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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2317/95**of 25 September 1995****determining the third countries whose nationals must be in possession of visas
when crossing the external borders of the Member States**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Article 100c of the Treaty requires the Council to determine the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States;

Whereas the drawing up of the common list annexed to this Regulation represents an important step towards the harmonization of visa policy; whereas the second paragraph of Article 7a of the Treaty stipulates in particular that the internal market shall comprise an area without internal frontiers in which the free movement of persons is ensured in accordance with the Treaty; whereas other aspects of the harmonization of visa policy, including the conditions for the issue of visas, are matters to be determined under Title VI of the Treaty on European Union;

Whereas risks relating to security and illegal immigration should be given priority consideration when the said common list annexed hereto is drawn up; whereas, in addition, Member States' international relations with third countries also play a role;

Whereas the principle that a Member State may not require a visa from a person wishing to cross its external borders if that person holds a visa issued by another Member State which meets the harmonized conditions governing the issue of visas and is valid throughout the Community or if that person holds an appropriate permit issued by a Member State is a matter that should be determined under Title VI of the Treaty on European Union;

Whereas this Regulation shall not prevent a Member State from deciding under what conditions nationals of third countries lawfully resident within its territory may re-enter it after having left the territory of the Member States of the Union during the period of validity of their permits;

Whereas, in special cases justifying an exemption where visa requirements would in principle exist, Member States may exempt certain categories of person in keeping with international law or custom;

Whereas since national rules differ on stateless persons, recognized refugees and persons who produce passports or travel documents issued by a territorial entity or authority which is not recognized as a State by all Member States, Member States may decide on visa requirements for that group of persons, where that territorial entity or authority is not on the said common list;

Whereas when adding new entities to the list it is necessary to take account of diplomatic implications and guidelines adopted on the matter by the European Union; whereas, at all events the inclusion of a third country on the common list is entirely without prejudice to its international status;

Whereas the determination of third countries whose nationals must be in possession of visas when crossing the external borders of the Member States should be achieved gradually; whereas Member States will constantly endeavour to harmonize their visa policies with regard to third countries not on the common list; whereas the present provisions must not prejudice the achievement of free movement for persons as provided for in Article 7a of the Treaty; whereas the Commission should draw up a progress report on harmonization after five years;

Whereas, with a view to ensuring that the system is administered openly and that the persons concerned are informed, Member States must communicate to the other Member States and to the Commission the measures which they take pursuant to this Regulation; whereas for the same reasons that information must also be published in the *Official Journal of the European Communities*;

⁽¹⁾ OJ No C 11, 15. 1. 1994, p. 15.

⁽²⁾ OJ No C 128, 9. 5. 1994, p. 350.

Whereas the information provided for in Articles 2 (4) and 4 (2) must be published before the other provisions of this Regulation come into force; whereas Articles 2 (4) and 4 (2) must therefore become applicable one month before the other provisions of the Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Nationals of third countries on the common list in the Annex shall be required to be in possession of visas when crossing the external borders of the Member States.
2. Nationals of countries formerly part of countries on the common list shall be subject to the requirements of paragraph 1 unless and until the Council decides otherwise under the procedure laid down in Article 100c of the Treaty.

Article 2

1. The Member States shall determine the visa requirements for nationals of third countries not on the common list.
2. The Member States shall determine the visa requirements for stateless persons and recognized refugees.
3. The Member States shall determine the visa requirements for persons who produce passports or travel documents issued by a territorial entity or authority which is not recognized as a State by all Member States if that entity or territorial authority is not on the common list.
4. Within ten working days of the entry into force of this paragraph, Member States shall communicate to the other Member States and the Commission the measures they have taken pursuant to paragraphs 1, 2 and 3. Any further measures taken pursuant to paragraph 1 shall be similarly communicated within five working days.

The Commission shall publish the measures communicated pursuant to this paragraph and updates thereof in the *Official Journal of the European Communities* for information.

Article 3

Five years after the entry into force of this Regulation the Commission shall draw up a progress report of the

harmonization of Member States' visa policies with regard to third countries not on the common list and, if necessary, submit to the Council proposals for further measures required to achieve the objective of harmonization laid down in Article 100c.

Article 4

1. A Member State may exempt nationals of third countries subject to visa requirements under Article 1 (1) and (2) from those requirements. This shall apply in particular to civilian air and sea crew, flight crew and attendants on emergency or rescue flights and other helpers in the event of disaster or accident and holders of diplomatic passports, official duty passports and other official passports.

2. Article 2 (4) shall apply *mutatis mutandis*.

Article 5

For the purposes of this Regulation, 'visa' shall mean an authorization given or a decision taken by a Member State which is required for entry into its territory with a view to:

- an intended stay in that Member State or in several Member States of no more than three months in all,
- transit through the territory of that Member State or several Member States, except for transit through the international zones of airports and transfers between airports in a Member State.

Article 6

This Regulation shall be without prejudice to any further harmonization between individual Member States, going beyond the common list, determining the third countries whose nationals must be in possession of a visa when crossing their external borders.

Article 7

This Regulation shall enter into force six months after its publication in the *Official Journal of the European Communities* except for Articles 2 (4) and 4 (2) which shall enter into force on the day following publication.

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

Done at Brussels, 25 September 1995.

For the Council

The President

J. A. BELLOCH JULBE

ANNEX

COMMON LIST REFERRED TO IN ARTICLE 1

I. States

Afghanistan	Ghana	Pakistan
Albania	Guinea	Papua New Guinea
Algeria	Guinea Bissau	Peru
Angola	Guyana	Philippines
Armenia	Haiti	Qatar
Azerbaijan	India	Romania
Bahrain	Indonesia	Russia
Bangladesh	Iran	Rwanda
Belarus	Iraq	Sao Tomé and Príncipe
Benin	Jordan	Saudi Arabia
Bhutan	Kazakhstan	Senegal
Bulgaria	Kyrgyzstan	Sierra Leone
Burkina Faso	Kuwait	Somalia
Burundi	Laos	Sri Lanka
Cambodia	Lebanon	Sudan
Cameroon	Liberia	Suriname
Cape Verde	Libya	Syria
Central African Republic	Madagascar	Tajikistan
Chad	Maldives	Tanzania
China	Mali	Thailand
Comoros	Mauritania	Togo
Congo	Mauritius	Tunisia
Côte-d'Ivoire	Moldova	Turkey
Cuba	Mongolia	Turkmenistan
Djibouti	Morocco	Uganda
Dominican Republic	Mozambique	Ukraine
Egypt	Myanmar	United Arab Emirates
Equatorial Guinea	Nepal	Uzbekistan
Eritrea	Niger	Vietnam
Ethiopia	Nigeria	Yemen
Fiji	North Korea	Zaire
Gabon	Oman	Zambia
The Gambia		
Georgia		

II. Entities and territorial authorities not recognized as States by all the Member States

Taiwan
 Former Yugoslav Republic of Macedonia
 Federal Republic of Yugoslavia (Serbia and Montenegro)

COMMISSION REGULATION (EC) No 2318/95

of 27 September 1995

imposing a provisional anti-dumping duty on imports of certain tube or pipe fittings, of iron or steel, originating in the People's Republic of China, Croatia and Thailand and terminating the anti-dumping proceeding in respect of imports of these fittings, originating in the Slovak Republic and Taiwan

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 Articles 9 and 11 thereof,

After consulting the Advisory Committee,

Whereas :

A. PROCEDURE

- (1) In February 1994, the Commission announced by a notice published in the *Official Journal of the European Communities*⁽⁵⁾, the initiation of an anti-dumping proceeding concerning imports of certain tube or pipe fittings, of iron or steel, originating in the People's Republic of China, Croatia, the Slovak Republic, Taiwan and Thailand.

The proceeding was initiated as a result of a complaint lodged by the Defence Committee of the EEC Steel Butt-Welding Fittings Industry, acting on behalf of manufacturers whose collective output of the fittings in question was alleged to represent a major proportion of the Community production of these fittings.

The complaint contained evidence of dumping with regard to the products concerned originating

in the countries indicated above and of material injury resulting therefrom. This evidence was considered sufficient to justify the initiation of a proceeding.

- (2) The Commission officially advised the producers, exporters and importers known to the Commission to be concerned, the representatives of the exporting countries and the complainants. Interested parties directly concerned were given the opportunity to make known their views in writing and to request a hearing.
- (3) All complainant Community producers, most of the producers and exporters of the countries concerned and some of the importers made their views known in writing. Parties who so requested were granted a hearing.
- (4) No submissions were made by or on behalf of Community purchasers or processors of the products in question.
- (5) The Commission sought and verified all information it deemed to be necessary for the purpose of a preliminary determination and carried out investigations at the premises of the following :

(a) Complainant Community producers :

Germany :

— Wilhelm Geldbach GmbH & Co. KG,
Gelsenkirchen,

France :

— Interfit S.A., Maubeuge,

United Kingdom :

— BKL Fittings Ltd., Redditch,

Italy :

— Virgilio Cena & Figli S.p.A., Brescia,

— Technobend, Arena,

— Tectubi S.r.l., Podenzano ;

- (b) Producers/exporters in the countries concerned :

Croatia :

— Zeljezara Sisak 'Metaflex' (Femak), Zagreb,

⁽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 C 35, 3. 2. 1994, p. 4.

Slovak Republic :

— Zeleziarne Podbrezova A.S., Podbrezova,

Taiwan :

— C.M. Pipe Fittings Mfg. Ltd, Kaohsiung Hsien,

— Rigid Industries Co. Ltd, Kaohsiung Hsien,

Thailand :

— Awaji Sangyo (Thailand) Co. Ltd, Samutprakarn,

— Thai Benkan Co. Ltd, Prapadaeng-Samutprakarn,

— TTU Industrial Corp. Ltd, Bangkok ;

(c) Importers in the Community :**United Kingdom :**

— Burton Delingpole Flanges and Fittings Ltd, Warley,

Italy :

— Continental Flanges & Fittings, Carpanca di Inverigo,

— IRC S.p.A., Cortemaggiore.

- (6) The investigation of dumping covered the period from 1 July to 31 December 1993 (the 'investigation period').

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Description of the product concerned

- (7) Steel tube or pipe fittings are used to join tubes or pipes and come in several basic shapes, the most common of which are elbows, tees, reducers and caps. They are produced of carbon steel, alloy steel and stainless steel and are mainly used in primary industries, such as chemicals, oil refining, energy generation, construction and shipbuilding.
- (8) The products covered by the complaint, and for which the proceeding was initiated, were tube and pipe fittings of iron or steel, including also stainless steel, falling within CN codes ex 7307 23 10, ex 7307 23 90, ex 7307 29 30, ex 7307 29 90, 7307 93 11, 7307 93 19, ex 7307 99 30 and ex 7307 99 90.
- (9) However, it was established in the course of the investigation that although all products concerned and classified under the above CN codes have certain similarities, stainless steel fittings show significant differences in their essential physical and technical characteristics, in their end use and their prices and are for most purposes not interchangeable with other steel fittings. As a result, stainless steel fittings and other steel fittings should

be considered separate products, and since the quantities of stainless steel fittings imported from the third countries concerned are relatively small, fittings of stainless steel which fall within CN codes ex 7307 23 10, ex 7307 23 90, ex 7307 29 30 and ex 7307 29 90 were excluded from the scope of the investigation.

The complaining Community producers were informed of the essential facts and considerations with regard to the exclusion of these products and agreed unanimously.

- (10) On the above basis, the products subject to this proceeding are tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, falling within CN codes ex 7307 93 11, ex 7307 93 19, ex 7307 99 30 and ex 7307 99 90.

2. Like product

- (11) The fittings under consideration are available in a great number of types which vary in respect of specific features, such as shape, size and wall thickness. However, the results of the investigation have shown that the various types of fittings are produced using the same manufacturing process and are marketed according to similar distribution channels. Their basic application and use are identical and there is a high degree of interchangeability. On these grounds and for the purpose of this proceeding, the whole range of types was considered as forming one product.
- (12) The Commission also found that the fittings sold by the exporting countries on their domestic markets and those exported by them to the Community comprised a similar range of types and that their essential technical and physical characteristics and their end use were identical to, or closely resembled, those of the different fitting types produced and sold in the Community.

Accordingly, the products concerned were considered like products within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the Basic Regulation').

C. DUMPING

1. Normal value

(a) People's Republic of China

- (13) The People's Republic of China being a non-market economy country, normal value was determined on the basis of information obtained in a third country having a market economy. To this

effect, the complainant suggested that normal value be established on the basis of domestic selling prices of the like product in Thailand, i.e. an analogue country in accordance with the relevant provisions of the Basic Regulation.

- (14) With regard to the selection of a market economy country, Thailand was considered to be an appropriate and not unreasonable market where domestic prices are governed by normal market forces and several producers compete for sales of the product concerned. Production technology and process used for the manufacture of the products in question are, to a large extent, similar between the People's Republic of China and Thailand. In addition, the volume produced by the three Thai companies investigated was considered sufficiently representative, when compared with the volume exported to the Community by the People's Republic of China, to allow the proper calculation of normal value. Finally, no party concerned by this proceeding has objected to the choice of Thailand as analogue country.

- (15) In accordance with Article 2 (5) (a) (i) of the Basic Regulation, normal value for the People's Republic of China was therefore established on the basis of the weighted average ex-factory prices for each type of fitting sold by the three Thai producers in question in the ordinary course of trade on the Thai market during the investigation period or, in the circumstances set out in recital (24), on the basis of the constructed value according to Article 2 (3) (b) (ii) of the above Regulation.

(b) Croatia

- (16) The sole producer of the products concerned in Croatia has cooperated and submitted information by responding to the questionnaire. However, the data in respect of domestic sales made available were incomplete and did not allow a satisfactory determination of normal value.

- (17) It is therefore found necessary to invoke Article 7 (7) (b) of the Basic Regulation and to establish normal value on the basis of the facts available. Since no reliable information on cost of production for each type of fitting was provided, the most reasonable basis with regard to normal value was considered to be the domestic price lists of the Croatian producer. Consequently, normal value was established for each type of the products concerned on the basis of the detailed domestic price lists which were issued and applied by the producer in

question during the investigation period. The evidence made available showed that domestic sales were made to independent customers in representative quantities. It was verified that domestic sales were profitable on an overall basis, that they had been invoiced in conformity with the official price lists and that identical sales and payment conditions were applied to all customers.

(c) Slovak Republic

- (18) The Commission based its determination of normal value with regard to the only producer of the products concerned in the Slovak Republic on information provided by this producer, which cooperated with the Commission.

- (19) To establish normal value for the Slovak producer, the Commission analysed in the first place the sales of the like products made to independent customers intended for consumption in the domestic market. It was found that these sales were made in representative quantities but at prices which did not permit the recovery of all costs reasonably allocated during the reference period. As the prices of the vast majority of these sales taken individually were also less than the cost of production, it was concluded that they could not be considered to have been made in the ordinary course of trade.

- (20) A constructed normal value has therefore been established for each type of the products concerned and exported to the Community in accordance with Article 2 (3) (b) (ii) of the Basic Regulation, i.e. on the basis of the fixed and variable raw material and manufacturing cost, together with a reasonable amount for selling, administrative and other general expenses and a profit margin considered reasonable under the prevailing market conditions of the country concerned.

(d) Taiwan

- (21) For two of the four Taiwanese producers which responded to the questionnaire, the Commission concluded that further investigations were unnecessary. One of them produced exclusively stainless steel fittings which were excluded from the scope of this investigation (see recital (9)). As to the other Taiwanese producer it was found that no export transactions of the products concerned to the Community were made by this company during the investigation period. In addition, the company had neither concluded any export contracts during this period nor demonstrated that it had any firm intention to export to the Community.

(22) With regard to one of the two remaining Taiwanese producers which cooperated with the Commission, it was established that all sales by the company on the domestic market during the investigation period were made at a loss. They were therefore not considered to have been made in the ordinary course of trade. Normal value was therefore established in accordance with the provisions of Article 2 (3) (b) (ii) of the Basic Regulation, that is, on the basis of a constructed value, determined by adding cost of production and a margin of profit considered reasonable under the prevailing market conditions of the country concerned.

(23) The other Taiwanese producer which also responded to the questionnaire submitted substantial revisions to its answers to the questionnaire on two occasions due to a considerable number of errors and inconsistencies in the documents previously submitted. The latest revised version contained a substantial quantity of new information and was received by the Commission shortly before the verification visit was scheduled to take place. The Commission therefore concluded that the information supplied by this company with regard to normal value should be disregarded in accordance with the provisions of Article 7 (7) (b) of the Basic Regulation, the information not having been provided within a reasonable period, and decided therefore that preliminary findings should be established on the basis of the facts available. The most reasonable basis with regard to normal value was considered to be the information supplied by the other Taiwanese producer which fully cooperated with the Commission (see recital (22)).

(e) **Thailand**

(24) All three cooperating Thai producers sold on their domestic market at profitable prices more than 5 % of the quantities exported to the Community during the investigation period. These sales were therefore considered to be sufficiently representative as a basis for calculating normal value.

Where certain product types exported to the Community were either sold at a loss or not sold at all on the domestic market, normal value for these types has been established on the basis of the constructed value in accordance with Article 2 (3) (b) (ii) of the Basic Regulation. This constructed value included each company's own cost of manufacture for each type of product to which its own domestic selling, general and administrative expenses as well as a profit margin corresponding to the level of profit normally realized in Thailand on sales of the products concerned were added.

(25) One of the Thai producers sold the majority of its domestic deliveries via a related distributor to unre-

lated wholesalers. In this case, normal value was based on the sales of the related distributor to its independent wholesale customers.

(26) As to the two other Thai producers, it was found that all their domestic sales were made directly to unrelated customers.

(27) Normal value for the three Thai producers was therefore established on the basis of their weighted average prices for each type of fitting sold on the domestic market in the ordinary course of trade or on the basis of the constructed value as explained in recital (24).

2. Export price

(28) Export prices for all producers and exporters of the five countries concerned were determined on the basis of the prices actually paid or payable for the like product sold for export to the Community during the investigation period.

(29) One of the Thai exporters sold a certain quantity of the products concerned to a related party in the United Kingdom. However, it was found and verified during the investigation that the prices of these exports, which concerned small quantities and specific types of the like product, were comparable to those at which the products were sold to independent parties in the Community. In addition, a comparison of sales contracts with the related and unrelated companies did not show any substantial differences in terms of sales. Therefore, for the provisional determination, the prices of these sales transactions were taken into consideration for the dumping calculation.

(30) During the period under consideration, one of the Chinese exporters had a financial participation in importing companies in France and Germany. An examination of the export prices however revealed that they were comparable to those at which the same products were sold to independent purchasers in the Community. Therefore, despite the financial interest of the Chinese exporter in these companies, the export price taken for the provisional determination was that for the transactions in question.

(31) All other export sales by the other producers and exporters of the countries concerned were made to independent importers in the Community and consequently in the ordinary course of trade.

3. Comparison

- (32) Normal value, by product type, was compared at an ex-factory level with the ex-factory export price for the corresponding type, based on a weighted average for the entire investigation period. Given the very high number of different types and the numerous transactions by type, a weighted average export price was considered appropriate. For the purpose of a fair comparison, adjustments were made in respect of differences affecting price comparability, such as import charges and indirect taxes, transport, insurance, handling and ancillary cost as well as packing, payment terms and salesmen's salaries, where appropriate and to the extent of evidence available.

4. Dumping margin

- (33) The comparison showed the existence of dumping for all cooperating companies concerned, the dumping margins being equal to the amount by which normal value, as established, exceeds the price for export to the Community.

- (34) Since no information was provided which would have justified granting individual treatment, the Commission established for all producers and exporters concerned of the People's Republic of China one single dumping margin, calculated as the weighted average dumping margin of the two cooperating Chinese exporters combined.

- (35) The weighted average dumping margins for the People's Republic of China and the companies of the other countries concerned, expressed as percentages of the Community frontier prices, customs duty unpaid, are as follows:

(a) People's Republic of China : 58,6 % ;

(b) Croatia :

— Zeljezara Sisak : 58,6 % ;

(c) Slovak Republic :

— Zeleziarne Podbrezova : 25,2 % ;

(d) Taiwan :

— Rigid Industries : 49,9 % ,

— C. M. Pipe : 54,4 % ;

(e) Thailand :

— Awaji : 39,5 % ,

— Benkan : 51,3 % ,

— TTU : 63,4 % .

- (36) In the case of companies which neither replied to the Commission's questionnaire nor otherwise made themselves known, the Commission considered that the dumping should be determined on the basis of the facts available in accordance with Article 7 (7) (b) of the Basic Regulation.

In this respect, the most reasonable facts available were considered to be those established and verified by the Commission during the investigation. Since the Commission had no reason to believe that the non-cooperating companies would have practised dumping at levels lower than the highest found and in order not to reward non-cooperation, it was considered appropriate to apply the highest dumping margin found for an exporter in the country concerned.

D. COMMUNITY INDUSTRY

- (37) Since not all producers established in the Community participated in the investigation and one Community producer was found to manufacture special tube or pipe fittings not subject to the proceeding, the Commission had to examine whether the complainants constitute a major proportion of the total Community production of the like product. It also had to take into consideration the fact that one of the complainant Community producers in the United Kingdom imported the allegedly dumped products from an exporter in Thailand which, in addition, is a related party.

- (38) With regard to the imports of the complainant UK producer, the examination of the facts showed that almost all producers in this particular branch of the industry rely to a certain degree on the purchase of fitting types which are outside their manufacturing programme. In fact, fittings producers have to offer a complete range of product types in order to satisfy the requirements of the customers and thus to compete in the market.

It was indeed established that the complainant UK producer in question imported during the investigation period the product under investigation from a related exporter in Thailand for which dumping was found. The level of these imports, however, was

found not to exceed 2 % of the total sales made by the UK producer on the Community market. In addition, the imported quantities consisted mainly of product types not manufactured by this producer to complement its range of products and were imported solely to defend its market position. It is therefore considered that, although they are related parties, such a low level of imports could not have shielded the UK producer from the effects of dumping nor have been any substantial benefit to it, and that there are no reasonable grounds for excluding this producer from the definition 'Community industry'.

(39) In the course of the investigation, one of the complainant Italian producers withdrew from the complaint on the grounds that the products it manufactured were not exported by the exporting countries concerned.

(40) As to the determination of the share of the output of the producers represented in complaint, the Commission used the information submitted together with further data provided during the on-the-spot investigation by the complainant producers which by far are the largest producers established in the Community. The Commission also used reliable market research data.

On the basis of the above considerations, the share of the total Community production held by the complainant producers during the investigation period was calculated at 85 %, thus amounting to a major proportion of total Community production.

E. INJURY

1. Cumulation of the effects of the dumped imports

(41) In establishing the impact of the dumped imports on the Community industry, the Commission has considered the effect of all dumped imports from the countries concerned in the present investigation. In order to determine whether such cumulation is appropriate, it was examined whether the quantity involved from each exporting country was significant and whether the imports from these countries were competing with each other.

(42) One of the exporters concerned in Thailand claimed, for the purpose of the injury assessment, that imports from this country should not be cumulated with imports from the other exporting countries concerned by the proceeding, as the share of the Community market held by imports from

Thailand would not contribute to material injury to the Community industry. It was further argued that this market share was decreasing.

The Commission has examined these claims. It was found that the volume of the products concerned imported during the investigation period from Thailand accounted for 2,6 % of the Community consumption. At this percentage, Thailand's market share cannot be considered negligible. With regard to the development of the market shares of Thailand, there was a constant increase from 0,4 % in 1989 to 1,6 % in 1991 and to 2,6 % in 1993 and in the investigation period. The arguments of the exporter concerned in Thailand have, therefore, to be rejected.

(43) With regard to the Slovak Republic and Taiwan, the Commission established that the market shares held by imports from these two countries declined between 1992 and the investigation period from 3,2 % to 1,5 % and from 3,4 % to 1,6 % respectively. By contrast, the market shares held by the other three countries concerned increased during the same period, i.e. for the People's Republic of China from 6,8 % to 8,5 %, for Croatia from 1,6 % to 3,2 % and for Thailand from 2,4 % to 2,6 %.

Given the low and sharply declining level of imports from the Slovak Republic and Taiwan, in contrast to the rising market shares of the other countries concerned, these imports were considered not to be a cause of material injury to the Community industry. They were therefore not cumulated with the imports from the remaining three countries concerned and accordingly excluded from the injury assessment.

(44) As regard imports from the People's Republic of China, Croatia and Thailand, it was found that the products under investigation imported from each of these countries were, on a type-by-type and dimension-by-dimension basis alike in all respects, interchangeable and marketed in the Community within a comparable period and under similar commercial policies. The imports competed with each other and with the like product manufactured by the Community industry. The import volumes from each of these countries during the period under consideration were significant and the price trends similar. Under these circumstances, and in accordance with the practice of the Community institutions, it is considered that there are sufficient grounds to analyse the imports originating in the People's Republic of China, Croatia and Thailand cumulatively (the term 'exporting countries concerned' used hereinafter refers exclusively to the People's Republic of China, Croatia and Thailand).

2. Community consumption, volume, market share and prices of dumped imports

(a) Community consumption

- (45) Data on Community consumption of the products subject to the proceeding are derived from total sales in the Community made by the cooperating Community producers added to an estimation of sales of non-cooperating producers and to total imports originating in third countries including those from the exporting countries in question. On this basis, the volume of consumption in the Community remained generally stable between 1989 and 1993, increasing slightly from 53 132 tonnes in 1989 to 53 406 tonnes in 1993 and to 27 189 tonnes during the six months of the investigation period.

(b) Volume of dumped imports

- (46) Cumulated imports into the Community from the exporting countries concerned increased constantly from 1 304 tonnes in 1989 to 7 309 tonnes in 1993 and reached 3 854 tonnes during the investigation period which corresponds to an increase of 491 % on an annual basis when compared to 1989.

(c) Market shares

- (47) Between 1989 and the investigation period, the cumulated market shares in the Community held by the exporting countries concerned rose from 2,5 % to 14,3 % and developed individually as follows :

— for the People's Republic of China :	from 0,8 % to 8,5 %,
— for Croatia :	from 1,2 % to 3,2 %,
— for Thailand :	from 0,4 % to 2,6 %.

(d) Prices of the dumped imports

- (48) Prices of the dumped imports from the exporting countries concerned were significantly below the prices charged by the Community producers during the investigation period. For the determination of price undercutting, the Commission compared prices of the exporters concerned with the sales prices on the Community market charged by the complainant producers which are established in Germany, France, Italy and United Kingdom. These Member States represent most of

the Community market for the products concerned and absorb more than 85 % of the dumped imports in question.

- (49) The price comparison was made on the basis of sales to the first independent customer at a comparable level of trade and, where sufficient evidence was available, on a per-product-type basis for the majority of the dimensions and wall thicknesses imported which were considered for the preliminary dumping determination.

- (50) Adjustments were made to ensure comparability in terms of transport costs deducted from the Community producers selling prices as well as in terms of customs duty added to the import prices, where applicable. In addition, the import prices were adjusted by an importer's margin including customs clearance, handling charges, bank charges and a profit margin, to the extent considered appropriate.

- (51) Based on comparable product types, the weighted average selling prices of each individual exporter were compared to the corresponding selling prices on the Community market of the complainant producers. Undercutting as a percentage of the Community producers actual selling prices ex-factory ranged during the investigation period from 24,5 % to 40,7 % for the People's Republic of China, from 21,3 % to 37,8 % for Thailand and was 21,9 % for Croatia.

3. Situation of the Community industry

(a) Community production

- (52) The volume of production of the products concerned by the Community industry fell from 54 104 tonnes in 1989 to 45 402 tonnes in 1993 and to 22 432 tonnes during the investigation period (six months) corresponding to a decrease of 17,1 % on an annual basis compared with 1989. The decrease of production was particularly marked in Germany, France and Italy which together absorbed around 78 % of the dumped imports from the exporting countries concerned during the reference period.

(b) Capacity and capacity utilization

- (53) As the basic production facilities for tube or pipe fittings are also designed and used for the manufacture of other product types not subject to the proceeding, it is not possible to determine precisely

the volume of capacity for the products under consideration and their utilization rates. However, it was found that the volume of the other product types manufactured on the same basic equipment has decreased in a proportion similar to that of the products concerned. The rates of capacity utilization established as a result of the investigation can therefore be considered to be representative.

- (54) Since 1985, the pipe fittings industry of the Community has gone through a restructuring process reducing its total annual capacity estimated at 120 000 tonnes to less than 100 000 tonnes, in 1993 by streamlining of facilities and several closures of production plants. Despite these efforts, total capacity utilization of Community producers declined sharply between 1989 and the investigation period, except for one producer which, until 1990, relied to a larger degree on purchases, but decided then to complete the range of its fittings based on own production. Nevertheless, the utilization rate of all Community producers was below 55 % during the investigation period which in most cases was insufficient to permit a reasonable allocation and recovery of fixed costs.

(c) Sales volume and market share

- (55) Total sales of Community producers of the products concerned on the Community market declined from 41 006 tonnes in 1989 to 34 937 tonnes in 1993 and was 17 889 tonnes during the investigation period from July to December 1993. Compared with 1989, the sales during the investigation period correspond, on an annual basis, to a decrease of 12,7 %. While the annual consumption in the Community remained generally stable between 1989 and the investigation period, the market share held by the Community producers fell from 77,2 % to 65,7 % over the same period. As a result, the Community industry has lost market share to almost the same extent as the exporting countries concerned have gained (from 2,5 % to 14,3 %).

(d) Sales prices

- (56) As a consequence of the substantial price undercutting practised by the exporting countries concerned, the domestic and other Community market sales prices of the complainant producers decreased significantly between 1989 and the investigation period, in particular for those product types which were in direct competition with the dumped imports in question.

(e) Profitability

- (57) Despite considerable reductions in costs achieved through the continued rationalization measures, the

financial situation of the majority of the Community industry has deteriorated, particularly following the arrival of massive quantities of dumped imports in 1992 on the Community market. During the investigation period, all complainant Community producers were incurring financial losses or reduced profits.

(f) Employment

- (58) With regard to the employment situation of the whole tube or pipe fittings industry in the Community, the Commission found that, as a result of the restructuring efforts and the closure of three factories, the total work force of the Community producers declined by around 15 % between 1989 and the investigation period. The considerable reduction in orders which led to an insufficient capacity utilization forced Community producers in some cases to introduce measures of short-time working and in one particular case, to decide a drastic reduction of one third of the entire personnel employed.

4. Conclusion on injury

- (59) The preliminary examination of the facts on injury has shown that, the Community industry has experienced, in particular, a decline in production and sales volume, a significant loss of market share and has been unable to make price increases to cover rising production costs, combined with a deterioration in financial results.
- (60) In light of the significance of these negative economic factors the Commission concludes that the Community industry has suffered material injury within the meaning of Article 4 (1) of the Basic Regulation.

F. CAUSE OF INJURY

- (61) The Commission has examined whether the material injury suffered by the Community industry had been caused by the dumped imports and whether other factors might have caused or contributed to that injury.

1. Effect of the dumped imports

- (62) In its examination, the Commission found that the trend of imports from the exporting countries concerned, their growing market share and the downward pressure on prices exerted by these

imports coincided with the decrease of Community production, capacity utilization, sales volume, market share, profits and employment which led particularly in 1992 to a deterioration in the Community industry's competitive and financial situation.

- (63) While consumption of the products concerned remained relatively stable, the market share of the imports in question increased from 2,5 % in 1989 to 14,3 % in the investigation period when the market share held by the Community producers declined from 77,2 % to 65,7 %. Thus the Community industry's lost market share has been mirrored by the exporting countries' gains.
- (64) As far as the prices of the dumped imports are concerned, significant margins of undercutting were found. Given the price sensitivity of the market for tube or pipe fittings, the considerable undercutting margins have forced the Community industry to reduce its prices in an attempt to achieve a reasonable capacity utilization and market share. This depression of prices has led to a general lack of profitability as demonstrated by the financial losses of the majority of the Community producers.

2. Effects of other factors

- (65) It was also considered whether factors other than the dumped imports from the countries concerned might have caused, or contributed to, the injury suffered by the Community industry. The Commission, in particular, examined the evolution and impact of imports of the products concerned from third countries not covered by this proceeding, the trend of apparent consumption in the Community market and the effect of imports made by one complainant Community producer.
- (66) The import volume from other third countries, including Taiwan and the Slovak Republic, was relatively stable overall and amounted, in 1989 to 10 822 tonnes and during the investigation period to 10 892 tonnes on an annual basis, representing market shares of 20,3 % and 20,0 % respectively. Measured against a growth of 6 400 tonnes of the combined imports from the exporting countries concerned by the proceeding and an increase of their market share of 12 percentage points over the same period, it is considered that these exporting countries were clearly the beneficiaries in terms of sales volume and market share. According to

Eurostat data, prices of the imports from most of the other third countries were found to be distinctly higher than those of the dumped imports and there was no indication that the imports from third countries not subject to the proceeding have been dumped.

- (67) Regarding the development of demand, apparent consumption of the products concerned in the Community between 1989 and the investigation period increased slightly from 53 132 tonnes to 54 378 tonnes on an annual basis.
- (68) As to the effect to imports of the products concerned made by one complainant Community producer, it was found that the level of these imports during the investigation period did not exceed 2 % of its sales in the Community, that the majority of the imports consisted of product types to complete the range of products not manufactured by this producer and that the prices at which the imported products were re-sold by the producer in question were basically not different from the sales prices of its own-produced products or of other Community producers. It is therefore considered that the importing producer was not participating in the dumping practices and that this producer was neither shielded from the effects of dumping nor benefiting from it.

3. Conclusion

- (69) In the light of these considerations, the Commission has come to the conclusion that, for purposes of its provisional findings, the dumped imports of the products in question originating in the People's Republic of China, Croatia and Thailand have caused material injury to the Community industry.

G. COMMUNITY INTEREST

1. General considerations

- (70) In assessing the Community interest, the need to eliminate the trade distorting effects arising from unfair commercial practices and to restore effective competition on the Community market for the products concerned has to be given special consideration. Anti-dumping measures should have the effect of increasing the price levels of exports and thus influence their relative competitiveness.

However, while this results from the necessity to offset the injurious effects of dumping, not taking such measures could on the contrary have an adverse effect on the competitive situation on the Community market if the Community producers were to disappear. The elimination of the unfair advantages gained through dumping practices should prevent the further deterioration of the Community industry. Under these circumstances, no significant adverse effect on the competitive situation of the Community market should be expected from the imposition of measures. Against this background, the Commission has examined the effect of anti-dumping measures on imports of steel fittings from the exporting countries concerned in relation to the specific interests of the Community industry and of the users.

2. Interest of the Community industry

- (71) It has been established in the framework of the present proceeding that, in view of the substantial and increasing financial losses incurred by the Community industry, not to take anti-dumping measures with respect to the dumped imports concerned would aggravate its already precarious situation and threaten the viability of the Community fittings industry. This development has to be seen in particular in the light of the considerable efforts made by the Community producers with regard to modernization and automation of their production facilities to such an extent that they are able to compete with any producer operating under fair market conditions. If these producers are forced out of the market, all these investments will be wasted.
- (72) It was also established that, in order to be in a position to manufacture the whole range of products at competitive costs, the Community steel fittings industry depends on a reasonable rate of utilization of its equipment which is basically achieved by the production of standardized commercial quality fittings which are in direct competition with the dumped products imported from the exporting countries concerned, and which account for a major part of the revenue generated by this sector of industry. A decline in this production activity would also effect the production of other higher quality product categories by increasing their cost and the prices for the Community consumers.

3. Interest of users

- (73) As stated in recital (70), the users of the pipe fittings imported from the exporting countries in question will have to pay regular market prices if

duties are imposed. The purchasers concerned are companies active in the construction of buildings, ships and plants for chemicals, oil refining, energy generation. No submission concerning the impact of anti-dumping measures on such purchasers or users was submitted to the Commission during the investigation. This impact may be very different from case to case, depending on the quantity of fittings necessary for the construction concerned. However, the imposition of anti-dumping measures on steel fittings will have a limited effect on these user industries since the addition to the total cost of construction for which the fittings are used is very small. In any event, the investigation has shown that higher prices for steel fittings can be accepted on the market, since the prices of imports from third countries not subject to the proceeding were found to be significantly higher than those of the dumped imports.

- (74) Finally, it has to be borne in mind that the increase in prices resulting from anti-dumping measures aims at enabling the removal of a price advantage resulting from an unfair practice which is injurious to the Community industry, whose situation, unless measures are taken, appears unavoidably destined to deteriorate. Should such a deterioration lead to the disappearance of the Community industry, the competition in steel fittings would seriously diminish on the Community market: a situation which is not consonant with the interests of purchasers or users.
- (75) Having carefully examined all the above aspects, the Commission considers, therefore, that it is in the Community interest to impose provisional anti-dumping measures on imports of the products concerned originating in the People's Republic of China, Croatia and Thailand in order to prevent further injury being caused by the dumped imports concerned during the remainder of the investigation.

In the light of the above, measures in the form of a provisional *ad valorem* duty should be imposed.

H. DUTY

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

- (77) Since the injury consisted mainly of price depression, loss of market share and, in particular, financial losses, the removal of such injury requires that the export prices of the exporters concerned be increased to an extent that would allow the Community industry to raise its prices to profitable levels without loss of sales volume.

For calculating the necessary price increase, the Commission considered that prices of the dumped imports had to be compared with selling prices reflecting the cost of production of the Community industry plus a reasonable amount of profit.

- (78) On this basis, the weighted average export prices for those product types used in the determination of dumping were compared, for the investigation period, on a free-at-Community-frontier level, adjusted, where necessary, to ex-factory Community producer level, with the actual weighted average selling prices charged by the Community producers concerned, increased, where appropriate, to cover production cost plus a profit margin of 5 %. This profit margin was considered, for the purpose of the preliminary determination to be at a reasonable level comparable with that which would be expected to be obtained in the absence of dumped imports.

This comparison showed the following injury margins :

- | | |
|----------------------------------|-----------|
| (a) People's Republic of China : | 102,2 % ; |
| (b) Croatia : | |
| — Zeljezara Sisak : | 38,4 % ; |
| (c) Thailand : | |
| — Awaji : | 72,4 %, |
| — Benkan : | 105,6 %, |
| — TTU : | 58,9 %. |

- (79) Since, in the case of the Croatian producer, Zeljezara Sisak, and the Thai producer TTU, the injury margins are lower than the respective dumping margins found, the provisional anti-dumping duties should be based on this lower level, pursuant to Article 13 (3) of the Basic Regulation.

In all other cases the provisional duty should be limited to the dumping margin established.

- (80) For the reasons outlined in recital (34), a single duty has been established for the two cooperating producers/exporters in the People's Republic of China.

- (81) In establishing the level of provisional duty for exporters in each of the exporting countries concerned which neither replied to the Commission's questionnaire nor otherwise made themselves known, the Commission considered that the duties should be established on the basis of the facts available in accordance with Article 7 (7) (b) of the Basic Regulation. It was considered that the most reasonable facts were those established during the investigation and that there was no reason to believe that any duties lower than the highest duties considered necessary would be sufficient to remove the injury caused by these imports. Therefore, in order to avoid duty circumvention and not to reward non-cooperation, it is considered appropriate to impose the highest duty determined for exporters in the same country.

- (82) On the basis of the above, provisional anti-dumping duties should be as follows :

Rate of duty

(a) People's Republic of China :

— all imports : 58,6 % ;

(b) Croatia :

— Zeljezara Sisak : 38,4 %,

— other companies : 38,4 % ;

(c) Thailand :

— Awaji : 39,5 %,

— Benkan : 51,3 %,

— TTU : 58,9 %,

— other companies : 58,9 %.

I. TERMINATION OF THE PROCEEDING WITH REGARD TO THE SLOVAK REPUBLIC AND TAIWAN

- (83) As explained in recital (43), imports of the products in question originating in the Slovak Republic and Taiwan were considered not materially contributing to the injury suffered by the Community industry. The Commission considers therefore that protective measures are unnecessary and that the anti-dumping proceeding with regard to these two countries should be terminated.

- (84) No objection to this course of action was raised in the Advisory Committee.

- (85) Interested parties directly concerned were informed of the essential facts and considerations on the

basis of which the Commission intended to terminate the proceeding with regard to the Slovak Republic and Taiwan and have been given the opportunity to comment.

J. FINAL PROVISION

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

HAS ADOPTED THIS REGULATION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, falling within CN codes ex 7307 93 11 (Taric code 7307 93 11*91), ex 7307 93 19 (Taric code 7307 93 19*91), ex 7307 99 30 (Taric code 7307 99 30*91) and ex 7307 99 90 (Taric code 7307 99 90*91) and originating in the People's Republic of China, Croatia and Thailand.

2. The rate of duty applicable to the free-at-Community-frontier price, before duty, shall be as follows :

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

Done at Brussels, 27 September 1995.

Country	Manufacturer	Rate of duty	Taric additional code
People's Republic of China	—	58,6 %	—
Croatia	—	38,4 %	—
Thailand	— Awaji Sangyio (Thailand) Co., Ltd, Samutprakarn	39,5 %	8849
	— Thai Benkan Co. Ltd, Prapadaeng-Samutprakarn	51,3 %	8850
	— TTU Industrial Corp. Ltd, Bangkok	58,9 %	8851
	— Other companies	58,9 %	8851

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

The anti-dumping proceeding concerning imports of tube or pipe fittings falling within CN codes ex 7307 93 11, ex 7307 93 19, ex 7307 99 30 and ex 7307 99 90, originating in the Slovak Republic and Taiwan is hereby terminated.

Article 3

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

Article 4

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

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 2319/95

of 2 October 1995

**establishing the quantities to be allocated to importers from the 1996
Community quantitative quotas on certain products originating in the People's
Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas⁽¹⁾, and in particular Articles 9 and 13 thereof,

Having regard to Commission Regulation (EC) No 1732/95 of 14 July 1995 establishing administration procedures for the 1996 quantitative quotas for certain products originating in the People's Republic of China⁽²⁾, and in particular Article 6 thereof,

Whereas Regulation (EC) No 1732/95 established the portion of each of the quotas concerned reserved for traditional and other importers and the conditions and methods for participating in the allocation of the quantities available; whereas importers have lodged applications for import licences with the competent national authorities between 17 July and 15.00, Brussels time, on 11 September, in accordance with Article 3 of Regulation (EC) No 1732/95;

Whereas the Commission has received from the Member States (under Article 5 of Regulation (EC) No 1732/95) particulars of the numbers and aggregate volume of import licence applications submitted and the total volume imported by traditional importers in 1992 and 1994, the reference years;

Whereas the Commission is now able, on the basis of that information, to establish uniform quantitative criteria by which the competent national authorities may satisfy licence applications submitted by importers in the Member States for the 1996 quantitative quotas;

Whereas examination of the figures supplied by Member States shows that the aggregate volume of applications submitted by traditional importers for the products listed in Annex I to this Regulation exceeds the portion of the quota set aside for them; whereas the applications must

therefore be met by applying the uniform rate of reduction/increase shown in Annex I to the average, expressed in value or volume terms, of each importer's imports over the reference period;

Whereas examination of the figures supplied by Member States shows that the total applications submitted by traditional importers for the products listed in Annex II to this Regulation amount to less than the portion of the quota set aside for them; whereas those applications should therefore be met in full;

Whereas examination of the figures supplied by Member States shows that the aggregate volume of applications submitted by non-traditional importers for the products listed in Annex III to this Regulation exceeds the portion of the quota set aside for them; whereas the applications must therefore be met by applying the uniform rate of reduction shown in Annex III to the amounts requested by each importer, as limited by Regulation (EC) No 1732/95;

Whereas examination of the figures supplied by Member States shows that the total applications submitted by non-traditional importers for the products listed in Annex IV to this Regulation amount to less than the portion of the quota set aside for them; whereas those applications, up to the maximum amount that can be requested by each importer under Regulation (EC) No 1732/95, should therefore be met in full,

HAS ADOPTED THIS REGULATION:

Article 1

In response to licence applications in respect of the products listed in Annex I duly submitted by traditional importers, the competent national authorities shall allocate each importer a quantity or value equal to his average imports for 1992 and 1994 adjusted by the rate of reduction/increase specified in the said Annex for each quota.

Where the use of this quantitative criterion would entail allocating an amount greater than that applied for, the quantity or value allocated shall be limited to that specified in the application.

⁽¹⁾ OJ No L 66, 10. 3. 1994, p. 1.

⁽²⁾ OJ No L 163, 15. 7. 1995, p. 6.

Article 2

Licence applications in respect of the product listed in Annex II duly submitted by traditional importers shall be met in full by the competent national authorities.

Article 3

In response to licence applications in respect of the products listed in Annex III duly submitted by non-traditional importers, the competent national authorities shall allocate each importer a quantity or value equal to the amount requested within the limits set by Regulation (EC)

No 1732/95, adjusted by the rate of reduction specified in the said Annex for each quota.

Article 4

Licence applications in respect of the products listed in Annex IV duly submitted by non-traditional importers shall be met in full by the competent national authorities, within the limits set by Regulation (EC) No 1732/95.

Article 5

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

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

Done at Brussels, 2 October 1995.

For the Commission

Leon BRITTAN

Vice-President

ANNEX I

Rate of reduction/increase applicable to the average of imports in 1992 and 1994 (traditional importers)

Description of products	HS/CN code	Rate of reduction/increase
Gloves falling within HS/CN codes	4203 29 91 4203 29 99	- 12,14 %
Footwear falling within HS/CN codes	— ex 6402 99 ⁽¹⁾	- 1,39 %
	— 6403 51 6403 59	- 0,01 %
	— ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	- 61,76 %
	— ex 6404 11 ⁽¹⁾	- 17,65 %
	— 6404 19 10	- 11,67 %
Tableware, kitchenware of porcelain or china	6911 10	- 14,96 %
Ceramic tableware, kitchenware, other than of porcelain or china	6912 00	- 13,32 %
Glassware of a kind used for table, kitchen, toilet, etc.	7013	+ 14,00 %
Radio-broadcast receivers falling within HS/CN code	8527 21	- 6,45 %
Toys falling within HS/CN codes	9503 41	- 6,178 %
	9503 49	+ 15,19 %
	9503 90	- 10,576 %

⁽¹⁾ Excluding :

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of spikes, sprigs, stops, clips, bars or the like, with a non-injected sole ;
- (b) footwear involving special technology : shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

ANNEX II

Product in respect of which import applications can be met in full (traditional importers)

Description of products	HS/CN code
Radio-broadcast receivers falling with HS/CN code	8527 29

ANNEX III

Rate of reduction applicable to the volume/value requested within the limits of the maximum amounts fixed by Regulation (EC) No 1732/95 (non-traditional importers)

Description of products	HS/CN code	Rate of reduction
Gloves falling within HS/CN codes	4203 29 91 4203 29 99	– 89,07 %
Footwear falling within HS/CN codes	— 6403 51 6403 59	– 90,04 %
	— ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	– 68,35 %
	— ex 6404 11 ⁽¹⁾	– 45,90 %
Tableware, kitchenware of porcelain or china	6911 10	– 18,75 %
Ceramic tableware, kitchenware, other than of porcelain or china	6912 00	– 34,16 %
Glassware of a kind used for table, kitchen, toilet, etc.	7013	+ 54,49 %
Radio-broadcast receivers falling within HS/CN codes	8527 21	– 88,48 %
	8527 29	– 93,17 %
Toys falling within HS/CN codes	9503 41	– 44,60 %
	9503 49	+ 70,33 %

⁽¹⁾ Excluding :

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of spikes, sprigs, stops, clips, bars or the like, with a non-injected sole ;
- (b) footwear involving special technology : shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

ANNEX IV

Products in respect of which import licence applications may be met in full within the limits of the maximum amounts fixed by Regulation (EC) No 1732/95 (non-traditional importers)

Description of products	HS/CN code
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾
	6404 19 10
Toys falling within HS/CN code	9503 90

⁽¹⁾ Excluding :

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of spikes, sprigs, stops, clips, bars or the like, with a non-injected sole ;
- (b) footwear involving special technology : shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

**COMMISSION REGULATION (EC) No 2320/95
of 2 October 1995**

**amending Regulation (EC) No 1872/95 on the opening of a standing invitation to
tender for the sale on the internal market of cereals held by the Danish
intervention agency**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 1863/95⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas the last partial invitation to tender under Commission Regulation (EC) No 1872/95⁽⁵⁾ should be postponed;

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

Article 2 (2) of Regulation (EC) No 1872/95 is replaced by the following:

'2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 31 October 1995.'

Article 2

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

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

Done at Brussels, 2 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 179, 29. 7. 1995, p. 50.

COMMISSION REGULATION (EC) No 2321/95
of 2 October 1995
amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to
tender

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 424/95 ⁽²⁾, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽³⁾, as last amended by Regulation (EC) No 2237/95 ⁽⁴⁾, buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying-in of the quantities necessary

to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying-in is open by invitation to tender, and the list of the quality groups which may be bought in,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 9 October 1995.

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

Done at Brussels, 2 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 45, 1. 3. 1995, p. 2.

⁽³⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 228, 23. 9. 1995, p. 8.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO — LIITE — BILAGA*

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1

Member States or regions of a Member State and quality groups referred to in Article 1 (1)

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1

In artikel 1, lid 1 bedoelde Lid-Staten of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no nº 1 do artigo 1º

Jäsenvaltiot tai alueet ja 1 artiklan 1 kohdan tarkoittamat laaturyhmit

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1.

Estados miembros o regiones de Estados miembros	Categoría A	Categoría C				
Medlemsstat eller region	Kategori A	Kategori C				
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A	Kategorie C				
Κράτος μέλος ή περιοχές κράτους μέλους	Κατηγορία Α	Κατηγορία Γ				
Member States or regions of a Member State	Category A	Category C				
États membres ou régions d'États membres	Catégorie A	Catégorie C				
Stati membri o regioni di Stati membri	Categoria A	Categoria C				
Lid-Staat of gebied van een Lid-Staat	Categorie A	Categorie C				
Estados-membros ou regiões de Estados-membros	Categoria A	Categoria C				
Jäsenvaltiot tai alueet	Luokka A	Luokka C				
Medlemsstater eller regioner	Kategori A	Kategori C				
	U	R	O	U	R	O
Ireland					x	
Northern Ireland					x	

COMMISSION REGULATION (EC) No 2322/95
of 2 October 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 3 October 1995.

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

Done at Brussels, 2 October 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 2 October 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 40	052	54,3	0806 10 40	052	121,4
	060	80,2		064	52,8
	064	59,6		066	49,4
	066	41,7		220	110,8
	068	62,3		400	134,2
	204	50,9		412	132,4
	212	117,9		512	186,0
	624	75,0		600	64,5
	999	67,7		624	123,2
	999	67,7		999	108,3
ex 0707 00 30	052	70,1	0808 10 92, 0808 10 94, 0808 10 98	039	79,3
	053	166,9		064	70,7
	060	61,0		388	48,9
	066	53,8		400	109,3
	068	60,4		404	61,5
	204	49,1		508	68,4
	624	207,3		512	50,7
	999	95,5		524	57,4
	999	95,5		528	48,0
	999	109,8		800	62,0
0709 90 79	052	55,6	0808 20 57	804	51,1
	204	77,5		999	64,3
	624	196,3		052	92,2
	999	109,8		064	86,7
0805 30 30	052	74,5		388	79,6
	388	62,3		512	89,7
	400	72,1		528	84,1
	512	69,6		800	55,8
	520	66,5		804	112,9
	524	67,0		999	85,9
	528	66,6			
	600	54,7			
	624	78,0			
	999	67,9			

⁽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 2323/95**of 2 October 1995****amending representative prices and additional duties for the import of certain products in the sugar sector**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1101/95 ⁽²⁾,

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

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1568/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2293/95 ⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 October 1995.

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

Done at Brussels, 2 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 150, 1. 7. 1995, p. 36.

⁽⁵⁾ OJ No L 233, 30. 9. 1995, p. 20.

ANNEX

to the Commission Regulation of 2 October 1995 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	21,85	5,38
1701 11 90 ⁽¹⁾	21,85	10,65
1701 12 10 ⁽¹⁾	21,85	5,19
1701 12 90 ⁽¹⁾	21,85	10,18
1701 91 00 ⁽²⁾	28,20	11,13
1701 99 10 ⁽²⁾	28,20	6,61
1701 99 90 ⁽²⁾	28,20	6,61
1702 90 99 ⁽³⁾	0,28	0,37

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

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

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 2324/95

of 2 October 1995

amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1863/95 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1502/95 of 29 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 for the 1995/96 marketing year as regards import duties in the cereals sector ⁽³⁾, as amended by Regulation (EC) No 1817/95 ⁽⁴⁾, and in particular Article 2 (1) thereof,

Wheres the import duties in the cereals sector are fixed by Commission Regulation (EC) No 2273/95 ⁽⁵⁾, as amended by Regulation (EC) No 2289/95 ⁽⁶⁾;

Whereas Article 2 (1) of Regulation (EC) No 2273/95 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2273/95,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EC) No 2273/95 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 3 October 1995.

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

Done at Brussels, 2 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 13.

⁽⁴⁾ OJ No L 175, 27. 7. 1995, p. 23.

⁽⁵⁾ OJ No L 231, 28. 9. 1995, p. 30.

⁽⁶⁾ OJ No L 233, 30. 9. 1995, p. 10.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne) ⁽¹⁾	Import duty by sea from other ports ⁽²⁾ (ECU/tonne) ⁽¹⁾
1001 10 00	Durum wheat ⁽²⁾	10,00	0,00
1001 90 91	Common wheat seed	12,05	2,05
1001 90 99	Common high quality wheat other than for sowing ^(*)	12,05	2,05
	medium quality	28,64	18,64
	low quality	34,99	24,99
1002 00 00	Rye	73,76	63,76
1003 00 10	Barley, seed	73,76	63,76
1003 00 90	Barley, other ^(*)	73,76	63,76
1005 10 90	Maize seed other than hybrid	98,18	88,18
1005 90 00	Maize other than seed ^(*)	98,18	88,18
1007 00 90	Grain sorghum other than hybrids for sowing	92,68	82,68

⁽¹⁾ Where import takes place in the month following the month of fixing, these import duty amounts are to be adjusted in accordance with the third subparagraph of Article 2 (1) of Regulation (EC) No 1502/95.

⁽²⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1502/95, the duty applicable is that fixed for low-quality common wheat.

⁽³⁾ For goods arriving in the Community via the Atlantic Ocean (Article 2 (4) of Regulation (EC) No 1502/95), the importer may benefit from a reduction in the duty of:

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

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

⁽⁴⁾ The importer may benefit from a flat-rate reduction of ECU 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1502/95 are met.

ANNEX II

Factors for calculating duties (period from 27. 9. to 29. 9. 1995):

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Mid-America	Mid-America
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	137,49	138,90	137,62	92,46	180,35 ⁽¹⁾	92,98 ⁽¹⁾
Gulf premium (ECU/tonne)	—	13,63	8,57	10,95	—	—
Great lake premium (ECU/tonne)	17,41	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost : Gulf of Mexico — Rotterdam : ECU 13,47 per tonne ; Great Lakes/St Lawrence — Rotterdam : ECU 29,40 per tonne.

3. Subsidy (third paragraph of Article 4 (2) of Regulation (EC) No 1502/95 : ECU 0,00 per tonne).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 19 September 1995

**determining the specimen certificate for intra-Community trade in semen, ova
and embryos of the ovine and caprine species**

(Text with EEA relevance)

(95/388/EC)

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

Having regard to Council Directive 92/65/EEC of 13 July
1992 laying down animal health requirements governing
trade in and imports into the Community of animals,
semen, ova and embryos not subject to animal health
requirements laid down in specific Community rules
referred to in Annex A (I) to Directive 90/425/EEC⁽¹⁾, as
last amended by the Act of Accession of Austria, Finland
and Sweden, and in particular the fourth indent of Article
11 (2) and the third indent of Article 11 (3) thereof,

Whereas Directive 92/65/EEC lays down the animal
health requirements governing trade in semen, ova and
embryos of the ovine and caprine species;

Whereas the specimen certificate applicable to such trade
should be determined;

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. A health certificate corresponding to the specimen
shown in Annex I shall accompany semen of the ovine

and caprine species during transport to another Member
State.

2. A health certificate corresponding to the specimen
shown in Annex II shall accompany ova and embryos of
the ovine and caprine species during transport to another
Member State.

Article 2

This Decision shall apply from 1 January 1996.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 19 September 1995.

For the Commission

Franz FISCHLER

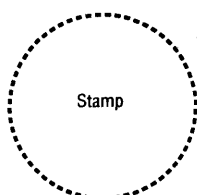
Member of the Commission

⁽¹⁾ OJ No L 268, 14. 9. 1992, p. 54.

ANNEX I

HEALTH CERTIFICATE FOR INTRA-COMMUNITY TRADE IN SEMEN OF THE OVINE/CAPRINE SPECIES ⁽¹⁾

1. Consignor (name and address in full)	No ORIGINAL	
	2. Member State of collection	
3. Consignee (name and address in full)	4. Competent authority	
NOTES (a) A separate certificate must be drawn up for each consignment of semen. (b) The original certificate must accompany the consignment to its destination.	5. Competent local authority	
	7. Name and address of approved semen collection centre/station/holding ⁽¹⁾	
6. Place of loading	10. Registration number of approved semen collection centre/station ⁽¹⁾	
8. Means of transport		
9. Place and Member State of destination		
11. Name and code mark of recipients containing semen		
12. Consignment identification		
(a) Number of units	(b) Collection date(s)	(c) Breed
(d) Identification of donor animal		
13. I, the undersigned official veterinarian, certify that: (a) the semen described above was collected, processed and stored under conditions which meet the requirements of Directive 92/65/EEC; (b) the semen comes from an animal of the ovine/caprine species ⁽¹⁾ which meets the requirements of Annex D, Chapter II, points B and C to Directive 92/65/EEC; (c) in the case of semen collected and processed in a centre/station ⁽¹⁾ , collection, processing and storage took place in a centre/station ⁽¹⁾ approved pursuant to Annex D, Chapter I to Directive 92/65/EEC; (d) the semen meets the requirements of Annex III, Chapter D to Directive 92/65/EEC.		

⁽¹⁾ Delete as appropriate.

Done at

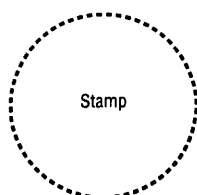
Signature of official veterinarian:

Name in block capitals, title and qualification of signatory:

.....

ANNEX II

HEALTH CERTIFICATE FOR INTRA-COMMUNITY TRADE IN OVA/EMBRYOS OF THE OVINE/CAPRINE SPECIES ⁽¹⁾		
1. Consignor (name and address in full)	No ORIGINAL	
	2. Member State of collection	
3. Consignee (name and address in full)	4. Competent authority	
NOTES (a) A separate certificate must be drawn up for each consignment of ova/embryos ⁽¹⁾ (b) The original certificate must accompany the consignment to its destination.	5. Competent local authority	
	7. Name and address of approved ova/embryos collection team ⁽¹⁾	
6. Place of loading		
8. Means of transport		
9. Place and Member State of destination		
11. Name and code mark of recipients containing ova/embryos ⁽¹⁾	10. Registration number of approved ova/embryos collection team ⁽¹⁾	
12. Batch identification of ova/embryos ⁽¹⁾		
(a) Number of ova/embryos ⁽¹⁾	(b) Collection date(s)	(c) Breed
(d) Identification of female donor		
(e) Identification of male donor ⁽¹⁾		
13. I, the undersigned official veterinarian, certify that: (a) the ova/embryos ⁽¹⁾ described above were collected, processed and stored under conditions which meet the requirements of Directive 92/65/EEC; (b) the ova/embryos ⁽¹⁾ come from female donors of the ovine/caprine species ⁽¹⁾ which meet the requirements of Annex D, Chapter I to Directive 92/65/EEC; (c) the ova/embryos ⁽¹⁾ meet the requirements of Chapter III of Annex D to Directive 92/65/EEC; (d) in the case of embryos the semen used for fertilization meets the requirements of Directive 92/65/EEC.		
⁽¹⁾ Delete as appropriate.		



Done at

Signature of official veterinarian:

Name in block capitals, title and qualification of signatory:

.....

COMMISSION DECISION

of 20 September 1995

authorizing Member States to permit temporarily the marketing of forest reproductive material not satisfying the requirements of Council Directive 66/404/EEC and amending Commission Decision 94/751/EC authorizing Member States to permit temporarily the marketing of forest reproductive material not satisfying the requirements of Council Directives 66/404/EEC and 71/161/EEC

(95/389/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/404/EEC of 14 June 1966 on the marketing of forest reproductive material⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 15 thereof,

Having regard to Council Directive 71/161/EEC of 30 March 1971 on external quality standards for forest reproductive material marketed within the Community⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 15 thereof,

Having regard to the requests submitted by Austria, Denmark and Ireland,

Whereas production of reproductive material of the species set out in the Annexes is at present insufficient in Austria, Denmark and Ireland, with the result that their requirements for reproductive material conforming to the provisions of Directive 66/404/EEC cannot be met;

Whereas third countries are not in a position to supply sufficient reproductive material and which conforms to the provisions of the abovementioned Directive;

Whereas the Member States should therefore be authorized to permit, for a limited period, the marketing of reproductive material of the relevant species which satisfies less stringent requirements to cover the shortage of reproductive material satisfying the requirements of Directive 66/404/EEC;

Whereas, for genetic reasons, the reproductive material must be collected at places of origin within the natural range of the relevant species and the strictest possible guarantees should be given to ensure the identity of the material;

Whereas, furthermore, reproductive material should be marketed only if it is accompanied by a document bearing certain details of the reproductive material in question;

Whereas each of the Member States should furthermore be authorized to permit the marketing in its territory of

seed and plants which satisfy less stringent requirements in respect of provenance, as laid down in Directive 66/404/EEC if the marketing of such material has been authorized in the other Member States under this Decision;

Whereas, in the case of Ireland and Denmark, additional places of provenance of seed satisfying less stringent requirements require to be authorized, whereas, therefore Commission Decision 94/751/EC⁽³⁾ should be amended accordingly;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States are authorized to permit the marketing in their territory of seed which does not satisfy the requirements in respect of provenance in Directive 66/404/EEC on the terms set out in Annex I hereto and on condition that the proof specified in Article 2 is furnished with regard to the place of provenance of the seed and the altitude at which it was collected.

2. Member States are authorized to permit the marketing in their territory of seedlings produced in the Community from the abovementioned seed.

Article 2

1. The proof referred to in Article 1 (1) shall be deemed to be furnished where the reproductive material is of the category 'source-identified reproductive material' as defined in the Organization for Economic Cooperation and Development (OECD) scheme for the control of forest reproductive material moving in international trade, or of another category defined in that scheme.

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2326/66.

⁽²⁾ OJ No L 87, 17. 4. 1971, p. 14.

⁽³⁾ OJ No L 298, 19. 11. 1994, p. 42.

2. Where the OECD scheme referred to in paragraph 1 is not used at the place of provenance of the reproductive material, other official evidence shall be admissible.

3. Where official evidence cannot be provided, Member States may accept other non-official evidence.

Article 3

Member States are authorized on the terms set out in Annex II hereto, to permit the marketing in their territory of seedlings which do not satisfy the requirements in respect of provenance in Directive 66/404/EEC, and on condition that the proof specified in Article 2 is furnished with regard to the place of provenance of the seedlings.

Article 4

The Member States other than the applicant Member States are also authorized to permit, on the terms set out in Annexes I and II respectively and for the purposes intended by the applicant Member States, the marketing in their territory of the seeds and seedlings authorized to be marketed under this Decision.

Article 5

The authorizations provided for in Article 1 (1) in so far as they concern the first placing of forest reproductive material on the market of the Community, shall expire on 30 November 1995. Such authorizations, in so far as they concern subsequent placing on the market of the Community, shall expire on 31 December 1997.

Article 6

The authorizations provided for in Article 3 shall expire on 31 December 1996.

Article 7

With regard to the first placing on the market of forest reproductive material, as referred to in Article 5, Member

States shall, by 1 January 1996, notify the Commission of the quantities of such material satisfying less stringent requirements which have been approved for marketing in their territory under this Decision. The Commission shall inform the other Member States thereof.

Article 8

Annex I to Decision 94/751/EC is hereby amended as follows:

1. under the column headed '*Fagus sylvatica* L.', the countries 'SL, PL and H' are added as countries of provenance to the entry in respect of Ireland;
2. under the column headed '*Picea abies* Karst.', the countries 'PL and CZ' are added as countries of provenance to the entry in respect of Ireland;
3. under the column headed '*Quercus pedunculata* Ehrh.', the country 'N' is added as country of provenance to the entry in respect of Denmark.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 20 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

LEGEND

1. *Member States*

A	= Austria
DK	= Kingdom of Denmark
IRL	= Ireland

2. *States of provenance*

CDN	= Canada
CROATIA	= Croatia
CZ	= Czech Republic
H	= Hungary
PL	= Poland
R	= Romania
SK	= Slovak Republic
SL	= Slovenia
USA	= United States of America

ANEXO I — BILAG I — ANLAGE I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I —
BIJLAGE I — ANEXO I — LIITE I — BILAGA I

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro Jäsenmaa Medlemsstat	Abies alba Mill.		Fagus silvatica L.		Larix decidua Mill.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
A	350	SL, CROATIA, CZ, PL	1 400	H, SL, CROATIA, R, CZ	200	CZ, SL, PL, H, CROATIA

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro Jäsenmaa Medlemsstat	Larix leptolepis (Sieb. & Zucc.) Gord.		Picea abies Karst.		Picea sitchensis Trautv. & Mey.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
A	10	SL	—	—	68	USA (Oregon, Washington), SL

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro Jäsenmaa Medlemsstat	Pinus nigra Arn.		Pinus silvestris L.		Pinus strobus L.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
A	520	SL, CROATIA, H	110	H, PL, CZ, SL	50	USA, SL

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro Jäsenmaa Medlemsstat	Pseudotsuga taxifolia (Poir.) Britt.		Quercus borealis Michx.		Quercus pedunculata Ehrh.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
A	153	USA (Oregon, Washington), CDN (British Columbia)	2 300	SL, SK, H, PL, CROATIA, R, CZ	5 000	SL, H, PL, R, CROATIA, SK, CZ

Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro Jäsenmaa Medlemsstat	Quercus sessiliflora Sal.	
	kg	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Härkomst
A	3 500	SL, H, PL, CROATIA, SK, R, CZ
IRL	3 000	PL

*ANEXO II — BILAG II — ANLAGE II — ΠΑΡΑΡΤΗΜΑ — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II —
ANEXO II — LIITE II — BILAGA II*

Especies Arter Arten Είδη Species Espèces Specie Soorten Especies Lajit Arter	Estado miembro Medlemsstat Mitgliedstaat Κράτος μέλος Member State État membre Stato membro Lid-Staat Estado-membro Jäsenmaa Medlemsstat	Plantones Frøbedsplanter Sämlinge Φυτά Seedlings Plants Piantine Plantgoed Plântulas Oraat Fröplantor	Procedencia Oprindelse Herkunft Προέλευση Provenance Provenance Provenienza Herkomst Proveniência Alue Häromkst
Abies alba Mill.	A	50 000	SL, H, CZ, SK, PL
Pinus sylvestris L.	A	550 000	H, SL, CZ, PL, SK
Pinus strobus L.	A	20 000	H, SL, CZ, PL, SK
Pseudotsuga taxifolia (Poir.) Britt.	A	50 000	H, SL, CZ, PL, SK
Quercus borealis Michx.	A	110 000	H, SL, CZ, PL, SK
Quercus pedunculata Ehrh.	A	400 000	H, SL, CZ, PL, SK
Quercus sessiliflora Sal.	A	50 000	H, SL, CZ, PL, SK
Fagus sylvatica L.	A	310 000	H, SL, CZ, PL, SK
Larix decidua Mill.	A	280 000	H, SL, CZ, PL, SK
Larix leptolepis (Sieb. & Zucc.) Gord	A	10 000	SL, H, CZ, SK
Picea sitchensis Trautv. & Mey.	A	10 000	H, SL, CZ, SK
Pinus nigra App.	A	350 000	H, SL, CZ, SK

COMMISSION DECISION

of 21 September 1995

fixing the Community financial contribution to the implementation of a fifth programme for the exchange of officials competent for veterinary matters

(95/390/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Commission Decision 94/370/EC ⁽²⁾, and in particular Article 34 (6) thereof,

The programme for the exchange of officials competent for veterinary matters set out in the Annex shall receive a financial contribution from the Community.

Whereas, as part of the new strategy on veterinary checks, it is important to set up programmes for the exchange of officials competent for veterinary matters in order to ensure growing confidence between veterinary services;

Article 2

Whereas Article 22 of Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and Article 21 of Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, provide, in particular, for the organization of programmes for the exchange of officials empowered to carry out checks on products and live animals coming from third countries;

Whereas the results and the experience gained from the implementation of the previous exchange programmes and in particular from the implementation of the latest programme under Commission Decision 94/642/EC ⁽⁵⁾ should be taken into account;

Whereas the Community financial contribution should be laid down so as to facilitate the implementation of this programme;

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

1. Member States shall designate the authorities responsible for the exchange programme.

2. Member States of origin shall:

— continue to pay their officials during the exchange programme,

— cover the subsistence expenses of their officials according to their national rules; the Member States shall ensure that the subsistence expenses of their officials take account of the situation in the host Member State,

— in accordance with their national rules, cover the travel expenses of their officials, equal to one return trip from place of origin to destination, as well as the travel expenses in the host Member State between the place where the provision of the information referred to in the second indent of paragraph 3 takes place and the first service or inspection post to which they are assigned and between the latter and the second service or inspection post to which they are assigned, and all other trips accomplished for the purpose of this Decision by means of public transport,

— provide, where appropriate, suitable language training for their officials,

— inform their officials, prior to departure, of the financial conditions as well as the nature and organization of their exchange programme.

3. The host Member States shall:

— adopt the necessary measures to ensure the integration of the guest officials,

— provide information on general organization and inspection procedures for the guest officials, taking account of both national and Community rules.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 168, 2. 7. 1994, p. 31.

⁽³⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽⁴⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽⁵⁾ OJ No L 248, 23. 9. 1994, p. 28.

Article 3

1. The Community contribution shall cover the expenditure of the Member States of origin referred to in the second and third indents of Article 2 (2). It shall also cover the expenditure of the Member States of origin under the fourth indent of Article 2 (2), up to a maximum of ECU 1 500 per official receiving language training.

2. Member States may receive an advance payment equal to 50 % of the Community's financial contribution, provided that they present to the Commission, before 1 October 1995, a written confirmation issued by the competent authority referred to in Article 2 (1) showing that the expenditure provided for in Article 2 has been committed in accordance with national regulations.

Article 4

1. The expenditure referred to in Article 3 (1) shall be reimbursed to the Member States by the Commission on presentation of supporting documents before 30 April 1996.

2. The supporting documents referred to in paragraph 1 shall include, in particular:

- the particulars of the exchange official,
- the report of the competent authority referred to in Article 5 (1),
- a written confirmation issued by the host Member State,
- a statement of the invoices relating to expenses incurred by the Member State of origin,

- a copy of the national rules in the Member State of origin with regard to the expenditure provided for in respect of the exchange programme,
- for the costs of language training, a statement of the invoices relating to expenses incurred by the Member State of origin.

These expense invoices may be required by the Commission at any future audit.

Article 5

1. The Commission shall draw up a technical and financial report before 31 May 1996 based on the reports submitted before 30 April 1996 by the authorities responsible for coordination in the Member States. Those reports shall include a section devoted to the comments of the officials who have participated in the exchange programme.

2. The experience gained shall be used to improve and develop future programmes.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 21 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

I. GENERAL POINTS

1. As a rule, the officials to be considered shall be qualified veterinarians actually involved in the inspection of products and live animals from non-member countries. They should in any case have experience in inspection work, including work done within their organization.
2. In the host Member State, the officials shall act as observers in offices inspecting products and/or live animals, although work may be assigned to them by the head of the office and carried out under his charge. However, the authorities of the host Member State may, with the agreement of the authorities of the Member State of origin, decide that officials should be engaged in active work in the host department; to this end they shall be authorized to fulfil the tasks related to the functions assigned to them. In such cases, the civil liability of foreign officials in the exercise of their functions shall be the same as that of officials of the host Member State for the duration of the exchange. Officials shall be subject to the usual rules on confidentiality and to the disciplinary rules of the office to which they are assigned. They shall make an undertaking to this effect.

II. DURATION

1. The exchange period shall begin around 1 October 1995 and shall end at the latest on 31 March 1996.
2. The exchange shall last three weeks, including the period of information provision referred to in the second indent of Article 2 (3). The exchange programme shall include assignment to two offices of inspection.

III. TABLE SHOWING ALLOCATION OF OFFICIALS

Member State of origin	Officials concerned	Host Member State
Belgium	1	Italy
Denmark	1	United Kingdom
Greece	4	Italy Netherlands Portugal (2)
Spain	2	Italy Austria
France	3	Portugal Finland Sweden
Ireland	1	Sweden
Italy	6	France Spain Sweden Portugal Greece (2)
Netherlands	3	Austria Finland United Kingdom

Member State of origin	Officials concerned	Host Member State
Portugal	5	Belgium Denmark Netherlands Finland Sweden
Finland	3	Italy (2) Netherlands
Sweden	4	France (2) Portugal Ireland
United Kingdom	2	Spain Italy

COMMISSION DECISION

of 26 September 1995

**fixing the aid for private storage of carcasses and half-carcasses of lamb in Finland
in connection with the invitations to tender issued under Regulation (EC) No
2158/95**

(95/391/EC)

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

Having regard to Council Regulation (EEC) No 3013/89
of 25 September 1989 on the common organization of
the market in sheepmeat and goatmeat⁽¹⁾, as last
amended by Regulation (EC) No 1265/95⁽²⁾, and in parti-
cular Article 7 (5) thereof,

Having regard to Commission Regulation (EEC) No
3446/90 of 27 November 1990 laying down detailed rules
for granting private storage aid for sheepmeat and goat-
meat⁽³⁾, as last amended by Regulation (EC) No
3533/93⁽⁴⁾, and in particular Article 12 (1) (f) thereof,

Whereas Commission Regulation (EEC) No 3447/90 of
28 November 1990 on special conditions for the granting
of private storage aid for sheepmeat and goatmeat⁽⁵⁾, as
last amended by Regulation (EC) No 879/95⁽⁶⁾, supple-
ments the provisions of Regulation (EEC) No 3446/90
and lays down in particular detailed rules governing invi-
tations to tender;

Whereas Commission Regulation (EC) No 2158/95⁽⁷⁾
opens invitations to tender for the fixing of aid for the
private storage of carcasses and half-carcasses of lamb in
Finland;

Whereas, in accordance with Article 12 (1) (f) of Regula-
tion (EEC) No 3446/90, a maximum amount of aid for
private storage should be fixed on the basis of tenders

received or no action must be taken in respect of the invi-
tation to tender;

Whereas the tenders received lead to action being taken
in respect of the invitations to tender;

Whereas the measures provided for in this Decision are in
accordance with the opinion of the Management
Committee for Sheepmeat and Goatmeat,

HAS ADOPTED THIS DECISION:

Article 1

The aid referred to in Article 12 (1) (f) of Regulation
(EEC) No 3446/90 for the invitations to tender opened by
Regulation (EC) No 2158/95 shall be as follows:
ECU 1 310/tonne.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 123, 3. 6. 1995, p. 1.

⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ No L 321, 23. 12. 1993, p. 9.

⁽⁵⁾ OJ No L 333, 30. 11. 1990, p. 46.

⁽⁶⁾ OJ No L 91, 22. 4. 1995, p. 2.

⁽⁷⁾ OJ No L 216, 12. 9. 1995, p. 1.

COMMISSION DECISION
of 26 September 1995
on protective measures in relation to dourine in Mexico
(Text with EEA relevance)

(95/392/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, as last amended by Commission Decision 95/157/EC ⁽²⁾, and in particular Article 18 thereof,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae ⁽³⁾, as last amended by Directive 92/36/EEC ⁽⁴⁾, and in particular Article 12 thereof,

Whereas the presence of dourine has been confirmed in Mexico;

Whereas the appearance of dourine in Mexico constitutes a serious threat to equidae of the Member States, taking into account the various movements of equidae;

Whereas it is therefore necessary to prohibit the re-admission of registered horses after temporary export and the temporary admission and import of equidae from Mexico;

Whereas, in view of the guarantees provided by serological tests and by the Mexican authorities, under certain conditions, the re-admission of registered horses after temporary export to the metropolitan area of Monterrey (Mexico) and the temporary admission of registered horses from that area of Mexico should be permitted;

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 Member States shall prohibit the temporary admission of registered horses, the re-admission of registered horses after temporary export and the import of equidae from Mexico.

Article 2

1. However, Member States shall authorize :
 - the re-admission of registered horses after temporary export to the metropolitan area of Monterrey,
 - the temporary admission of registered horses from the metropolitan area of Monterrey, where accompanied by an additional certificate signed by the competent veterinary authorities in Mexico.
2. The certificate referred to in paragraph 1 second indent must attest that the equidae underwent a complement fixation test for dourine at a dilution of 1 in 10 on ⁽⁵⁾ during the 10 days preceding despatch with negative results.

Article 3

Member States shall amend the measures they apply in respect of Mexico to bring them into line with this Decision. They shall inform the Commission thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 26 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽²⁾ OJ No L 103, 6. 5. 1995, p. 40.

⁽³⁾ OJ No L 224, 18. 8. 1990, p. 42.

⁽⁴⁾ OJ No L 157, 10. 6. 1992, p. 28.

⁽⁵⁾ Insert date.

COMMISSION DECISION

of 26 September 1995

amending Decision 95/186/EC on marking and use of pigmeat in application of
Article 9 of Council Directive 80/217/EEC

(Text with EEA relevance)

(95/393/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 9 (6) (g) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks in intra-Community trade with a view to the completion of the internal market⁽²⁾, as last amended by Directive 92/118/EEC⁽³⁾, and in particular Article 10 thereof,Whereas in May 1995 the Commission adopted Decision 95/186/EC on marking and use of pigmeat in application of Article 9 of Council Directive 80/217/EEC⁽⁴⁾; whereas the measures in Decision 95/186/EC terminate on 1 October 1995;

Whereas Germany has requested the measures in the said Decision to be extended until 1 December 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

Decision 95/186/EC is hereby amended as follows :

In Article 5 'October' is replaced by 'December'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 47, 21. 2. 1980, p. 11.⁽²⁾ OJ No L 224, 18. 8. 1990, p. 29.⁽³⁾ OJ No L 62, 15. 3. 1993, p. 49.⁽⁴⁾ OJ No L 120, 31. 5. 1995, p. 40.

CORRIGENDA

Corrigendum to Council Regulation (EC) No 1909/95 of 24 July 1995 amending, for the 17th time, Regulation (EEC) No 3094/86 laying down certain technical measures for the conservation of fishery resources

(Official Journal of the European Communities No L 184 of 3 August 1995)

On page 2, footnote (*):

for: '... by latitude 7° 00' W.',

read: '... by longitude 7° 00' W.'

Corrigendum to Commission Regulation (EC) No 2203/95 of 18 September 1995 opening an individual sale by invitation to tender for the export of vinous alcohol

(Official Journal of the European Communities No L 221 of 19 September 1995)

On pages 26 and 27 in Annex I, part III should read:

'III. Submission of tenders

1. Tenders should be submitted for a quantity of 75 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.
Any tender relating to a smaller quantity will not be considered.
2. Tenders must:
 - be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
 - be submitted at the reception of the Loi 130 building of the Commission of the European Communities, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.
3. Tenders must be enclosed in a sealed envelope marked "Tender for individual sale No 183/95 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group", which itself must be enclosed in an envelope addressed to the Commission.
4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 10. 10. 95.
5. Tenders must state the name and address of the tenderer and must:
 - (a) include a reference to individual sale by tender No 183/95 EC.
 - (b) specify the price tendered, expressed in ecus per hectolitres of alcohol at 100 % vol;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agencies:
 - EIMA, via Palestro 81, I-00185 Roma (tel. 47 49 91; telex 62 03 31, 62 02 52, 61 30 03; fax 445 39 40, 495 39 40).
 - Ministry of Agriculture — DIDAGEP, 241, Acharnon Street, Athens (tel: 86 77 618, telex: 22 17 01, fax: 86 71 111).

This security must correspond to a sum of ECU 3,622, per hectolitre of alcohol at 100 % vol.'

Corrigendum to Commission Regulation (EC) No 2300/95 of 29 September 1995 setting the world market price for unginne cotton

(Official Journal of the European Communities No L 233 of 30 September 1995)

On page 34 in Article 2:

for: '... 30 September 1995.'

read: '... 1 October 1995.'

Corrigendum to the corrigendum to Council Decision 95/284/EC of 17 July 1995 on the conclusion of the Agreements in the form of an Exchange of Letters between the European Community and, on the one hand, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia, the Republic of Zimbabwe, and on the other hand, the Republic of India on the supply of raw cane sugar to be refined

(Official Journal of the European Communities No L 228 of 23 September 1995)

On page 27, the text of the corrigendum is replaced by the following:

'Annex: Agreement in the form of an exchange of letters between the European Community and, Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Kitts and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the supply of raw cane sugar to be refined

On page 26, in letter No 2, paragraph 4, insert the following:

"4. The Commission shall establish a first estimate of the total needs for imports of raw sugar for refining at the latest on 30 May preceding the marketing year concerned.

The Commission shall fix at the same time the quantities to cover, as a first instalment, the import needs of the Community's refineries for the longest practical period and at least eight months, broken down between the tariff quotas opened within the framework of other agreements with other third countries and the ACP special quota.

The ACP States shall notify their final export potential to the Commission at the latest on 1 February, before a second regular fixing shall be made for the further instalment to be covered by imports under the special ACP quota."

Paragraph 5, second line:

for: "... at ECU 6,9 per kgs raw sugar ...",

read: "... at ECU 6,9 per 100 kgs raw sugar ...".

Paragraph 5:

Between the third subparagraph and point (a), insert the following introductory phrase:

"It is further agreed that the level of the reduced levy will be reconsidered if:"
