes	0702 00 35, 0702 00 40 and 0702 00 45	25. 9. — 1. 10. 1995 : —	I
		2. 10. — 8. 10. 1995 : 16 200	II
		9. 10. — 15. 10. 1995 : 20 200	II
		16. 10. — 22. 10. 1995 : 21 200	II
		23. 10. — 29. 10. 1995 : 21 600	II
		30. 10. — 5. 11. 1995 : 24 500	II

COMMISSION REGULATION (EC) No 2248/95
of 25 September 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 last amended by Regulation (EC) No 1740/95⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from

third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 September 1995.

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

Done at Brussels, 25 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 167, 18. 7. 1995, p. 10.

⁽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 25 September 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code (1)	Standard import value	CN code	Third country code (1)	Standard import value
0702 00 35	052	52,9	0808 10 92, 0808 10 94, 0808 10 98	412	132,4
	060	80,2		512	186,0
	064	59,6		600	64,5
	066	41,7		624	123,2
	068	62,3		999	105,1
	204	50,9		039	79,3
	212	117,9		064	77,7
	624	75,0		388	49,8
	999	67,6		400	55,1
				404	61,5
ex 0707 00 25	052	70,1	0808 20 57	508	68,4
	053	166,9		512	46,1
	060	61,0		524	57,4
	066	53,8		528	48,0
	068	60,4		800	94,8
	204	49,1		804	47,5
	624	207,3		999	62,3
	999	95,5		052	77,6
				064	76,9
				388	79,6
0709 90 79	052	55,6	0809 30 41, 0809 30 49	512	89,7
	204	77,5		528	84,1
	624	196,3		800	55,8
	999	109,8		804	112,9
0805 30 30	052	77,9	0809 40 30	999	82,4
	388	63,1		052	63,1
	400	72,1		220	121,8
	512	65,9		624	106,8
	520	66,5		999	97,2
	524	66,4		052	73,2
	528	61,1		064	56,0
	600	54,7		066	75,2
	624	78,0		068	61,2
	999	67,3		624	90,6
0806 10 40	052	94,6		676	68,6
	064	50,6		999	70,8
	066	49,4			
	220	110,8			
	400	134,2			

(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 2249/95
of 25 September 1995
fixing the agricultural conversion rates

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

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, as last amended by Regulation (EC) No 150/95⁽²⁾, and in particular Article 3 (1) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 2190/95⁽³⁾;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that, subject to confirmation periods being triggered, the agricultural conversion rate for a currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels;

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽⁴⁾, as last amended by Regulation (EC) No 1053/95⁽⁵⁾; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas, as a consequence of the exchange rates recorded from 16 to 25 September 1995, it is necessary to fix a new agricultural conversion rate for the Greek drachma;

Whereas Article 15 (2) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in

advance is to be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the amount concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

In the case referred to in Article 15 (3) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

- Table A, where the latter rate is higher than the rate fixed in advance,
- Table B, where the latter rate is lower than the rate fixed in advance.

Article 3

Regulation (EC) No 2190/95 is hereby repealed.

Article 4

This Regulation shall enter into force on 26 September 1995.

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

Done at Brussels, 25 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ No L 220, 16. 9. 1995, p. 7.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 107, 12. 5. 1995, p. 4.

ANNEX I

Agricultural conversion rates

ECU 1 =	39,5239	Belgian and Luxembourg francs
	7,49997	Danish kroner
	1,90616	German marks
	304,136	Greek drachmas
	198,202	Portuguese escudos
	6,61023	French francs
	5,88000	Finnish marks
	2,14021	Dutch guilders
	0,829498	Irish punt
	2 164,34	Italian lire
	13,4084	Austrian schillings
	165,198	Spanish pesetas
	9,63352	Swedish kroner
	0,843954	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	38,0038	Belgian and Luxembourg francs	ECU 1 =	41,1707	Belgian and Luxembourg francs
	7,21151	Danish kroner		7,81247	Danish kroner
	1,83285	German marks		1,98558	German marks
	292,438	Greek drachmas		316,808	Greek drachmas
	190,579	Portuguese escudos		206,460	Portuguese escudos
	6,35599	French francs		6,88566	French francs
	5,65385	Finnish marks		6,12500	Finnish marks
	2,05789	Dutch guilders		2,22939	Dutch guilders
	0,797594	Irish punt		0,864060	Irish punt
	2 081,10	Italian lire		2 254,52	Italian lire
	12,8927	Austrian schillings		13,9671	Austrian schillings
	158,844	Spanish pesetas		172,081	Spanish pesetas
	9,26300	Swedish kroner		10,0349	Swedish kroner
	0,811494	Pound sterling		0,879119	Pound sterling

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 15 September 1995

concerning an application for the refund of anti-dumping duties collected on imports of espadrilles originating in the People's Republic of China (Importmaatschappij Intermedium BV)

(Only the Dutch text is authentic)

(95/381/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3283/94 of 22 December 1994 on protection against dumped imports from countries not members of the European Community⁽¹⁾, as last amended by Regulation (EC) No 1251/95⁽²⁾, and in particular Article 23 thereof,

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⁽³⁾, as last amended by Regulation (EC) No 522/94⁽⁴⁾, and in particular Article 16 thereof,

Whereas :

dumping duty imposed on those imports. The rate of duty was set at 70,3 % for espadrilles falling within CN code ex 6404 19 90 (additional Taric code-8547).

- (2) On 5 April 1993, an application was made under Article 16 of Regulation (EEC) No 2423/88 for the refund of definitive anti-dumping duties paid by Importmaatschappij Intermedium BV on the importation on 3 and 18 March 1992 of two shipments of espadrilles originating in the People's Republic of China.
- (3) On 9 December 1994, the Commission disclosed to the applicant the main facts and considerations on the basis of which it intended to declare the application inadmissible. The applicant was given the opportunity to submit comments prior to the final decision. No comments were received.
- (4) The Commission informed the Member States and gave its opinion on the matter. No Member State raised any objection.

A. PROCEDURE

- (1) Council Regulation (EEC) No 1812/91⁽⁵⁾ imposed a definitive anti-dumping duty on import of espadrilles originating in the People's Republic of China and definitively collected the provisional anti-

B. ADMISSIBILITY

- (5) The application is inadmissible for the following reasons :

Firstly, Article 16 (1) of Regulation (EEC) No 2423/88 states that where an importer can show that the duty collected exceeds the actual dumping margin, the excess amount shall be reimbursed. In

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1.

⁽²⁾ OJ No L 122, 2. 6. 1995, p. 1.

⁽³⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽⁴⁾ OJ No L 66, 10. 3. 1994, p. 10.

⁽⁵⁾ OJ No L 166, 28. 6. 1991, p. 1.

order to show this, the importer must, in accordance with the Commission notice concerning the reimbursement of anti-dumping duties⁽¹⁾, and in particular point 1.3 thereof, submit information permitting the Commission to calculate whether the dumping margin has been reduced or eliminated. If the application is incomplete, the missing information must be furnished, whether by the applicant itself, by the exporter or by the other importers, within a reasonable time-limit. For this particular application, given that the People's Republic of China is a non-market economy country, information should, in principle, have been provided regarding the prices of all exports of espadrilles from the People's Republic of China to the Community and regarding the estimated normal value for a reasonable reference country, preferably that used in the original investigation, for a period of six months preceding the two imports for which a refund was requested. Despite repeated contacts with the applicant and the Commission's own efforts to obtain the necessary information, such information was not supplied within a reasonable time to a degree permitting the Commission to determine whether the duty collected for these two imports exceeded the actual dumping margin.

Secondly, according to Article 16 (2) of Regulation (EEC) No 2423/88, the application must be submitted within three months of the date on which the amount of the definitive duties to be levied was duly determined by the competent authorities. This means that for the two imports concerned, the application should have been made not later than 2 and 17 June 1992 respectively. Within these time-limits, the applicant contested in several letters to the Netherlands customs authorities the imposition of the anti-dumping duty, for reasons relating to the alleged origin and nature of the product imported. The applicant did not, however, at the time request reimbursement of the anti-dumping duty paid, or part thereof, for the

reason that the dumping margin was allegedly lower than the duty paid. In fact, the first letter clearly mentioning a request for a refund pursuant to Article 16 of Regulation (EEC) No 2423/88 dates only from 5 April 1993. Initially, the Commission reserved its judgment on whether the application had been made within the statutory time-limits. It has now concluded that the letters to the Netherlands authorities relied on by the applicant cannot be recognized as refund applications within the meaning of Article 16 of Regulation (EEC) No 2423/88, as they do not clearly state that a refund of anti-dumping duties is requested on grounds of the alleged lowering or elimination of the dumping margin,

HAS ADOPTED THIS DECISION:

Article 1

The application for the refund of anti-dumping duties submitted by Importmaatschappij Intermedium BV for imports on 3 and 18 March 1992 of espadrilles originating in the People's Republic of China is hereby declared inadmissible.

Article 2

This Decision is addressed to the Kingdom of the Netherlands and to Importmaatschappij Intermedium, Hoofddorp, the Netherlands.

Done at Brussels, 15 September 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No C 266, 22. 10. 1986, p. 2.