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(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2924/95

of 19 December 1995

repealing Regulation (EC) No 986/95 relating to the invitation to tender for the export of bread-making wheat held by the French 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 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 for the disposal of cereals held by the intervention agencies;

Whereas for economical reasons, it is appropriate to repeal the invitation to tender under Commission Regulation (EC) No 986/95⁽⁵⁾;

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

Commission Regulation (EC) No 986/95 is hereby repealed.

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, 19 December 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 100, 3. 5. 1995, p. 4.

COMMISSION REGULATION (EC) No 2925/95

of 19 December 1995

on the issuing of a standing invitation to tender for the resale on the internal market of 92 000 tonnes of bread-making wheat held by the French 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 procedure and conditions for the disposal of cereals held by the intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 92 000 tonnes of bread-making wheat held by the French intervention agency should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The French intervention agency shall issue pursuant to Regulation (EEC) No 2131/93 a standing invitation to tender for the resale on the internal market of 92 000 tonnes of bread-making wheat held by it.

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

Done at Brussels, 19 December 1995.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 3 January 1996.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 27 March 1996.

3. Tenders must be lodged with the French intervention agency at the following address:

Office national interprofessionnel des céréales,
21, avenue Bosquet,
F-75341 Paris Cedex 07,
(Telex: 20 04 90F/OFIDM 20 36 62F; Telefax: 47 05 61 32).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the French intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

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.

COMMISSION REGULATION (EC) No 2926/95

of 19 December 1995

on the issuing of a standing invitation to tender for the resale on the internal market of 36 000 tonnes of barley held by the Irish 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 procedure and conditions for the disposal of cereals held by the intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 36 000 tonnes of barley held by the Irish intervention agency should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Irish intervention agency shall issue pursuant to Regulation (EEC) No 2131/93 a standing invitation to

tender for the resale on the internal market of 36 000 tonnes of barley held by it.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 18 January 1996.
2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 28 March 1996.
3. Tenders must be lodged with the Irish intervention agency at the following address:
Department of Agriculture and Food,
Cereals Division,
Agriculture House,
Kildare Street,
IRL-Dublin 2 (Telex: AGRI EI 93607; telefax: 661 62 63).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Irish intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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, 19 December 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.

**COMMISSION REGULATION (EC) No 2927/95
of 19 December 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⁾, as last
amended by Regulation (EC) No 2518/95⁽⁶⁾, 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 26
March 1996.'

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, 19 December 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.

⁽⁶⁾ OJ No L 258, 28. 10. 1995, p. 27.

COMMISSION REGULATION (EC) No 2928/95

of 18 December 1995

amending Regulation (EC) No 1573/95 on the detailed rules for the application
of Council Regulation (EEC) No 1418/76 as regards import duties on rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1530/95 ⁽²⁾, and in particular Article 12 (4) thereof,

Whereas the forth paragraph of Article 4 (1) of Commission Regulation (EC) No 1573/95 ⁽³⁾, as amended by Regulation (EC) No 1818/95 ⁽⁴⁾, provides for an adjustment in the import duty, between two days on which the duties are regularly fixed, by the difference between the intervention buying-in price valid for the month in which the duties are fixed and that of the month of import, both of these to be increased by :

- 80 % in the case of husked indica rice,
- 163 % in the case of milled indica rice,
- 88 % in the case of husked japonica rice,
- 167 % in the case of milled japonica rice ;

Whereas application of this adjustment poses practical problems for the customs services of the Member States ; whereas with a view to simplification, this adjustment can be made by the Commission by fixing the import duties at the beginning of each month ;

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

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

Done at Brussels, 18 December 1995.

Article 1

Article 4 (1) of Regulation (EC) No 1573/95 is hereby replaced by the following :

'1. The import duties for the products referred to in Article 3 shall be calculated every week but shall be fixed by the Commission every two weeks on a Wednesday and on the last working day of each month, and for the period up to the first Thursday of July 1995 from 1 July of that year, in accordance with the method provided for in Article 5 and shall apply from the first working day following their fixing and the first day of the following month, respectively.

However, if the calculation of the week following this fixing shows that the import duty is higher or lower by ECU 10 per tonne than the duty in force, a corresponding adjustment shall be made by the Commission.

The fixing made on the last working day of each month shall be based on the intervention price for the following month.

Where the Wednesday on which import duties would be fixed is not a working day for the Commission, the duties shall be fixed on the first working day following that Wednesday.'

Article 2

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 5.

⁽³⁾ OJ No L 150, 1. 7. 1995, p. 53.

⁽⁴⁾ OJ No L 175, 27. 7. 1995, p. 25.

COMMISSION REGULATION (EC) No 2929/95

of 18 December 1995

determining for land set aside for the 1996/97 marketing year which cases are covered by Council Regulation (EEC) No 1541/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1541/93 of 14 June 1993 fixing the non-rotational set-aside rate referred to in Article 7 of Regulation (EEC) No 1765/92⁽¹⁾, and in particular Article 3 thereof,

Whereas Council Regulation (EC) No 2336/95 of 26 September 1995 derogating from Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops as regards the set-aside requirement for the 1996/97 marketing year⁽²⁾ fixed the set-aside requirement for rotational set-aside and for all other forms of set-aside at 10 % ; whereas, nevertheless, for producers who transfer their set-aside requirement to another producer in accordance with Article 7 (7), second indent, of Council Regulation (EEC) No 1765/92⁽³⁾, as last amended by Regulation (EC) No 2800/95⁽⁴⁾, the rate for rotational set-aside is increased by 5 % ; whereas, however, this increase is reduced to 3 % for cases covered by Regulation (EEC) No 1541/93 ; whereas it is therefore necessary to determine which cases are covered by the latter Regulation ;

Whereas Council Regulation (EEC) No 1541/93 authorized a non rotational setaside rate of an additional three percentage points on the rotational rate for land set-aside for the 1994/95 and 1995/96 marketing years in a Member State where the area to be entered into set aside in the first year of the scheme was forecast to exceed 13 % of its base area ; whereas during that period the Commission was required to carry out a study in order to ascertain the effects of rotation on yields in Member States which qualified ; whereas it was intended that the decision would be taken, on the basis of such report, as to the rate which should apply in such Member States as from the 1996/97 marketing year ;

Whereas the United Kingdom satisfied the criterion set out above ; whereas the Commission carried out a study in the United Kingdom ; whereas the results of that study are inconclusive because of the very low number of producers who effected non-rotational set-aside, and because the data for the second of the two marketing years is not yet available ;

Whereas there is currently no sound basis on which to determine whether or not the three additional percentage points afford the same guarantee in terms of production control as the rate adopted for rotational set-aside ; whereas the results of the study which are currently available do not, however, exclude this possibility ;

Whereas Regulation (EEC) No 1541/93 also authorizes a non-rotational set-aside rate of an additional three percentage points on the rotational rate in the vulnerable zones referred to in Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources⁽⁵⁾, or in the whole of the territory of a Member State which applies the action programmes in the Directive to the whole of its territory ; whereas such authorization is conditional on the Commission accepting that there is a significant reduction in the use of fertilizers in the Member State concerned ; whereas the Commission was required to draw up a report at the end of the 1995/96 marketing year concerning the effect on production ; whereas until the report is completed, no definitive conclusions can be drawn ; whereas however the Commission recognizes that the reduction in the use of fertilizers in Denmark can be considered to be significant, which applies the action programmes provided for in Directive 91/676/EEC ;

Whereas producers in Denmark and the United Kingdom should, for the marketing year 1996/97, be treated as cases covered by Regulation (EEC) No 1541/93 for the purposes of transfers of their set-aside requirement ;

⁽¹⁾ OJ No L 154, 25. 6. 1993, p. 1.

⁽²⁾ OJ No L 236, 5. 10. 1995, p. 1.

⁽³⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽⁴⁾ OJ No L 291, 6. 12. 1995, p. 1.

⁽⁵⁾ OJ No L 375, 31. 12. 1991, p. 1.

Whereas the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder has not delivered an opinion within the time limit set by its chairman,

the United Kingdom, these shall be considered as cases covered by Regulation (EEC) No 1541/93.

HAS ADOPTED THIS REGULATION :

Article 1

For the purposes of applying Article 7 (7), second indent, of Regulation (EEC) No 1765/92, in cases where land is set-aside for the 1996/97 marketing year in Denmark and

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, 18 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2930/95

of 18 December 1995

amending Regulation (EC) No 762/94 laying down detailed rules for the application of Council Regulation (EEC) No 1765/92 with regard to the set-aside scheme

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽¹⁾, as last amended by Regulation (EC) No 2800/95⁽²⁾, and in particular the second subparagraph of Article 7 (1) and Article 12 thereof,

Whereas, by virtue of its application since its introduction, the set-aside scheme established by Regulation (EEC) No 1765/92 must be considered an instrument for managing arable crop production whose rate is likely to be changed in each marketing year on the basis of the market situation; whereas this has been demonstrated by the fact that the Council has fixed as an exceptional measure in two consecutive marketing years a set-aside rate different to the basic rate;

Whereas, in this context, the detailed rules for applying the set-aside scheme laid down by Commission Regulation (EC) No 762/94⁽³⁾, as last amended by Regulation (EC) No 2015/95⁽⁴⁾, should allow producers to make an annual adjustment to any rate change decided; whereas, as a result, those producers who opted for the scheme provided for in Article 5 of that Regulation should be allowed, should they so wish, to revoke their undertaking without being penalized;

Whereas, however, the guarantee of a minimum rate of compensation in return for setting aside land for a minimum period is an important factor where certain environment measures are concerned; whereas the revocation of undertakings already entered into for land left fallow pursuant to Article 7 (1) of Regulation (EEC) No 1765/92 and for which environmental aid has been granted in addition to the set-aside compensation should not, therefore, be facilitated; whereas for these same reasons, access to the guarantee in respect of such land should be maintained;

Whereas the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 762/94 is amended as follows:

1. the following sentence is added to Article 4 (4):

'However, this provision shall not apply to applications for area-related aid submitted in 1996 for the 1996/97 marketing year';

2. the following is added to Article 5 (3):

'(c) by informing the competent authority of it and submitting his application for area-related aid for the 1996/97 marketing year. However, parcels of land that have already benefited under the aid scheme provided for in the second subparagraph of Article 7 (4) of Regulation (EEC) No 1765/92 or Articles 2 (1) (g) and 10 of Regulation (EEC) No 2078/92 shall be excluded from this entitlement.'

3. the following paragraph 5 is added to Article 5:

'5. Entitlement pursuant to this Article is limited:

(a) to producers who opted for the scheme provided for in paragraph 1 before the entry into force of Commission Regulation (EC) No 2930/95^(*);

and

(b) producers who withdrew plots of land within the meaning of Article 7 (1) of Regulation (EEC) No 1765/92 and who, in respect of this land, benefit from aid granted pursuant to the second subparagraph of Article 7 (4) of that Regulation or Articles 2 (1) (g) and 10 of Regulation (EEC) No 2078/92.

(*) OJ No L 307, 20. 12. 1995, p. 8.'

Article 2

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 291, 6. 12. 1995, p. 1.

⁽³⁾ OJ No L 90, 7. 4. 1994, p. 8.

⁽⁴⁾ OJ No L 197, 22. 8. 1995, p. 2.

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

Done at Brussels, 18 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2931/95
of 19 December 1995

amending Regulations (EEC) No 804/68, (EEC) No 2730/75, (EEC) No 776/78, (EEC) No 570/88, (EEC) No 584/92, (EEC) No 2219/92, (EC) No 2883/94, (EC) No 1466/95, (EC) No 1598/95, (EC) No 1600/95 and (EC) No 1713/95 as a result of the amendment of the combined nomenclature for certain milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products⁽¹⁾, as amended by Regulation (EEC) No 3209/89⁽²⁾, and in particular Article 2(1) thereof,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽³⁾, as last amended by Regulation (EC) No 1538/95⁽⁴⁾, and in particular Articles 13(3), 15(4), 16(1) and (4) and 17(4) thereof,

Having regard to Council Regulation (EEC) No 518/92 of 27 February 1992 on certain procedures for applying the Interim Agreement on trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Poland, of the other part⁽⁵⁾, as amended by Regulation (EEC) No 2233/93⁽⁶⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 519/92 of 27 February 1992 on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Hungary, of the other part⁽⁷⁾, as amended by Regulation (EEC) No 2234/93⁽⁸⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 520/92 of 27 February 1992 on certain procedures for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part⁽⁹⁾, as amended by Regulation (EEC) No 2235/93⁽¹⁰⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the

Azores and Madeira relating to certain agricultural products⁽¹¹⁾, as last amended by Commission Regulation (EC) No 2537/95⁽¹²⁾, and in particular Articles 10 and 24(6) thereof,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands relating to certain agricultural products⁽¹³⁾, as last amended by Regulation (EC) No 2537/95, and in particular Article 3(4) thereof,

Having regard to Council Regulation (EC) No 1275/95 of 29 May 1995 on certain procedures for applying the Agreement on free trade and trade related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Estonia, of the other part⁽¹⁴⁾,

Having regard to Council Regulation (EC) No 1276/95 of 29 May 1995 on certain procedures for applying the Agreement on free trade and trade related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Latvia, of the other part⁽¹⁵⁾,

Having regard to Council Regulation (EC) No 1277/95 of 29 May 1995 on certain procedures for applying the Agreement on free trade and trade related matters between the European Community, the European Atomic Energy Community and the European Coal and Steel Community, of the one part, and the Republic of Lithuania, of the other part⁽¹⁶⁾,

Whereas Commission Regulation (EC) No 2448/95 of 10 October 1995, amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁷⁾, lays down amendments to certain products to take effect on 1 January 1996; whereas certain other CN codes relating to milk products had previously been adjusted;

Whereas, as a result, the following regulations affected by amendment of the subheadings of the abovementioned CN codes should be amended:

⁽¹⁾ OJ No L 34, 9. 12. 1979, p. 2.

⁽²⁾ OJ No L 312, 27. 10. 1989, p. 5.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁴⁾ OJ No L 148, 30. 6. 1995, p. 17.

⁽⁵⁾ OJ No L 56, 29. 2. 1992, p. 3.

⁽⁶⁾ OJ No L 200, 10. 8. 1993, p. 3.

⁽⁷⁾ OJ No L 56, 29. 2. 1992, p. 6.

⁽⁸⁾ OJ No L 200, 10. 8. 1993, p. 4.

⁽⁹⁾ OJ No L 56, 29. 2. 1992, p. 9.

⁽¹⁰⁾ OJ No L 200, 10. 8. 1993, p. 5.

⁽¹¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽¹²⁾ OJ No L 260, 31. 10. 1995, p. 10.

⁽¹³⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽¹⁴⁾ OJ No L 124, 7. 6. 1995, p. 1.

⁽¹⁵⁾ OJ No L 124, 7. 6. 1995, p. 2.

⁽¹⁶⁾ OJ No L 124, 7. 6. 1995, p. 3.

⁽¹⁷⁾ OJ No L 259, 30. 10. 1995, p. 1.

- Regulation (EEC) No 804/68,
- Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose ⁽¹⁾, as amended by Regulation (EEC) No 222/88 ⁽²⁾,
- Commission Regulation (EEC) No 776/78 of 18 April 1978 on the application of the lowest rate of refund on exports of dairy products and repealing and amending certain Regulations ⁽³⁾, as last amended by Regulation (EC) No 1586/95 ⁽⁴⁾,
- Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁵⁾, as last amended by Regulation (EC) No 1802/95 ⁽⁶⁾,
- Commission Regulation (EEC) No 584/92 of 6 March 1992 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic ⁽⁷⁾, as last amended by Regulation (EC) No 2416/95 ⁽⁸⁾,
- Commission Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance ⁽⁹⁾, as last amended by Regulation (EC) No 2835/95 ⁽¹⁰⁾,
- Commission Regulation (EC) No 2883/94 of 28 November 1994 establishing a forecast balance for the supply to the Canary Islands of agricultural products covered by the specific measures provided for in Articles 2, 3, 4 and 5 of Regulation (EEC) No 1601/92 ⁽¹¹⁾, as last amended by Regulation (EC) No 1820/95 ⁽¹²⁾,
- Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products ⁽¹³⁾, as last amended by Regulation (EC) No 2452/95 ⁽¹⁴⁾,

- Commission Regulation (EC) No 1598/95 of 30 June 1995 laying detailed rules for the application of the arrangements for additional import duties in the milk and milk products sector ⁽¹⁵⁾,
- Commission Regulation (EC) No 1600/95 of 30 June 1995 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products ⁽¹⁶⁾, as last amended by Regulation (EC) No 2537/95 ⁽¹⁷⁾,
- Commission Regulation (EC) No 1713/95 of 13 July 1995 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Association Agreements between the Community and the Baltic States ⁽¹⁸⁾,

Whereas, for reasons of clarity, provision should be made for all the amendments to take effect on 1 January 1996 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 804/68 is hereby amended as follows :

1. In Article 1, the information given under (c), (e) and (g) is replaced by the following :

CN code	Description of goods
'(c) 0403 10 11 to 39 0403 90 11 to 69	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa
(e) ex 0405	Butter and other fats and oils derived from milk ; dairy spreads of a fat content of more than 75 % but less than 80 % ;
(g) 1702 19 00	Lactose and lactose syrup not containing added flavouring or colouring matter, containing by weight 99 % or more lactose, expressed as anhydrous lactose, calculated on the dry matter ¹ .

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 20.

⁽²⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽³⁾ OJ No L 105, 19. 4. 1978, p. 5.

⁽⁴⁾ OJ No L 150, 1. 7. 1995, p. 84.

⁽⁵⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁶⁾ OJ No L 174, 26. 7. 1995, p. 27.

⁽⁷⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽⁸⁾ OJ No L 248, 14. 10. 1995, p. 28.

⁽⁹⁾ OJ No L 218, 1. 8. 1992, p. 75.

⁽¹⁰⁾ OJ No L 294, 8. 12. 1995, p. 20.

⁽¹¹⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽¹²⁾ OJ No L 175, 27. 7. 1995, p. 28.

⁽¹³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽¹⁴⁾ OJ No L 252, 20. 10. 1995, p. 12.

⁽¹⁵⁾ OJ No L 151, 1. 7. 1995, p. 1.

⁽¹⁶⁾ OJ No L 151, 1. 7. 1995, p. 12.

⁽¹⁷⁾ OJ No L 260, 31. 10. 1995, p. 10.

⁽¹⁸⁾ OJ No L 163, 14. 7. 1995, p. 5.

2. In Article 17 (12), the CN code 2106 90 99 is replaced by the code 2106 90 98.

3. In Article 26 (5), the CN code 0405 00 is replaced by the code 0405.

4. In the Annex :

— the following information is inserted after the information relating to CN code 0403 :

CN code	Description of goods
'0405 20 10	— Dairy spreads :
	— — of a fat content, by weight, of 39 % or more but less than 60 %
0405 20 30	— — of a fat content, by weight, of 60 % or more but not exceeding 75 %.

— the information relating to CN code 1702 10 is replaced by the following :

CN code	Description of goods
'ex 1702	Lactose and lactose syrup :
1702 11 00	— — containing by weight 99 % or more lactose, expressed as anhydrous lactose, calculated on the dry matter.

— the information relating to CN code ex 1901 90 90 is replaced by the following :

CN code	Description of goods
'1901 90 99	— — — other.

— the information relating to CN code ex 1904 is replaced by the following :

CN code	Description of goods
'1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes) ; cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour or meal), pre-cooked or otherwise prepared, not elsewhere specified or included.

— the information relating to CN code 1905 90 50 is replaced by the following :

CN code	Description of goods
'1905 90 45	— — — Biscuits
1905 90 55	— — — Extruded or expanded products, savoury or salted.

— the information relating to CN codes ex 2008 92 and ex 2008 99 is deleted,

— the information relating to CN codes ex 2101 10 and ex 2101 20 is replaced by the following :

CN code	Description of goods
'ex 2101	Extracts, essences and concentrates of coffee, tea or maté and preparations based on these products or based on coffee, tea or maté ; roasted chicory and other roasted coffee substitutes, and essences, extracts and concentrates thereof :
2101 12 98	— — — other
2101 20 98	— — — other.

— the information relating to CN code ex 2106 is replaced by the following :

CN code	Description of goods
'ex 2106	Food preparations not elsewhere specified or included, excluding compound alcoholic preparations falling within subheading 2106 90 20 and flavoured or coloured sugar syrups falling within subheadings 2106 90 30, 2106 90 51, 2106 90 55 and 2106 90 59.

— the information relating to CN code 2208 is replaced by the following :

CN code	Description of goods
'2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol ; spirits, liqueurs and other spirituous beverages :
2208 70	— Liqueurs
ex 2208 90	— Other :
	— — other spirits and spirituous beverages, in containers holding :
	— — — 2 litres or less :
	— — — — other :
2208 90 69	— — — — other spirituous beverages
	— — — more than 2 litres :
2208 90 78	— — — — other spirituous beverages.

- the following information relating to CN code 3302 is inserted before CN code 3501 :

CN code	Description of goods
'ex 3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) based on one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages :
3302 10	— of a kind used in the food or drink industries :
	— — of a kind used in the drink industries :
3302 10 29	— — — — — other'.

- the information relating to CN code ex 3502 is replaced by the following :

CN code	Description of goods
'ex 3502	Albumins, albuminates and other albumin derivatives :
3502 20	— milk albumin, including concentrates of two or more whey proteins :
	— — other :
3502 20 91	— — — dried (for example, in sheets, scales, flakes, powder)
2502 20 99	— — — other'.

Article 2

In Articles 2 and 3 of Regulation (EEC) No 2730/75 :

- CN code 1702 10 10 is replaced by code 1702 11 00,
 — CN code 1702 10 90 is replaced by code 1702 19 00.

Article 3

In Annex II to Regulation (EEC) No 776/78, the information relating to CN code 0405 is replaced by the following :

CN code	Description of goods	Destination
'ex 0405	Butter and other fats and oils derived from milk; dairy spreads of a fat content, by weight, of more than 75 % but less than 80 %	400'.

Article 4

Regulation (EEC) No 570/88 is hereby amended as follows :

- In Article 4 (2) (b), CN code 2106 90 99 is replaced by code 2106 90 98.

- In Article 4 (4) :

- first indent : CN code 1902 20 90 is replaced by code 1902 20 99,
 — second indent : CN code 2104 10 00 is replaced by code 2104 10.

Article 5

In Annex I.A Poland, I.B.1 Czech Republic and I.B.2 Slovak Republic to Regulation (EEC) No 584/92, CN codes 0405 00 11 and 0405 00 19 are replaced by codes 0405 10 11 and 0405 10 19 respectively.

Article 6

In Annex I to Regulation (EEC) No 2219/92 and in Annex IV to Regulation (EC) No 2883/94, the information relating to CN code 0405 is replaced by the following :

CN code	Description of goods
'ex 0405	Butter and other fats and oils derived from milk'.

Article 7

In Article 8 (3) of Regulation (EC) No 1466/95, CN codes 0405 00 90 and 0405 00 19 are replaced by codes 0405 10 90, 0405 90 10, 0405 90 90 and 0405 10 19.

Article 8

In the Annex to Regulation (EC) No 1598/95, the information relating to CN codes 0403 10, 0404 90 and 0405 is replaced by the information relating to CN codes 0403 10, 0404 90 and 0405 given in Annex I to this Regulation.

Article 9

Regulation (EC) No 1600/95 is hereby amended as follows :

- in order number 28 of Annex I, CN codes ex 0405 00 11 and ex 0405 00 19 are replaced by codes ex 0405 10 11 and ex 0405 10 19 respectively,
 — in order number 1 of Annex IV, CN codes ex 0404 90 53 and ex 0404 90 93 are replaced by code 0404 90 83,
 — in Annex VI.A, CN codes ex 0404 90 53 and ex 0404 90 93 are replaced by code 0404 90 83,

- in Annex VII:
 - in the section relating to New Zealand, CN codes 0405 00 11 and 0405 00 19 are replaced by codes 0405 10 11 and 0405 10 19 respectively;
 - in the section relating to Switzerland, CN codes ex 0404 90 53 and ex 0404 90 83 are replaced by code 0404 90 83.
- in the Summary Table:
 - the information relating to CN headings 0403 10 to 0403 10 36 is replaced by the information relating to CN headings 0403 10 to 0403 10 39 given in Annex II to this Regulation;
 - the information relating to CN headings 0404 90 to 0405 00 90 is replaced by the information relating to CN headings 0404 90 to 0405 90 90 given in Annex II to this Regulation,
 - the information relating to CN headings 1702 10 is replaced by the information relating to CN headings 1702 11 00 to 1702 19 00 given in Annex II to this Regulation.

Article 10

In Annex I.A, B and C to Regulation (EC) No 1713/95, CN codes 0405 00 11 and 0405 00 19 are replaced by codes 0405 10 11 and 0405 10 19 respectively.

Article 11

This Regulation shall enter into force on 1 January 1996.

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

Done at Brussels, 19 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Additional import duties in the milk and milk products sector

(in ECU/100 kg)

CN code	Trigger price	if the import price is:		the additional duty is:	if the import price is:		the additional duty is:	if the import price is less than (1):	the additional duty is:
		less than (1):	but equal to or more than:		less than (1):	but equal to or more than:			
0403 10 11	116,90	105,21	70,14	30 % of [(1) - import price]	70,14	46,76	10,52 + 50 % of [(1) - import price]	46,76	22,21 + 70 % of [(1) - import price]
0403 10 13	170,00	153,00	102,00	30 % of [(1) - import price]	102,00	68,00	15,30 + 50 % of [(1) - import price]	68,00	32,30 + 70 % of [(1) - import price]
0403 10 19	174,50	157,05	104,70	30 % of [(1) - import price]	104,70	69,80	15,71 + 50 % of [(1) - import price]	69,80	33,16 + 70 % of [(1) - import price]
0403 10 31	93,30	83,97	55,98	30 % of [(1) - import price]	55,98	37,32	8,40 + 50 % of [(1) - import price]	37,32	17,73 + 70 % of [(1) - import price]
0403 10 33	90,90	81,81	54,54	30 % of [(1) - import price]	54,54	36,36	8,18 + 50 % of [(1) - import price]	36,36	17,27 + 70 % of [(1) - import price]
0403 10 39	90,90	81,81	54,54	30 % of [(1) - import price]	54,54	36,36	8,18 + 50 % of [(1) - import price]	36,36	17,27 + 70 % of [(1) - import price]
0404 90 21	114,70	103,23	68,82	30 % of [(1) - import price]	68,82	45,88	10,32 + 50 % of [(1) - import price]	45,88	21,79 + 70 % of [(1) - import price]
0404 90 29	184,40	165,96	110,64	30 % of [(1) - import price]	110,64	73,76	16,60 + 50 % of [(1) - import price]	73,76	35,04 + 70 % of [(1) - import price]
0404 90 81	86,20	77,58	51,72	30 % of [(1) - import price]	51,72	34,48	7,76 + 50 % of [(1) - import price]	34,48	16,38 + 70 % of [(1) - import price]
0404 90 83	100,00	90,00	60,00	30 % of [(1) - import price]	60,00	40,00	9,00 + 50 % of [(1) - import price]	40,00	19,00 + 70 % of [(1) - import price]
0405 10 11	248,30	223,47	148,98	30 % of [(1) - import price]	148,98	99,32	22,35 + 50 % of [(1) - import price]	99,32	47,18 + 70 % of [(1) - import price]
0405 10 19	248,30	223,47	148,98	30 % of [(1) - import price]	148,98	99,32	22,35 + 50 % of [(1) - import price]	99,32	47,18 + 70 % of [(1) - import price]
0405 10 90	185,70	167,13	111,42	30 % of [(1) - import price]	111,42	74,28	16,71 + 50 % of [(1) - import price]	74,28	35,28 + 70 % of [(1) - import price]
0405 90 10	185,70	167,13	111,42	30 % of [(1) - import price]	111,42	74,28	16,71 + 50 % of [(1) - import price]	74,28	35,28 + 70 % of [(1) - import price]
0405 90 90	185,70	167,13	111,42	30 % of [(1) - import price]	111,42	74,28	16,71 + 50 % of [(1) - import price]	74,28	35,28 + 70 % of [(1) - import price]

ANNEX II

SUMMARY TABLES (indicative only)

CN code	Product description	Rates of import duty ECU per 100 kg (unless otherwise indicated)			
		Conventional (%)	Annex I	Annex II	Annex III
0403 10	Yoghurts :				
	— Not flavoured nor containing added fruit, nuts or cocoa :				
	— Not containing added sugar or other sweetening matter, of a fat content by weight :				
	— — not exceeding 3 %	30,20			
0403 10 11	— — — exceeding 3 % but not exceeding 6 %	35,80			
0403 10 13	— — — exceeding 6 %	87,00			
0403 10 19	— — — Other, of a fat content by weight :				
	— — not exceeding 3 %	0,25 ECU/kg + 31,0 (%)			
0403 10 31	— — — exceeding 3 % but not exceeding 6 %	0,29 ECU/kg + 31,0 (%)			
0403 10 33	— — — exceeding 6 %	0,80 ECU/kg + 31,0 (%)			
0403 10 39	— — — Other :				
0404 90	— Not containing added sugar or other sweetening matter, of a fat content by weight :				
	— — not exceeding 1,5 %	147,40			
0404 90 21	— — — exceeding 1,5 % but not exceeding 27 %	199,40			
0404 90 23	— — — exceeding 27 %	245,50			
0404 90 29	— — — Other, of a fat content by weight :				
	— — not exceeding 1,5 %	1,40 ECU/kg + 32,3 (%)			
0404 90 81	— — — exceeding 1,5 % but not exceeding 27 %	1,92 ECU/kg + 32,3 (%)			
0404 90 83	— — — exceeding 27 %	2,38 ECU/kg + 32,3 (%)			43,80
0404 90 89	Butter and other fats and oils derived from milk ; dairy spreads :				
0405	— Butter				
0405 10	— of a fat content, by weight, not exceeding 85 % :				
	— — Natural butter :				
	— — — In immediate packings of a net content not exceeding 1 kg	278,40	86,88		
0405 10 11	— — — — other	278,40	86,88		
0405 10 19	— — — Recombined butter	278,40			
0405 10 30	— — — Whey butter	278,40			
0405 10 50	— — — Other	339,70			
0405 10 90					

CN code	Product description	Rates of import duty ECU per 100 kg (unless otherwise indicated)				
		Conventional (°)	Annex I	Annex II	Annex III	Annex IV
ex 0405 20	— Dairy spreads :					
0405 20 90	— — Of a fat content, by weight, of more than 75 % but less than 80 %	278,40				
0405 90	— Other :					
0405 90 10	— — Of a fat content, by weight, of 99,3 % or more and of a water content, by weight, not exceeding 0,5 %	339,70				
0405 90 90	— — Other	339,70				
	— Lactose and lactose syrup :					
1702 11 00	— — Containing by weight 99 % or more lactose, expressed as anhydrous lactose, calculated on the dry matter	20,50				
1702 19 00	— — Other	20,50				

COMMISSION REGULATION (EC) No 2932/95

of 19 December 1995

opening an invitation to tender for the sale for export of baled tobacco held by
the Greek intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EEC) No 860/92 ⁽²⁾, and in particular Article 7 (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the value of 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 6 (2) thereof,

Whereas Commission Regulation (EEC) No 3389/73 ⁽⁵⁾, as last amended by Regulation (EC) No 3477/93 ⁽⁶⁾, lays down the procedure and conditions for the sale of tobacco held by intervention agencies; whereas Article 5 (1) fixes the amount of the security applicable; whereas account should be taken of the trend since then as regards the market and export refunds;

Whereas, on account of the problems caused by the storage of baled tobacco, and in particular the cost of storage, an invitation to tender should be opened for the sale of the tobacco for export, without refund;

Whereas payment for all the lots is made before the tobacco is taken over; whereas it should be laid down that, at the request of the successful tenderer, the security is to be released progressively as the quantities of tobacco removed are exported;

Whereas experience has shown that a short time limit can be set and whereas there should therefore be a derogation from Article 3 of Regulation (EEC) No 3389/73 as regards the time limit of 45 days between the date of publication of the notice in the *Official Journal of the European Communities* and the date fixed for the submission of tenders, which should be reduced to 20 days;

Whereas, in view of the special features of the tobacco sector, the operative events for the conversion rates should be the payment of the purchase price in the case of successful tenders and the publication of the notice of invitation to tender in the case of securities; whereas, therefore, there should be a derogation from Articles 10

(1) and 12 (4) of Commission Regulation (EEC) No 1068/93 ⁽⁷⁾, as last amended by Regulation (EC) No 2853/95 ⁽⁸⁾ notwithstanding the advance fixing of the rate for the payment of the purchase price in accordance with Articles 13 to 17 of the said Regulation;

Whereas the time limits for the successful tenderer to take over and export the tobacco should be fixed, having regard in particular to the quantities involved, experience gained and the requirements of sound financial management;

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

HAS ADOPTED THIS REGULATION:

Article 1

Four lots of baled tobacco from the 1990 until 1992 harvest, held by the Greek intervention agency, with a total weight of about 1 204 tonnes, broken down as shown in the Annex hereto, shall be sold for export. The quantity on sale shall be specified in the notice of invitation to tender.

The Commission shall give notice of the sale of the lots in the notice of invitation to tender to be published in the *Official Journal of the European Communities*, C series.

Article 2

The sale shall take place in accordance with the tendering procedure laid down in Regulation (EEC) No 3389/73, subject to the provisions of this Regulation.

Article 3

The time limit for the submission of tenders at the headquarters of the Commission of the European Communities shall be indicated in the notice of invitation to tender.

Notwithstanding Article 3 of Regulation (EEC) No 3389/73, the notice of invitation to tender may be published in the *Official Journal of the European Communities* at least 20 days before the date fixed for the submission of tenders.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽²⁾ OJ No L 91, 7. 4. 1992, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 345, 15. 12. 1973, p. 47.

⁽⁶⁾ OJ No L 317, 18. 12. 1993, p. 30.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 299, 12. 12. 1995, p. 1.

Article 4

The time limit referred to in Article 9 (1) of Regulation (EEC) No 3389/73 for the successful tenderer to take over the entire quantity of tobacco shall be the end of the third month following the date of publication of the result of the tendering procedure in the *Official Journal of the European Communities*.

Article 5

1. The security referred to in Article 5 of Regulation (EEC) No 3389/73 must be lodged, for the tobacco stored in Greece, with and in the name of the Dieuthinsis Diachirisis Agoron Georgikon Proionton (DIDAGEP), Acharnon 241, GR-10438 Athens.

2. The Commission shall inform the relevant intervention agency forthwith of the result of the tendering procedure. The agency shall immediately release the securities of tenderers whose tenders were inadmissible or who were unsuccessful.

Save as otherwise provided in the second subparagraph of Article 7 of Regulation (EEC) No 3389/73, the securities of the successful tenderer or tenderers shall be released once the conditions laid down in Article 7 (c) of that Regulation have been fulfilled.

3. On application by the person concerned, the security shall be released by instalments in proportion to the quantities of tobacco in respect of which the proof referred to in Article 7 of the said Regulation has been furnished.

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

Done at Brussels, 19 December 1995.

Article 6

Notwithstanding Article 4 (2) of Regulation (EEC) No 3389/73, the price per kilogram of tobacco tendered must be expressed in ecus per kilogram.

Notwithstanding the first sentence of Article 5 (1) of Regulation (EEC) No 3389/73, the amount of the security shall be ECU 0,85 per kilogram of baled tobacco.

Article 7

Notwithstanding Articles 10 (1) and 12 (4) of Regulation (EEC) No 1068/93, the operative event for the agricultural conversion rate applied shall be:

- for the payment for successful tenders: payment of the purchase price,
- for the amount of the security: the publication of the notice of invitation to tender in the *Official Journal of the European Communities*.

Take-over may be staggered.

Article 8

Notwithstanding Article 10a (1) of Regulation (EEC) No 3389/73, the customs export declaration must have been accepted within 12 months of the time limit fixed in Article 4.

Article 9

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

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Lot No	Variety	Harvest	Stored at intervention agency	Weight (kg)
1	Katerini	1991	DIDAGEP	53 393
2	Katerini	1990	DIDAGEP	261 117
3	Kaba Koulak Classic	1991 1992	DIDAGEP	238 241 269 177
4	Elassona	1992	DIDAGEP	381 823

COMMISSION REGULATION (EC) No 2933/95
of 19 December 1995
amending Regulation (EC) No 3223/94 on detailed rules for the application of
the import arrangements for fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 1363/95⁽²⁾, and in particular Article 23 (2) thereof,

Whereas it is necessary to supplement the CN codes of the products listed in the Annex to Commission Regulation (EC) No 3223/94⁽³⁾, as last amended by Regulation (EC) No 1740/95⁽⁴⁾, on detailed rules for the application of the import arrangements for fruit and vegetables;

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

HAS ADOPTED THIS REGULATION :

Article 1

The Annex to Regulation (EC) No 3223/94 is replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 1996.

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

Done at Brussels, 19 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽⁴⁾ OJ No L 167, 18. 7. 1995, p. 10.

ANNEX

PART A

CN code	Description	Period of application
0702 00 15 0702 00 20 0702 00 25 0702 00 30 0702 00 35 0702 00 40 0702 00 45 0702 00 50	Tomatoes	from 1 January to 31 March from 1 to 30 April from 1 to 14 May from 15 to 31 May from 1 June to 30 September from 1 to 31 October from 1 November to 20 December from 21 to 31 December
0707 00 10 0707 00 15 ex 0707 00 20 ex 0707 00 25 ex 0707 00 30 0707 00 35 0707 00 40	Cucumbers Cucumbers Cucumbers other than those intended for processing Cucumbers other than those intended for processing Cucumbers other than those intended for processing Cucumbers Cucumbers	from 1 January to end February from 1 March to 30 April from 1 to 15 May from 16 May to 30 September from 1 to 31 October from 1 to 10 November from 11 November to 31 December
0709 10 40 0709 10 10 0709 10 20	Artichokes	from 1 November to 31 December from 1 January to 31 May from 1 to 30 June
0709 90 71 0709 90 73 0709 90 75 0709 90 77 0709 90 79	Courgettes	from 1 to 31 January from 1 February to 31 March from 1 April to 31 May from 1 June to 31 July from 1 August to 31 December
0805 10 61 0805 10 65 0805 10 69 0805 10 01 0805 10 05 0805 10 09 0805 10 11 0805 10 15 0805 10 19 0805 10 21 0805 10 25 0805 10 29 0805 10 31 0805 10 33 0805 10 35	Sweet oranges, fresh	from 1 to 31 December from 1 January to 31 March from 1 to 30 April from 1 to 15 May from 16 to 31 May
0805 20 31 0805 20 11	Clementines	from 1 November to 31 December from 1 January to end February

CN code	Description	Period of application
0805 20 33	Mandarins, (including tangerines and satsumas); wilkings and similar citrus hybrids	from 1 November to 31 December
0805 20 35		
0805 20 37		
0805 20 39		
0805 20 13		from 1 January to end February
0805 20 15		
0805 20 17		
0805 20 19		
0805 30 30	Lemons	from 1 June to 31 October
0805 30 40		from 1 November to 31 December
0805 30 20		from 1 January to 31 May
0806 10 40	Table grapes	from 21 July to 31 October
0806 10 50		from 1 to 20 November
0808 10 71	Apples ⁽¹⁾	from 1 to 31 July
0808 10 73		
0808 10 79		
0808 10 92		from 1 August to 31 December
0808 10 94		
0808 10 98		
0808 10 51		from 1 January to 31 March
0808 10 53		
0808 10 59		
0808 10 61		from 1 April to 30 June
0808 10 63		
0808 10 69		
0808 20 47	Pears ⁽²⁾	from 1 to 15 July
0808 20 51		from 16 to 31 July
0808 20 57		from 1 August to 31 October
0808 20 67		from 1 November to 31 December
0808 20 31		from 1 January to 31 March
0808 20 37		from 1 to 30 April
0809 10 20	Apricots	from 1 to 20 June
0809 10 30		from 21 to 30 June
0809 10 40		from 1 to 31 July
0809 20 39	Cherries 'other'	from 21 to 31 May
0809 20 49		from 1 June to 15 July
0809 20 59		from 16 to 31 July
0809 20 69		from 1 to 10 August
0809 30 21	Peaches and nectarines	from 11 to 20 June
0809 30 29		
0809 30 31		from 21 June to 31 July
0809 30 39		
0809 30 41		from 1 August to 30 September
0809 30 49		
0809 40 20	Plums	from 11 to 30 June
0809 40 30		from 1 July to 30 September

⁽¹⁾ Except cider apples of CN code 0808 10 10, presented in bulk from 16 September to 15 December.

⁽²⁾ Except perry pears of CN code 0808 20 10, presented in bulk, from 1 August to 31 December.

PART B

CN code	Description	Period of application
ex 0707 00 20 ex 0707 00 25 ex 0707 00 30	Cucumbers for processing	from 1 to 15 May from 16 May to 30 September from 1 to 31 October
0809 20 31 0809 20 41 0809 20 51 0809 20 61	Sour cherries	from 21 to 31 May from 1 June to 15 July from 16 to 31 July from 1 to 10 August

COMMISSION REGULATION (EC) No 2934/95

of 19 December 1995

derogating from Regulations (EC) No 1371/95 and (EC) No 1372/95 regarding the date of issue of export licences in the eggs and poultrymeat sectors during the week from 25 to 31 December 1995

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EEC) No 2916/95 ⁽²⁾, and in particular Articles 3 (2) and 8 (13) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽³⁾, as last amended by Regulation (EC) No 2916/95, and in particular Articles 3 (2) and 8 (12) thereof,

Whereas Commission Regulation (EC) No 1371/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2810/95 ⁽⁵⁾, and Commission Regulation (EC) No 1372/95 ⁽⁶⁾, as last amended by Regulation (EC) No 2841/95 ⁽⁷⁾, have laid down detailed rules for implementing the system of export licences in the egg sector and in the poultrymeat sector, respectively;

Whereas these Regulations provide for the issue of export licences for products in the egg sector and for chicks on each Wednesday, provided that none of the particular measures have since been taken by the Commission;

whereas administrative problems will arise during the week from the 25 to 31 December 1995 and it is therefore necessary to extend this delay to Thursday of the week in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

By derogation from Articles 3 (3) and 9 (4) of Regulation (EC) No 1371/95 and from Article 9 (4) of Regulation (EC) No 1372/95, the licences referred to therein are delivered, during the week from 25 to 31 December 1995, on Thursday, 28 December 1995, provided that none of the particular measures referred to in Article 3 (4) of the said Regulations have since been taken by the Commission.

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, 19 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ No L 133, 17. 6. 1995, p. 16.

⁽⁵⁾ OJ No L 296, 9. 12. 1995, p. 5.

⁽⁶⁾ OJ No L 133, 17. 6. 1995, p. 26.

⁽⁷⁾ OJ No L 296, 9. 12. 1995, p. 8.

COMMISSION REGULATION (EC) No 2935/95

of 19 December 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 20 December 1995.

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

Done at Brussels, 19 December 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 19 December 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 45	052	54,1	0805 30 40	052	78,7
	060	80,2		388	67,5
	064	59,6		400	62,5
	066	41,7		512	54,8
	068	62,3		520	66,5
	204	138,6		524	100,8
	208	44,0		528	94,7
	212	117,9		600	75,3
	624	163,9		624	78,0
	999	84,7		999	75,4
0707 00 40	052	77,6	0808 10 92, 0808 10 94, 0808 10 98	052	65,4
	053	166,9		064	78,6
	060	61,0		388	39,2
	066	53,8		400	75,9
	068	60,4		404	65,9
	204	49,1		508	68,4
	624	49,5		512	51,2
	999	74,0		524	57,4
0709 10 40	220	244,5		528	48,0
	999	244,5		728	107,3
0709 90 79	052	79,0		800	78,0
	204	77,5		804	21,0
	624	172,6		999	63,0
	999	109,7		052	143,7
0805 10 61, 0805 10 65, 0805 10 69	052	41,2	0808 20 67	064	76,7
	204	54,1		388	79,6
	388	40,5		400	91,1
	600	58,4		512	89,7
	624	46,7		528	84,1
	999	48,2		624	79,0
0805 20 31	052	69,7		728	115,4
	204	83,0		800	55,8
	624	79,8		804	112,9
	999	77,5		999	92,8
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	57,2			
	464	130,3			
	624	80,0			
	999	89,2			

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

COMMISSION REGULATION (EC) No 2936/95**of 19 December 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⁾, as amended by Regulation (EC) No 2528/95 ⁽⁴⁾, 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 ⁽⁵⁾, as last amended by Regulation (EC) No 2905/95 ⁽⁶⁾;

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 20 December 1995.

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

Done at Brussels, 19 December 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 258, 28. 10. 1995, p. 50.

⁽⁵⁾ OJ No L 150, 1. 7. 1995, p. 36.

⁽⁶⁾ OJ No L 304, 16. 12. 1995, p. 35.

ANNEX

to the Commission Regulation of 19 December 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⁾	23,21	4,69
1701 11 90 ⁽¹⁾	23,21	9,93
1701 12 10 ⁽¹⁾	23,21	4,50
1701 12 90 ⁽¹⁾	23,21	9,50
1701 91 00 ⁽²⁾	29,09	10,69
1701 99 10 ⁽²⁾	29,09	6,17
1701 99 90 ⁽²⁾	29,09	6,17
1702 90 99 ⁽³⁾	0,29	0,36

⁽¹⁾ For the standard quality as defined in Article 1 of amended 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.

COUNCIL REGULATION (EC) No 2937/95

of 20 December 1995

amending Regulation (EEC) No 2887/93 by imposing an additional anti-dumping duty on imports of certain electronic weighing scales originating in Singapore

THE COUNCIL OF THE EUROPEAN UNION,

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⁾, 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⁽²⁾, and in particular Articles 12, 13 (11) and 14 thereof,

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

Whereas :

A. PROCEDURE

- (1) By Council Regulation (EEC) No 2887/93⁽³⁾, a definitive anti-dumping duty of 10,8 % was imposed on imports of certain electronic weighing scales originating in Singapore.
- (2) The Commission subsequently received a complaint alleging that the anti-dumping duty had been borne, wholly or partly, by the sole known exporter, Teraoka Weigh System PTE Ltd. The evidence for this allegation consisted of price lists of importers selling the product in question which, according to the complainant, demonstrated that, since the imposition of the anti-dumping duty, the resale prices of most models have remained unchanged or have actually declined and that therefore the anti-dumping duty has been borne by the exporter concerned.
- (3) The complaint was lodged by the Community producers which had also lodged the initial anti-dumping complaint.
- (4) Since the complaint contained evidence of absorption of anti-dumping duty by the exporter, the

Commission announced the initiation of an investigation as provided for in Article 13 (11) of Regulation (EEC) No 2423/88 (hereafter referred to as 'the basic Regulation'), by a notice published in the *Official Journal of the European Communities*⁽⁴⁾.

- (5) The Commission officially advised the exporter and importers known to be concerned and gave interested parties the opportunity to make their views known in writing.
- (6) Replies to the Commission's questionnaire were received from the exporter subject to the investigation and from six unrelated importers.
- (7) The investigation into the alleged absorption of the anti-dumping duty by the exporter covered the original investigation period, 1 January to 31 December 1991 (hereinafter referred to as the 'reference period'), which had been taken into account for calculation of the anti-dumping duty, and the period following the imposition of the definitive anti-dumping duty and prior to the initiation of the present investigation, i.e. from 23 October 1993 to 30 April 1994 (hereinafter referred to as the 'investigation period').

B. PRODUCT

- (8) The product under consideration is electronic weighing scales for use in the retail trade which incorporate a digital display of the weight, unit price and price to be paid (whether or not including a means of printing this data) falling within CN Code 8423 81 50 (Taric Code 8423 81 50* 10).

C. ABSORPTION OF THE ANTI-DUMPING DUTY BY THE EXPORTER

I. Existence of absorption of duty

- (9) In order to establish the existence of absorption, the Commission examined whether, following the imposition of the definitive anti-dumping duty, the import prices free-at-Community-frontier (before payment of customs and anti-dumping duty) had fallen. Import prices were determined on the basis

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1. Regulation as last amended by Regulation (EC) No 1251/95 (OJ No L 122, 2. 6. 1995, p. 1).

⁽²⁾ OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by Regulation (EC) No 522/94 (OJ No L 66, 10. 3. 1994, p. 10).

⁽³⁾ OJ No L 263, 22. 10. 1993, p. 1.

⁽⁴⁾ OJ No C 129, 11. 5. 1994, p. 6.

of the prices actually paid or payable for the product sold for export to the Community, since all export sales were made directly to independent importers in the Community. The Commission based its findings on the export prices provided by the exporter which replied to the Commission's questionnaire.

- (10) One model was, as far as production in Singapore is concerned, a completely new model which was not exported to the Community during the reference period. This model has therefore been excluded from the calculations.
- (11) In the reference period imports were mainly invoiced in Yen, whereas the imports in the investigation period were made in US dollars. The exporter started to invoice in US dollars around the time of imposition of the definitive duty. For the price comparison, import prices have been converted into Singapore dollars (which was the currency used for calculating the dumping margin), on the basis of the exchange rates prevailing during the respective periods.
- (12) The information on export prices provided by the exporter clearly shows that, following the imposition of the definitive duty, export prices fell considerably for most models.
- (13) Therefore, by reducing its prices for export to the Community after imposition of the definitive anti-dumping duty, the exporter of electronic weighing scales originating in Singapore has absorbed completely or partially the effect of the anti-dumping duty.

II. Level of absorption of the duty

- (14) The level of absorption of the anti-dumping duty has been calculated by comparing the difference between the weighted average free-at-Community-frontier price per model in the reference period and the weighted average free-at-Community-frontier price per model in the investigation period.
- (15) In order to arrive at the level of this absorption, the Commission calculated the amount of absorption per model which equals the amount of reduction in the export price, plus the duty amount initially intended for collection (equal to the dumping margin) during the reference period, minus the amount of anti-dumping duty actually paid on the reduced export price during the investigation period.
- (16) In those instances where the reduction in the export price was greater than the amount of duty initially intended (dumping margin), the amount borne by the exporter has been capped so as not to exceed that amount.
- (17) The total amount of absorption is 4,6 % when expressed as a percentage of the total free-at-

Community-frontier price for all models exported, which represents the amount of the additional anti-dumping duty required.

D. OTHER CONSIDERATIONS

- (18) The Commission has no information to suggest that the normal value, as established for the reference period, has altered. It can therefore be concluded that the dumping margin has increased commensurate with the reduction in export prices and corresponds consequently at least to the sum of the original duty and of the amount borne.

E. COMMENTS RECEIVED

- (19) The Singapore exporter claimed that, in investigating the allegation of absorption, the Commission should make a comparison of prices in a Community currency and not in a third country currency, because a decrease in prices expressed in a third country currency would not necessarily mean that a corresponding decrease in prices takes place on the Community market.

In assessing the allegation of absorption, the Commission had to compare the Singapore exporter's prices to the first independent customer during the reference period with those of the investigation period in order to establish whether the exporter had borne the duty. It should be recalled that the exporter's prices were expressed in yen in the reference period and in US dollars in the investigation period. In order to solve the problem of comparing export prices in the different currencies, the Commission converted them into the currency of the exporter, Singapore dollars, which was also, as stated above, the currency originally used for calculating the dumping margin. There is no reason which would make the comparison more appropriate in another currency than in Singapore dollars.

As to the argument that a decrease in prices in a foreign currency would not necessarily mean a decrease of prices on the Community market involving an absorption of the duty, the Commission considers this argument to have no foundation. Article 13 (1) (a) of the basic Regulation makes it clear that, in establishing the existence of absorption of an anti-dumping duty, it is the behaviour of the exporter which must be examined and that if, as in this case, the exporter's price has fallen, there is evidence (rebuttable) that the exporter has borne the duty.

- (20) The Singapore exporter further alleged that, as the Commission took into account different physical characteristics for the various versions of the model during the reference period, and as separate dumping margins were thus established for these

different versions, the same approach should be taken during this investigation. Additionally, it was argued that the importers tended to procure the simplest versions after the imposition of duties and that this was the reason for the decline in the exporter's prices.

On the issue of physical characteristics, it was not always possible to compare exactly each version of the same model between the reference period and the investigation period as these versions and their marketing patterns have changed over time. As regards the allegation that the importers tended to procure the simplest versions since the imposition of the anti-dumping duty, it should be pointed out that 30 % of the sales (65 % in terms of value of total exports) during the investigation period were accounted for by the most sophisticated and expensive model, which had not been exported during the reference period. Furthermore, for one model, the exporter ceased to export one version which was less expensive than the versions of the model imported during the investigation period. In any event, the claim that importers had shifted towards cheaper versions could not reliably be confirmed in view of the surge of imports immediately prior to the imposition of provisional duties, as explained in recital 27.

Thus, the investigation showed that the situation was more complex than alleged by the exporter and that, while there existed some factors which might explain a downward movement in prices, other factors which were also present clearly exerted an upward pressure on prices. In these circumstances, it appeared fairer and more appropriate to make a comparison on a model-by-model basis. The Commission calculated the weighted average prices for each model, rather than individual versions, during the two abovementioned periods, which is considered to be a reasonable approach in the context of an investigation under Article 13 (11) of the basic Regulation, the purpose of which is not to establish a dumping margin, but to determine any change in the exporter's prices.

Moreover, it should be recalled that a single anti-dumping duty was then established and imposed on all models and versions of the like product. As this investigation is concerned with whether or not that duty has been borne by the exporter, there is no compelling reason for a breakdown of price comparison identical to the breakdown of normal values established during the reference period.

- (21) It was further claimed that the allowances made for physical differences in establishing the export price in the reference period should be adjusted for the further reason that the cost of the same model could vary according to its destination because of

different options requested by customers in different segments of the Community market. It was then argued again that importers tended to procure the simplest, and therefore less expensive versions after the imposition of duties.

Apart from the difficulty to distinguish this argument from the one dealt with and rejected in recital 20, the relevance of considering different market segments within the Community and allegedly different cost structures of the various models of the like product exported there in the context of an investigation under Article 13 (11) of the basic Regulation is unclear. Indeed, the aim of such an investigation is not to verify and compare the cost structure of the models under consideration at different points in time, but to establish whether or not the Singapore exporter has decreased its export prices between the two periods in question.

- (22) The Singapore exporter found it unjustified that the Commission in its comparison included a model not exported during the reference period, even though it was admitted that the model belonged to the same range as the model used in the comparison. It was also argued that there was a major difference between the two models.

The Commission considered that, given its characteristics, this model was a replacement of a pre-existing model in the same range (even if it bears a different social number). This was confirmed during verification visits at the premises of the importers. It was therefore considered appropriate to include this model in the comparison.

F. CONCLUSION

- (23) On the basis of the above findings, the Council concludes that the exporter has effectively borne a part of the anti-dumping duty through a corresponding reduction in its export price and that its dumping margin is not lower than the sum of the original duty and the amount borne.

G. COMMUNITY INTEREST

- (24) The aim of an additional anti-dumping duty as provided for by Article 13 (11) of the basic Regulation is to compensate for the amount of anti-dumping duty borne by the exporter.
- (25) The Commission has no reason to believe that its findings on Community interest, as set out in recitals 53 to 54 of Regulation (EEC) No 1103/93 (1)

(1) OJ No L 112, 6. 5. 1993, p. 20.

imposing a provisional anti-dumping duty, confirmed by recitals 18 to 19 of Regulation (EEC) No 2887/93 imposing a definitive anti-dumping duty, on imports of the product in question, warrant modification.

- (26) Moreover, given that the absorption of anti-dumping duty by the exporter cancels the effect of the anti-dumping duty and therefore prevents the removal of the injury caused by dumping and that the imposition of the anti-dumping duty was considered in the Community's interest, a measure aimed at restoring the effect of the said duty is therefore in the interest of the Community.
- (27) The Singapore exporter pointed out that there has been a substantial decrease of its exports to the Community from 4 543 units, in the calendar year 1991 to 963 units during the seven month investigation period, and has questioned whether it is in the Community interest to impose an additional duty given the decrease of its share of the Community market.

However, as an anti-dumping duty was imposed on the strength of a finding of injurious dumping, it is obvious that the volume of exports in 1991 had been achieved through dumping. Consequently, it was to be expected that such a volume would decrease following the imposition of the anti-dumping duty even though the duty was partially absorbed by the exporter. This fact alone, therefore, is not a valid reason for considering an additional duty to be inappropriate in circumstances where the original duty has been found to have been totally or partially borne by the exporter. Indeed, the fact that the anti-dumping duty may have had some effect does not exclude *ipso facto* that absorption has taken place and reduced, if not entirely annulled, the impact of that duty.

Moreover, in addressing this argument, it should be pointed out that huge imports of the exporter's products took place before the imposition of the provisional anti-dumping duty. As a consequence, the importers had enough stock to cover their sales during the investigation period without having to import a number remotely equivalent to the actual sales. Indeed, at the end of the reference period there was still a considerable number of scales in stock. It is therefore considered, for the above reasons, that it is appropriate to impose an additional anti-dumping duty.

H. ADDITIONAL ANTI-DUMPING DUTY

- (28) In order to compensate for the level of absorption and to restore the effect of the original duty, an additional duty of 4,6 % is required to bring the current export price up to the level envisaged by Regulation (EEC) No 2887/93.
- (29) The rate of the anti-dumping duty currently in force is 10,8 % of the net, free-at-Community-frontier price. An additional duty of 4,6 % should be imposed to compensate for the level of absorption bringing the total anti-dumping duty to a rate of 15,4 %.
- (30) For practical reasons, the imposition of this additional duty takes the form of an amendment to Regulation (EEC) No 2887/93. This does not constitute a modification of the anti-dumping duty within the meaning of Article 15 (1) of the basic Regulation and, therefore, the expiry date of the anti-dumping duty, including the additional duty, remains unchanged, subject to the relevant provisions of Regulation (EC) No 3283/94,

HAS ADOPTED THIS REGULATION :

Article 1

Article 1 (2) (b) of Regulation (EEC) No 2887/93 shall be replaced by the following :

'b) Singapore

Products manufactured by :

- Teraoka Weigh System PTE Ltd, 15,4 %
Singapore :
(Taric additional code 8703)
- All others : 31,0 %
(Taric additional code 8704).'

Article 2

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

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

Done at Brussels, 20 December 1995.

For the Council

The President

J. BORRELL FONTELLES

CORRIGENDA**Corrigendum to Council Decision 95/363/EC of 7 September 1995 appointing three members and three alternate members of the Committee of the Regions**

(Official Journal of the European Communities No L 216 of 12 September 1995)

On page 7, paragraph 6 of the Sole Article should read as follows :

'6. Mr J. L. Olivas Martínez is hereby appointed an alternate member of the Committee of the Regions in place of Mr L. Berenguer Fúster for the remainder of the latter's term of office, which runs until 25 January 1998.'
